



# Ymateb i ymchwiliad y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol: Ymchwiliad i ddeddfu yn y pedwerydd Cynulliad

## **Mehefin 2014**

Tŷ Quebec | Castlebridge | 5-19 Heol Ddwyreiniol y Bont-faen | Caerdydd | Ffôn: 03000  
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## Gair am Cyngor ar Bopeth Cymru

Mae Cyngor ar Bopeth yn elusen annibynnol sy'n cwmpasu Cymru a Lloegr. Mae'n gweithredu fel Cyngor ar Bopeth Cymru yng Nghymru ac mae ganddi swyddfeydd yng Nghaerdydd a'r Rhyl. Mae 20 o Ganolfannau Cyngor ar Bopeth yn aelodau yng Nghymru, pob un ohonynt yn aelodau o Cyngor ar Bopeth Cymru, sy'n darparu gwasanaethau o dros 250 o leoliadau.

Mae gan y gwasanaeth Cyngor ar Bopeth ddau nod:

- darparu'r cyngor y mae pobl ei angen ar gyfer y problemau a wynebant
- gwella'r polisïau a'r arferion sy'n effeithio ar fywydau pobl.

Mae'r cyngor a ddarperir gan y gwasanaeth Cyngor ar Bopeth am ddim, yn annibynnol, yn gyfrinachol a diduedd, ac mae ar gael i bawb beth bynnag fo'u hil, rhyw, anabledd, cyfeiriadedd rhywiol, crefydd, oedran neu'u cenedligrwydd.

Gwirfoddolwyr hyfforddedig yw'r rhan fwyaf o staff gwasanaethau Cyngor ar Bopeth. Mae'r holl staff cynghori, boed yn gyflogedig neu wirfoddol, yn cael eu hyfforddi mewn sgiliau cynghori a chânt ddiweddariadau rheolaidd ar hyfforddiant pwnc-benodol a mynediad i gefnogaeth arbenigol ar bynciau penodol.

Mae'r Canolfannau Lleol, o dan delerau aelodaeth Cyngor ar Bopeth yn rhoi cyngor craidd yn seiliedig ar dystysgrif o safonau ansawdd ar fudd-daliadau lles/credydau treth, dyledion, tai, cynhyrchion a gwasanaethau ariannol, materion defnyddwyr, cyflogaeth, iechyd, mewnfudo a lloches, materion cyfreithiol, perthynas ag eraill a materion teuluol.

Bellach mae gan y Gwasanaeth Cyngor ar Bopeth gyfrifoldebau dros gynrychioli defnyddwyr yng Nghymru yn sgil newidiadau Llywodraeth y DU yn y maes defnyddwyr<sup>1</sup>. Ers 1<sup>af</sup> Ebrill 2014 mae'r cyfrifoldebau hyn yn cynnwys swyddogaethau statudol a chyfrifoldebau i gynrychioli defnyddwyr ynni a'r post.

Rydym yn hapus i'n hymateb fod ar gael i'r cyhoedd.

### Crynodeb o'r pwyntiau allweddol

Hoffai Cyngor ar Bopeth Cymru dynnu sylw at y pwyntiau canlynol o'n hymateb:

- Credwn fod y Memoranda Esboniadol o gymorth i'w deall.

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<sup>1</sup> Ar 1<sup>af</sup> Ebrill 2013 cafodd y cyfrifoldeb dros gynrychioli defnyddwyr ei drosglwyddo oddi wrth Llais Defnyddwyr i'r gwasanaeth Cyngor ar Bopeth (gan gynnwys Cyngor ar Bopeth Cymru) yn dilyn adolygiad Llywodraeth y DU o'r maes defnyddwyr.

- Hoffem i'r deddfwriaeth ddiwygiedig ddangos y darpariaethau newydd yn llawn, gan osgoi'r angen i roi'r deddfiadau amrywiol at ei gilydd er mwyn canfod effaith y newidiadau.

## Cwestiynau'r ymgynghoriad:

### Cwestiwn 3

**Rydym yn ystyried y Memorandwm Esboniadol yn amhrisiadwy fel cyflwyniad i filiau a rheoliadau, yn enwedig ar gyfer deddfwriaeth faith fel: Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru).**

Yn gyffredinol, rydym yn credu bod fersiynau Cymru yn gliriach na rhai San Steffan. Dyma ddwy enghraifft isod:

#### Enghraifft o Gymru

**Memorandwm Esboniadol i Gynlluniau Gostyngiadau'r Dreth Gyngor a Gofynion Rhagnodedig (Cymru) 2012.**

<http://www.assemblywales.org/sub-ld9137-em-e.pdf>

37. The means test is based on a comparison of income (as defined in the regulations) and the applicable amount (a living allowance). An individual's applicable amount will continue to be made up of four elements:

- A personal allowance in respect of the applicant;
- An amount in respect of any child or young person who is part of the applicant's family;
- A family premium element (where the applicant is part of a family of which at least one member is a child or young person); and
- Any premium amount, as set out in the regulations, which is applicable to the applicant.

#### Enghraifft o Loegr

**EXPLANATORY MEMORANDUM TO THE COUNCIL TAX REDUCTION SCHEMES (PRESCRIBED REQUIREMENTS) (ENGLAND) REGULATIONS 2012**

[http://www.legislation.gov.uk/ukxi/2012/2885/pdfs/ukxiem\\_20122885\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/2885/pdfs/ukxiem_20122885_en.pdf)

The schemes are means-tests. They compare the income of an individual to a deemed living allowance (applicable amount). Both these elements are calculated according to detailed rules in the regulations, based on individual circumstances. For example:

- the 'applicable amount' is made up of a personal allowance (based on whether the applicant is single, part of a couple and whether they have dependents), and 'premium' amounts attached to personal circumstances or benefit indicators (see Default Scheme Part 6 and Schedules 2 and 3; Prescribed Requirements, paragraph 6 and Schedule 2).
- Income is any earned income, 'unearned' income – including benefits and a 'tariff' income (calculated on capital holdings), is taken into account (see Default Scheme Part 10 and Schedules 5-10), Prescribed Requirements Part 6 and Schedules 4-6).

## Atodiad 1, Cwestiwn 4

**Byddai'n well gan Cyngor ar Bopeth Cymru weld biliau a rheoliadau sy'n diwygio darpariaethau blaenorol yn cydgrynhoi neu'n cymryd lle'r ddarpariaeth, nid dim ond dangos y newidiadau i'w mewnosod yn unig.**

Mae'r enghreifftiau isod yn dyfynnu'r Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Asesu Adnoddau) a Rheoliadau Ffioedd Gofal Cymdeithasol (Diwygiadau Amrywiol) (Cymru) 2014

<http://www.legislation.gov.uk/wsi/2014/666/contents/made>

Mae Rheoliad 4 yn diwygio: Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992.

*Mae Rheoliad 4, Rheoliadau Cymorth Gwladol (Symiau at Anghenion Personol) (Asesu Adnoddau) a Rheoliadau Ffioedd Gofal Cymdeithasol (Diwygiadau Amrywiol) (Cymru) 2014 yn dweud:*

***Amendment of Capital Limit***

*4. In paragraph (2) of regulation 20A (Capital Limit – Wales) of the National Assistance (Assessment of Resources) Regulations 1992(1), replace the figure of “£23,750” with the figure “£24,000”.*

*(1)S.I. 1992/2977]*

Fodd bynnag, nid yw'r fersiwn o OS 1992/2977 yn y troedyn yn cynnwys rheoliad 20A gan fod y ddolen yn mynd i fersiwn wreiddiol o'r rheoliadau a bod rheoliad 20A wedi'i ychwanegu wedyn.

Fe'i ychwanegwyd gan Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio)(Cymru) 2005 SI 2005/662. Y darn gwreiddiol oedd:

**Capital limit — Wales**

**20A.** (1) This regulation applies in relation to Wales.

(2) No resident shall be assessed as unable to pay for his accommodation at the standard rate if his capital, calculated in accordance with regulation 21, exceeds £21,000.

Mae'r rhan berthnasol i'r rheoliadau hynny wedi'i diwygio 6 gwaith ers eu cyflwyno.

Ar ôl cydgyrnhoi'r holl newidiadau, mae'r union eiriad fel a ganlyn:

- (1) *This regulation applies in relation to Wales.*
- (2) *No resident shall be assessed as unable to pay for his accommodation at the standard rate if his capital, calculated in accordance with regulation 21, exceeds £24,000.*
- [(3) *No resident is liable to pay for accommodation, or contribute to the cost of accommodation, from capital where the resident's capital, calculated in accordance with regulation 21, does not exceed the amount specified in paragraph (2).*

Dim ond ychydig o eiriau ychwanegol fyddai wedi cymryd i gymryd lle rheoliad 20A yn hytrach na newid y geiriad yn unig. Byddai ei newid wedi golygu osgoi gwirio'r holl ddiwygiadau blaenorol i fod yn sicr o'r geiriad terfynol.

Mae'r canlynol yn enghraifft arall o'r drafferth ddifrifol i ddeall beth yw ystyr y rheoliadau mewn gwirionedd:

*Rheoliadau'r Gwasanaeth Iechyd Gwladol Treuliau Teithio a Pheidio â Chodi Tâl Cymru 2007*

Mae'r rheoliadau hyn yn cyflwyno'r darpariaethau ar gyfer cymorth i deithio i gael gyfer triniaeth GIG. Maent yn cyfrifo lefel y cymorth trwy gyfeirio at addasu'r Income Support (General) Regulations 1987. Mae darn o Rheoliadau 1987 i'w weld yn **Atodiad A**.

Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007, yn diwygio rheoliadau 2007.

Mae Rheoliad 3 yn dweud:

### **Amendment to the 2007 Regulations**

**3.** (1) The 2007 Regulations are amended as follows.

(2) In Column 2 of Table A in Schedule 1 (modifications of the Income Support (General) Regulations 1987), in the modification of regulation 45 (capital limit) for "£22,000" substitute "£22,500".

Mae unrhyw un sy'n ceisio deall y ddeddf bresennol, heb fynediad i gronfa ddata fel LexisNexis neu Westlaw, â'r dasg anodd iawn o roi'r geiriad gwreiddiol at ei gilydd yn ogystal â'r holl newidiadau er mwyn cyrraedd y canlyniad cywir yn y diwedd. Mae mynediad i gronfeydd data'n ddrud iawn.

**Mae Cyngor ar Bopeth Cymru yn credu mai un ateb fyddai cydgrynhoi'r rheoliadau ac yna'u haildeddfu'n llawn bob blwyddyn, fel bod un ddogfen yn cyflwyno'r holl reoliadau ar y pwnc hwn.**

Yn ystod y broses ddrafftio, rydym yn cymryd bod dogfennau gweithio yn gorfod dangos canlyniadau 'wedi'u cydgrynhoi' o'r newidiadau dan sylw. Credwn y dylid ystyried y syniad o gynnig dewisiadau ar ddefnyddio'r dogfennau hyn.

**Mae Cyngor ar Bopeth Cymru yn credu y gellir ystyried defnyddio Atodlenni Keeling gan fod hyn yn dangos yn glir beth sydd wedi newid a'r effaith ar y darpariaethau blaenorol. Mae tudalen enghreifftiol o atodlen Keeling i'w gweld yn:**

<http://webarchive.nationalarchives.gov.uk/20130802140618/https://media.education.gov.uk/assets/files/pdf/e/education%20bill%20keeling%20schedule%20%20%20clause%2015.pdf>

**Am ragor o wybodaeth, cysylltwch â:**

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## Annex A

# SCHEDULE 1 Modifications of the Income Support (General) Regulations 1987

## regulations 14, 15 and 16

TABLE A

| <i>Column 1</i> | <i>Column 2</i>  |
|-----------------|--|
| Regulation 23   | In paragraph (1) for “[section 136 of the Social Security Contributions and Benefits Act]” substitute “regulation 14(3) of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007”.   |
| Regulation 25   | For the whole of regulation 25 (liable relative payments) substitute—<br><b>“25</b><br>(1)Where a claimant's income consists of any payments made by a person, whether under a court order or not, for the maintenance of himself or herself or any member of the claimant's family, and those payments are made or due to be made at regular intervals, the claimant's normal weekly income from those payments must be determined—<br>(a)as if before the relevant date those payments are made at regular intervals and in regular amounts, |

by reference to the normal weekly amount;  
(b) if they are not so made, by reference to the average amount of such payments received in the 13 weeks immediately preceding the week which includes the relevant date.

(2) Any maintenance payment other than one to which paragraph (1) of this regulation applies must be treated as capital.”.

Regulation 25A

Omit this regulation.

Regulation 28

In paragraph (1) omit the words from “For the purposes” to “income support”).

In paragraph (1)(a) for “the weekly amount of his income” substitute “the normal weekly amount of his or her income at the relevant date”.

Regulation 29

Omit this regulation.

Regulation 30

In paragraph (1) omit the words “Except where paragraph (2) applies”.

In paragraph (1)(a) at the beginning insert the words “except where sub-paragraph (b) or (c) applies,”.

In paragraph (1)(b) at the beginning insert the words “except where sub-paragraph (c) applies,”.

After paragraph (1)(b) insert the word “or” and the following sub-paragraph—

“(c) where in respect of the employment the claimant provides a profit and loss account (and, where appropriate, a trading account or a balance sheet, or both), and the profit and loss account is in respect of a period of at least 6 months but not exceeding 15 months and that period ends within the 12 months preceding the relevant date.”.

After paragraph (1) insert the following new paragraph—

“(1A) In paragraph (1)(c)—

(a) “balance sheet” means a statement of the

financial position of the employment disclosing its assets, liabilities and capital at the end of the period in question;

(b) "profit and loss account" means a financial statement showing the net profit or loss of the employment for the period in question; and

(c) "trading account" means a financial statement showing the revenue from sales, the cost of those sales and the gross profit arising during the period in question."

Omit paragraph (2).

Regulation 31

Omit this regulation.

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) to (5), (6A) and (7).

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)".

Regulation 36

In paragraph (1) for "regulation 29 (calculation of earnings of employers earners)" substitute "regulation 28 (calculation of income)".

Regulation 38

In paragraph (3) for "paragraph (9)" substitute "paragraphs (3A) or (9)".

After paragraph (3) insert—

"(3A) For the purpose of paragraph (1)(a), in a case where earnings of the employment are calculated over a period determined under regulation 30(1)(c), the net profit of the employment must, except where paragraph (9) applies, be calculated by taking

into account the earnings of the employment relevant to that period (whether or not received in that period), less—

(a) subject to paragraphs (5) to (7), any expenses relevant to that period (whether or not defrayed in that period) and which were wholly and exclusively incurred for the purposes of that employment; and  
(b) an amount in respect of—

(i) income tax,

(ii) social security contributions payable under the Contributions and Benefits Act, calculated in accordance with regulation 39 (deductions of tax and contributions for self-employed earners), and  
(iii) one half of any premium paid in the period that is relevant under regulation 30 in respect of a retirement annuity contract or a personal pension scheme.”.

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

Regulations 39A–39D

Omit these regulations.

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)”.

[For paragraph (6) substitute the following paragraphs—

“(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, 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.”]

Omit paragraphs (3A) to (5).

Regulation 41 In paragraph (1) for “on the first day” to “the date of that supersession” substitute “at the relevant date”.

Omit paragraphs (3) and (4).

Regulation 42 In paragraph (4) omit the words from “and in any case” to “(trade disputes) applies”.

Regulation 44 In paragraph (1) for “on the first day” to “the date of that supersession” substitute “at the relevant date”.

Omit paragraphs (2), (3), (8) and (9).

Regulation 45 [For this regulation substitute—

**“45 Capital Limit**

For the purposes of regulations 5(2)(e) and 6(1)(a) of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 the capital limit is—

(a) for a claimant permanently residing in accommodation as defined in regulation 19A—  
[£22,500];

(b) in any other case—£16,000.”.]

Regulation 46 In paragraph (1) omit the words “For the purposes”

|                       |   |
|-----------------------|---|
|                       | to "income support".  |
| Regulation 48         | In paragraph (2) omit the words from "Except" to "applies".<br><br>In paragraph (5) omit the words "Subject to paragraph (6),".<br><br>Omit paragraphs (6) and (10)(a) and (b).   |
| Regulation 49         | In sub-paragraph (b)(i) for "first day" to "date of that supersession" substitute "relevant date".  |
| Regulation 51         | Omit sub-paragraph (1)(b).  |
| Regulation 51A        | Omit this regulation.   |
| Regulation 53         | [Paragraph 1A is omitted.]<br><br>For paragraph (1B) substitute—<br>"(1B) For the purposes of paragraph (1A) and regulation 45, the prescribed circumstances are that the claimant lives permanently in accommodation as set out in regulation 19A."<br><br>In paragraph (3) for the reference to "regulation 60" substitute reference to "regulation 25".  |
| Regulations 54 to 60E | Omit these regulations.   |
| Regulation 61         | In paragraph (1) in the definition of "academic year" after "September" insert ", or 1 August in the case of a student attending a course in Scotland."   |
| Regulation 62         | In paragraph (1) for the words "subject to paragraphs (2) and (2A)" substitute "subject to paragraphs (2), (2A) and (2C)".<br><br>After paragraph (2B) insert—<br>["(2C) There must also be disregarded from a student's grant income—<br>(a) any sum by way of maintenance grant available to a student under regulations 57 to 59 of the Education (Student Support) Regulations 2009 which is not taken into account in the calculation of the maximum amount of a loan for living costs under chapter 2 of Part 6 of those Regulations; |

(b) any sum by way of maintenance grant available to a student under regulations 39 to 41 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No 2) Regulations 2011 which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulations 49 to 52 of those Regulations; and

(c) any sum by way of maintenance grant available to a student under regulation 58 of the Education (Student Support) (No 2) Regulations (Northern Ireland) 2009 which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulation 66 of those Regulations.”].

For paragraph (3) substitute—

“(3) In calculating the weekly amount of the grant to be taken into account as income—

(a) except where sub-paragraph (b) or paragraph (4) applies, the grant must be apportioned equally between 52 weeks; and

(b) in the case of a grant which is payable in respect of the final academic year of the course or if the course is only of one academic year's duration, in respect of that year the grant must be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with the last day of the course.”.

Omit paragraph (3A).

Omit paragraph (3B).

In paragraph (4) for “weeks in the period beginning” to “last day of the period of study” substitute “remaining weeks in that period of study”.

Regulation 63

In paragraph (2) omit the words “or, if there are 53 benefit weeks (including part-time weeks) in the

- year, 53".
- Regulation 64 In paragraph (1)(c) omit the words "or, if there are 53 benefit weeks (including part-time weeks) in the year, 53".
- Regulation 65 For the words "No part" substitute "(1) subject to paragraph (2), no part".  
After paragraph (1) insert the following paragraph—  
"(2) For the purposes of this regulation and paragraph 15 of Schedule 9, "voluntary payment" does not include any payment made by a person whose income a Minister of the Crown or an education authority—  
(a) would take into account in assessing the amount of a student's grant or a student's loan if an application for it were to be made; or  
(b) has taken into account in assessing the amount of a student's grant or student's loan and which is in excess of contributions as assessed by a Minister of the Crown or an education authority.".
- Regulation 66A [For paragraph (1), substitute—  
"(1) A student loan must be treated as income unless it is—  
(a) a hardship loan; or  
(b) an additional loan, as described in the [[Student Support Information Guide 2011–12] issued by the Student Awards Agency for Scotland], paid pursuant to an application for a loan under regulation 5(1) or (9) of the Education (Student Loans) (Scotland) Regulations 2007 (applications for loans),  
in which case it will be disregarded.".]  
For paragraph (2) substitute—  
"(2) In calculating the weekly amount of the loan to be taken into account as income—  
(a) except where sub-paragraph (b) applies, the

loan must be apportioned equally between the 52 weeks in the academic year;

(b) in the case of a loan which is payable in respect of the final academic year of the course or if the course is only of one academic year's duration, in respect of that year the loan must be apportioned equally between the weeks in the period beginning with the start of the final academic year, or as the case may be, the single academic year and ending with the last day of the course, and, in the case of a person to whom paragraph (2A), (2B) or (2C) applies, £10 must be disregarded from the weekly amount so apportioned.”.

After paragraph (2) insert the following paragraphs—

“(2A) This paragraph applies to a student whose applicable amount includes any premium specified in Parts II and III of Schedule 2.

(2B) This paragraph applies where the claimant is a student to whom paragraph 12 of Schedule 1B applies;

(2C) This paragraph applies where the student is a partner of a claimant and the claimant is not also a student.”.

Schedule 8

For paragraph 4(3) substitute the following paragraph—

“(3) This paragraph applies where—

(a) the claimant is aged not less than 60; or

(b) the claimant is a member of a couple, where at least one partner is aged not less than 60.”

In paragraph 4 omit sub-paragraphs (4) and (7).

[After paragraph 4 insert—

**“4A**

(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."]
- In paragraph 6A(1) for "none of paragraphs 4 to 6 applies" substitute "paragraph 4 does not apply".
- In paragraph 7 for the words "none of paragraphs 4

to 6B" substitute "none of paragraphs 4 or 5 or 6A or 6B".

In paragraph 8 omit "part-time".

After paragraph 8 insert the following paragraph—  
"8A In a case in which none of paragraphs 4 to 8 applies to the claimant and he or she is one of a married or unmarried couple and a member of that couple is engaged in employment, £10; but if this paragraph applies to a claimant it does not apply to his or her partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £10."

In paragraph 9 for "8" substitute "8A".

Omit paragraphs 6, 10, 13 and 16.

Schedule 9

[In paragraph 15(1) for "sub-paragraph (3)" substitute "sub-paragraphs (1A), (1B) and (3)".

Insert after paragraph 15(1)—

"(1A) In respect of a voluntary payment made to a student, sub-paragraph (1) will only apply to £20 of that payment.

(1B) The total amount disregarded in respect of voluntary payments to a student under sub-paragraph (1) may not exceed £20 per week.

(1C) In sub-paragraphs (1A) and (1B) "student" has the meaning given in regulation 61(1)."]

In paragraph 16 for "paragraphs 36 and 37" substitute "paragraph 36". In paragraph 19 for "£4.00" substitute "£20.00" and omit sub-paragraph (b).

For paragraph 21(1) substitute the following paragraph "Subject to paragraph (2), any income in kind."

Omit paragraph 21(3).

In paragraph 28 omit the words from "Except" to

“return to work”).

For paragraph 29(1) substitute the following paragraph—

“(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain payments of housing costs which qualify under paragraph 17(1)(zb) or (zc) of Schedule 3, or for repairs or improvements to the dwelling occupied as the home to the extent that it is used to meet—  
(a) repayments of unsecured loans for the purposes of carrying out repairs and improvements to the dwelling occupied as the home; or  
(b) any amounts due by way of premiums on that policy.”.

Omit paragraphs 30, 34 and 37.

After paragraph 77 insert the following paragraph—

“77A Any payment of State Pension Credit Savings Credit as defined under sections 1 and 3 of the State Pensions Credit Act 2002.”.

Schedule 10

In paragraph 17 for the words from “Except” to “payment” substitute the words “Any payment”.

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