OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2015 Rhif 1844 (Cy. 272)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015

2015 No. 1844 (W. 272)

SOCIAL CARE, WALES

The Care and Support (Financial Assessment) (Wales) Regulations 2015

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf") ynghylch y modd y mae'n rhaid i awdurdod lleol gynnal asesiad ariannol o adnoddau ariannol person ("A") mewn achosion fel a ganlyn—

(a) pan fo'r awdurdod yn tybio, pe bai'n diwallu anghenion A am ofal a chymorth (neu anghenion gofalwr am gymorth) y byddai'n gosod ffi o dan adran 59 o'r Ddeddf, neu

(b) pan fo'r awdurdod yn tybio, pe bai'n gwneud taliadau tuag at y gost o ddiwallu anghenion A am ofal a chymorth (neu anghenion gofalwr am gymorth) drwy wneud taliadau uniongyrchol yn rhinwedd adrannau 50 neu 52 o'r Ddeddf, y byddai'n ei gwneud yn ofynnol bod A yn talu, ar ffurf ad-daliad (yn achos taliadau gros) neu gyfraniad (yn achos taliadau net), tuag at y gost o sicrhau'r ddarpariaeth honno o ofal a chymorth.

Mae Rhan 2 o'r Rheoliadau hyn yn gwneud darpariaeth ynghylch y broses y mae'n rhaid i awdurdod lleol ei dilyn wrth ymgymryd ag asesiad ariannol, a hefyd yn gwneud darpariaeth gyffredinol ynghylch asesiadau ariannol.

Mae rheoliad 6 yn ei gwneud yn ofynnol bod awdurdod lleol yn cyflawni asesiad ariannol yn unol â gofynion y Rheoliadau hyn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under the Social Services and Well-being (Wales) Act 2014 ("the Act") about the way in which a local authority must carry out a financial assessment of a person's ("A") financial resources in the following cases—

(a) where the authority thinks that if it were to meet A's needs for care and support (or a carer's needs for support) it would impose a charge under section 59 of the Act, or

(b) where the authority thinks that if it were to make payments towards meeting the cost of A's needs for care and support (or a carer's needs for support) by making direct payments by virtue of sections 50 or 52 of the Act, it would require A to pay, by way of reimbursement (in the case of gross payments) or contribution (in the case of net payments), towards the cost of securing the provision of that care and support.

Part 2 of these Regulations makes provision about the process a local authority must follow when undertaking a financial assessment and also makes general provision about financial assessments.

Regulation 6 requires a local authority to carry out a financial assessment in accordance with the requirements of these Regulations.

Mae rheoliad 7 yn pennu'r amgylchiadau pan nad yw'r ddyletswydd i gynnal asesiad ariannol yn gymwys, ac amgylchiadau pan gaiff awdurdod lleol gwblhau asesiad ariannol pan nad yw manylion ariannol A wedi eu datgelu'n llawn.

Mae rheoliad 8 yn gwneud darpariaeth ynghylch pŵer yr awdurdod lleol i gynnal asesiad ariannol newydd mewn amgylchiadau penodol.

Mae rheoliad 9 yn gwneud darpariaeth ynghylch y broses y mae'n ofynnol i awdurdod lleol ei mabwysiadu wrth gynnal asesiad o adnoddau ariannol A. Mae'n ei gwneud yn ofynnol i awdurdod lleol ddiystyru gwerth unig neu brif gartref A wrth gyfrifo adnoddau cyfalaf A pan fo A yn cael gofal a chymorth yn ei gartref ei hunan (yn hytrach na chael cymorth o'r fath ar ffurf darpariaeth o lety mewn cartref gofal).

Mae rheoliad 10 yn ei gwneud yn ofynnol i awdurdod lleol gynnal asesiad o adnoddau ariannol preswylydd byrdymor (person y darperir llety iddo mewn cartref gofal am gyfnod o ddim mwy nag 8 wythnos) fel pe bai'n cael gofal a chymorth yn ei gartref ei hunan.

Mae rheoliad 11 yn cynnwys darpariaeth arbed sy'n parhau effaith unrhyw asesiad ariannol a gynhaliwyd gan awdurdod lleol, sy'n cael effaith yn union cyn i'r Rheoliadau hyn ddod i rym (er na chynhaliwyd yr asesiad o dan y Ddeddf nac yn unol â'r Rheoliadau hyn) hyd nes disodlir yr asesiad gan asesiad a gynhelir yn unol â'r Ddeddf a gofynion y Rheoliadau hyn.

Mae Rhan 3 ac Atodlen 1 yn gwneud darpariaeth ynghylch trin a chyfrifo incwm. Mae Atodlen 1 yn nodi'r incwm y mae'n rhaid, neu y caniateir, i awdurdod lleol ei ddiystyru.

Mae Rhan 4 ac Atodlen 2 yn gwneud darpariaeth ynghylch trin a chyfrifo cyfalaf. Mae Atodlen 2 yn nodi'r symiau cyfalaf y mae'n rhaid, neu y caniateir, i awdurdod lleol eu diystyru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth y Grŵp Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Regulation 7 specifies the circumstances in which the duty to carry out a financial assessment does not apply and those in which a local authority may complete a financial assessment in the absence of complete disclosure of A's financial details.

Regulation 8 makes provision about the local authority's power to carry out a new financial assessment in certain circumstances.

Regulation 9 makes provision about the process a local authority is required to adopt when carrying out an assessment of A's financial resources. It requires a local authority to disregard the value of A's only or main home from its calculation of A's capital resources when A is receiving care and support in their own home (as opposed to receiving such support by the provision of accommodation in a care home).

Regulation 10 requires a local authority to carry out an assessment of the financial resources of a short-term resident (persons who are provided with accommodation in a care home for a period of not exceeding 8 weeks) as if they were in receipt of care and support in their own home.

Regulation 11 contains a saving provision which preserves the effect of any financial assessment carried out by a local authority which has effect immediately before the coming into force of these Regulations (notwithstanding that it was not carried out under the Act or in accordance with these Regulations) until it is replaced by an assessment carried out in accordance with the Act and the requirements of these Regulations.

Part 3 and Schedule 1 make provision about the treatment and calculation of income. Schedule 1 sets out the income that must or may be disregarded by a local authority.

Part 4 and Schedule 2 make provision about the treatment and calculation of capital. Schedule 2 sets out the capital sums that must or may be disregarded by the local authority.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Health and Social Services Group, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

O F F E R Y N N A U S T A T U D O L
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2015 Rhif 1844 (Cy. 272)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015

Gwnaed *27 Hydref 2015*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *3 Tachwedd 2015*

Yn dod i rym *6 Ebrill 2016*

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2015 No. 1844 (W. 272)

SOCIAL CARE, WALES

The Care and Support (Financial Assessment) (Wales) Regulations 2015

Made *27 October 2015*

Laid before the National Assembly for Wales *3 November 2015*

Coming into force *6 April 2016*

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SCHEDULE 1 — Sums to be disregarded in the calculation of income

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Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 50(1), 52(1), 53(3), 64(1), 65 a 196(2) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(**1**), yn gwneud y Rheoliadau a ganlyn(**2**):

The Welsh Ministers, in exercise of the powers conferred by sections 50(1), 52(1), 53(3), 64(1), 65 and 196(2) of the Social Services and Well-being (Wales) Act 2014(**1**), make the following Regulations(**2**):

(**1**) 2014 dccc 4.
(**2**) *Gweler* adran 197(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf") am y diffiniadau o "rheoliadau" a "penodedig", "a bennir" ac "a bennwyd".

(**1**) 2014 anaw 4.
(**2**) *See* section 197(1) of the Social Services and Well-being (Wales) Act 2014 ("the Act") for the definitions of "regulations" and "specified".

RHAN 1

Cyffredinol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015.

(2) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2016.

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

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "A" ("*A*") yw oedolyn—

(a) y mae ei adnoddau ariannol i'w hasesu yn unol â rheoliad 6 neu reoliad 8, neu

(b) sy'n dod o fewn yr amgylchiadau a bennir yn rheoliad 7;

mae i "budd-dal plant" yr ystyr a roddir i "child benefit" o dan Ddeddf 1992;

mae i "credyd cynilion" yr ystyr a roddir i "savings credit" o dan Ddeddf Credyd Pensiwn y Wladwriaeth 2002;

mae i "credyd treth gwaith" yr ystyr a roddir i "working tax credit" o dan Ddeddf Credydau Treth 2002;

mae i "credyd treth plant" yr ystyr a roddir i "child tax credit" o dan Ddeddf Credydau Treth 2002(**1**);

ystyr "cyfleuster ymweld â'r cartref" ("*home visiting facility*") yw ymweliad (neu ymweliadau) a wneir gan swyddog priodol awdurdod lleol â phreswylfa gyfredol person neu pa bynnag fan cyfarfod arall y gofynnir amdano yn rhesymol gan y person, at y diben o gasglu gwybodaeth i'w defnyddio yn yr asesiad ariannol ar gyfer y person hwnnw, a darparu gwybodaeth a chynnig cynhorthwy mewn perthynas â'r broses honno;

mae i "cymhorthdal incwm" yr ystyr a roddir i "income support" o dan Ddeddf 1992;

mae i "cynllun pensiwn personol" yr un ystyr ag a roddir i "personal pension scheme" yn y Rheoliadau Cymhorthdal Incwm;

ystyr "darpar breswylydd" ("*prospective resident*") yw person y bwriedir darparu llety mewn cartref gofal(**2**) iddo o dan y Ddeddf;

(**1**) 2002 p. 21.
(**2**) *Gweler* adran 197(1) o'r Ddeddf am ystyr "cartref gofal".

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Care and Support (Financial Assessment) (Wales) Regulations 2015.

(2) These Regulations come into force on 6 April 2016.

(3) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Social Services and Well-being (Wales) Act 2014;

"the 1992 Act" ("*Deddf 1992*") means the Social Security Contributions and Benefits Act 1992(**1**);

"the Charging Regulations" ("*y Rheoliadau Gosod Ffioedd*") means the Care and Support (Charging) (Wales) Regulations 2015(**2**);

"the Income Support Regulations" ("*y Rheoliadau Cymhorthdal Incwm*") means the Income Support (General) Regulations 1987(**3**);

"the Pension Credit Regulations" ("*y Rheoliadau Credyd Pensiwn*") means the State Pension Credit Regulations 2002(**4**);

"A" ("*A*") means an adult—

(a) whose financial resources are to be assessed in accordance with regulation 6 or regulation 8, or

(b) who falls within the circumstances specified in regulation 7;

"armed forces independence payment" ("*taliad annibyniaeth y lluoedd arfog*") means armed forces independence payment under the Armed Forces and Reserved Forces (Compensation Scheme) Order 2011(**5**);

"attendance allowance" ("*lwfans gweini*") has the same meaning as in the Income Support Regulations;

"child benefit" ("*budd-dal plant*") means a child benefit under the 1992 Act;

(**1**) 1992 c. 4.
(**2**) 2015/1843 (W. 271)
(**3**) S.I. 1987/1967.
(**4**) S.I. 2002/1792.
(**5**) S.I. 2011/517.

ystyr "Deddf 1992" ("*the 1992 Act*") yw Deddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**1**);

ystyr "diwrnod gwaith" ("*working day*") yw unrhyw ddiwrnod ac eithrio—

(a) dydd Sadwrn neu ddydd Sul,

(b) dydd Nadolig neu ddydd Gwener y Groglith, neu

(c) gŵyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971(**2**);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

mae "enillydd cyflogedig" i'w ddehongli yn unol â'r ystyr a roddir i "employed earner" yn adran 2(1)(a) o Ddeddf 1992(**3**);

mae "enillydd hunangyflogedig" i'w ddehongli yn unol â'r ystyr a roddir i "self-employed earner" yn adran 2(1)(b) o Ddeddf 1992;

ystyr "ffi unffurf" ("*flat-rate charge*") yw ffi sefydlog a osodir gan awdurdod lleol heb ystyried modd y person sy'n atebol i dalu am—

(a) gofal a chymorth a drefnir neu a ddarperir gan awdurdod lleol o dan Ran 4 o'r Ddeddf (diwallu anghenion); neu

(b) gwasanaethau a ddarperir o dan adran 15 (gwasanaethau ataliol) neu am gynhorthwy a ddarperir o dan adran 17 (darparu gwybodaeth, cyngor a chynhorthwy) o'r Ddeddf;

ystyr "gofal a chymorth ailalluogi" ("*reablement*") yw gofal a chymorth—

(a) a ddarperir neu a drefnir gan awdurdod lleol ar gyfer A o dan Ran 2 neu 4 o'r Ddeddf; neu

(b) a sicrheir neu a drefnir gan A, pan fo A neu pan fydd A yn cael taliadau uniongyrchol a wneir yn unol ag adran 50 neu 52 o'r Ddeddf; ac

(c) sydd—

(i) yn cynnwys rhaglen o ofal a chymorth,

(ii) am gyfnod penodedig(**4**) o amser ("y cyfnod penodedig"), a

"child tax credit" ("*credyd treth plant*") means a child tax credit under the Tax Credits Act 2002(**1**);

"council tax" ("*treth gyngor*") is to be construed in accordance with section 1(1) of the Local Government Finance Act 1992(**2**);

"direct payment" ("*taliad uniongyrchol*") has the meaning given in sections 50(7) and 52(7) of the Act;

"disability living allowance" ("*lwfans byw i'r anabl*") means a disability living allowance under the 1992 Act;

"employed earner" ("*enillydd cyflogedig*") is to be construed in accordance with section 2(1)(a) of the 1992 Act(**3**);

"flat-rate charge" ("*ffi unffurf*") means a fixed rate charge which is imposed by a local authority regardless of the means of the person who is liable to be charged for—

(a) care and support arranged or provided by a local authority under Part 4 of the Act (meeting needs); or

(b) services provided under section 15 (preventative services) or for assistance provided under section 17 (provision of information, advice and assistance) of the Act;

"guardian's allowance" ("*lwfans gwarcheidwad*") means a guardian's allowance under the 1992 Act;

"home visiting facility" ("*cyfleuster ymweld â'r cartref*") means a visit (or visits) which are undertaken by an appropriate officer of a local authority to a person's current place of residence, or at such other venue as the person reasonably requests, for the purposes of gathering information to inform a financial assessment for that person and for providing information and offering assistance in relation to that process;

"income support" ("*cymhorthdal incwm*") means income support under the 1992 Act;

"lone parent" ("*unig riant*") has the same meaning as in the Income Support Regulations;

"partner" ("*partner*") has the same meaning as in the Income Support Regulations;

"pension credit age" ("*oedran credyd pensiwn*") means the qualifying age for state pension credit

(**1**) 1992 p. 4.
(**2**) 1971 p. 80.
(**3**) Diwygiwyd adran 2(1)(a) gan baragraffau 169 a 171 o Atodlen 6 i Ddeddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 1) ac adran 15(1) o Ddeddf Cyfraniadau Yswiriant Gwladol 2014 (p. 7).
(**4**) Bydd awdurdod lleol yn pennu hyd y cyfnod gofal a chymorth ailalluogi y mae ei angen ar A yn seiliedig ar anghenion asesedig A.

(**1**) 2002 c. 21.
(**2**) 1992 c. 14.
(**3**) Section 2(1)(a) was amended by paragraphs 169 and 171 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1) and section 15(1) of the National Insurance Contributions Act 2014 (c. 7).

(iii) â'r diben o ddarparu cynhorthwy i A er mwyn galluogi A i barhau i allu byw'n annibynnol yn unig gartref neu brif gartref A neu i allu gwneud hynny eto;

mae i "lwfans byw i'r anabl" yr ystyr a roddir i "disability living allowance" o dan Ddeddf 1992;

mae i "lwfans galwedigaethol anabledd difrifol" yr ystyr a roddir i "severe disablement occupational allowance" a delir o dan erthygl 10 o Orchymyn Pensiynau Lluoedd Arfog y Llynges, y Fyddin a'r Llu Awyr etc. (Anabledd a Marwolaeth) 2006(**1**) neu o dan erthygl 16 o Gynllun Anafiadau Personol (Sifiliaid) 1983(**2**);

mae i "lwfans gwarcheidwad" yr ystyr a roddir i "guardian's allowance" o dan Ddeddf 1992;

mae i "lwfans gweini" yr un ystyr ag a roddir i "attendance allowance" yn y Rheoliadau Cymhorthdal Incwm;

ystyr "oedran credyd pensiwn" ("*pension credit age*") yw'r oedran cymhwyso ar gyfer credyd pensiwn y wladwriaeth yn yr ystyr a roddir i "the qualifying age" yn adran 1(6) o Ddeddf Credyd Pensiwn y Wladwriaeth 2002(**3**);

mae i "partner" yr un ystyr ag a roddir i "partner" yn y Rheoliadau Cymhorthdal Incwm;

ystyr "preswylydd" ("*resident*") yw person y darperir llety mewn cartref gofal iddo o dan y Ddeddf;

ystyr "preswylydd byrdymor" ("*short-term resident*") yw person y darperir llety mewn cartref gofal iddo o dan y Ddeddf am gyfnod nad yw'n hwy nag 8 wythnos;

ystyr "preswylydd dros dro" ("*temporary resident*") yw preswylydd y mae ei arhosiad—

(a) yn annhebygol o fod yn hwy na 52 o wythnosau; neu

(b) mewn amgylchiadau eithriadol, yn annhebygol o fod yn sylweddol hwy na'r cyfnod hwnnw;

ystyr "preswylydd parhaol" ("*permanent resident*") yw preswylydd nad yw'n breswylydd dros dro nac yn breswylydd byrdymor;

ystyr "y Rheoliadau Credyd Pensiwn" ("*the Pension Credit Regulations*") yw Rheoliadau Credyd Pensiwn y Wladwriaeth 2002(**4**);

within the meaning of section 1(6) of the State Pension Credit Act 2002(**1**);

"permanent resident" ("*preswylydd parhaol*") means a resident who is not a temporary resident or a short-term resident;

"personal independence payment" ("*taliad annibyniaeth bersonol*") means a personal independence payment under Part 4 of the Welfare Reform Act 2012(**2**);

"personal pension scheme" ("*cynllun pensiwn personol*") has the same meaning as in the Income Support Regulations;

"prospective resident" ("*darpar breswylydd*") means a person for whom accommodation in a care home is proposed to be provided under the Act(**3**);

"reablement" ("*gofal a chymorth ailalluogi*") means care and support—

(a) provided or arranged by a local authority for A under Part 2 or 4 of the Act; or

(b) secured or arranged by A, where A is or will be receiving direct payments made in accordance with section 50 or 52 of the Act; and

(c) which—

(i) consists of a programme of care and support,

(ii) is for a specified(**4**) period of time ("the specified period"), and

(iii) has as its purpose the provision of assistance to A to enable A to maintain or regain the ability to live independently in A's only or main home;

"resident" ("*preswylydd*") means a person who is provided with accommodation in a care home under the Act;

"savings credit" ("*credyd cynilion*") means a savings credit under the State Pension Credit Act 2002;

"self-employed earner" ("*enillydd hunangyflogedig*") is to be construed in accordance with section 2(1)(b) of the 1992 Act;

"severe disablement occupational allowance" ("*lwfans galwedigaethol anabledd difrifol*") means a severe disablement occupational allowance paid under article 10 of the Naval, Military and Air

(**1**) O.S. 2006/606; diwygiwyd erthygl 10 gan O.S. 2008/679 a 2013/630.
(**2**) O.S. 1983/686; diwygiwyd erthygl 16 gan O.S. 1984/1675 a 2001/420.
(**3**) 2002 p. 16.
(**4**) O.S. 2002/1792.

(**1**) 2002 c. 16.
(**2**) 2012 c. 5.
(**3**) *See* section 197(1) of the Act for the meaning of "care home".
(**4**) A local authority will specify the duration of the period of reablement A requires based on A's assessed needs.

ystyr "y Rheoliadau Cymhorthdal Incwm" ("*the Income Support Regulations*") yw Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987(**1**);

ystyr "y Rheoliadau Gosod Ffioedd" ("*the Charging Regulations*") yw Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015(**2**);

ystyr "swm safonol" ("*standard amount*") yw'r swm y byddai'n ofynnol i berson ei dalu yn rhinwedd adran 50 neu 52 o'r Ddeddf tuag at sicrhau y ddarpariaeth o ofal a chymorth yr ystyrir neu y gwneir taliadau uniongyrchol mewn cysylltiad â hi, pe na bai asesiad ariannol yn cael ei gynnal yn unol â'r Rheoliadau hyn, neu ddyfarniad ynghylch gallu A i dalu swm yn cael ei wneud yn unol â'r Rheoliadau Gosod Ffioedd;

mae i "taliad annibyniaeth bersonol" yr ystyr a roddir i "personal independence payment" o dan Ran 4 o Ddeddf Diwygio Lles 2012(**3**);

ystyr "taliad annibyniaeth y lluoedd arfog" ("*armed forces independence payment*") yw taliad annibyniaeth y lluoedd arfog o dan Orchymyn y Lluoedd Arfog a'r Lluoedd wrth Gefn (Cynllun Digolledu) 2011(**4**);

mae i "taliad uniongyrchol" ("*direct payment*") yr ystyr a roddir yn adrannau 50(7) a 52(7) o'r Ddeddf;

mae "treth gyngor" i'w ddehongli yn unol â'r ystyr a roddir i "council tax" yn adran 1(1) o Ddeddf Cyllid Llywodraeth Leol 1992(**5**);

mae i "unig riant" yr un ystyr ag a roddir i "lone parent" yn y Rheoliadau Cymhorthdal Incwm.

(2) Pan gyfeirir yn y Rheoliadau hyn at gymhwyso darpariaeth o'r Rheoliadau Cymhorthdal Incwm, rhaid dehongli unrhyw gyfeiriad yn y ddarpariaeth o'r Rheoliadau Cymhorthdal Incwm at "claimant" fel pe bai'n gyfeiriad at A.

(3) Yn y Rheoliadau hyn, rhaid dehongli unrhyw gyfeiriad at lety preswylydd mewn cartref gofal, neu at lety a ddarperir ar gyfer preswylydd mewn cartref gofal, yn achos preswylydd sy'n ddarpar breswylydd, fel cyfeiriad at lety sydd i'w ddarparu ar gyfer y preswylydd hwnnw o dan adran 35, 36, 40 neu 45 o'r Ddeddf, neu pan fo'r darpar breswylydd yn cael taliadau uniongyrchol, fel cyfeiriad at lety a sicrheir yn rhinwedd adrannau 50 neu 52 o'r Ddeddf.

Forces etc. (Disablement and Death) Service Pensions Order 2006(**1**) or under article 16 of the Personal Injuries (Civilians) Scheme 1983(**2**);

"short-term resident" ("*preswylydd byrdymor*") means a person who is provided with accommodation in a care home under the Act for a period not exceeding 8 weeks;

"standard amount" ("*swm safonol*") means the amount which a person would be required to pay by virtue of section 50 or 52 of the Act towards securing the provision of care and support in respect of which direct payments are being considered or made if no financial assessment is carried out in accordance with these Regulations or determination as to A's ability to pay an amount is undertaken in accordance with the Charging Regulations;

"temporary resident" ("*preswylydd dros dro*") means a resident whose stay is—

(a) unlikely to exceed 52 weeks; or

(b) in exceptional circumstances, unlikely to substantially exceed that period;

"working day" ("*diwrnod gwaith*") means any day other than—

(a) a Saturday or a Sunday,

(b) Christmas day or Good Friday, or

(c) a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(**3**);

"working tax credit" ("*credyd treth gwaith*") means a working tax credit under the Tax Credits Act 2002.

(2) Where reference is made in these Regulations to the application of a provision of the Income Support Regulations, any reference to "claimant" in the provision of the Income Support Regulations is to be construed as a reference to A.

(3) In these Regulations any reference to a resident's accommodation in a care home, or to accommodation provided for a resident in a care home, is to be construed in the case of a resident who is a prospective resident as a reference to accommodation to be provided for that resident under section 35, 36, 40 or 45 of the Act, or where the prospective resident is in receipt of direct payments, as a reference to accommodation which will be secured by virtue of sections 50 or 52 of the Act.

(**1**) O.S. 1987/1967.
(**2**) O.S. 2015/1843 (Cy. 271)
(**3**) 2012 p. 5.
(**4**) O.S. 2011/517.
(**5**) 1992 p. 14.

(**1**) S.I. 2006/606; article 10 was amended by S.I. 2008/679 and 2013/630.
(**2**) S.I. 1983 / 686; article 16 was amended by S.I. 1984/1675 and 2001/420.
(**3**) 1971 c. 80.

(4) Yn y Rheoliadau hyn, yn achos gofalwr, rhaid darllen cyfeiriadau at ddarparu neu sicrhau gofal a chymorth fel pe baent yn gyfeiriadau at ddarparu neu sicrhau cymorth.

(4) In these Regulations references to provision of or securing of care and support are, in the case of carer, to be read as meaning the provision or securing of support.

RHAN 2

Asesu adnoddau ariannol

PART 2

Assessment of financial resources

Gwybodaeth sydd i'w darparu gan awdurdod lleol

3. Cyn bod awdurdod lleol yn cynnal asesiad ariannol yn unol â'r Rheoliadau hyn, rhaid iddo roi'r canlynol i A—

(a) manylion y gofal a'r cymorth ar gyfer diwallu anghenion A, a gynigir neu a ddarperir i A ac y tybia'r awdurdod lleol y byddai'n gosod ffi mewn cysylltiad â hwy o dan adran 59 o'r Ddeddf;

(b) manylion y gofal a'r cymorth yr aseswyd bod eu hangen ar A ac yr ystyrir, neu y gwneir, taliadau uniongyrchol(**1**) ar eu cyfer yn unol ag adran 50 neu 52 o'r Ddeddf;

(c) pan fo paragraff (a) yn gymwys, manylion polisi'r awdurdod lleol ar godi ffioedd am ddarparu gofal a chymorth, gan gynnwys—

(i) pa elfennau, os oes rhai, y caniateir codi ffi amdanynt,

(ii) y ffi safonol(**2**) y caniateir ei gosod mewn perthynas ag unrhyw rai ohonynt,

(iii) unrhyw ofal a chymorth, cynhorthwy neu wasanaeth y gosodir ffi unffurf amdano,

(iv) y ffi wythnosol uchaf(**3**) y caniateir ei gosod, neu'r ffi wythnosol uchaf a godir gan yr awdurdod lleol pan fo'r ffi honno'n llai;

(d) pan fo paragraff (b) yn gymwys, manylion polisi'r awdurdod lleol ar daliadau uniongyrchol, a rhaid cynnwys y canlynol—

Information to be provided by local authority

3. Before a local authority carries out a financial assessment in accordance with these Regulations it must give A the following—

(a) details of care and support to meet A's needs which are offered or being provided for A and in respect of which it thinks it would impose a charge under section 59 of the Act;

(b) details of the care and support that A has been assessed as requiring and for which direct payments(**1**) are being considered or made in accordance with section 50 or 52 of the Act;

(c) where paragraph (a) applies, details of its charging policy for the provision of care and support, including—

(i) which elements, if any, are subject to a charge,

(ii) the standard charge(**2**) which may be imposed in relation to any of them,

(iii) any care and support, assistance or service for which a flat-rate charge is imposed,

(iv) the maximum weekly charge(**3**) that may be imposed or the maximum weekly charge that the local authority applies, where that charge is lower;

(d) where paragraph (b) applies, details of its direct payments policy, which must include the following—

(**1**) Diffinnir "taliad uniongyrchol" yn adran 50(7) ac adran 52(7) o'r Ddeddf.

(**2**) Diffinnir "ffi safonol" yn adran 63(3) o'r Ddeddf, fel "…[y] swm y byddai awdurdod lleol yn ei godi o dan adran 59 pe na châi unrhyw ddyfarniad ei wneud o dan adran 66 ynghylch gallu person i dalu'r swm hwnnw". Mae adran 59(2) o'r Ddeddf (pŵer i osod ffioedd) yn darparu y caiff ffi a osodir o dan is-adran (1) gwmpasu dim mwy na'r gost y mae'r awdurdod lleol yn ei thynnu wrth ddiwallu'r anghenion y mae'r ffi yn gymwys iddynt.

(**3**) Pennir y "ffi wythnosol uchaf" yn rheoliad 7 o'r Rheoliadau Gosod Ffioedd ac mae'n gymwys mewn perthynas â darparu gofal a chymorth i ddiwallu angen asesedig ac eithrio drwy ddarparu llety mewn cartref gofal.

(**1**) "Direct payment" is defined in section 50(7) and 52(7) of the Act.

(**2**) "Standard charge" is defined in section 63(3) of the Act as meaning "…the amount that a local authority would charge under section 59 if no determination were made under section 66 as to a person's ability to pay that amount". Section 59(2) of the Act (power to impose charges) provides that a charge imposed under subsection (1) may cover only the reasonable cost that the local authority incurs in meeting the needs to which the charge applies.

(**3**) "The maximum weekly charge" is specified in regulation 7of the Charging Regulations and applies in relation to the provision of care and support to meet an assessed need otherwise than by the provision of accommodation in a care home.

(i) manylion y gofal a chymorth, os oes gofal a chymorth, y caniateir darparu, neu y darperir, taliadau uniongyrchol ar eu cyfer, ac mewn cysylltiad â hwy y caniateir ei gwneud yn ofynnol bod A yn talu tuag at y gost o'u sicrhau,

(ii) manylion y swm safonol y caniateir ei gwneud yn ofynnol bod A yn talu tuag at y gost o sicrhau gofal a chymorth o'r fath,

(iii) unrhyw ofal a chymorth, cynhorthwy neu wasanaeth y gosodir ffi unffurf amdano,

(iv) swm y cyfraniad neu ad-daliad wythnosol uchaf(**1**) y caniateir ei osod neu swm y cyfraniad neu ad-daliad wythnosol uchaf a godir gan yr awdurdod lleol, pan fo'r swm hwnnw'n llai;

(e) manylion proses asesu ariannol yr awdurdod lleol;

(f) manylion yr wybodaeth ac unrhyw ddogfennau y mae'n ofynnol bod A yn eu darparu i'r awdurdod lleol at ddibenion yr asesiad ariannol, a'r terfyn amser a'r fformat ar gyfer eu darparu;

(g) gwybodaeth am ganlyniadau methiant i ddarparu'r wybodaeth a'r dogfennau o fewn y terfyn amser ac mewn fformat priodol;

(h) gwybodaeth am ganlyniadau peidio â darparu'r wybodaeth neu'r dogfennau sy'n ofynnol at ddibenion yr asesiad, neu wrthod caniatáu i'r awdurdod lleol gynnal asesiad ariannol;

(i) gwybodaeth am y datganiad o ddyfarniad ynghylch gallu A i dalu ffi am ofal a chymorth A, neu i dalu tuag at y gost o sicrhau gofal a chymorth A, y bydd yr awdurdod lleol yn ei ddarparu ar ôl cwblhau'r broses asesu ariannol(**2**);

(i) details of the care and support, if any, for which direct payments may be, or are being provided, in respect of which A may be required to pay towards the cost of securing,

(ii) details of the standard amount which A may be required to pay towards the cost of securing such care and support,

(iii) any care and support, assistance or service for which a flat-rate charge is imposed,

(iv) the amount of the maximum weekly contribution or reimbursement(**1**) that may be imposed or the amount of the maximum weekly contribution or reimbursement that the local authority applies, where that amount is lower;

(e) details of its financial assessment process;

(f) details of the information and any documents that A is required to provide to the local authority for the purposes of the financial assessment, and the time limit, and format for providing them;

(g) information about the consequences of failing to provide the information and documents within the time limit and in an appropriate format;

(h) information about the consequences of not providing the information or documents required for the purposes of the assessment or of refusing to allow the local authority to carry out a financial assessment;

(i) information about the statement of determination of A's ability to pay a charge for, or to pay towards the cost of securing, A's care and support that the local authority will provide following the completion of the financial assessment process(**2**);

(**1**) Pennir "y cyfraniad neu ad-daliad wythnosol uchaf", ac ar ba sail y caiff awdurdod lleol ei gyfrifo, yn rheoliad 22 o'r Rheoliadau Gosod Ffioedd ac mae'n gymwys mewn perthynas â thaliadau uniongyrchol a wneir i sicrhau darpariaeth o ofal a chymorth er mwyn diwallu angen asesedig rywfodd ac eithrio drwy ddarparu llety mewn cartref gofal.

(**2**) Mae'n ofynnol i awdurdod lleol ddarparu datganiad o ddyfarniad yn rheoliad 14 (datganiad o ddyfarniad) neu reoliad 29 (datganiad o ddyfarniad – taliadau uniongyrchol) o'r Rheoliadau Gosod Ffioedd.

(**1**) "The maximum weekly contribution or reimbursement" and the basis upon which a local authority may calculate it are specified in regulation 22 of the Charging Regulations and applies in relation to the making of direct payments to secure the provision of care and support to meet an assessed need otherwise than by the provision of accommodation in a care home.

(**2**) A local authority is required to provide a statement of determination in regulation 14 (statement of determination) or regulation 29 (statement of determination – direct payments) of the Charging Regulations.

(j) manylion y terfyn cyfalaf a bennir yn rheoliad 11 neu reoliad 26 o'r Rheoliadau Gosod Ffioedd a gwybodaeth am ganlyniadau(**1**) asesu bod A yn meddu ar gyfalaf sy'n fwy na'r terfyn hwnnw;

(k) manylion unrhyw gyfleuster ymweld â'r cartref a ddarperir gan yr awdurdod lleol o fewn ei ardal;

(l) enwau unigolyn neu unigolion o fewn yr awdurdod y caniateir cysylltu â nhw os oes angen rhagor o wybodaeth neu gynhorthwy ar A mewn cysylltiad â'r broses asesu ariannol; ac

(m) gwybodaeth am hawl A i benodi trydydd parti i gynorthwyo neu weithredu ar ran A mewn cysylltiad â'r cyfan neu ran o'r broses asesu ariannol a manylion cyswllt unrhyw sefydliad yn ardal yr awdurdod sy'n darparu'r math hwnnw o gymorth neu gynhorthwy.

Terfynau amser

4.—(1) Yn ddarostyngedig i baragraff (2), rhaid i awdurdod lleol ganiatáu 15 diwrnod gwaith neu pa bynnag gyfnod hwy y tybia sy'n rhesymol i A, ar gyfer darparu'r wybodaeth a'r dogfennau a ddisgrifir yn rheoliad 3(f).

(2) Os yw A yn gwneud cais rhesymol am estyn y terfyn amser a bennir ym mharagraff (1), gan roi rhesymau pam y mae angen yr estyniad, rhaid i'r awdurdod lleol gytuno â'r cais a hysbysu A o gyfnod yr estyniad.

(3) Os bydd awdurdod lleol yn gwrthod cais am estyn y terfyn amser, rhaid iddo hysbysu A ynghylch y gwrthodiad a rhaid iddo roi'r rhesymau pam y mae'n gwrthod.

Fformat

5.—(1) Caiff yr wybodaeth a ddarperir gan awdurdod lleol yn unol â rheoliad 3 fod mewn fformat electronig neu ar bapur, a rhaid iddi fod mewn fformat sy'n addas ar gyfer anghenion cyfathrebu A.

(2) Rhaid i'r wybodaeth a'r dogfennau sydd i'w darparu gan A o dan reoliad 3(f) fod mewn fformat electronig neu ar bapur, neu pa bynnag fformat arall y mae'r awdurdod lleol wedi cytuno i'w derbyn ynddo.

(**1**) Mae rheoliad 2 o'r Rheoliadau Gosod Ffioedd yn ddiffinio'r "terfyn cyfalaf". Y terfyn cyfalaf yw'r uchafswm cyfalaf y caniateir i berson feddu arno, ac uwchlaw'r uchafswm hwnnw y bydd yn ofynnol i'r person hwnnw dalu'r ffi safonol neu'r swm safonol yn llawn. Pennir swm y terfyn cyfalaf yn y Rheoliadau Gosod Ffioedd, yn rheoliad 11 (sy'n ymwneud â ffioedd) a rheoliad 26 (sy'n ymwneud â thaliadau uniongyrchol).

(j) details of the capital limit specified in regulation 11 or regulation 26 of the Charging Regulations and information about the consequences of(**1**) A being assessed as having capital in excess of that limit;

(k) details of any home visiting facility that the local authority provides within its area;

(l) the names of an individual or individuals within the authority who may be contacted if A requires additional information or assistance in respect of the financial assessment process; and

(m) information about A's right to appoint a third party to assist, or to act on A's behalf, in respect of all or part of the financial assessment process and the contact details of any organisation in its area which provides this type of support or assistance.

Time limits

4.—(1) Subject to paragraph (2), a local authority must allow A 15 working days, or such longer time limit as it thinks reasonable, to provide the information and documents described in regulation 3(f).

(2) If A makes a reasonable request for an extension of the time limit specified in paragraph (1), giving reasons why the extension is required, a local authority must agree to the request and advise A of the period of the extension.

(3) If a local authority refuses a request for an extension of the time limit, it must inform A of its refusal and it must give reasons for its refusal.

Format

5.—(1) The information provided by a local authority in accordance with regulation 3 may be in electronic or paper format, and must be in a format that is appropriate to A's communication needs.

(2) The information and documents to be provided by A under regulation 3(f) must be in electronic or paper format or such other format that the local authority has agreed to accept.

(**1**) Regulation 2 of the Charging Regulations defines the "capital limit". The capital limit is the maximum amount of capital which a person may have, above which that person will be required to pay the standard charge or standard amount in full. The amount of the capital limit is specified in the Charging Regulations, in regulation 11 (which relates to charges) and regulation 26 (which relates to direct payments).

Dyletswydd i gynnal asesiad ariannol

6.—(1) Pan fo awdurdod lleol yn tybio—

(a) y byddai'n gosod ffi o dan adran 59 o'r Ddeddf (pŵer i osod ffioedd), pe bai'n diwallu anghenion A am ofal a chymorth;

(b) pe bai'n gwneud taliadau tuag at y gost o ddiwallu anghenion A am ofal a chymorth drwy wneud taliadau uniongyrchol yn rhinwedd adran 50 neu 52 o'r Ddeddf(**1**), y byddai'n ei gwneud yn ofynnol bod A yn talu drwy wneud ad-daliad(**2**) (yn achos taliad gros) neu gyfraniad (yn achos taliad net) tuag at y gost o sicrhau'r ddarpariaeth honno o ofal a chymorth,

rhaid i'r awdurdod lleol gynnal asesiad o adnoddau ariannol A yn unol â'r Rheoliadau hyn.

(2) Nid yw'r ddyletswydd ym mharagraff (1) yn gymwys pan fo A yn dod o fewn unrhyw un o'r amgylchiadau a bennir yn rheoliad 7.

Amgylchiadau pan nad oes dyletswydd i gynnal asesiad ariannol

7.—(1) Nid oes dyletswydd ar awdurdod lleol i gynnal asesiad o adnoddau ariannol A mewn amgylchiadau pan fo A—

(a) wedi ei asesu yn rhywun sydd arno angen, neu sy'n cael, gofal a chymorth, cynhorthwy neu wasanaeth, neu unrhyw gyfuniad o'r cyfryw, y codir ffi unffurf amdano gan yr awdurdod lleol;

(b) yn gwrthod cael asesiad ariannol;

(c) yn methu â darparu i'r awdurdod lleol yr wybodaeth neu'r dogfennau sy'n ofynnol gan yr awdurdod yn unol â rheoliad 3(f), o fewn amser rhesymol neu o gwbl;

(d) yn dioddef o unrhyw ffurf o glefyd Creutzfeldt-Jakob, ac wedi cael diagnosis o'r clefyd hwnnw gan ymarferydd meddygol cofrestredig;

Duty to carry out a financial assessment

6.—(1) Where a local authority thinks—

(a) it would impose a charge under section 59 of the Act (power to impose a charge), were it to meet A's needs for care and support;

(b) that if it were to make payments towards meeting the cost of A's needs for care and support by making direct payments by virtue of section 50 or 52 of the Act(**1**), it would require A to pay by way of reimbursement(**2**) (in the case of a gross payment) or contribution (in the case of a net payment) towards the costs of securing the provision of that care and support,

it must carry out an assessment of A's financial resources in accordance with these Regulations.

(2) The duty in paragraph (1) does not apply where A falls within any of the circumstances specified in regulation 7.

Circumstances in which there is no duty to carry out a financial assessment

7.—(1) A local authority is under no duty to carry out an assessment of A's financial resources in circumstances, where A—

(a) has been assessed as needing or is receiving care and support, assistance or a service or any combination of the same for which the local authority applies a flat-rate charge;

(b) declines to undergo a financial assessment;

(c) fails to provide the local authority with the information or documents required by the authority in accordance with regulation 3(f) within a reasonable time or at all;

(d) is suffering from any form of Creutzfeldt-Jakob disease, where that disease has been diagnosed by a registered medical practitioner;

(**1**) Mae adran 53(3) o'r Ddeddf (taliadau uniongyrchol: darpariaeth bellach) yn darparu y caiff rheoliadau a wneir yn unol ag adrannau 50, 51 neu 52 o'r Ddeddf wneud darpariaeth mewn perthynas â thaliadau uniongyrchol sy'n cyfateb i'r ddarpariaeth a wneir, neu y caniateir ei gwneud, o dan adrannau 59 i 67 neu adran 73 o'r Ddeddf.

(**2**) Diffinnir "ad-daliad", "taliad gros", "cyfraniad" a "taliad net" yn adran 53(2) o'r Ddeddf.

(**1**) Section 53(3) of the Act (direct payments: further provision) provides that regulations made in accordance with sections 50, 51, or 52 of the Act may make provision in relation to direct payments which corresponds to the provision which is made, or may be made, under sections 59 to 67 or section 73 of the Act.

(**2**) "Reimbursement", "gross payment", "contribution" and "net payment" are defined in section 53(2) of the Act.

(e) wedi cael cynnig, neu yn cael, gofal a chymorth, cyngor neu wasanaeth, neu wedi cael cynnig taliad uniongyrchol, neu wedi cael ei ddarparu â thaliadau uniongyrchol, i sicrhau'r ddarpariaeth o ofal a chymorth yn rhan o becyn o wasanaethau ôl-ofal yn unol ag adran 117 o Ddeddf Iechyd Meddwl 1983 (ôl-ofal)(**1**);

(f) wedi cael cynnig neu yn cael gofal a chymorth ailalluogi am y 6 wythnos gyntaf o'r cyfnod penodedig neu, os yw'r cyfnod penodedig yn llai na 6 wythnos, am y cyfnod hwnnw;

(g) wedi ei asesu yn rhywun sydd arno angen, neu sy'n cael, gwasanaethau eiriolaeth yn unig(**2**).

(2) Pan fo paragraff (1)(c) yn gymwys, caiff awdurdod lleol, os yw o'r farn bod ganddo wybodaeth ddigonol, wneud asesiad o adnoddau ariannol A ar sail yr wybodaeth rannol neu'r ddogfennaeth rannol (neu'r ddau) sydd yn ei feddiant.

Pŵer i gynnal asesiad ariannol

8. Caiff awdurdod lleol gynnal asesiad newydd o adnoddau ariannol A yn unol â'r Rheoliadau hyn os yw unrhyw un o'r amgylchiadau a bennir yn rheoliad 15 (dyfarniad diwygiedig) neu reoliad 30 (dyfarniad diwygiedig) o'r Rheoliadau Gosod Ffioedd yn gymwys yn achos A.

Proses asesiad ariannol

9.—(1) Pan fo awdurdod lleol yn cynnal asesiad ariannol yn unol â rheoliad 6 (dyletswydd i gynnal asesiad ariannol) neu reoliad 8 (pŵer i gynnal asesiad ariannol), rhaid iddo sicrhau bod y broses asesu a ddefnyddir ganddo yn rhoi effaith i ofynion y rheoliad hwn.

(2) Pan fo awdurdod lleol yn diwallu neu'n bwriadu diwallu anghenion A am ofal a chymorth, neu pan fo'n gwneud, neu'n bwriadu gwneud, taliadau uniongyrchol tuag at y gost o sicrhau'r ddarpariaeth o ofal a chymorth i ddiwallu anghenion A rywfodd ac eithrio drwy ddarpariaeth o lety mewn cartref gofal, rhaid iddo—

(a) cyfrifo cyfalaf A yn unol â darpariaethau Rhan 4;

(e) has been offered or is receiving care and support, advice or a service, or has been offered or provided with direct payments to secure the provision of care and support as part of a package of after-care services in accordance with section 117 of the Mental Health Act 1983 (after-care)(**1**);

(f) has been offered or is receiving reablement for the first 6 weeks of the specified period or, if the specified period is less than 6 weeks, for that period;

(g) has been assessed as needing, or is receiving, only advocacy services(**2**).

(2) Where paragraph (1)(c) applies, a local authority may, if it considers that it has sufficient information, make an assessment of A's financial resources on the basis of the partial information or partial document (or both) that is in its possession.

Power to carry out a financial assessment

8. A local authority may carry out a new assessment of A's financial resources in accordance with these Regulations if any of the circumstances specified in regulation 15 (revised determination) or regulation 30 (revised determination) of the Charging Regulations apply in A's case.

Financial assessment process

9.—(1) Where a local authority carries out a financial assessment in accordance with regulation 6 (duty to carry out a financial assessment) or regulation 8 (power to carry out a financial assessment), it must ensure that the process of assessment that it employs gives effect to the requirements of this regulation.

(2) Where a local authority is meeting or proposing to meet A's needs for care and support, or where it is making, or is proposing to make, direct payments towards the cost of securing the provision of care and support to meet A's needs otherwise than by the provision of accommodation in a care home, it must—

(a) calculate A's capital in accordance with the provisions of Part 4;

(**1**) 1983 p. 20.
(**2**) Diffinnir "gwasanaethau eirioli" yn adran 181(2) o'r Ddeddf fel "…[g]wasanaethau sy'n darparu cynhorthwy (ar ffurf cynrychiolaeth neu fel arall) i bersonau at ddibenion sy'n ymwneud â'u gofal a chymorth".

(**1**) 1983 c. 20.
(**2**) "Advocacy services" is defined in section 181(2) of the Act as "…services which provide assistance (by way of representation or otherwise) to persons for purposes relating to their care and support".

(b) diystyru gwerth unig neu brif gartref A yn y cyfrifiad hwnnw.

(3) Pan fo awdurdod lleol yn diwallu neu'n bwriadu diwallu anghenion A am ofal a chymorth, neu pan fo'n gwneud, neu'n bwriadu gwneud, taliadau uniongyrchol tuag at y gost o sicrhau gofal a chymorth i ddiwallu anghenion A drwy ddarparu llety mewn cartref gofal, rhaid iddo gyfrifo cyfalaf A yn unol â darpariaethau Rhan 4.

(4) Nid yw'r ddarpariaeth a wneir ym mharagraffau (2) a (3) yn effeithio ar ddisgresiwn awdurdod lleol i gymhwyso meini prawf mwy haelionus i A na'r ddarpariaeth a wneir gan y Rheoliadau hyn.

Dyletswydd awdurdod lleol i gynnal asesiad ariannol o breswyliwr byrdymor fel pe bai'r preswyliwr yn cael gofal a chymorth rywfodd ac eithrio fel darpariaeth o lety mewn cartref gofal

10. Pan fo A yn breswylydd byrdymor, rhaid i awdurdod lleol gynnal asesiad o adnoddau ariannol A fel pe bai A yn cael gofal a chymorth, neu'n cael taliadau uniongyrchol i sicrhau darpariaeth o ofal a chymorth rywfodd ac eithrio drwy ddarpariaeth o lety mewn cartref gofal.

Arbediad

11.—(1) Pan fo asesiad o adnoddau ariannol A sy'n cael effaith yn union cyn i'r Rheoliadau hyn ddod i rym, bydd y cyfryw asesiad yn parhau i gael effaith er nad oedd wedi ei wneud yn unol â'r Ddeddf a'r Rheoliadau hyn.

(2) Bydd asesiad y cyfeirir ato ym mharagraff (1) yn parhau i gael effaith hyd nes disodlir yr asesiad hwnnw gan asesiad o adnoddau ariannol A a gynhelir yn unol â'r Ddeddf a'r Rheoliadau hyn.

Talgrynnu ffracsiynau

12. Pan fo unrhyw asesiad o adnoddau ariannol A yn cynhyrchu ffracsiwn o geiniog, rhaid trin y ffracsiwn hwnnw fel pe bai'n geiniog os yw hynny'n fanteisiol i A; fel arall, rhaid ei anwybyddu.

(b) disregard the value of A's only or main home from that calculation.

(3) Where a local authority is meeting or proposing to meet A's needs for care and support, or where it is making, or is proposing to make, direct payments towards the cost of securing care and support to meet A's needs by the provision of accommodation in a care home, it must calculate A's capital in accordance with the provisions of Part 4.

(4) The provision made in paragraphs (2) and (3) does not affect the discretion of a local authority to apply criteria that are more generous to A than the provision made by these Regulations.

Duty of local authority to carry out a financial assessment of a short-term resident as if the resident is receiving care and support otherwise than the provision of accommodation in a care home

10. Where A is a short-term resident, a local authority must carry out an assessment of A's financial resources as if A is receiving care and support, or is receiving direct payments to secure the provision of care and support, other than by the provision of accommodation in a care home.

Saving

11.—(1) Where, immediately before the coming into force of these Regulations an assessment of A's financial resources has effect, such assessment will continue to have effect notwithstanding that it was not made in accordance with the Act and these Regulations.

(2) An assessment referred to in paragraph (1) will continue to have effect until replaced by an assessment of A's financial resources carried out in accordance with the Act and these Regulations.

Rounding of fractions

12. Where any assessment of A's financial resources results in a fraction of a penny, that fraction is, if it would be to A's advantage, to be treated as a penny, otherwise it is to be disregarded.

RHAN 3

Trin a chyfrifo incwm

Cyfrifo incwm

13.—(1) Rhaid cyfrifo incwm A ar sail wythnosol drwy benderfynu, yn unol â'r Rhan hon, swm wythnosol cyfanswm incwm A.

(2) At ddibenion paragraff (1) mae incwm yn cynnwys cyfalaf a drinnir fel incwm o dan reoliad 16 ac incwm tybiannol o dan reoliad 17.

Enillion sydd i'w diystyru

14.—(1) Wrth gyfrifo incwm A at ddibenion yr asesiad ariannol, rhaid diystyru enillion sy'n deillio o gyflogaeth fel enillydd cyflogedig neu enillydd hunangyflogedig.

(2) At ddibenion y rheoliad hwn—

(a) mae i enillion mewn perthynas ag enillydd cyflogedig yr un ystyr ag—

(i) yn rheoliad 35 o Reoliadau Budd-dal Tai 2006(**1**);

(ii) yn rheoliad 35 o Reoliadau Budd-dal Tai (Personau a gyrhaeddodd yr oedran cymwys ar gyfer credyd pensiwn y wladwriaeth) 2006 (enillion enillwyr cyflogedig)(**2**), pan fo'r enillydd wedi cyrraedd yr oedran cymhwyso ar gyfer credyd pensiwn y wladwriaeth; a

(b) mae i enillion mewn perthynas ag enillydd hunangyflogedig yr un ystyr ag yn rheoliad 37 o'r Rheoliadau Cymhorthdal Incwm (enillion enillwyr hunangyflogedig).

Symiau eraill sydd i'w diystyru

15. Wrth gyfrifo cyfanswm incwm A at ddibenion yr asesiad ariannol, rhaid diystyru unrhyw swm, pan fo'n briodol, a bennir yn Rhan 1 o Atodlen 1, yn unol â Rhan 2 o'r Atodlen honno.

Cyfalaf a drinnir fel incwm

16.—(1) Rhaid trin fel incwm unrhyw gyfalaf sy'n daladwy i A mewn rhandaliadau sydd heb eu casglu ar y dyddiad y daw A yn atebol gyntaf i dalu am y gofal a

(**1**) O.S. 2006/213. Diwygiwyd rheoliad 35 gan O.S. 2007/2618, 2009/2655, 2014/591 a 3255.

(**2**) O.S.2006/214. Diwygiwyd rheoliad 35 gan O.S. 2009/2655, 2012/757, 2014/591 a 3255.

PART 3

Treatment and calculation of income

Calculation of income

13.—(1) A's income is to be calculated on a weekly basis by determining, in accordance with this Part, the weekly amount of A's total income.

(2) For the purposes of paragraph (1) income includes capital treated as income under regulation 16 and notional income under regulation 17.

Earnings to be disregarded

14.—(1) Earnings derived from employment as an employed earner or a self-employed earner are to be disregarded in the calculation of A's income for the purposes of the financial assessment.

(2) For the purposes of this regulation—

(a) earnings in relation to an employed earner has the same meaning—

(i) as in regulation 35 of the Housing Benefit Regulations 2006(**1**);

(ii) where the earner has attained the qualifying age for state pension credit, as in regulation 35 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (earnings of employed earners)(**2**); and

(b) earnings in relation to a self-employed earner has the same meaning as in regulation 37 of the Income Support Regulations (earnings of self-employed earners).

Other sums to be disregarded

15. There is to be disregarded in the calculation of A's total income for the purposes of the financial assessment any sum, where applicable, specified in Part 1 of Schedule 1, in accordance with Part 2 of that Schedule.

Capital treated as income

16.—(1) Any capital payable to A by instalments which are outstanding on the date on which A first becomes liable to pay for (or where A is or will be receiving direct payments, contribute or make

(**1**) S.I. 2006/213. Regulation 35 was amended by S.I. 2007/2618, 2009/2655, 2014/591 and 3255.

(**2**) S.I. 2006/214. Regulation 35 was amended by S.I. 2009 / 2655, 2012/757, 2014/591 and 3255.

chymorth (neu pan fo, neu pan fydd, A yn cael taliadau uniongyrchol, yn atebol gyntaf i gyfrannu neu wneud ad-daliadau tuag at y gost o sicrhau darpariaeth o'r gofal a chymorth), os yw agregiad y rhandaliadau sydd heb eu casglu a swm cyfalaf A fel y'i cyfrifir yn unol â Rhan 4 yn fwy na'r swm a bennir yn rheoliad 41(1) o'r Rheoliadau Cymhorthdal Incwm (cyfalaf a drinnir fel incwm).

(2) Rhaid trin unrhyw daliad a geir o dan flwydd-dal fel incwm.

(3) Rhaid trin unrhyw enillion, i'r graddau nad ydynt yn daliad o incwm, fel incwm.

(4) Yn ddarostyngedig i baragraff (5), rhaid trin A fel pe bai'n meddu unrhyw gyfalaf a delir neu sy'n ddyladwy i awdurdod lleol gan drydydd parti yn unol â chytundeb rhwng yr awdurdod lleol a'r trydydd parti, a wnaed mewn cysylltiad ag atebolrwydd A i dalu, cyfrannu neu wneud ad-daliadau i'r awdurdod lleol tuag at gost llety a ddarperir neu a sicrheir ar gyfer A o dan y Ddeddf.

(5) Rhaid peidio â thrin A fel pe bai'n meddu unrhyw daliad gwirfoddol o gyfalaf a wneir gan drydydd parti i awdurdod lleol at y diben o dalu unrhyw ôl-ddyledion o'r taliadau, cyfraniadau neu ad-daliadau y gofynnodd yr awdurdod lleol amdanynt gan A am lety a ddarparwyd neu a sicrhawyd o dan y Ddeddf.

(6) Pan fo cytundeb neu orchymyn llys yn darparu bod taliadau i'w gwneud i A o ganlyniad i unrhyw anaf personol a achoswyd i A, a bod y cyfryw daliadau i'w gwneud yn gyfan gwbl neu'n rhannol ar ffurf taliadau cyfnodol, rhaid i unrhyw daliadau cyfnodol o'r fath a gaiff A, i'r graddau nad ydynt yn daliad o incwm, gael eu trin fel incwm.

Incwm tybiannol

17.—(1) Rhaid trin A fel pe bai'n meddu unrhyw incwm y mae A wedi amddifadu ei hunan ohono at y diben o leihau'r swm y mae A yn atebol i'w dalu, neu y gallai fod yn atebol i'w dalu tuag at y gost o ddiwallu, neu sicrhau darpariaeth o ofal a chymorth ar gyfer diwallu, anghenion A.

(2) Rhaid trin A fel pe bai'n meddu unrhyw incwm y byddid yn ei drin fel incwm a feddid gan hawlydd cymhorthdal incwm o dan reoliad 42(2) i (4A) o'r Rheoliadau Cymhorthdal Incwm (incwm tybiannol).

(3) Yn ddarostyngedig i baragraff (4), rhaid trin A fel pe bai'n meddu unrhyw incwm a delir neu sy'n ddyladwy i awdurdod lleol gan drydydd parti yn unol â chytundeb rhwng yr awdurdod lleol a'r trydydd parti, a wnaed mewn cysylltiad ag atebolrwydd A i dalu, cyfrannu neu wneud ad-daliadau i'r awdurdod lleol tuag at gost llety a ddarperir neu a sicrheir ar gyfer A o dan y Ddeddf.

reimbursements towards the cost of securing the provision of) the care and support, is to be treated as income if the aggregate of the instalments outstanding and the amount of A's capital calculated in accordance with Part 4 exceeds the amount specified in regulation 41(1) of the Income Support Regulations (capital treated as income).

(2) Any payment received under an annuity is to be treated as income.

(3) Any earnings to the extent that they are not a payment of income are to be treated as income.

(4) Subject to paragraph (5), A is to be treated as possessing any capital paid or due to be paid to a local authority by a third party pursuant to an agreement between the local authority and the third party made in connection with A's liability to pay, contribute or make reimbursements to the local authority towards the cost of accommodation provided or secured for A under the Act.

(5) A is not to be treated as possessing any voluntary payment of capital made by a third party to a local authority for the purpose of discharging any arrears of the payments, contributions or reimbursements required by the local authority from A for accommodation provided or secured under the Act.

(6) Where an agreement or court order provides that payments are to be made to A in consequence of any personal injury to A and that such payments are to be made wholly or partly by way of periodical payments, any such periodical payments received by A, to the extent that they are not a payment of income, are to be treated as income.

Notional income

17.—(1) A is to be treated as possessing income which A has deprived himself or herself for the purpose of decreasing the amount A is or may be liable to pay towards the cost of meeting or securing the provision of care and support to meet A's needs.

(2) A is to be treated as possessing any income which would be treated as income possessed by a claimant of income support under regulation 42(2) to (4A) of the Income Support Regulations (notional income).

(3) Subject to paragraph (4), A is to be treated as possessing any income paid or due to be paid to a local authority by a third party pursuant to an agreement between the local authority and the third party made in connection with A's liability to pay, contribute, or make reimbursements to the local authority towards the cost of accommodation provided or secured for A under the Act.

(4) Rhaid peidio â thrin A fel pe bai'n meddu unrhyw daliad gwirfoddol o incwm a wneir gan drydydd parti i awdurdod lleol at y diben o dalu unrhyw ôl-ddyledion o'r taliadau, cyfraniadau neu ad-daliadau y gofynnodd yr awdurdod lleol amdanynt gan A am lety a ddarparwyd neu a sicrhawyd yn unol â'r Ddeddf.

(4) A is not to be treated as possessing any voluntary payment of income made by a third party to a local authority for the purpose of discharging any arrears of the payments, contributions or reimbursements required by the authority from A for accommodation provided or secured in accordance with the Act.

RHAN 4

Trin a chyfrifo cyfalaf

PART 4

Treatment and calculation of capital

Cyfrifo cyfalaf

18.—(1) Cyfalaf A sydd i'w gymryd i ystyriaeth mewn asesiad ariannol, yn ddarostyngedig i baragraff (2), yw'r cyfan o gyfalaf A fel y'i cyfrifir yn unol â'r Rhan hon ac unrhyw incwm a drinnir fel cyfalaf o dan reoliad 19.

(2) Wrth gyfrifo cyfalaf person o dan baragraff (1), rhaid diystyru unrhyw gyfalaf, pan fo'n gymwys, a bennir yn Atodlen 2.

Calculation of capital

18.—(1) The capital of A to be taken into account in a financial assessment is, subject to paragraph (2), to be the whole of A's capital calculated in accordance with this Part and any income treated as capital under regulation 19.

(2) Any capital, where applicable, specified in Schedule 2 is to be disregarded in the calculation of the person's capital under paragraph (1).

Incwm a drinnir fel cyfalaf

19.—(1) Rhaid trin fel cyfalaf unrhyw swm ar ffurf ad-daliad o dreth incwm a ddidynnwyd o elw neu enillion trethadwy i dreth incwm o dan Atodlen D neu E i Ddeddf Trethi Incwm a Chorfforaeth 1998(**1**).

(2) Rhaid trin fel cyfalaf unrhyw dâl gwyliau nad yw'n enillion.

(3) Ac eithrio incwm sy'n deillio o gyfalaf a ddiystyrir o dan baragraffau 1, 4, 8, 14, 22 a 24 o Atodlen 2, rhaid trin fel cyfalaf unrhyw incwm A sy'n deillio o gyfalaf, ond hynny yn unig ar y dyddiad pan fo taliad arferol ohono yn ddyledus i A.

(4) Pan fo A yn enillydd cyflogedig, rhaid trin fel cyfalaf unrhyw flaendal o enillion neu unrhyw fenthyciad a roddir gan gyflogwr A.

(5) Rhaid trin fel cyfalaf unrhyw daliad elusennol neu wirfoddol nad yw'n cael ei dalu neu'n daladwy ar adegau rheolaidd, ac eithrio taliad a wneir o dan y Gronfa, Ymddiriedolaeth Eileen, Ymddiriedolaeth Macfarlane, Ymddiriedolaeth Macfarlane (Taliadau Arbennig), Ymddiriedolaeth Macfarlane (Taliadau Arbennig) (Rhif 2), y Gronfa Byw'n Annibynnol neu Gynllun Byw'n Annibynnol Cymru(**2**).

Income treated as capital

19.—(1) Any amount by way of refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E to the Income and Corporation Taxes Act 1998(**1**) is to be treated as capital.

(2) Any holiday pay which is not earnings is to be treated as capital.

(3) Except income derived from capital disregarded under paragraphs 1, 4, 8, 14, 22 and 24 of Schedule 2, any income of A which is derived from capital is to be treated as capital but only on the date on which it is normally due to be paid to A.

(4) Where A is an employed earner, any advance of earnings or any loan made by A's employer is to be treated as capital.

(5) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than one made under the Fund, the Eileen Trust, the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust the Independent Living Fund, or the Welsh Independent Living Scheme(**2**), is to be treated as capital.

(**1**) 1998 p. 1.
(**2**) Bydd cyn-dderbynwyr taliadau o'r Gronfa Byw'n Annibynnol (sydd wedi cau bellach) yn cael taliadau o Gynllun Byw'n Annibynnol Cymru a hynny'n effeithiol o fis Gorffennaf 2015.

(**1**) 1998 c. 1.
(**2**) The former recipients of payments from the Independent Living Fund (which has now closed) will receive payments from the Welsh Independent Living Scheme with effect from July 2015.

(6) Rhaid trin fel cyfalaf A unrhyw daliad gwirfoddol o incwm a wneir i A gan drydydd parti at y diben o gynorthwyo A i dalu unrhyw ôl-ddyledion o'r taliadau, cyfraniadau neu ad-daliadau y gofynnodd yr awdurdod lleol amdanynt gan y person am lety a ddarparwyd neu a sicrhawyd yn unol â'r Ddeddf.

(7) Yn y rheoliad hwn, mae i "y Gronfa", "Ymddiriedolaeth Eileen", "Ymddiriedolaeth Macfarlane", "Ymddiriedolaeth Macfarlane (Taliadau Arbennig)", "Ymddiriedolaeth Macfarlane (Taliadau Arbennig) (Rhif 2)" ac "y Gronfa Byw'n Annibynnol" yr ystyron, yn eu trefn, a roddir i "the Fund", "the Eileen Trust", "the Macfarlane Trust", "the Macfarlane (Special Payments) Trust", "the Macfarlane (Special Payments) (No. 2) Trust" a "the Independent Living Fund" yn y Rheoliadau Cymhorthdal Incwm.

(6) Any voluntary payment of income made by a third party to A for the purpose of helping A to discharge any arrears of the payments, contributions, or reimbursements required by the local authority from the person for accommodation provided or secured in accordance with the Act is to be treated as the capital of A.

(7) In this regulation, "the Fund", "the Eileen Trust", "the Macfarlane Trust", "the Macfarlane (Special Payments) Trust", "the Macfarlane (Special Payments) (No. 2) Trust" and "the Independent Living Fund" have the same meaning as in the Income Support Regulations.

Cyfrifo cyfalaf yn y Deyrnas Unedig

20. Rhaid cyfrifo'r cyfalaf a feddir gan A yn y Deyrnas Unedig yn ôl naill ai ei werth cyfredol ar y farchnad neu ei werth ildio (pa un bynnag yw'r uchaf), llai—

(a) os byddai treuliau a briodolid i'r gwerthiant, 10%; a

(b) swm unrhyw lyffethair a sicrhawyd ar y cyfalaf.

Calculation of capital in the United Kingdom

20. Capital which A possesses in the United Kingdom is to be calculated at its current market or surrender value (whichever is the higher), less—

(a) where there would be expenses attributable to sale, 10%; and

(b) the amount of any encumbrance secured on it.

Cyfrifo cyfalaf y tu allan i'r Deyrnas Unedig

21. Rhaid cyfrifo'r cyfalaf a feddir gan A y tu allan i'r Deyrnas Unedig yn unol â'r dull a nodir yn rheoliad 50 o'r Rheoliadau Cymhorthdal Incwm (cyfrifo cyfalaf y tu allan i'r Deyrnas Unedig).

Calculation of capital outside the United Kingdom

21. Capital which A possesses outside the United Kingdom is to be calculated in accordance with the method set out in regulation 50 of the Income Support Regulations (calculation of capital outside the United Kingdom).

Cyfalaf tybiannol

22.—(1) Rhaid trin A fel pe bai'n meddu unrhyw gyfalaf y mae A wedi amddifadu ei hunan ohono at y diben o leihau'r swm y mae A yn atebol i'w dalu, ei ad-dalu neu ei gyfrannu tuag at gost gofal a chymorth i ddiwallu ei anghenion, ac eithrio—

(a) pan fo'r cyfalaf hwnnw'n deillio o daliad a wnaed o ganlyniad i unrhyw anaf personol a'r cyfalaf wedi ei osod ar ymddiried er budd A;

(b) i'r graddau y mae'r cyfalaf a drinnir fel pe bai A yn ei feddu wedi ei leihau yn unol â rheoliad 23 (y rheol cyfalaf tybiannol lleihaol); neu

(c) unrhyw swm y cyfeirir ato ym mharagraff 44(1) neu 45(a) o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (diystyru digolledu am anafiadau personol neu farwolaeth, a weinyddir gan y Llys).

Notional capital

22.—(1) A is to be treated as possessing capital of which A has deprived themselves for the purpose of decreasing the amount that they may be liable to pay, reimburse or contribute towards the cost of the care and support to meet their needs, except—

(a) where that capital is derived from a payment made in consequence of any personal injury and is placed on trust for the benefit of A;

(b) to the extent that the capital which A is treated as possessing is reduced in accordance with regulation 23 (diminishing notional capital rule); or

(c) any sum to which paragraph 44(1) or 45(a) of Schedule 10 to the Income Support Regulations (disregard of compensation for personal injuries or death, administered by the Court) refers.

(2) Yn ddarostyngedig i baragraff (3), caniateir trin A fel pe bai'n meddu unrhyw daliad o gyfalaf y byddid yn ei drin fel cyfalaf a feddir gan hawlydd cymhorthdal incwm o dan reoliad 51(2) neu (3) o'r Rheoliadau Cymhorthdal Incwm (cyfalaf tybiannol).

(3) At ddibenion paragraff (2), mae rheoliad 51(2)(c) o'r Rheoliadau Cymhorthdal Incwm yn gymwys fel pe rhoddid cyfeiriad at Atodlen 2 (cyfrifo cyfalaf) yn lle'r cyfeiriad at Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm.

(4) Pan drinnir A fel pe bai'n meddu cyfalaf o dan baragraff (1) neu (2), mae darpariaethau'r Rhan hon yn gymwys at ddibenion cyfrifo swm y cyfalaf fel pe bai'n gyfalaf gwirioneddol a feddir gan A.

Y rheol cyfalaf tybiannol lleihaol

23.—(1) Pan drinnir A fel pe bai'n meddu cyfalaf o dan reoliad 22 ("cyfalaf tybiannol"), yna, am bob wythnos neu ran o wythnos y dyfarnodd yr awdurdod lleol fod A yn atebol i dalu, cyfrannu neu wneud ad-daliadau tuag at gost ei ofal a chymorth ar gyfradd uwch na'r gyfradd y byddid wedi asesu A yn atebol i dalu, cyfrannu neu wneud ad-daliadau pe na bai gan A gyfalaf tybiannol, rhaid lleihau swm cyfalaf tybiannol A gan ddefnyddio'r dull a nodir ym mharagraff (2).

(2) Rhaid i'r awdurdod lleol leihau swm cyfalaf tybiannol A o'r gwahaniaeth rhwng—

(a) y gyfradd uchaf y cyfeirir ati ym mharagraff (1); a

(b) y gyfradd y byddai A, yn unol â hi, wedi ei asesu'n atebol i dalu, cyfrannu neu wneud ad-daliadau tuag at gost y cyfryw ofal a chymorth am yr wythnos honno neu'r rhan honno o wythnos, pe bai A wedi ei asesu yn rhywun sy'n meddu dim cyfalaf tybiannol.

Cyfalaf a ddelir ar y cyd

24.—(1) Pan fo gan A ac un neu ragor o bersonau eraill hawl lesiannol mewn meddiant i unrhyw ased cyfalaf ac eithrio buddiant mewn tir—

(a) onid yw paragraff (2) yn gymwys, rhaid trin pob person fel pe bai gan bob un ohonynt hawl mewn meddiant i gyfran gyfartal o'r buddiant llesiannol cyfan; a

(b) rhaid trin yr ased hwnnw fel pe bai'n gyfalaf gwirioneddol.

(2) Mae'r paragraff hwn yn gymwys pan fo'r awdurdod lleol wedi ei fodloni bod gan A hawl lesiannol mewn meddiant i gyfran sy'n llai neu, yn ôl y digwydd, yn fwy, na chyfran gyfartal o'r ystad lesiannol gyfan.

(2) Subject to paragraph (3), A may be treated as possessing any payment of capital which would be treated as capital possessed by a claimant of income support under regulation 51(2) or (3) of the Income Support Regulations (notional capital).

(3) For the purposes of paragraph (2), regulation 51(2)(c) of the Income Support Regulations applies as if for the reference to Schedule 10 to the Income Support Regulations there were substituted a reference to Schedule 2 (calculation of capital).

(4) Where A is treated as possessing capital under paragraph (1) or (2), the provisions of this Part apply for the purposes of calculating its amount as if it were actual capital A does possess.

Diminishing notional capital rule

23.—(1) Where A is treated as possessing capital under regulation 22 ("notional capital"), for each week or part of a week that the local authority has determined that A is liable to pay, contribute or make reimbursements towards the cost of their care and support, at a higher rate than that at which A would have been assessed as liable to pay, contribute, or make reimbursements if A had had no notional capital, the amount of A's notional capital is to be reduced by the method set out in paragraph (2).

(2) The local authority must reduce the amount of A's notional capital by the difference between—

(a) the higher rate referred to in paragraph (1); and

(b) the rate at which A would have been assessed as liable to pay, contribute, or make reimbursements towards the cost of that care and support for that week or part of a week if A had been assessed as possessing no notional capital.

Capital jointly held

24.—(1) Where A and one or more other persons are beneficially entitled in possession to any capital asset except an interest in land—

(a) unless paragraph (2) applies, each person is to be treated as if each of them were entitled in possession to an equal share of the whole beneficial interest; and

(b) that asset is to be treated as if it were actual capital.

(2) This paragraph applies where the local authority is satisfied that A is beneficially entitled in possession to a share which is less than or, as the case may be, more than an equal share of the whole beneficial estate.

(3) Pan fo paragraff (2) yn gymwys, cyfran A o'r buddiant llesiannol cyfan fydd y gyfran wirioneddol (fel y'i penderfynir gan yr awdurdod lleol) a rhaid ei thrin fel pe bai'n gyfalaf gwirioneddol.

(3) Where paragraph (2) applies A's share of the whole beneficial interest will be the actual share (as determined by the local authority) and is to be treated as if it were actual capital.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
27 Hydref 2015

Minister for Health and Social Services, one of the Welsh Ministers
27 October 2015

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6. Unrhyw daliad a ddiystyrid o dan baragraff 3 neu 4A o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (treuliau enillwyr cyflogedig a thâl salwch statudol yng Ngogledd Iwerddon).

7. Yr elfen symudedd mewn unrhyw lwfans byw i'r anabl neu'r elfen symudedd mewn taliad annibyniaeth bersonol.

8. Unrhyw daliad annibyniaeth y lluoedd arfog.

9. Unrhyw daliad a ddiystyrid o dan baragraff 8 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (atodiad symudedd).

10. Os yw A yn breswylydd dros dro—

(a) unrhyw lwfans gweini;

(b) yr elfen gofal mewn unrhyw lwfans byw i'r anabl; neu

(c) yr elfen byw dyddiol mewn unrhyw daliad annibyniaeth bersonol.

11. Unrhyw daliad consesiynol a wnaed i ddigolledu am fethiant i dalu—

(a) unrhyw daliad a bennir ym mharagraff 7 neu 10; neu

(b) unrhyw gymhorthdal incwm.

12. Unrhyw swm a ddiystyrid o dan baragraff 10 neu 11 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (taliadau i dderbynwyr medalau a dyfarniadau addysgol).

13. Unrhyw swm a ddiystyrid o dan baragraff 13 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (cyfranogwyr mewn cynlluniau hyfforddi).

14.—(1) Ac eithrio pan fo is-baragraff (2) yn gymwys, ac yn ddarostyngedig i baragraffau 45 a 46, unrhyw daliad perthnasol a wneir neu sy'n daladwy ar adegau rheolaidd ac eithrio unrhyw daliad sydd i'w ddiystyru o dan baragraff 30.

(2) Yn ddarostyngedig i baragraff 46, unrhyw daliad perthnasol a wneir neu sy'n daladwy ar adegau rheolaidd a fwriedir ac a ddefnyddir ar gyfer unrhyw eitem nas cymerwyd i ystyriaeth wrth asesu cost resymol diwallu neu sicrhau angen A am ofal a chymorth.

(3) Yn y paragraff hwn, ystyr "taliad perthnasol" ("*relevant payment*") yw—

(a) taliad elusennol;

(b) taliad gwirfoddol;

(c) taliad (nad yw'n dod o fewn paragraff (a) neu (b)) oddi wrth ymddiriedolaeth y mae ei chronfeydd yn deillio o daliad a wnaed o ganlyniad i unrhyw anaf personol i A;

6. Any payment which would be disregarded under paragraph 3 or 4A of Schedule 9 to the Income Support Regulations (employed earner expenses and statutory sick pay in Northern Ireland).

7. The mobility component of any disability living allowance or the mobility component of personal independence payment.

8. Any armed forces independence payment.

9. Any payment which would be disregarded under paragraph 8 of Schedule 9 to the Income Support Regulations (mobility supplement).

10. If A is a temporary resident—

(a) any attendance allowance;

(b) the care component of any disability living allowance; or

(c) the daily living component of any personal independence payment.

11. Any concessionary payment made to compensate for the non-payment of—

(a) any payment specified in paragraph 7 or 10; or

(b) any income support.

12. Any amount which would be disregarded under paragraph 10 or 11 of Schedule 9 to the Income Support Regulations (payments to medal recipients and educational awards).

13. Any amount which would be disregarded under paragraph 13 of Schedule 9 to the Income Support Regulations (participants in training schemes).

14.—(1) Except where sub-paragraph (2) applies, and subject to paragraphs 45 and 46, any relevant payment made or due to be made at regular intervals other than any payment which is to be disregarded under paragraph 30.

(2) Subject to paragraph 46, any relevant payment made or due to be made at regular intervals which is intended and used for any item which was not taken into account when assessing the reasonable cost of meeting or securing A's need for care and support.

(3) In this paragraph, "relevant payment" ("*taliad perthnasol*") means—

(a) a charitable payment;

(b) a voluntary payment;

(c) a payment (not falling within paragraph (a) or (b)) from a trust whose funds are derived from a payment made in consequence of any personal injury to A;

(d) taliad o dan flwydd-dal a brynwyd—

(i) yn unol ag unrhyw gytundeb neu orchymyn llys i wneud taliadau i A; neu

(ii) o gronfeydd sy'n deillio o daliad a wnaed,

o ganlyniad i unrhyw anaf personol i A;

(e) taliad (nad yw'n dod o fewn paragraffau (a) i (d)) a gafwyd yn rhinwedd unrhyw gytundeb neu orchymyn llys i wneud taliadau i A o ganlyniad i unrhyw anaf personol i A.

15.—(1) Yn ddarostyngedig i is-baragraffau (2) a (3)—

(a) pan nad yw A yn preswylio gyda'i briod neu ei bartner sifil; a

(b) o leiaf 50% o unrhyw bensiwn galwedigaethol A, neu o unrhyw incwm o gynllun pensiwn personol A, yn cael ei dalu i'w briod neu mewn cysylltiad â'i briod ar gyfer cynnal y priod hwnnw, neu i'w bartner sifil ar gyfer cynnal y partner sifil hwnnw,

swm sy'n hafal i 50% o'r pensiwn, pensiynau neu incwm sydd dan sylw.

(2) Pan fo gan A hawl i bensiynau neu incwm y cyfeirir atynt yn is-baragraff (1) o fwy nag un ffynhonnell, rhaid agregu'r holl bensiynau ac incwm y mae hawl gan A i'w cael at ddibenion yr is-baragraff hwnnw.

(3) Nid yw'r paragraff hwn yn cael effaith mewn cysylltiad â'r rhan o unrhyw bensiwn neu incwm y cyfeirir ati yn is-baragraff (1) y mae hawl gyfreithiol gan briod neu bartner sifil A i'w chael, pa un a yw hynny o dan orchymyn llys ai peidio.

16. Unrhyw swm a ddiystyrid o dan baragraff 16 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (pensiynau penodedig) ac eithrio paragraff 16(cc), ond fel pe bai'r cyfeiriad ym mharagraff 16 o'r Atodlen honno at baragraffau 36 a 37 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm yn gyfeiriad at baragraff 46 o'r Atodlen hon ac fel pe bai, mewn perthynas â pharagraff 16(a) o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm, y cyfeiriad yng ngeiriau agoriadol paragraff 16 o'r Atodlen honno at £10 yn gyfeiriad at £25 ac fel bai'r cyfeiriad ym mharagraff 16(a) at baragraff 8 neu 9 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm yn gyfeiriad at baragraff 9 neu 10 o'r Atodlen hon.

17. Unrhyw daliad incwm gwarantedig y cyfeirir ato yn erthygl 15(1)(c) o Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011.

(d) a payment under an annuity purchased—

(i) pursuant to any agreement or court order to make payments to A; or

(ii) from funds derived from a payment made,

in consequence of any personal injury to A;

(e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to A in consequence of any personal injury to A.

15.—(1) Subject to sub-paragraphs (2) and (3), where A—

(a) is not residing with their spouse or civil partner; and

(b) at least 50% of any occupational pension of A's, or of any income from a personal pension scheme of A's, is being paid to, or in respect of, their spouse for that spouse's maintenance or their civil partner for that civil partner's maintenance,

an amount equal to 50% of the pension, pensions or income concerned.

(2) Where A is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all pensions and income to which A is entitled are to be aggregated for the purposes of that sub-paragraph.

(3) This paragraph does not have effect in respect of that part of any pension or income referred to in sub-paragraph (1) to which A's spouse or civil partner is legally entitled, whether or not under a court order.

16. Any amount which would be disregarded under paragraph 16 of Schedule 9 to the Income Support Regulations (specified pensions) save for paragraph 16(cc), but as if the reference in paragraph 16 of that Schedule to paragraphs 36 and 37 of Schedule 9 to the Income Support Regulations were a reference to paragraph 46 of this Schedule and as if, in relation to paragraph 16(a) of Schedule 9 to the Income Support Regulations, the reference in the opening words of paragraph 16 of that Schedule to £10 were a reference to £25 and as if the reference in paragraph 16(a) to paragraph 8 or 9 of Schedule 9 to the Income Support Regulations were a reference to paragraph 9 or 10 of this Schedule.

17. Any guaranteed income payment referred to in article 15(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.

18. Yn ddarostyngedig i baragraff 46, £10 o unrhyw daliad incwm gwarantedig goroeswr y cyfeirir ato yn erthygl 29(1)(a) o Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Digolledu) 2011 ac, os yw swm y taliad hwnnw wedi ei ostwng i lai na £10 gan bensiwn sy'n dod o fewn erthygl 39(1)(a) o'r Gorchymyn hwnnw, cymaint o'r pensiwn hwnnw na fyddai, wedi ei agregu â swm unrhyw daliad incwm gwarantedig goroeswr a ddiystyrir, yn fwy na £10.

19. Unrhyw daliad a ddiystyrid o dan baragraffau 17 i 20 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (blwydd-daliadau, taliadau gan drydydd partïon tuag at gostau byw, taliadau contractiol mewn cysylltiad â meddiannu annedd a thaliadau gan letywyr).

20. Unrhyw incwm mewn nwyddau neu wasanaethau.

21.—(1) Unrhyw incwm sy'n deillio o gyfalaf y mae gan A hawl lesiannol iddo, neu y trinnir A o dan reoliad 24 fel pe bai gan A hawl lesiannol iddo ond, yn ddarostyngedig i is-baragraff (2), nid incwm sy'n deillio o gyfalaf a ddiystyrir o dan baragraff 1, 4, 8, 14 neu 22 o Atodlen 2.

(2) Unrhyw incwm sy'n deillio o gyfalaf a ddiystyrir o dan baragraff 4, 22 neu 24 o Atodlen 2, ond yn unig i'r graddau o unrhyw ad-daliadau morgais a thaliadau treth gyngor neu daliadau dŵr y mae A yn atebol i'w gwneud mewn cysylltiad â'r annedd neu'r fangre yn ystod y cyfnod pan fo'r incwm hwnnw yn cronni.

22. Unrhyw incwm a ddiystyrid o dan baragraff 23 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (incwm y tu allan i'r Deyrnas Unedig).

23. Unrhyw swm a ddiystyrid o dan baragraff 24 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (ffi neu gomisiwn am drosi incwm i sterling).

24.—(1) Unrhyw daliad a wneir i A mewn cysylltiad â phlentyn neu berson ifanc sy'n aelod o deulu A—

(a) yn unol â rheoliadau a wnaed o dan adran 2(6)(b) neu 3 o Ddeddf Mabwysiadu a Phlant 2002;

(b) yn unol â chynllun lwfans mabwysiadu a wnaed o dan adran 71 o Ddeddf Mabwysiadu a Phlant (Yr Alban) 2007 (cynlluniau lwfansau mabwysiadu)(**1**);

(c) sydd yn daliad a wneir gan awdurdod lleol yn unol ag adran 15(1) o Ddeddf Plant 1989 a pharagraff 15 o Atodlen 1 i'r Ddeddf honno (cyfraniad awdurdod lleol i gynhaliaeth

(**1**) 2007 dsa 4.

18. Subject to paragraph 46, £10 of any survivor's guaranteed income payment referred to in article 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 and, if the amount of that payment has been abated to less than £10 by a pension falling within article 39(1)(a) of that Order, so much of that pension as would not, in aggregate with the amount of any survivor's guaranteed income payment disregarded, exceed £10.

19. Any payment which would be disregarded under paragraphs 17 to 20 of Schedule 9 to the Income Support Regulations (annuities, payments by third parties towards living costs, contractual payments in respect of occupation of a dwelling and payments by lodgers).

20. Any income in kind.

21.—(1) Any income derived from capital to which A is or is treated under regulation 24 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraph 1, 4, 8, 14 or 22 of Schedule 2.

(2) Any income derived from capital disregarded under paragraph 4, 22 or 24 of Schedule 2 but only to the extent of any mortgage repayments and payments of council tax or water charges which A is liable to make in respect of the dwelling or premises in the period during which that income accrued.

22. Any income which would be disregarded under paragraph 23 of Schedule 9 to the Income Support Regulations (income outside the United Kingdom).

23. Any amount which would be disregarded under paragraph 24 of Schedule 9 to the Income Support Regulations (charge or commission for converting income into sterling).

24.—(1) Any payment made to A in respect of a child or young person who is a member of A's family—

(a) pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002;

(b) in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes)(**1**);

(c) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children

(**1**) 2007 asp 4.

plentyn pan fo plentyn yn byw gyda pherson o ganlyniad i orchymyn trefniadau plentyn)(**1**).

(2) Unrhyw daliad, ac eithrio taliad y mae is-baragraff (1)(a) yn gymwys iddo, a wneir i A yn unol â rheoliadau a wnaed o dan adran 2(6)(b) o Ddeddf Mabwysiadu a Phlant 2002.

25. Unrhyw daliad a ddiystyrid o dan baragraff 26 neu 28 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (darparu llety a chynhaliaeth ar gyfer plant mewn gofal, a dyletswydd awdurdodau lleol i hyrwyddo lles plant a phwerau i roi cynhorthwy ariannol i bersonau sydd neu a fu yn eu gofal).

26. Unrhyw daliad a gafwyd o dan bolisi yswiriant a godwyd i yswirio rhag y risg o fod yn analluog i barhau ad-daliadau ar fenthyciad i gaffael neu gadw buddiant mewn annedd a feddiennir gan A fel ei brif neu unig gartref, neu ar gyfer atgyweiriadau a gwelliannau i'r cartref hwnnw, ac a ddefnyddir ar gyfer ad-daliadau o'r fath, i'r graddau nad yw'n fwy nag agregiad y canlynol—

(a) swm taladwy, a gyfrifir ar sail wythnosol, unrhyw log ar y benthyciad;

(b) swm unrhyw daliad, a gyfrifir ar sail wythnosol, sy'n daladwy ar y benthyciad ac a briodolir i ad-dalu'r cyfalaf; ac

(c) swm, a gyfrifir ar sail wythnosol, y premiwm sy'n daladwy ar y polisi hwnnw.

27. Unrhyw daliad a ddiystyrid o dan baragraff 31 neu 31A o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (taliadau cronfa gymdeithasol a darpariaeth lles lleol).

28. Rhaid trin fel cyfalaf unrhyw daliad o incwm o dan reoliad 19 (incwm a drinnir fel cyfalaf).

29. Unrhyw daliad a ddiystyrid o dan baragraff 33 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (bonws Nadolig pensiynwr).

30. Unrhyw daliad a ddiystyrid o dan baragraff 39 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (y Gronfa, yr Ymddiriedolaethau Macfarlane ac ymddiriedolaethau a Chronfeydd eraill a'r Gronfa Byw'n Annibynnol).

(**1**) 1989 p. 41 ("Deddf 1989"). Diwygiwyd adran 15(1) o Ddeddf 1989 gan baragraff 10(1) o Atodlen 16 i Ddeddf y Llysoedd a Gwasanaethau Cyfreithiol 1990 (p. 41). Diwygiwyd paragraff 15 o Atodlen 1 i Ddeddf 1989 gan adran 78(3) o Ddeddf Partneriaeth Sifil 2004 (p. 33) a pharagraff 40(4) o Atodlen 2 i Ddeddf Plant a Theuluoedd 2014 (p. 6).

Act 1989 (local authority contribution to a child's maintenance where a child is living with a person as a result of a child arrangements order)(**1**).

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to A pursuant to regulations made under section 2(6)(b) of the Adoption and Children Act 2002.

25. Any payment which would be disregarded under paragraph 26 or 28 of Schedule 9 to the Income Support Regulations (provision of accommodation and maintenance for children in care, and local authorities' duty to promote the welfare of children and powers to grant financial assistance to persons in or formerly in their care).

26. Any payment received under an insurance policy, taken out to insure against the risk of being unable to maintain repayments on a loan to acquire or retain an interest in a dwelling occupied by A as their main or only home, or for repairs and improvements to that home, and used to meet such repayments, to the extent that it does not exceed the aggregate of—

(a) the amount payable, calculated on a weekly basis, of any interest on the loan;

(b) the amount of any payment, calculated on a weekly basis, due on the loan attributable to the repayment of capital; and

(c) the amount, calculated on a weekly basis, of the premium due on that policy.

27. Any payment which would be disregarded under paragraph 31 or 31A of Schedule 9 to the Income Support Regulations (social fund payments and local welfare provision).

28. Any payment of income which under regulation 19 (income treated as capital) is to be treated as capital.

29. Any payment which would be disregarded under paragraph 33 of Schedule 9 to the Income Support Regulations (pensioner's Christmas bonus).

30. Any payment which would be disregarded under paragraph 39 of Schedule 9 to the Income Support Regulations (the Fund, the Macfarlane Trusts and other trusts and Funds and the Independent Living Fund).

(**1**) 1989 c. 41 ("the 1989 Act"). Section 15(1) of the 1989 Act was amended by paragraph 10(1) of Schedule 16 to the Courts and Legal Services Act 1990 (c. 41). Paragraph 15 of Schedule 1 to the 1989 Act was amended by section 78(3) of the Civil Partnership Act 2004 (c. 33) and paragraph 40(4) of Schedule 2 to the Children and Families Act 2014 (c. 6).

31. Unrhyw daliad a wneir o dan neu gan Gynllun Byw'n Annibynnol Cymru.

32. Unrhyw swm a ddiystyrid o dan baragraffau 40, 43 a 48 i 51 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (digolledíad budd-dal tai, taliadau rheithwyr a thystion, treuliau teithio a chyflenwadau gwasanaeth iechyd, taliadau bwyd lles, taliadau cynllun ymweliadau carchar a thaliadau cyflogaeth personau anabl).

33.—(1) Unrhyw fudd-dal plant, ac eithrio mewn amgylchiadau pan fo'r plentyn neu'r person ifanc cymwys y mae'r budd-dal plant yn daladwy mewn cysylltiad ag ef gydag A, a llety wedi ei ddarparu neu ei sicrhau ar gyfer y plentyn neu'r person ifanc cymwys hwnnw yn unol â'r Ddeddf.

(2) Yn y paragraff hwn, mae i "plentyn" a "person ifanc cymwys", yn eu trefn, yr ystyron a roddir i "child" a "qualifying young person" yn adran 142 o Ddeddf 1992.

34. Unrhyw daliad a ddiystyrid o dan baragraff 53 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (codiadau mewn cyfraddau budd-daliadau etc.).

35. Unrhyw daliad a ddiystyrid o dan baragraffau 54 i 56 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (pensiynau atodol etc.).

36. Unrhyw daliad a wnaed gan awdurdod lleol i A, neu ar ran A, mewn perthynas â gwasanaethau lles y talwyd grant i'r awdurdod lleol mewn cysylltiad â hwy gan Weinidogion Cymru o dan adran 93(2) o Ddeddf Llywodraeth Leol 2000, pan fo A yn gymwys i gael y taliad hwnnw.

37. Unrhyw lwfans gwarcheidwad.

38. Unrhyw gredyd treth plant.

39. Unrhyw gredyd treth gwaith.

40.—(1) Pan fo A yn cael credyd cynilion fel person heb bartner a chydag incwm cymhwyso nad yw'n fwy na'r gwarant isafswm safonol—

(a) swm y credyd cynilion hwnnw pan fo'r swm a geir yn £5.75 neu'n llai; neu

(b) £5.75 o'r credyd cynilion hwnnw pan fo'r swm a geir yn fwy na £5.75.

(2) Pan fo A—

(a) heb bartner;

(b) wedi cyrraedd 65 oed; ac

(c) gydag incwm cymhwyso sy'n fwy na'r gwarant isafswm safonol,

swm o £5.75.

31. Any payment made under or by the Welsh Independent Living Scheme.

32. Any amount which would be disregarded under paragraphs 40, 43 and 48 to 51 of Schedule 9 to the Income Support Regulations (housing benefit compensation, juror and witness payments, travelling expenses and health service supplies, welfare food payments, prison visiting scheme payments and disabled persons' employment payments).

33.—(1) Any child benefit, except in circumstances where A is accompanied by the child or qualifying young person in respect of whom the child benefit is payable, and accommodation is provided or secured for that child or qualifying young person in accordance with the Act.

(2) In this paragraph, "child" ("*plentyn*") and "qualifying young person" ("*person ifanc cymwys*") have the same meaning as in section 142 of the 1992 Act.

34. Any payment which would be disregarded under paragraph 53 of Schedule 9 to the Income Support Regulations (increases in rates of benefits etc.).

35. Any payment which would be disregarded under paragraphs 54 to 56 of Schedule 9 to the Income Support Regulations (supplementary pensions etc.).

36. Any payment made by a local authority to or on behalf of A relating to welfare services in respect of which the Welsh Ministers have paid a grant to the local authority under section 93(2) of the Local Government Act 2000, where A qualified for that payment.

37. Any guardian's allowance.

38. Any child tax credit.

39. Any working tax credit.

40.—(1) Where A is in receipt of savings credit as a person who has no partner and has qualifying income not exceeding the standard minimum guarantee—

(a) the amount of that savings credit where the amount received is £5.75 or less; or

(b) £5.75 of that savings credit where the amount received is greater than £5.75.

(2) Where A—

(a) has no partner;

(b) has attained the age of 65; and

(c) has qualifying income in excess of the standard minimum guarantee,

a sum of £5.75.

(3) Pan fo A yn cael credyd cynilion fel person sydd â phartner ac incwm cymhwyso nad yw'n fwy na'r gwarant isafswm safonol—

(a) swm y credyd cynilion hwnnw pan fo'r swm a geir yn £8.60 neu'n llai; neu

(b) £8.60 o'r credyd cynilion hwnnw pan fo'r swm a geir yn fwy nag £8.60.

(4) Yn ddarostyngedig i is-baragraff (5), pan fo A—

(a) gyda phartner;

(b) wedi—

(i) cyrraedd 65 oed; neu

(ii) wedi cyrraedd oedran credyd pensiwn a phartner A wedi cyrraedd 65 oed; ac

(c) gydag incwm cymhwyso sy'n fwy na'r gwarant isafswm safonol,

swm o £8.60.

(5) Pan fo—

(a) y swm y cyfeirir ato yn is-baragraff (4) wedi ei ddiystyru wrth asesu incwm partner A o dan y Rheoliadau hyn; neu

(b) partner A yn derbyn credyd cynilion,

nid yw is-baragraff (4) yn gymwys i A.

(6) At ddibenion y paragraff hwn—

(a) mae gan A bartner os ystyrid bod gan A bartner at ddibenion y Rheoliadau Credyd Pensiwn;

(b) mae "incwm cymhwyso" i'w ddehongli yn unol â'r ystyr a roddir i "qualifying income" yn rheoliad 9 o'r Rheoliadau Credyd Pensiwn, ac at ddibenion is-baragraffau (3) a (4) mae incwm cymhwyso A yn cynnwys unrhyw incwm cymhwyso sydd gan bartner A;

(c) ystyr "gwarant isafswm safonol" ("*standard minimum guarantee*") yw, at ddibenion—

(i) is-baragraffau (1) a (2), y swm a ragnodir gan reoliad 6(1)(b) o'r Rheoliadau Credyd Pensiwn; a

(ii) is-baragraffau (3) a (4), y swm a ragnodir gan reoliad 6(1)(a) o'r Rheoliadau Credyd Pensiwn.

41. Unrhyw daliad i breswylydd dros dro a wneir yn lle glo consesiynol yn unol ag adran 19(1)(b) neu (c) o Ddeddf y Diwydiant Glo 1994(**1**).

(**1**) 1994 p. 21.

(3) Where A is in receipt of savings credit as a person who has a partner and has qualifying income not exceeding the standard minimum guarantee—

(a) the amount of that savings credit where the amount received is £8.60 or less; or

(b) £8.60 of that savings credit where the amount received is greater than £8.60.

(4) Subject to sub-paragraph (5), where A—

(a) has a partner;

(b) has—

(i) attained the age of 65; or

(ii) has attained pension credit age and A's partner has attained the age of 65; and

(c) has qualifying income in excess of the standard minimum guarantee,

a sum of £8.60.

(5) Where—

(a) the sum referred to in sub-paragraph (4) has been disregarded in the assessment of A's partner's income under these Regulations; or

(b) A's partner is in receipt of savings credit,

sub-paragraph (4) does not apply to A.

(6) For the purposes of this paragraph—

(a) A has a partner if A would be considered to have a partner for the purposes of the Pension Credit Regulations;

(b) "qualifying income" ("*incwm cymhwyso*") is to be construed in accordance with regulation 9 of the Pension Credit Regulations and for the purposes of sub-paragraphs (3) and (4) the person's qualifying income includes any qualifying income of the A's partner;

(c) "standard minimum guarantee" ("*gwarant isafswm safonol*") means, for the purposes of—

(i) sub-paragraphs (1) and (2), the amount prescribed by regulation 6(1)(b) of the Pension Credit Regulations; and

(ii) sub-paragraphs (3) and (4), the amount prescribed by regulation 6(1)(a) of the Pension Credit Regulations.

41. Any payment made to a temporary resident in lieu of concessionary coal pursuant to section 19(1)(b) or (c) of the Coal Industry Act 1994(**1**).

(**1**) 1994 c. 21.

42. Unrhyw daliad a wneir i A o dan adran 63(6)(b) o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(**1**) ("Deddf 1968") (lwfansau teithio a lwfansau eraill i bersonau sy'n manteisio ar hyfforddiant) at y diben o dalu costau gofal plant pan ddarperir yr hyfforddiant yn unol ag—

(a) adran 63(1)(a) o Ddeddf 1968; neu

(b) adran 63(1)(b) o Ddeddf 1968 a phan fo A yn cael ei gyflogi mewn gweithgaredd, neu'n ystyried cael ei gyflogi mewn gweithgaredd sy'n ymwneud â, neu sy'n gysylltiedig â, gwasanaeth y mae'n rhaid, neu y caniateir, ei ddarparu neu ei sicrhau fel rhan o'r gwasanaeth iechyd.

43. Unrhyw daliad a wneir i A yn unol â rheoliadau a wnaed yn unol ag adran 14F o Ddeddf Plant 1989 (gwasanaethau cymorth gwarcheidwaid arbennig)(**2**) pan fo A yn ddarpar warcheidwad arbennig neu'n warcheidwad arbennig.

44.—(1) Pan fo A yn fyfyriwr, unrhyw grant neu ddyfarniad arall, benthyciad myfyriwr, incwm a ddefnyddir i wneud ad-daliadau ar fenthyciad myfyriwr neu daliad arall a gafwyd gan A at ddibenion ei gwrs o astudiaeth mewn sefydliad addysgol.

(2) Yn y paragraff hwn, mae i "cwrs o astudiaeth", "myfyriwr" a "benthyciad myfyriwr", yn eu trefn, yr un ystyron ag a roddir i "course of study", "student" a "student loan" yn y Rheoliadau Cymhorthdal Incwm.

RHAN 2

Darpariaethau arbennig sy'n ymwneud â thaliadau elusennol neu wirfoddol a phensiynau penodol

45. Nid yw paragraff 14 yn gymwys i unrhyw daliad a wneir neu sy'n daladwy—

(a) gan A ar gyfer cynnal unrhyw aelod o deulu A neu gynnal partner blaenorol A neu gynnal plant A; neu

(b) gan drydydd parti yn unol â chytundeb rhwng yr awdurdod lleol a'r trydydd parti hwnnw mewn cysylltiad ag atebolrwydd A i dalu, cyfrannu neu wneud ad-daliadau i'r awdurdod lleol am lety A, neu mewn cysylltiad â llety A.

(**1**) 1968 p. 46.
(**2**) Mewnosodwyd adran 14F gan adran 115(1) o Ddeddf Mabwysiadu a Phlant 2002 (p. 38).

42. Any payment made to A under section 63(6)(b) of the Health Services and Public Health Act 1968(**1**) ("the 1968 Act") (travelling and other allowances to persons availing themselves of instruction) for the purpose of meeting childcare costs where the instruction is provided pursuant to—

(a) section 63(1)(a) of the 1968 Act; or

(b) section 63(1)(b) of the 1968 Act and where A is employed, or has it in contemplation to be employed, in an activity involved in or connected with a service which must or may be provided or secured as part of the health service.

43. Any payment made in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardian support services)(**2**) to A where A is a prospective special guardian or a special guardian.

44.—(1) Where A is a student, any grant or other award, student loan, income used to make repayments on a student loan or other payment received by A for the purposes of their course of study at an educational establishment.

(2) In this paragraph, "course of study" ("*cwrs o astudiaeth*"), "student" ("*myfyriwr*") and "student loan" ("*benthyciad myfyriwr*") have the same meaning as in the Income Support Regulations.

PART 2

Special provisions relating to charitable or voluntary payments and certain pensions

45. Paragraph 14 does not apply to any payment which is made or due to be made—

(a) by A for the maintenance of any member of A's family or of A's former partner or of A's children; or

(b) by a third party pursuant to an agreement between the local authority and that third party in connection with the liability of A to pay, contribute or make reimbursements to the local authority for or in respect of A's accommodation.

(**1**) 1968 c. 46.
(**2**) Section 14F was inserted by section 115(1) of the Adoption and Children Act 2002 (c. 38).

46. Ni chaiff cyfanswm yr incwm a ddiystyrir yn unol â pharagraffau 14(2) ac 16, mewn unrhyw achos, fod yn fwy na'r swm wythnosol a bennir ym mharagraff 36 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (nenfwd o £20 yr wythnos ar agregiadau a ddiystyrir).

46. The total income to be disregarded pursuant to paragraphs 14(2) and 16 must in no case exceed the amount per week specified in paragraph 36 of Schedule 9 to the Income Support Regulations (£20 per week ceiling for aggregated disregards).

ATODLEN 2 Rheoliad 18(2)

Cyfalaf sydd i'w ddiystyru

1.—(1) Pan fo A yn breswylydd dros dro ond nid yn ddarpar breswylydd, gwerth prif neu unig gartref A mewn amgylchiadau pan fo—

(a) A yn cymryd camau rhesymol i waredu'r annedd er mwyn caffael annedd arall y bwriada ei meddiannu fel ei brif neu ei unig gartref; neu

(b) A yn bwriadu dychwelyd i feddiannu'r annedd honno fel ei brif neu ei unig gartref, a'r annedd yn parhau ar gael i A.

(2) Pan fo A yn breswylydd dros dro sydd yn ddarpar breswylydd, gwerth prif neu unig gartref A mewn amgylchiadau pan fo A yn bwriadu, ar ôl darparu neu sicrhau llety mewn gwirionedd iddo yn unol â'r Ddeddf—

(a) cymryd camau rhesymol i waredu'r annedd er mwyn caffael annedd arall y bwriada ei meddiannu fel ei brif neu ei unig gartref; neu

(b) dychwelyd i feddiannu'r annedd honno fel ei brif neu ei unig gartref, a'r annedd y bwriada A ddychwelyd iddi ar gael i A.

2.—(1) Pan fo A yn breswylydd parhaol, gwerth prif neu unig gartref A, y byddai A fel arall yn ei feddiannu fel arfer ("cartref A") am gyfnod o 12 wythnos sy'n dechrau gyda'r diwrnod y mae A yn symud i mewn gyntaf i lety mewn cartref gofal ("y cyfnod preswylio parhaol cyntaf").

(2) Pan fo A—

(a) yn peidio â bod yn breswylydd parhaol; a

(b) wedyn yn dod yn breswylydd parhaol drachefn ar unrhyw adeg o fewn y cyfnod o 52 wythnos sy'n dechrau ar ôl diwedd y cyfnod preswylio parhaol cyntaf,

gwerth cartref A am y cyfryw gyfnod (os oes un) na fydd, o'i ychwanegu at y cyfnod a ddiystyrwyd o dan is-baragraff (1) mewn cysylltiad â'r cyfnod preswylio parhaol cyntaf, yn gwneud cyfanswm o fwy na 12 wythnos.

(3) Pan fo A—

SCHEDULE 2 Regulation 18(2)

Capital to be disregarded

1.—(1) Where A is a temporary resident but not a prospective resident, the value of A 's main or only home in circumstances where—

(a) A is taking reasonable steps to dispose of the dwelling in order that they may acquire another dwelling which they intend to occupy as their main or only home; or

(b) A intends to return to occupy that dwelling as their main or only home and the dwelling is still available to them.

(2) Where A is a temporary resident who is a prospective resident, the value of A's main or only home in circumstances where A intends, on being provided with or securing in fact accommodation in accordance with the Act—

(a) to take reasonable steps to dispose of the dwelling in order that they may acquire another dwelling which they intend to occupy as their main or only home; or

(b) to return to occupy that dwelling as their main or only home and the dwelling to which A intends to return is available to them.

2.—(1) Where A is a permanent resident the value of A's main or only home which A would otherwise normally occupy ("A's home") for a period of 12 weeks beginning with the day on which A first moves into accommodation in a care home ("the first period of permanent residence").

(2) Where A—

(a) ceases to be a permanent resident; and

(b) subsequently becomes a permanent resident again at any time within the period of 52 weeks from the end of the first period of permanent residence,

the value of A's home for such period (if any) which when added to the period disregarded under sub-paragraph (1) in respect of their first period of permanent residence does not exceed 12 weeks in total.

(3) Where A—

(a) yn peidio â bod yn breswylydd parhaol, ac yntau'n berson na fu is-baragraff (2) yn gymwys iddo; a

(b) wedyn yn dod yn breswylydd parhaol drachefn ar unrhyw adeg ar ôl cyfnod o 52 wythnos ar ôl diwedd y cyfnod preswylio parhaol cyntaf,

gwerth cartref A am gyfnod o 12 wythnos sy'n dechrau gyda'r diwrnod y mae'r ail gyfnod preswylio parhaol yn dechrau.

(4) Yn y paragraff hwn, ystyr "yr ail gyfnod preswylio parhaol" ("*the second period of permanent residence*") yw'r cyfnod o breswylio parhaol sy'n dechrau ar unrhyw adeg ar ôl diwedd y cyfnod o 52 wythnos y cyfeirir ato yn is-baragraff (3)(b).

3. Pan fo A yn breswylydd parhaol, a newid annisgwyl yn digwydd yn ei amgylchiadau ariannol, caiff yr awdurdod lleol ddiystyru gwerth prif neu unig gartref A, y byddai A fel arall yn ei feddiannu fel arfer, am gyfnod o 12 wythnos.

4.—(1) Gwerth unrhyw fangre—

(a) a ddiystyrid o dan baragraff 2 neu 4(b) o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (mangre a gaffaelwyd ar gyfer ei meddiannu, a mangre a feddiennir gan gyn-bartner) ond fel pe rhoddid, ym mhob darpariaeth, y geiriau "his main or only home" yn lle "his home"; neu

(b) a feddiennir yn gyfan gwbl neu'n rhannol fel ei brif neu ei unig gartref gan berthynas cymwys i A, a fu'n meddiannu'r fangre fel ei brif neu ei unig gartref ers rhywdro cyn y dyddiad y darparwyd neu y sicrhawyd, am y tro cyntaf, lety i A mewn cartref gofal yn unol â'r Ddeddf.

(2) Caiff awdurdod lleol ddiystyru gwerth unrhyw fangre a feddiennir yn gyfan gwbl neu'n rhannol fel ei brif neu ei unig gartref gan berthynas cymwys i A os meddiannwyd y fangre gan y perthynas cymwys ar ôl y dyddiad y darparwyd neu y sicrhawyd, am y tro cyntaf, lety i A mewn cartref gofal yn unol â'r Ddeddf.

(3) Gwerth unrhyw fangre am gyfnod o 12 wythnos pan fo'r awdurdod lleol wedi diystyru gwerth y fangre o dan is-baragraff (1)(b) neu (2) a naill ai bu farw'r perthynas hwnnw neu nad yw bellach yn meddiannu'r fangre oherwydd bod llety wedi ei ddarparu neu ei sicrhau iddo mewn cartref gofal.

(4) Caiff yr awdurdod lleol ddiystyru gwerth unrhyw fangre am gyfnod o 12 wythnos os oedd y fangre wedi ei meddiannu yn gyfan gwbl neu'n rhannol gan berthynas cymwys i A fel ei brif neu ei unig gartref ac nad yw'r perthynas hwnnw bellach yn meddiannu'r

(a) ceases to be a permanent resident and is not a person to whom sub-paragraph (2) has applied; and

(b) subsequently becomes a permanent resident again at any time after a period of more than 52 weeks from the end of the first period of permanent residence,

the value of A's home for a period of 12 weeks beginning with the day on which the second period of permanent residence begins.

(4) In this paragraph, "the second period of permanent residence" ("*yr ail gyfnod preswylio parhaol*") means the period of permanent residence beginning at any time after the period of 52 weeks referred to in sub-paragraph (3)(b).

3. Where A is a permanent resident and there is an unexpected change in their financial circumstances the local authority may disregard the value of A's main or only home which A would normally otherwise occupy for a period of 12 weeks.

4.—(1) The value of any premises—

(a) which would be disregarded under paragraph 2 or 4(b) of Schedule 10 to the Income Support Regulations (premises acquired for occupation, and premises occupied by a former partner) but as if for the words "his home" in each provision there were substituted "his main or only home"; or

(b) which is occupied in whole or in part as their main or only home by a qualifying relative of A's who has occupied the premises as their main or only home since before the date on which A was first provided with or secured accommodation in a care home in accordance with the Act.

(2) A local authority may disregard the value of any premises which is occupied in whole or in part by a qualifying relative of A's as their main or only home where the qualifying relative occupied the premises after the date on which A was first provided with or secured accommodation in a care home in accordance with the Act.

(3) The value of any premises for a period of 12 weeks where the local authority has disregarded the value of the premises under sub-paragraph (1)(b) or (2) and that relative has died or is no longer occupying the premises because they have been provided with or secured accommodation in a care home.

(4) The local authority may disregard the value of any premises for a period of 12 weeks where the premises were occupied in whole or in part by a qualifying relative of A's as their main or only home and that relative is no longer occupying the premises

fangre oherwydd newid annisgwyl yn ei amgylchiadau.

(5) Yn y paragraff hwn—

ystyr "perthynas cymwys" ("*qualifying relative*") yw—

(a) partner A;

(b) aelod arall o deulu A neu berthynas i A sy'n 60 oed neu'n hŷn neu sy'n analluog; neu

(c) plentyn sydd o dan 18 oed;

mae "plentyn" ("*child*") i'w ddehongli yn unol â'r ystyr a roddir i "child" yn adran 1 o Ddeddf Diwygio Cyfraith Teulu 1987(**1**).

5. Pan fo A yn breswylydd sydd wedi peidio â meddiannu'r annedd yr arferai ei meddiannu fel ei brif neu ei unig gartref ar ôl ymwahanu neu ysgaru oddi wrth ei gyn-bartner, gwerth buddiant A yn yr annedd honno os yw'r cyn-bartner, sy'n unig riant, yn parhau i'w meddiannu fel ei gartref.

6. Gwerth derbyniadau gwerthiant unrhyw fangre a ddiystyrid o dan baragraff 3 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (derbyniadau gwerthiant mangre yr arferid ei meddiannu).

7. Unrhyw fuddiant yn y dyfodol mewn eiddo a ddiystyrid o dan baragraff 5 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (buddiannau yn y dyfodol mewn eiddo ac eithrio tir neu fangreoedd penodol).

8. Unrhyw asedau a ddiystyrid o dan baragraff 6 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (asedau busnes), ond fel pe rhoddid, yn is-baragraff (2) o'r paragraff hwnnw, yn lle'r geiriau o "the claim for income support" hyd at ddiwedd yr is-baragraff—

(a) pan fo A yn breswylydd ac eithrio darpar breswylydd, y geiriau "the accommodation was initially provided or secured";

(b) pan fo A yn ddarpar breswylydd, y geiriau "the local authority began to assess A's ability to pay for, contribute, or make reimbursements towards the cost of their accommodation under these Regulations and the Care and Support (Charging) (Wales) Regulations 2015".

9. Unrhyw swm a ddiystyrid o dan baragraff 7(1) o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (ôl-ddyledion o daliadau penodedig), ond fel pe bai'r geiriau "Subject to sub-paragraph (2)" ar ddechrau'r is-baragraff hwnnw wedi eu hepgor a'r cyfeiriad ym mharagraff (a) o'r is-baragraff hwnnw at baragraffau

(**1**) 1987 p. 42.

because of an unexpected change in their circumstances.

(5) In this paragraph—

"child" ("*plentyn*") is to be construed in accordance with section 1 of the Family Law Reform Act 1987(**1**);

"qualifying relative" ("*perthynas cymwys*") means the A's—

(a) partner;

(b) other family member or relative who is aged 60 or over or who is incapacitated; or

(c) child who is under 18.

5. Where A is a resident who has ceased to occupy what was formerly the dwelling occupied by them as their main or only home following their estrangement or divorce from their former partner, the value of A's interest in that dwelling where it is still occupied as the home by the former partner who is a lone parent.

6. The value of the proceeds of sale of any premises which would be disregarded under paragraph 3 of Schedule 10 to the Income Support Regulations (proceeds of sale from premises formerly occupied).

7. Any future interest in property which would be disregarded under paragraph 5 of Schedule 10 to the Income Support Regulations (future interests in property other than in certain land or premises).

8. Any assets which would be disregarded under paragraph 6 of Schedule 10 to the Income Support Regulations (business assets), but as if in sub-paragraph (2) of that paragraph for the words from "the claim for income support" to the end of that sub-paragraph there were substituted—

(a) where A is a resident other than a prospective resident the words "the accommodation was initially provided or secured";

(b) where A is a prospective resident, the words "the local authority began to assess A's ability to pay for, contribute, or make reimbursements towards the cost of their accommodation under these Regulations and the Care and Support (Charging) (Wales) Regulations 2015".

9. Any amount which would be disregarded under paragraph 7(1) of Schedule 10 to the Income Support Regulations (arrears of specified payments), but as if the words "Subject to sub-paragraph (2)" at the beginning of that sub-paragraph were omitted and as if the reference in paragraph (a) of that sub-paragraph to

(**1**) 1987 c. 42.

6, 8 neu 9 o Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (incwm arall sydd i'w ddiystyru) yn gyfeiriad at baragraffau 7 i 10 o Atodlen 1 (symiau sydd i'w diystyru wrth gyfrifo incwm).

10. Unrhyw ôl-daliad, neu unrhyw daliad consesiynol a wnaed i ddigolledu oherwydd ôl-ddyled a achoswyd gan fethiant i dalu—

(a) credyd treth plant;

(b) credyd treth gwaith;

(c) taliad a wneir o dan unrhyw un o'r canlynol—

(i) Gorchymyn y Cyfrin Gyngor ar 19 Rhagfyr 1881;

(ii) y warant Frenhinol ar 27 Hydref 1884;

(iii) y Gorchymyn gan Ei Fawrhydi ar 14 Ionawr 1922,

i wraig weddw, gŵr gweddw neu bartner sifil sy'n goroesi, o dan unrhyw bŵer Ei Mawrhydi ac eithrio o dan ddeddfiad, i wneud darpariaeth ynghylch pensiynau i bersonau, neu mewn cysylltiad â phersonau, a wnaed yn anabl neu a fu farw o ganlyniad i wasanaethu fel aelodau o luoedd arfog y Goron ac y terfynodd eu gwasanaeth mewn swydd o'r fath cyn 31 Mawrth 1973, ond hyn yn unig am gyfnod o 52 wythnos o'r dyddiad y cafwyd yr ôl-daliad neu'r taliad consesiynol.

11. Unrhyw swm a ddiystyrid o dan baragraff 8 neu 9 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (atgyweiriadau i eiddo ac ernesau cymdeithasau tai).

12. Unrhyw eitemau o eiddo personol ac eithrio rhai sydd, neu a oedd, wedi eu caffael gan A gyda'r bwriad o leihau ei gyfalaf er mwyn bodloni awdurdod lleol ei fod yn analluog i dalu tuag at gost ei ofal a chymorth neu gynhorthwy.

13. Unrhyw swm a ddiystyrid o dan baragraff 11 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (incwm o dan flwydd-dal).

14. Unrhyw swm a ddiystyrid o dan baragraff 12 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (ymddiriedolaethau anaf personol).

15. Unrhyw swm a ddiystyrid o dan baragraff 12A o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (taliadau anaf personol) ac eithrio unrhyw daliad neu unrhyw ran o unrhyw daliad sydd wedi ei enwi'n benodol gan lys ar gyfer delio â'r gost o ddarparu gofal.

16. Unrhyw swm a ddiystyrid o dan baragraff 13 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (buddiant am oes neu rent am oes).

paragraphs 6, 8 or 9 of Schedule 9 to the Income Support Regulations (other income to be disregarded) were a reference to paragraphs 7 to 10 of Schedule 1 (sums to be disregarded in the calculation of income).

10. Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

(a) child tax credit;

(b) working tax credit;

(c) a payment which is made under any of—

(i) the Order in Council of 19 December 1881;

(ii) the Royal warrant of 27 October 1884;

(iii) the Order by his Majesty of 14 January 1922,

to a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown and whose service in such capacity terminated before 31 March 1973, but only for a period of 52 weeks from the date of the receipt of the arrears or the concessionary payment.

11. Any amount which would be disregarded under paragraph 8 or 9 of Schedule 10 to the Income Support Regulations (property repairs and housing association deposits).

12. Any personal possessions except those which had or have been acquired by A with the intention of reducing their capital in order to satisfy a local authority that they were unable to pay towards the cost of their care and support or support.

13. Any amount which would be disregarded under paragraph 11 of Schedule 10 to the Income Support Regulations (income under an annuity).

14. Any amount which would be disregarded under paragraph 12 of Schedule 10 to the Income Support Regulations (personal injury trusts).

15. Any amount which would be disregarded under paragraph 12A of Schedule 10 to the Income Support Regulations (personal injury payments) with the exception of any payment or any part of any payment that has been specifically identified by a court to deal with the cost of providing care.

16. Any amount which would be disregarded under paragraph 13 of Schedule 10 to the Income Support Regulations (life interest or life rent).

17. Gwerth yr hawl i gael unrhyw incwm a ddiystyrir o dan baragraff 20 o Atodlen 1 (symiau sydd i'w diystyru wrth gyfrifo incwm).

18. Unrhyw swm a ddiystyrid o dan baragraff 15, 16, 18, 18A neu 19 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (gwerth ildio polisi yswiriant bywyd, rhandaliadau heb eu casglu, taliadau cronfa gymdeithasol, darpariaeth lles lleol ac ad-daliadau treth ar log benthyciadau penodol).

19. Unrhyw gyfalaf sydd, o dan reoliad 16 (cyfalaf a drinnir fel incwm), i'w drin fel incwm.

20. Unrhyw swm a ddiystyrid o dan baragraffau 21 i 24 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (tâl neu gomisiwn am drosi cyfalaf i sterling, yr Ymddiriedolaethau Macfarlane, y Gronfa a'r Gronfa Byw'n Annibynnol, gwerth yr hawl i gael pensiwn personol neu alwedigaethol, gwerth cronfeydd o dan gynllun pensiwn personol a rhent).

21. Unrhyw swm a delir o dan neu gan Gynllun Byw'n Annibynnol Cymru.

22. Gwerth unrhyw fangre a ddiystyrid o dan baragraff 27 neu 28 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (mangre y mae hawlydd yn bwriadu ei meddiannu) ond fel pe rhoddid, ym mhob darpariaeth, y geiriau "his main or only home" yn lle "his home".

23. Unrhyw swm a ddiystyrid o dan baragraffau 29 i 31, 34 a 36 i 43 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (taliadau o gronfeydd mewn nwyddau neu wasanaethau, bonysau hyfforddi, digollediad budd-dal tai, taliadau i reithwyr neu dystion, lleihad mewn atebolrwydd am dâl cymunedol personol, grantiau tai, treuliau teithio a chyflenwadau gwasanaeth iechyd, taliadau bwyd lles, grant iechyd yn ystod beichiogrwydd, taliadau cynllun ymweliadau carchar, taliadau arbennig i weddwon rhyfel, taliadau cyflogaeth i bersonau anabl, a thaliadau i ddeillion sy'n gweithio gartref).

24. Gwerth unrhyw fangre a feddiennir yn gyfan gwbl neu'n rhannol gan drydydd parti, pan fo'r awdurdod lleol o'r farn y byddai'n rhesymol diystyru gwerth y fangre honno.

25. Unrhyw swm—

(a) sy'n dod o fewn paragraff 44(2)(a) (iawndal am anaf personol), ac y byddid yn ei ddiystyru o dan baragraff 44(1)(a) neu (b), o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm; neu

(b) y byddid yn ei ddiystyru o dan baragraff 45(a) o'r Atodlen honno.

17. The value of the right to receive any income which is disregarded under paragraph 20 of Schedule 1 (sums to be disregarded in the calculation of income).

18. Any amount which would be disregarded under paragraph 15, 16, 18, 18A or 19 of Schedule 10 to the Income Support Regulations (surrender value of life insurance policy, outstanding instalments, social fund payments, local welfare provision and tax refunds on certain loan interest).

19. Any capital which under regulation 16 (capital treated as income) is to be treated as income.

20. Any amount which would be disregarded under paragraphs 21 to 24 of Schedule 10 to the Income Support Regulations (charge or commission for converting capital into sterling, the Macfarlane Trusts, the Fund and the Independent Living Fund, value of the right to receive personal or occupational pension, value of funds under personal pension scheme and rent).

21. Any amount paid under or by the Welsh Independent Living Scheme.

22. The value of any premises which would be disregarded under paragraph 27 or 28 of Schedule 10 to the Income Support Regulations (premises a claimant intends to occupy) but as if for the words "his home" in each provision there were substituted "his main or only home".

23. Any amount which would be disregarded under paragraphs 29 to 31, 34 and 36 to 43 of Schedule 10 to the Income Support Regulations (fund payments in kind, training bonuses, housing benefit compensation, juror or witness payments, reduction of liability for personal community charge, housing grants, travelling expenses and health service supplies, welfare food payments, health in pregnancy grant, prison visiting scheme payments, special war widows payments, disabled persons' employment payments, and blind homeworkers' payments).

24. The value of any premises occupied in whole or in part by a third party where the local authority considers it would be reasonable to disregard the value of those premises.

25. Any amount which—

(a) falls within paragraph 44(2)(a) (damages for personal injury), and would be disregarded under paragraph 44(1)(a) or (b), of Schedule 10 to the Income Support Regulations; or

(b) would be disregarded under paragraph 45(a) of that Schedule.

26. Unrhyw swm a ddiystyrid o dan baragraff 61 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (taliad ex gratia a wneir gan yr Ysgrifennydd Gwladol o ganlyniad i garcharu neu gaethiwo gan y Japaneaid yn ystod yr Ail Ryfel Byd).

27. Unrhyw daliad a ddiystyrid o dan baragraff 64 o Atodlen 10 i'r Rheoliadau Cymhorthdal Incwm (taliadau o dan ymddiriedolaeth a sefydlwyd allan o gronfeydd a ddarparwyd gan yr Ysgrifennydd Gwladol mewn cysylltiad â phersonau a ddioddefodd neu sy'n dioddef o glefyd amrywiolyn Creutzfeldt-Jakob).

28. Unrhyw daliad a wneir gan awdurdod lleol i A, neu ar ran A, mewn perthynas â gwasanaethau lles y talwyd grant i'r awdurdod lleol mewn cysylltiad â hwy gan Weinidogion Cymru o dan adran 93(2) o Ddeddf Llywodraeth Leol 2000, pan fo A yn gymwys i gael y taliad.

29. Unrhyw daliad a wneir i A yn unol â rheoliadau a wnaed o dan adran 2(6)(b) neu 3 o Ddeddf Mabwysiadu a Phlant 2002.

30. Unrhyw daliad a wneir i A o dan adran 2 neu 3 o Ddeddf Taliadau ar Sail Oed 2004 (hawlogaeth: achosion sylfaenol neu arbennig)(**1**).

31. Unrhyw daliad a wneir i A o dan Ran 2 (taliadau i bersonau dros 65 oed) neu Ran 3 (taliadau i bersonau sy'n cael credyd gwarant) o Reoliadau Taliadau ar Sail Oedran 2005(**2**).

32. Unrhyw daliad a wneir i A o dan adran 63(6)(b) o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968 ("Deddf 1968") (lwfansau teithio a lwfansau eraill i bersonau sy'n manteisio ar hyfforddiant) at y diben o dalu costau gofal plant pan ddarperir yr hyfforddiant yn unol ag—

(a) adran 63(1)(a) o Ddeddf 1968; neu

(b) adran 63(1)(b) o Ddeddf 1968 a phan fo A yn cael ei gyflogi mewn gweithgaredd, neu'n ystyried cael ei gyflogi mewn gweithgaredd sy'n ymwneud â, neu sy'n gysylltiedig â, gwasanaeth y mae'n rhaid, neu y caniateir, ei ddarparu neu ei sicrhau fel rhan o'r gwasanaeth iechyd.

33. Unrhyw daliad a wneir i A yn unol â rheoliadau a wnaed yn unol ag adran 14F o Ddeddf Plant 1989 (gwasanaethau cymorth gwarcheidwaid arbennig) pan fo A yn ddarpar warcheidwad arbennig neu'n warcheidwad arbennig.

(**1**) 2004 p. 10.
(**2**) O.S. 2005/1983.

26. Any amount which would be disregarded under paragraph 61 of Schedule 10 to the Income Support Regulations (ex-gratia payment made by the Secretary of State in consequence of imprisonment or internment by the Japanese during the Second World War).

27. Any payment which would be disregarded under paragraph 64 of Schedule 10 to the Income Support Regulations (payments under a trust established out of funds provided by the Secretary of State in respect of persons who suffered or are suffering from variant Creutzfeldt-Jakob disease).

28. Any payment made by a local authority to or on behalf of A relating to welfare services in respect of which the Welsh Ministers have paid a grant to the local authority under section 93(2) of the Local Government Act 2000 where A qualified for the payment.

29. Any payment made to A pursuant to regulations made under section 2(6)(b) or 3 of the Adoption and Children Act 2002.

30. Any payment made to A under section 2 or 3 of the Age-Related Payments Act 2004 (entitlement: basic or special cases)(**1**).

31. Any payment made to A under Part 2 (payments to persons over the age of 65) or Part 3 (payments to persons in receipt of guarantee credit) of the Age-Related Payments Regulations 2005(**2**).

32. Any payment made to A under section 63(6)(b) of the Health Services and Public Health Act 1968 ("the 1968 Act") (travelling and other allowances to persons availing themselves of instruction) for the purpose of meeting childcare costs where the instruction is provided pursuant to—

(a) section 63(1)(a) of the 1968 Act; or

(b) section 63(1)(b) of the 1968 Act and where A is employed, or has it in contemplation to be employed, in an activity involved in or connected with a service which must or may be provided or secured as part of the health service.

33. Any payment made in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardian support services) to A where A is a prospective special guardian or a special guardian.

(**1**) 2004 c. 10.
(**2**) S.I. 2005/1983.

34. Unrhyw daliad a wneir i A o dan reoliadau a wnaed o dan adran 7 o Ddeddf Taliadau ar Sail Oedran 2004 (pŵer i ddarparu taliadau yn y dyfodol).

34. Any payment made to A under regulations made under section 7 of the Age-Related Payments Act 2004 (power to provide future payments).

OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2015 Rhif 1844 (Cy. 272)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal a Chymorth (Asesiad Ariannol) (Cymru) 2015

2015 No. 1844 (W. 272)

SOCIAL CARE, WALES

The Care and Support (Financial Assessment) (Wales) Regulations 2015

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