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CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 131 (Cy. 24)

2020 No. 131 (W. 24)

**GOFAL CYMDEITHASOL,
CYMRU A LLOEGR**

**SOCIAL CARE, ENGLAND
AND WALES**

Rheoliadau Gofal a Chymorth
(Gosod Ffioedd) (Cymru) a
Rheolau Cofrestru Tir (Diwygiadau
Amrywiol) 2020

The Care and Support (Charging)
(Wales) and Land Registration
Rules (Miscellaneous Amendments)
Regulations 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015 ("Rheoliadau 2015") a Rheolau Cofrestru Tir 2003 ("y Rheolau").

Mae Rheoliadau 2015 yn nodi'r gofynion y mae rhaid i awdurdodau lleol eu bodloni wrth ddyfarnu swm y ffioedd sy'n gymwys mewn perthynas â gofal a chymorth, y maent yn eu darparu neu'n eu trefnu neu'n cynnig eu darparu neu eu trefnu wrth gyflawni eu swyddogaethau o dan Ran 4 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf"). Mae Rheoliadau 2015 hefyd yn cynnwys darpariaethau cyfochrog sy'n nodi'r gofynion sy'n gymwys pan fo awdurdod lleol yn gwneud taliadau uniongyrchol i ddiwallu angen person am ofal a chymorth.

Mae'r Rheoliadau hyn yn diwygio Rhan 2 o Rheoliadau 2015 (codi ffioedd o dan Ran 5 o'r Ddeddf) fel a ganlyn:

—cynnydd yn yr uchafswm ffi wythnosol am ofal a chymorth amhreswyl o £90 i £100.

—cynnydd yn yr isafswm incwm wythnosol ar gyfer person y darperir llety iddo mewn cartref gofal o £29.50 i £32.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015 ("the 2015 Regulations") and the Land Registration Rules 2003 ("the Rules").

The 2015 Regulations set out the requirements which local authorities must follow when making a determination of the amount of the charges which apply in relation to care and support, which they are providing or arranging or propose to provide or arrange in the course of carrying out their functions under Part 4 of the Social Services and Well-being (Wales) Act 2014 ("the Act"). The 2015 Regulations also contain parallel provisions setting out requirements which apply where a local authority makes direct payments to meet a person's need for care and support.

These Regulations amend Part 2 of the 2015 Regulations (charging under Part 5 of the Act) as follows:

—the amount of the maximum weekly charge for non-residential care and support is increased from £90 to £100.

—the weekly minimum income amount where a person is provided with accommodation in a care home is increased from £29.50 to £32.

Mae'r Rheoliadau hyn yn diwygio Rhan 4 o Reoliadau 2015 (cyfraniadau ac ad-daliadau am daliadau uniongyrchol) fel a ganlyn:

—cynnydd yn yr uchafswm cyfraniad neu ad-daliad wythnosol am ofal a chymorth amhreswyl o £90 i £100.

—cynnydd yn yr isafswm incwm wythnosol net ar gyfer person y darperir llety iddo mewn cartref gofal ac sy'n derbyn taliadau uniongyrchol o dan y Ddeddf o £29.50 i £32.

Mae'r Rheoliadau hyn yn diwygio'r Rheolau i gywiro gwall a wnaed yn Rheoliadau Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Diwygiadau Canlyniadol) (Is-ddeddfwriaeth) 2016, ac yn mewnosod darpariaeth gywir y Ddeddf yn Rhan 8 ac Atodlen 4 i'r Rheolau. Mae Rhan 8 ac Atodlen 4 yn ymdrin â chyfyngiadau o fewn ystyr adran 40 o Ddeddf Cofrestru Tir 2002.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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.

These Regulations amend Part 4 of the 2015 Regulations (contributions and reimbursements for direct payments) as follows:

—the amount of the maximum weekly contribution or reimbursement for non-residential care and support is increased from £90 to £100.

—the net weekly minimum income amount where a person is provided with accommodation in a care home and receives direct payments under the Act increased from £29.50 to £32.

These Regulations amend the Rules to correct an error made in the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016, and insert the correct provision of the Act in Part 8 and Schedule 4 to the Rules. Part 8 and Schedule 4 deal with restrictions within the meaning of section 40 of the Land Registration Act 2002.

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 by contacting the Health and Social Services Group, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

2020 Rhif 131 (Cy. 24)

**GOFAL CYMDEITHASOL,
CYMRU A LLOEGR**

Rheoliadau Gofal a Chymorth
(Gosod Ffioedd) (Cymru) a
Rheolau Cofrestru Tir (Diwygiadau
Amrywiol) 2020

Gwnaed 10 Chwefror 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 12 Chwefror 2020

Yn dod i rym 6 Ebrill 2020

Mae Gweinidogion Cymru drwy arfer y pwerau a roddir gan adrannau 50, 52, 53(3), 61, 196(2) a 198(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Rheoliadau a ganlyn.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) a Rheolau Cofrestru Tir (Diwygiadau Amrywiol) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2020.

Diwygio Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015

2. Mae Rheoliadau Gofal a Chymorth (Gosod Ffioedd) (Cymru) 2015(2) wedi eu diwygio fel a ganlyn—

- (a) yn rheoliad 7 (uchafswm ffi wythnosol am ofal a chymorth amhreswyl), ym mharagraff (1) yn lle “£90” rhodder “£100”;
- (b) yn rheoliad 13 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal) yn lle “£29.50” rhodder “£32”;

(1) 2014 dccc 4.

(2) O.S. 2015/1843 (Cy. 271); fel y'i diwygiwyd gan O.S. 2017/214 (Cy. 58), O.S. 2018/123 (Cy. 29) ac O.S. 2019/234 (Cy. 53).

2020 No. 131 (W. 24)

**SOCIAL CARE, ENGLAND
AND WALES**

The Care and Support (Charging)
(Wales) and Land Registration
Rules (Miscellaneous Amendments)
Regulations 2020

Made 10 February 2020

Laid before the National Assembly for Wales
12 February 2020

Coming into force 6 April 2020

The Welsh Ministers in exercise of the powers conferred by sections 50, 52, 53(3), 61, 196(2) and 198(1) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Care and Support (Charging) (Wales) and Land Registration Rules (Miscellaneous Amendments) Regulations 2020.

(2) These Regulations come into force on 6 April 2020.

Amendment of the Care and Support (Charging) (Wales) Regulations 2015

2. The Care and Support (Charging) (Wales) Regulations 2015(2) are amended as follows—

- (a) in regulation 7 (maximum weekly charge for non-residential care and support), in paragraph (1) for “£90” substitute “£100”;
- (b) in regulation 13 (minimum income amount where a person is provided with accommodation in a care home) for “£29.50” substitute “£32”;

(1) 2014 anaw 4.

(2) S.I. 2015/1843(W. 271); as amended by S.I. 2017/214 (W. 58), S.I. 2018/123 (W. 29), and S.I. 2019/234 (W. 53).

- (c) yn rheoliad 22 (uchafswm cyfraniad neu ad-daliad wythnosol am ofal a chymorth amhreswyl) yn lle “£90” rhodder “£100”;
- (d) yn rheoliad 28 (isafswm incwm ar gyfer person y darperir llety iddo mewn cartref gofal) yn lle “£29.50” rhodder “£32”.

- (c) in regulation 22 (maximum weekly contribution or reimbursement for non-residential care and support) for “£90” substitute “£100”;
- (d) in regulation 28 (minimum income amount where a person is provided with accommodation in a care home) for “£29.50” substitute “£32”.

Diwygio Rheolau Cofrestru Tir 2003

3. Mae Rheolau Cofrestru Tir 2003(1) wedi eu diwygio fel a ganlyn—

- (a) yn Rhan 8, rheol 93(x) (personau yr ystyrir bod ganddynt fuddiant digonol i wneud cais am gyfyngiad) yn lle “under the terms of a deferred payment agreement within the meaning of section 68(2)” rhodder “section 71”;
- (b) yn Atodlen 4 (ffurfiau safonol ar gyfyngiad) yn y cofnod sy’n ymwneud â Ffurf MM—
 - (i) ym mharagraff (2) yn lle “under the terms of a deferred payment within the meaning of section 68(2)” rhodder “section 71(1) or (5)”;
 - (ii) yn y pennawd yn lle “under the terms of a deferred payment agreement within the meaning of section 68(2)” rhodder “section 71”;
 - (iii) yn y geiriau o flaen paragraff (1) yn lle “under the terms of a deferred payment agreement within the meaning of section 68(2)” rhodder “section 71”.

Amendment of the Land Registration Rules 2003

3. The Land Registration Rules 2003(1) are amended as follows—

- (a) in Part 8, rule 93(x) (persons regarded as having a sufficient interest to apply for a restriction) for “under the terms of a deferred payment agreement within the meaning of section 68(2)” substitute “section 71”;
- (b) in Schedule 4 (standard forms of restrictions) in the entry relating to Form MM—
 - (i) in paragraph (2) for “under the terms of a deferred payment within the meaning of section 68(2)” substitute “section 71(1) or (5)”;
 - (ii) in the heading for “under the terms of a deferred payment agreement within the meaning of section 68(2)” substitute “section 71”;
 - (iii) in the words before paragraph (1) for “under the terms of a deferred payment agreement within the meaning of section 68(2)” substitute “section 71”.

Julie Morgan

Y Dirprwy Weinidog Iechyd a Gwasanaethau
Cymdeithasol o dan awdurdod y Gweinidog Iechyd a
Gwasanaethau Cymdeithasol, un o Weinidogion
Cymru
10 Chwefror 2020

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

10 February 2020

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(1) O.S. 2003/1417; fel y’i diwygiwyd gan O.S. 2008/1919 ac O.S. 2016/211 (Cy. 84). Mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol.

(1) S.I. 2003/1417; as amended by S.I. 2008/1919 and S.I. 2016/211 (W. 84). There are other amending instruments but none are relevant.

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