

2009 Rhif 54 (Cy.18)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Treuliau Teithio a Pheidio
â Chodi Tâl) (Cymru) (Diwygio)
2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007 ("y prif Reoliadau").

Mae'r prif Reoliadau yn gwneud darpariaeth fel bod pobl sydd naill ai'n cael budd-daliadau penodol oddi wrth y wladwriaeth neu sydd ar incwm isel yn cael peidio â thalu taliadau penodol neu gael ad-daliad ohonynt, a'r taliadau hynny fel arall yn daladwy o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ("taliadau GIG") a chael taliad am dreuliau teithio a dynnwyd wrth gael gwasanaeth GIG penodol ("treuliau teithio GIG").

Wrth gyfrifo adnoddau a gofynion person o dan y prif Reoliadau er mwyn canfod a oes gan berson hawl i beidio â thalu taliadau GIG a chael taliad am dreuliau teithio GIG, defnyddir fersiwn addasedig o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 ("y Rheoliadau Cymhorthdal Incwm").

Mae rheoliad 2 yn gwneud darpariaeth ar gyfer cyfrifo adnoddau a gofynion aelodau o briodasau amlgyfar.

Mae rheoliad 3 yn darparu, pan fo person sy'n cael lwfans cyflogaeth a chymorth a bod sancsiwn yn ei erbyn o dan reoliad 63 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008, bod hawl y person hwnnw i beidio â thalu taliadau GIG ac i gael taliad am dreuliau GIG yn cael ei chyfrifo fel na bai'r sancsiwn yn ei erbyn. Mae rheoliad 3 hefyd yn darparu ar gyfer diystyriadau penodol i bobl sy'n ymgymryd â gwaith esempt o dan

reoliad 45 o Reoliadau Lwfans Cyflogaeth a Chymorth 2008.

Mae rheoliad 4 yn darparu ar gyfer pobl o dan 25 oed gael eu cynnwys wrth gyfrifo eu hawl i beidio â thalu taliadau GIG a chael taliad am dreuliau teithio GIG a lwfans personol o swm sydd gymaint â'r swm ar gyfer person sy'n 25 oed neu'n hŷn. Bydd hyn yn gymwys i bobl sydd naill ai yn cael lwfans cyflogaeth a chymorth ac y dyfarnwyd cydran lwfans cyflogaeth a chymorth iddynt, neu sy'n analluog i weithio am gyfnod parhaus o 28 wythnos ers 27 Hydref 2008. Mae rheoliad 3 hefyd yn darparu ar gyfer cynnwys amryw o breimiau wrth gyfrifo ar gyfer hawl i gael peidio â thalu taliadau GIG ac i gael taliad am dreuliau teithio GIG ac i'r bobl hynny sy'n cael lwfans cyflogaeth a chymorth.

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2009**

Gwnaed 19 Ionawr 2009

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 20 Ionawr 2009

Yn dod i rym 10 Chwefror 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 130, 131, 132 a 203 (9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1) drwy hyn yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1)Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) 2009.

(2) Daw'r rheoliadau hyn i rym ar 10 Chwefror 2009.

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

(4) Yn y Rheoliadau hyn ystyr "y prif Rheoliadau" ("the principal Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007(2).

Diwygio rheoliad 14 o'r Prif Reoliadau

2. Ar ddiwedd rheoliad 14 o'r prif reoliadau ychwaneger y paragraff a ganlyn—

(1) 2006 p.42

(2) O.S. 2007/1104 (Cy.116)

“(6) Pan fo ceisydd yn aelod o briodas amlgyrmar, rhaid cyfrifo adnoddau a gofynion aelodau’r briodas honno yn yr un dull â rhai’r ceisydd a rhaid iddynt gael eu hystyried fel petaent yn adnoddau a gofynion y ceisydd, ac eithrio y caiff y swm cymwysadwy ei gyfrifo yn unol â rheoliad 18 o’r Rheoliadau Cymhorthdal Incwm.”.

Diwygio Atodlen 1 i’r prif Reoliadau, Tabl A

3. Yn Atodlen 1 i’r prif Reoliadau (Addasu Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987 (1)), Tabl A—

- (a) yng ngholofn (2) o’r cofnod sy’n ymwneud â rheoliad 40 (cyfrifo incwm heblaw enillion), mewnosoder ar y diwedd—

“Yn lle paragraff (6) rhodder y paragraffau a ganlyn—

“(6) Where—

- (a) the claimant is a member of a couple or a polygamous marriage;
- (b) the claimant or the claimant’s partner (or either or any of them if the claimant has more than one partner) is receiving a contributory employment and support allowance; and
- (c) that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008(2),

that reduction will not affect the amount of benefit that is to be taken into account.

(6A) Where—

- (a) the claimant is a single claimant or a lone parent;
- (b) the claimant is receiving a contributory employment and support allowance; and
- (c) that benefit has been under regulation 63 of the Employment and Support Allowance Regulations,

that reduction will not affect the amount of the benefit that is to be taken into account.”; a

(1) O.S. 1987/1967; gwnaed diwygiadau perthnasol gan O.S. 2008/1554 a 2586 (Cy.226).

(2) *Gweler* y diffiniad o “Reoliadau Lwfans Cyflogaeth a Chymorth yn rheoliad 2(1) o O.S. 1987/1967 fel y’i mewnosodwyd gan O.S. 2008/1554.

- (b) yng ngholofn (2) o'r cofnod sy'n ymwneud ag Atodlen 8 (symiau i'w diystyru wrth gyfrifo enillion), ar ôl yr ail gofnod ar gyfer paragraff 4 mewnosoder—

“Ar ôl paragraff 4 rhodder—

“4.—(1) Income is disregarded under this sub-paragraph where—

(a) the claimant is undertaking work which falls within the categories in paragraphs (2) to (4) of regulation 45 of the Employment and Support Allowance Regulations;

(b) the partner of a claimant is in receipt of employment and support allowance and is undertaking work which falls within the categories in paragraphs (2) to (4) of regulation 45 of the Employment and Support Allowance Regulations but paragraph (c) is not applicable; or

(c) both a claimant and the partner of the claimant are in receipt of employment and support allowance and both are undertaking work which falls within the categories in paragraphs (2) to (4) of regulation 45 of the Employment and Support Allowance Regulations.

(2) Where sub-paragraph (1)(a) or (b) applies, income is disregarded to the same extent as it would be disregarded under regulations 5 and 6 of Schedule 7 to the Employment and Support Allowance Regulations.

(3) Where sub-paragraph (1)(c) applies, the aggregate income of the claimant and the partner is disregarded to the same extent as it would be disregarded under paragraphs 5 and 6 of that Schedule in the case of an individual.

(4) The other disregards in paragraphs 4 to 9 are not applicable where income is disregarded under this paragraph.

(5) In this paragraph “employment and support allowance” means an employment and support allowance under Part 1 of the Welfare Reform Act.””.

Diwygio Atodlen 1 i'r prif Reoliadau, Tabl B

4. Yn Atodlen 1 i'r prif Reoliadau (Addasu Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987, yn Nhabl B—

- (a) yng ngholofn (2) ar ôl y cofnod cyntaf sy'n ymwneud â rheoliad 18(1) , mewnosoder y cofnod a ganlyn—

“Yn lle rheoliad 18(1)(a) a (b) rhodder—

“(a) where each member of the marriage is less than 60—

(i) the amount applicable to the claimant plus the amount applicable to one of the other members of the marriage determined in accordance with sub-paragraph (5) of paragraph 1 of Schedule 2; and

(ii) an amount equal to the difference between the amounts specified in sub-paragraphs (5) and (1) of paragraph 1 of that Schedule in respect of each of the members of the marriage who were not taken in to account in determining the amount under (i) above;

(b) where any member of the marriage is aged 60 or more—

(i) the amount applicable to the claimant plus the amount applicable to one of the other members of the marriage determined in accordance with sub-paragraph (6) of paragraph 1 of Schedule 2; and

(ii) an amount equal to the difference between the amounts specified in sub-paragraphs (6) and (2) of paragraph 1 of that Schedule in respect of each of the members of the marriage who were not taken into account in determining the amount under (i) above;”.

- (b) yng ngholofn (2) o'r cofnod sy'n ymwneud ag Atodlen 2—

(i) ar ôl yr ail gofnod rhodder—

“Ar ôl paragraff 1 (lwfansau personol) rhodder—

“**1ZA.**—(1) A single claimant or lone parent aged less than 25 who—

(a) is entitled to an ESA component; or

(b) is incapable of work and has been incapable of work for a continuous period of not less than 28 weeks which begins no earlier than 27 October 2008,

has a personal allowance equal to the amount of the personal allowance which would apply if that person were not less than 25 years old.

(2) In sub-paragraph (1) “ESA component” means a support component or a work-related activity component within the meaning of section 4 of the Welfare Reform Act.”;

(ii) yn lle’r cofnod sy’n ymwneud â pharagraff 11 (premiwm anabledd), rhodder—

“Yn lle paragraff 11(1) rhodder y cofnodion a ganlyn—

“**11.**—(1) Subject to sub-paragraph (2), the condition is that—

(a) where the claimant is a person aged less than 60 who is a single claimant or a lone parent, an additional condition specified in paragraph 12 is satisfied; or

(b) where the claimant has a partner and both the claimant and the partner are aged less than 60, an additional condition specified in paragraph 11A(1) or 12 is satisfied by at least one of them; or

(c) where the claimant is a person aged less than 60 who is a single claimant or a lone parent, an additional condition specified in paragraph 11A(2) is satisfied.”;

Ar ôl paragraff 11 mewnosoder—

“**11A.**—(1) The additional conditions referred to in paragraph 11(1)(b) are—

(a) the claimant is a member of a couple and a member of that couple has been awarded employment and support allowance which includes an ESA component; or

(b) the claimant is a member of a couple and a member of that couple has been in receipt of employment and support

allowance for 28 weeks, or is incapable of work and has been incapable of work for a continuous period of not less than 28 weeks which starts no earlier than 27 October 2008.

(2) The additional conditions referred to in paragraph 11(1)(c) are—

(a) the claimant is a single claimant or a lone parent who is in receipt of an employment and support allowance which includes a support component;

(b) the claimant is a single claimant or lone parent who is in receipt of an employment and support allowance which includes a work-related activity component;

(c) the claimant is a single claimant or lone parent who has been in receipt of employment and support allowance for a period of 28 weeks, or is incapable of work and has been incapable of work for a continuous period of not less than 28 weeks which starts no earlier than 27 October 2008;

(d) the claimant is a—

(i) single claimant or lone parent;

(ii) severely disabled person within the meaning of paragraph 13(2)(a)(i); and

(iii) person who has been in receipt of employment and support allowance for a period of not less than 28 weeks, or is incapable of work and has been incapable of work for a continuous period of not less than 28 weeks which starts no earlier than 27 October 2008.

(3) In this paragraph—

“employment and support allowance” means an employment and support allowance under Part 1 of the Welfare Reform Act;

“ESA component” means either a support component or a work-related activity component; and

“support component” and “work-related activity component” have the same meanings as in section 4 of that Act.”; a

(iii) ar ôl y cofnod sy'n ymwneud â pharagraff 13 (2)(a)(ii) a (b)(iii) mewnosoder—

“Yn lle paragraff 13A(1) (Uwch Breimiwm Anabled)(1) rhodder—

“**13A.**—(1) Subject to sub-paragraph (2), the conditions are that—

(a) the claimant is aged less than 60 and, where the claimant is a member of a couple, the claimant's partner is aged less than 60; and

(b) the claimant or, as the case may be, the claimant's partner is—

(i) in receipt of employment and support allowance which includes a support component; or

(ii) in receipt of the care component of disability living allowance at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act or would be in receipt of that component at that rate but for either a suspension of benefit in accordance with regulations made under section 113(2) of that Act or an abatement as a consequence of hospitalisation.”.

Ar ôl 13A(2) rhodder—

“(3) In this paragraph “employment and support allowance” means an employment and support allowance under Part 1 of the Welfare Reform Act and “support component” has the same meaning as in section 4 of that Act.”.

(1) Mewnosodwyd paragraff 13A i Reoliadau Cymhorthdal Incwm (Cyffredinol) gan O.S. 2000/2629.

Ym mharagraff 15(4)(a) (swm wythnosol o breimiwm anabledd) yn lle'r cofnod yn y golofn chwith rhodder—

“(a) where the condition in paragraph 11(1)(a) is satisfied or the condition in paragraph 11(1)(c) and an additional condition in paragraph 11(2)(b) or (c) are satisfied;”

Ar ôl paragraff 15(4)(a) rhodder y cofnod a ganlyn—

“(aa) where the (aa) an amount condition in equal to the paragraph 11(1)(c) component in and an additional paragraph 13 of condition in Schedule 4 to the paragraph 11A(2) Employment and (a) or (d) are Support Allowance satisfied; Regulations.”

Ym mharagraff 15(4)(b) (swm wythnosol o breimiwm anabledd) yn lle'r cofnod yn y golofn chwith rhodder —

“(b) where the condition in paragraph 11(1)(b) and an additional condition in paragraph 11A(1) or paragraph 12 are satisfied.””.

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol, un o Weinidogion Cymru

19 Ionawr 2009

