



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 684 (Cy. 82)

2013 No. 684 (W. 82)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Diwygiadau Canlyniadol
Diwygio Lles) (Cymru)
2013

The National Health Service
(Welfare Reform Consequential
Amendments) (Wales) Regulations
2013

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986 (1986/975) ("Rheoliadau 1986"), Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997 (1997/818) ("Rheoliadau 1997") a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007 (2007/1104 (Cy.116)) ("Rheoliadau 2007").

These Regulations amend the National Health Service (General Ophthalmic Services) Regulations 1986 (1986/975) ("the 1986 Regulations"), the National Health Service (Optical Charges and Payments) Regulations 1997 (1997/818) ("the 1997 Regulations") and the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (2007/1104 (W.116)) ("the 2007 Regulations").

Mae rheoliadau 3 a 4 yn gwneud diwygiadau i Rheoliadau 1986 o ganlyniad i gyflwyno'r credyd cynhwysol gan Ddeddf Diwygio Lles 2012 (2012 p.5) ("Deddf 2012").

Regulations 3 and 4 make amendments to the 1986 Regulations consequential upon the introduction of universal credit by the Welfare Reform Act 2012 (2012 c.5) ("the 2012 Act").

Mae rheoliadau 5 a 6 yn gwneud diwygiadau i Rheoliadau 1997 o ganlyniad i gyflwyno'r credyd cynhwysol gan Ddeddf 2012.

Regulations 5 and 6 make amendments to the 1997 Regulations consequential upon the introduction of universal credit by the 2012 Act.

Mae rheoliadau 7 ac 8 yn gwneud diwygiadau i Rheoliadau 2007 o ganlyniad i gyflwyno'r credyd cynhwysol gan Ddeddf 2012, diddymu'r budd-dal treth gyngor, cyflwyno'r taliad annibyniaeth bersonol gan Ddeddf 2012 a chyflwyno taliad annibyniaeth y lluoedd arfog gan Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011 (2011/517).

Regulations 7 and 8 make amendments to the 2007 Regulations consequential upon the introduction of universal credit by the 2012 Act, the abolition of council tax benefit, the introduction of personal independence payment by the 2012 Act and the introduction of the armed forces independence payment by the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (2011/517).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseidiad effaith rheoleiddiol o gostau a buddion tebygol cydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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The National Health Service
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Gwnaed 21 Mawrth 2013

Made 21 March 2013

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 22 Mawrth 2013

*Laid before the National
Assembly for Wales* 22 March 2013

Yn dod i rym 12 Ebrill 2013

Coming into force 12 April 2013

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 71, 128, 129, 130, 131, a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1) drwy hyn yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers in exercise of the powers conferred by sections 71, 128, 129, 130, 131, and 203(9) and (10) of the National Health Service (Wales) Act 2006(1) hereby make the following Regulations:

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau Canlyniadol Diwygio Lles) (Cymru) 2013 a deuant i rym ar 12 Ebrill 2013.

1.—(1) The title of these Regulations is the National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2013 and they come into force on 12 April 2013.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

Dehongli

Interpretation

2. Yn y Rheoliadau hyn—

2. In these Regulations—

ystyr "Rheoliadau 1986" ("*the 1986 Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986(2);

"the 1986 Regulations" ("*Rheoliadau 1986*") means the National Health Service (General Ophthalmic Services) Regulations 1986(2);

ystyr "Rheoliadau 1997" ("*the 1997 Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997(3); ac

"the 1997 Regulations" ("*Rheoliadau 1997*") means the National Health Service (Optical Charges and Payments) Regulations 1997(3); and

ystyr "Rheoliadau 2007" ("*the 2007 Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol

"the 2007 Regulations" ("*Rheoliadau 2007*") means the National Health Service (Travelling

(1) 2006 p.42.

(2) O.S. 1986/975 fel y'i diwygiwyd.

(3) O.S. 1997/818 fel y'i diwygiwyd.

(1) 2006 c.42.

(2) S.I. 1986/975 as amended.

(3) S.I. 1997/818 as amended.

Diwygio Rheoliadau 1986

3. Mae Rheoliadau 1986 wedi eu diwygio yn unol â darpariaethau rheoliad 4.

4.—(1) Yn rheoliad 2, yn y man priodol yn nhrefn yr wyddor, mewnosoder y diffiniadau canlynol—

- (a) ""the 2012 Act" means the Welfare Reform Act 2012(2);" a
- (b) ""universal credit" means universal credit under Part 1 of the 2012 Act;".

(2) Yn rheoliad 13(2)—

- (a) ar ddiwedd is-baragraff (o), hepgorer "or";
- (b) ar ddiwedd is-baragraff (p), yn lle "." rhodder "; or"; ac
- (c) ar ôl is-baragraff (p), mewnosoder yr is-baragraff canlynol—

“(q) during the period beginning on 29 April 2013 and ending on 31 March 2014—

- (i) he is the recipient of an award of universal credit either as a single person or as a member of a couple,
- (ii) he is a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible, or
- (iii) he is a member of a couple, the other member of which is the recipient of an award of universal credit as a single person.”.

(3) Yn rheoliad 13(3)—

- (a) ar ddiwedd is-baragraff (c), hepgorer "and";
- (b) ar ddiwedd is-baragraff (d), yn lle "." rhodder "; and"; ac
- (c) ar ôl is-baragraff (d), mewnosoder yr is-baragraff canlynol—

“(e) in sub-paragraph (q) "couple" has the meaning given in section 39 of the 2012 Act (couples) and "qualifying young person" has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons).”.

Diwygio Rheoliadau 1997

5. Mae Rheoliadau 1997 wedi eu diwygio yn unol â darpariaethau rheoliad 6.

Amendment of the 1986 Regulations

3. The 1986 Regulations are amended in accordance with the provisions of regulation 4.

4.—(1) In regulation 2, in the appropriate place in the alphabetical order insert the following definitions—

- (a) ""the 2012 Act" means the Welfare Reform Act 2012(2);" and
- (b) ""universal credit" means universal credit under Part 1 of the 2012 Act;".

(2) In regulation 13(2)—

- (a) at the end of sub-paragraph (o), omit "or";
- (b) at the end of the sub-paragraph (p), for "." substitute "; or"; and
- (c) after sub-paragraph (p), insert the following sub-paragraph—

“(q) during the period beginning on 29 April 2013 and ending on 31 March 2014—

- (i) he is the recipient of an award of universal credit either as a single person or as a member of a couple,
- (ii) he is a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible, or
- (iii) he is a member of a couple, the other member of which is the recipient of an award of universal credit as a single person.”.

(3) In regulation 13(3)—

- (a) at the end of sub-paragraph (c), omit "and";
- (b) at the end of sub-paragraph (d), for "." substitute "; and"; and
- (c) after sub-paragraph (d), insert the following sub-paragraph—

“(e) in sub-paragraph (q) "couple" has the meaning given in section 39 of the 2012 Act (couples) and "qualifying young person" has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons).”.

Amendment of the 1997 Regulations

5. The 1997 Regulations are amended in accordance with the provisions of regulation 6.

(1) O.S. 2007/1104 (Cy.116) fel y'i diwygiwyd.

(2) 2012 p.5.

(1) S.I. 2007/1104 (W.116) as amended.

(2) 2012 c.5.

6.—(1) Yn rheoliad 1, yn y man priodol yn nhrefn yr wyddor, mewnosoder y diffiniadau canlynol—

- (a) ""the 2012 Act" means the Welfare Reform Act 2012(1);"; a
- (b) ""universal credit" means universal credit under Part 1 of the 2012 Act;".

(2) Yn rheoliad 8(3)—

- (a) ar ddiwedd is-baragraff (o), hepgorer "or";
- (b) ar ddiwedd is-baragraff (p), yn lle "." rhodder "; or"; ac
- (c) ar ôl is-baragraff (p), mewnosoder yr is-baragraff canlynol—

“(q) during the period beginning on 29 April 2013 and ending on 31 March 2014—

- (i) he is the recipient of an award of universal credit either as a single person or as a member of a couple,
- (ii) he is a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible, or
- (iii) he is a member of a couple, the other member of which is the recipient of an award of universal credit as a single person.”.

(3) Yn rheoliad 8(4)—

- (a) ar ddiwedd is-baragraff (c), hepgorer "and";
- (b) ar ddiwedd is-baragraff (d), yn lle "." rhodder "; and"; ac
- (c) ar ôl is-baragraff (d), mewnosoder yr is-baragraff canlynol—

“(e) in sub-paragraph (q) "couple" has the meaning given in section 39 of the 2012 Act (couples) and "qualifying young person" has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons).”.

Diwygio Rheoliadau 2007

7. Mae Rheoliadau 2007 wedi eu diwygio yn unol â darpariaethau rheoliad 8.

8.—(1) Yn rheoliad 2, yn y man priodol yn nhrefn yr wyddor, mewnosoder y diffiniadau canlynol—

- (a) "ystyr "Deddf 2012" ("the 2012 Act") yw Deddf Diwygio Lles 2012(2);";
- (b) "mae i "person ifanc cymwys" yr ystyr a roddir i "qualifying young person" yn adran 10(5) o Ddeddf 2012 (cyfrifoldeb am blant a phobl ifanc);"; ac

(1) 2012 p.5.

(2) 2012 p.5.

6.—(1) In regulation 1, in the appropriate place in the alphabetical order insert the following definitions—

- (a) ""the 2012 Act" means the Welfare Reform Act 2012(1);"; and
- (b) ""universal credit" means universal credit under Part 1 of the 2012 Act;".

(2) In regulation 8(3)—

- (a) at the end of sub-paragraph (o), omit "or";
- (b) at the end of the sub-paragraph (p), for "." substitute "; or"; and
- (c) after sub-paragraph (p), insert the following sub-paragraph—

“(q) during the period beginning on 29 April 2013 and ending on 31 March 2014—

- (i) he is the recipient of an award of universal credit either as a single person or as a member of a couple,
- (ii) he is a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible, or
- (iii) he is a member of a couple, the other member of which is the recipient of an award of universal credit as a single person.”.

(3) In regulation 8(4)—

- (a) at the end of sub-paragraph (c), omit "and";
- (b) at the end of the sub-paragraph (d), for "." substitute "; and"; and
- (c) after sub-paragraph (d), insert the following sub-paragraph—

“(e) in sub-paragraph (q) "couple" has the meaning given in section 39 of the 2012 Act (couples) and "qualifying young person" has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons).”.

Amendment of the 2007 Regulations

7. The 2007 Regulations are amended in accordance with the provisions of regulation 8.

8.—(1) In regulation 2, in the appropriate place in the alphabetical order insert the following definitions—

- (a) ""the 2012 Act" ("Deddf 2012") means the Welfare Reform Act 2012(2);";
- (b) ""qualifying young person" ("*person ifanc cymwys*") has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons);"; and

(1) 2012 c.5.

(2) 2012 c.5.

(c) "ystyr "credyd cynhwysol" yw credyd cynhwysol o dan Ran 1 o Ddeddf 2012;"

(2) Yn rheoliad 2, yn y diffiniad o "pâr", ar ôl "1992" mewnosoder ", ac eithrio bod iddo, yn rheoliad 5(1)(aa)(i) a (iii), yr ystyr a roddir i "couple" yn adran 39 o Ddeddf 2012 (parau)".

(3) Yn rheoliad 5(1), ar ôl is-baragraff (a), mewnosoder yr is-baragraff canlynol—

- “(aa) during the period beginning on 29 April 2013 and ending on 31 March 2014—
- (i) is the recipient of an award of universal credit either as a single person or as a member of a couple,
 - (ii) is a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible, or
 - (iii) is a member of a couple, the other member of which is the recipient of an award of universal credit as a single person;”.

(4) Yn rheoliad 16(1), yn lle is-baragraff (b), rhodder—

“(b) the amount which represents the weekly amount of any housing benefit to which the claimant or any member of his or her family is entitled under the provisions of Part VII of the Social Security Contributions and Benefits Act 1992(1).”

(5) Yn Atodlen 1, yng ngholofn 2 o Dabl B, ym mharagraff 13A fel y'i hamnewidiwyd—

- (a) ar ddiwedd is-baragraff (1)(b)(i), hepgorer "or";
- (b) ar ddiwedd is-baragraff (1)(b)(ii), yn lle "." rhodder ";" ac
- (c) ar ôl is-baragraff (1)(b)(ii), mewnosoder—
 - “(iii) in receipt of the enhanced rate of the daily living component of personal independence payment prescribed in accordance with section 78(3)(b) of the 2012 Act; or
 - (iv) in receipt of an armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(2).”

(c) ""universal credit" ("credyd cynhwysol") means universal credit under Part 1 of the 2012 Act;”.

(2) In regulation 2, in the definition of "couple", after "1992" insert ", except that in regulation 5(1)(aa)(i) and (iii) it has the meaning given in section 39 of the 2012 Act (couples)".

(3) In regulation 5(1), after sub-paragraph (a), insert the following sub-paragraph—

- “(aa) during the period beginning on 29 April 2013 and ending on 31 March 2014—
- (i) is the recipient of an award of universal credit either as a single person or as a member of a couple,
 - (ii) is a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible, or
 - (iii) is a member of a couple, the other member of which is the recipient of an award of universal credit as a single person;”.

(4) In regulation 16(1), for sub-paragraph (b) substitute—

“(b) the amount which represents the weekly amount of any housing benefit to which the claimant or any member of his or her family is entitled under the provisions of Part VII of the Social Security Contributions and Benefits Act 1992(1).”

(5) In Schedule 1, in column 2 of Table B, in the substitute paragraph 13A—

- (a) at the end of sub-paragraph (1)(b)(i), omit "or";
- (b) at the end of sub-paragraph (1)(b)(ii), for "." substitute ";" and
- (c) after sub-paragraph (1)(b)(ii), insert—
 - “(iii) in receipt of the enhanced rate of the daily living component of personal independence payment prescribed in accordance with section 78(3)(b) of the 2012 Act; or
 - (iv) in receipt of an armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(2).”

(1) 1992 p.4.

(2) O.S. 2011/517 fel y'i diwygiwyd.

(1) 1992 c.4.

(2) S.I. 2011/517 as amended.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

Minister for Health and Social Services, one of the
Welsh Ministers

21 Mawrth 2013

21 March 2013

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Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

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