OFFERYNNAU STATUDOL CYMRU

2003 Rhif 2561 (Cy.250)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (Rhif 2) (Cymru) 2003

Wedi'u gwneud - -	*5 Hydref 2003*
Yn dod i rym - -	*6 Hydref 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 83A, 126(4) a 128(1) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(**1**), drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (Rhif 2) (Cymru) 2003 a deuant i rym ar 6 Hydref 2003.

(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 1988(**2**).

(3) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

Diwygio Rheoliad 2 o'r prif Reoliadau

2.—(1) Mae Rheoliad 2(1) o'r prif Reoliadau (*interpretation*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Hepgorer y diffiniadau o—

"appropriate office",

"nursing home", a

(**1**) 1977 p.49 ("Deddf 1977"); mewnosodwyd adran 83A gan adran 14(1) o Ddeddf Iechyd a Nawdd Cymdeithasol 1988 (p.7) ac fe'i diwygiwyd gan baragraff 6 o Atodlen 2 i Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), gan baragraff 18(5) o Atodlen 9 i Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990 (p.19) ("Deddf 1990") a chan baragraff 40 o Atodlen 1 i Ddeddf Awdurdodau Iechyd 1995 (p.17).
Diwygiwyd Adran 126(4) gan adran 65(2) o Ddeddf 1990 a chan baragraff 37(6) o Atodlen 4 i Ddeddf Iechyd 1999 (p.8).
Adran 128(1), fel y'i diwygiwyd gan adran 26(2)(g) ac (i) o Ddeddf 1990 ynghylch y diffiniadau o "prescribed" a "regulations".
Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 83A, 126(4) a 128(1) o Ddeddf 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, erthygl 2 a Atodlen 1 fel y'i diwygiwyd gan Ddeddf 1999, adran 66(5).

(**2**) O.S.1988/551 fel y'i diwygiwyd gan O.S.1989/394, 517 a 614, 1990/548, 918 a 661, 1991/557, 1992/1104, 1993/608, 1995/642 a 2352, 1996/410, 1346 a 2362, 1997/748 a 2393, 1998/417, 1999/767 a 2840 (Cy.20), 2001/1397 (Cy.192) a 3322 (Cy.275) a 2003/975 (Cy.134).

"residential care home".

(3) Yn lle'r diffiniad o "capital limit" rhodder y diffiniad canlynol —

""capital limit"

(a) in the case of a person who lives permanently in a care home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948(**3**) is the amount prescribed in regulations made under section 22(5) of that Act(**4**), and

(b) in the case of any other person, means the amount prescribed for the purposes of section 134(1) of the Social Security Contribution and Benefits Act 1992(**5**));".

(4) Yn y safleoedd cywir yn nhrefn yr wyddor, mewnosoder y diffiniadau canlynol—

""care home" has the meaning given in section 3 of the Care Standards Act 2000(**6**);

"pension credit guarantee credit" shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(**7**);

"pension credit savings credit" shall be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

"relevant income" has the meaning given in section 7(2) of the Tax Credits Act 2002(**8**);" .

(5) Mae'r diffiniad o "*family*" yn cael ei ddiwygio'n unol â darpariaethau canlynol y paragraff hwn—

(a) yn is-baragraff (a) yn lle "4(2)(q)" rhodder "4(2)(e)";

(b) yn is-baragraff (b) yn lle "4(2)(j) and (l)" rhodder "4(2)(d)";

(c) yn is-baragraff (c) yn lle "4(2)(o)" rhodder "4(2)(h)".

Diwygio rheoliad 4 o'r prif Reoliadau

3.—(1) Mae Rheoliad 4 o'r prif Reoliadau (*description of persons entitled to full remission and payment*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle paragraff (2) o reoliad 4 rhodder y paragraff canlynol—

"(2) The persons described in this paragraph are—

(a) a person who is in receipt of income support;

(b) a person who is in receipt of income-based jobseeker's allowance;

(c) a person who is in receipt of pension credit guarantee credit;

(d) a person who is a member of the same family as a person who is in receipt of income support, income-based jobseeker's allowance or pension credit guarantee credit;

(e) a person who is a member of a family one member of which is in receipt of —

(i) working tax credit and child tax credit,

(ii) working tax credit which includes a disability element, or

(iii) child tax credit, but is not eligible for working tax credit,

(**3**) 1948 p.49.
(**4**) Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992, O.S.1992/2977, fel y'u diwygiwyd.
(**5**) 1992 p.4. Y rheoliadau perthnasol yw Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987, O.S.1987/1967.
(**6**) 2000 p.14.
(**7**) 2002 p.16.
(**8**) 2002 p.21.

provided that the relevant income of the member or members to whom the tax credit is awarded under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,200;

(f) a person who lives permanently in—

(i) a care home, or

(ii) accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948 (provision of accommodation), and

who has satisfied the authority that he or she is unable to pay for that accommodation at the standard rate or, as the case may be, the full rate;

(g) an asylum-seeker for whom support is provided under Part VI of the Immigration and Asylum Act 1999;

(h) a member of the same family as an asylum-seeker described in sub-paragraph (g);

(i) a relevant child within the meaning of section 23A of the Children Act 1989(**9**) to whom a responsible local authority is supporting under section 23B(8) of that Act;

(j) a person whose requirements equal or exceed his or her income resources and whose capital resources do not exceed the capital limit;

(k) a member of the same family as a person described in sub-paragraph (j);".

Diwygio rheoliad 7 o'r prif Reoliadau

4.—(1) Mae Rheoliad 7 o'r prif Reoliadau (*claims of remission and payment*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle is-baragraff (1)(a) o reoliad 7 rhodder yr is-baragraff canlynol—

"(a) if he or she is a person within a description prescribed by regulation 4(2)(f), (g), (h), (i), (j) or (k) or regulation 5(1) make a claim to the National Assembly for Wales on a form either provided for the purpose by it or approved by it;".

(3) Yn lle paragraff (6) o reoliad 7 rhodder y paragraff canlynol —

"(6) Subject to paragraph (8), a notice of entitlement issued under paragraph (4) is effective for a period of 12 months beginning on the date of the claim except that —

(a) in the case of a notice issued to a full-time student in the final or only year of a course of study, it is valid until the last day of the course;

(b) in the case of a notice issued to a relevant child, it is valid for a period of 12 months or until the child's 18th birthday, whichever is the later;

(c) in the case of a notice issued to a person described in regulation 4(2)(g) or 4(2)(h) (asylum-seeker and member of the family of an asylum-seeker), it is 6 months beginning on the date of the claim;

(d) in the case of a notice issued to a person described in regulation 4(2)(e) (tax credit and member of the family), it is valid from such date and for such period as the National Assembly for Wales may determine.".

(4) Hepgorer paragraff (6A) o reoliad 7.

Diwygio rheoliad 7ZA o'r prif Reoliadau

5. Hepgorer rheoliad 7ZA o'r prif reoliadau.

(**9**) 1989 p.41.

Diwygio Rhan I o Atodlen 1 i'r prif Reoliadau

6.—(1) Mae Rhan I o Atodlen 1 i'r prif Reoliadau (*Calculation of resources*) yn cael ei diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff 2 yn lle is-baragraff (d) rhodder yr is-baragraff canlynol—

"(d) as if the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002(**10**) had not been made.".

(3) Mae Tabl A (*modifications of provisions of the Income Support (General) Regulations 1987(**11**) for the purposes of Part I of this Schedule*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y paragraff hwn—

(a) Ar ôl y cofnod sy'n ymwneud â rheoliad 25 mewnosoder y cofnod canlynol—

"regulation 25A	Omit this regulation.";

(b) Yn lle'r cofnod sy'n ymwneud â rheoliad 32 rhodder y cofnod canlynol—

"regulation 32	In paragraph (1) for regulation 29"??? substitute "regulation 28" and for "subject to paragraphs (2) to (7)" substitute "subject to paragraph (6)". In paragraph (6) omit "and has changed more than once". Omit paragraphs (3) — (5), (6A) and (7).";

(c) Ar ôl y cofnod sy'n ymwneud â rheoliad 32 mewnosoder y cofnod canlynol—

"regulation 35	Omit paragraphs (1)(c), (1)(g), (1)(i), (1A) and (2A). In paragraph (1)(d) omit the words after "employment". In paragraph (2)(a) omit the words "subject to paragraph (2A)".";

(ch) Yn y cofnod sy'n ymwneud â rheoliad 38—

(i) mewnosoder yr addasiad canlynol mewn cysylltiad â pharagraff (4)—

	"In paragraph (4) after "the net profit of the employment" insert ", except where paragraph (3A) or (9) applies"..";

(ii) hepgorer yr addasiad mewn cysylltiad â pharagraff (4A);

(d) Ar ôl y cofnod sy'n ymwneud â rheoliad 38 mewnosoder y cofnod canlynol—

"regulations 39A-D	Omit these regulations.";

(**10**) O.S.2002/3019.
*(**11**) O.S.1987/1967*

(dd) Yn lle'r cofnod sy'n ymwneud â rheoliad 40 rhodder y cofnod canlynol —

"regulation 40	In paragraph (1) for "regulation 29 (calculation of income other than earnings)" substitute "regulation 28 (calculation of income)" and for "paragraphs (2) to (3B)" substitute "paragraphs (2) and (3)". Omit paragraphs (3A) to (5)." ;

(e) Yn lle'r cofnod sy'n ymwneud â rheoliad 45 rhodder y cofnod canlynol—

"regulation 45	For this regulation substitute— "**Capital Limit** **45.** For the purposes of regulation 5(1) of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 the capital limit is— (a) for a claimant under 60, or if the claimant has a partner, where both are under 60 — £8,000; (b) for a claimant permanently residing in accommodation as defined in regulation 19A — £19,500; (c) for a claimant 60 or over, of if the claimant has a partner, where either or both are 60 or over, and neither is permanently residing in accommodation as defined in Regulation 19A— £12,000.";"

(f) Ar ôl y cofnod sy'n ymwneud â rheoliad 49 mewnosoder y cofnodion canlynol —

"regulation 51	Omit sub-paragraph (1)(b).
regulation 51A	Omit this regulation.";

(ff) Yn lle'r cofnod sy'n ymwneud â rheoliad 53 rhodder y cofnod canlynol—

"regulation 53	In paragraph (1A) for "£10,000" on each occasion it appears substitute "£12,000" and for "£16,000" substitute "£19,500". For paragraph (1B) substitute—