OFFERYNNAU STATUDOL CYMRU

2003 Rhif 897 (Cy.117)

GWASANAETHAU CYMORTH GWLADOL, CYMRU

Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2003

Wedi'u gwneud - -	*26 Mawrth 2003*
Yn dod i rym - -	*7 Ebrill 2003*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 22(5) o Ddeddf Cymorth Gwladol 1948(**1**) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(**2**):

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio) (Cymru) 2003 a deuant i rym —

(a) at ddibenion y rheoliad hwn a rheoliadau 3(1), 5, 7(1), 8(1) ac 8(4) ar 1 Ebrill 2003,

(b) at ddibenion yr holl reoliadau eraill a'r rhannau o reoliadau, ar 7 Ebrill 2003.

(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992(**3**).

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

Diwygio'r prif Reoliadau — terfynau cyfalaf

2.—(1) Diwygir y prif Reoliadau yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Yn rheoliad 20 (terfyn cyfalaf) yn lle'r ffigur "£19,000" rhoddir y ffigur "£20,000".

(3) Yn rheoliad 28(1) (cyfrifo incwm tariff o gyfalaf) yn lle'r ffigur "£11,750", bob tro y mae'n ymddangos, rhoddir y ffigur "£12,250" ac yn lle'r ffigur "£19,000" rhoddir y ffigur "£20,000".

(**1**) 1948 p.29; diwygiwyd adran 22(5) o Ddeddf Cymorth Gwladol 1948 gan adran 39(1) o Ddeddf y Weinyddiaeth Nawdd Cymdeithasol 1966 (p.20) a pharagraff 6 o Atodlen 6 iddi, gan adran 35(2) o Ddeddf Budd-daliadau Atodol 1976 (p.71) a pharagraff 3(b) o Atodlen 7 iddi, gan adran 20 o Ddeddf Nawdd Cymdeithasol 1980 (p.30) a pharagraff 2 o Atodlen 4 iddi, a chan adran 86 o Ddeddf Nawdd Cymdeithasol 1986 (p.50) a pharagraff 32 o Atodlen 10 iddi.

(**2**) Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(5) o Ddeddf Cymorth Gwladol 1948 eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(**3**) O.S. 1992/2977; yr offerynnau diwygio perthnasol yw O.S. 1996/602 ac O.S. 2002/814 (Cy.94).

Diwygio'r prif Reoliadau — dehongli

3.—(1) Ym mharagraff (1) o reoliad 2 o'r prif Reoliadau (dehongli)—

(a) mewnosodir y diffiniadau canlynol yn y man priodol:

""carer's allowance" means a carer's allowance under the Social Security Contributions and Benefits Act(**4**);";

""lone parent" has the same meaning as in the Income Support Regulations(**5**);";

(b) hepgorir y diffiniad o "invalid care allowance"

(2) Ym mharagraff (1) o reoliad 2 o'r prif Reoliadau, mewnosodir y diffiniadau canlynol yn y man priodol:

""child tax credit" means a child tax credit under the Tax Credits Act(**6**);";

""guardian's allowance" means a guardian's allowance under the Contributions and Benefits Act(**7**));";

""working tax credit" means a working tax credit under the Tax Credits Act 2002(**8**);".

Diwygio rheoliad 16 o'r prif Reoliadau

4. Ar ôl paragraff (4) o reoliad 16 o'r prif Reoliadau (cyfalaf a gaiff ei drin fel incwm) mewnosodir y paragraff canlynol—

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

Diwygio Atodiad 2 i'r prif Reoliadau

5. Ym mharagraff 3(2)(a) o Atodlen 2 i'r prif Reoliadau (symiau i'w hanwybyddu wrth gyfrifo enillion), yn lle'r geiriau "an invalid care allowance" mewnosodir y geiriau " a carer's allowance".

Diwygio Atodlen 3 i'r prif Reoliadau — paragraffau 10 a 30

6.—(1) Ym mharagraff 10 o Atodlen 3 i'r prif Reoliadau (symiau i'w hanwybyddu wrth gyfrifo incwm heblaw enillion)—

(a) yn is-baragraff (1), yn lle'r geiriau "(charitable or voluntary payments) of any charitable or of any voluntary payment" rhoddir "(relevant payments) of any relevant payment";

(b) yn is-baragraff (2) yn lle'r geiriau "charitable payment or voluntary payment" rhoddir y geiriau "relevant payment";

(c) ar ôl is-baragraff (2), ychwanegir yr is-baragraff canlynol—

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

(a) a charitable payment;

(b) a voluntary payment;

(**4**) 1992 p.4*Gweler* adran 70 fel y'i diwygiwyd gan O.S. 2002/1457.
(**5**) O.S. 1987/1967*Gweler* rheoliad 2.
(**6**) 2002 p.21*Gweler* adran 8.
(**7**) 1992 p.4*Gweler* adran 77 fel y'i diwygiwyd gan Ddeddf Credydau Treth 2002 p. 21.
(**8**) 2002 p.21*Gweler* adran 10.

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

(d) a payment under an annuity purchased—

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

(ii) from funds derived from a payment made,

in consequence of any personal injury to the resident; or

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

(2) Ym mharagraff 30 o Atodlen 3 i'r prif Reoliadau—

(a) yn lle'r geiriau "charitable or voluntary payments" rhoddir y geiriau "relevant payments"; a

(b) ar y diwedd, ychwanegir yr is-baragraff canlynol—

"(2) In this paragraph "relevant payment" has the same meaning as in paragraph 10(3).".

Diwygio Atodlen 3 — paragraffau 28D —F

7.—(1) Yn Atodlen 3 i'r prif Reoliadau (symiau i'w hanwybyddu wrth gyfrifo incwm ac eithrio enillion), ar ôl paragraff 28C, ychwanegir y paragraffau canlynol—

"**28D.** Any payment made by a local authority to or on behalf of the resident relating to welfare services in respect of which the National Assembly for Wales has paid a grant to the local authority under section 93(2) of the Local Government Act 2000(**9**), where the resident qualified for that payment.

28E. Any payment made under the Community Care (Direct Payments) Act 1996(**10**) or under regulations made under section 57 of the Health and Social Care Act 2001(**11**) except where that payment is paid in relation to the provision of residential accommodation under the Act.

28F. Any payment made under section 17A of the Children Act 1989(**12**)) except where that payment is paid in relation to the provision of residential accommodation under the Act.".

(2) Yn Atodlen 3 i'r prif Reoliadau ar ôl paragraff 28D, ychwanegir y paragraffau canlynol—

"**28G.** Any guardian's allowance.

28H. Any child tax credit.".

Diwygio Atodlen 4 i'r prif Reoliadau

8.—(1) Yn Atodlen 4 i'r prif Reoliadau (cyfalaf i'w anwybyddu) ar ôl paragraff 2, ychwanegir y paragraff canlynol—

"**2A.** Where a resident has ceased to occupy a dwelling, which was formerly occupied as the home, following his estrangement or divorce from his former partner, the value of

(**9**) 2000 p. 22.
(**10**) 1996 p. 30.
(**11**) 2001 p. 15.
(**12**) 1989 p.41.