



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

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**OFFERYNNAU STATUDOL**

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**STATUTORY INSTRUMENTS**

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**2003 Rhif 879 (Cy.110)**

**2003 No. 879 (W.110)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Gorchymyn Addysg (Ciniawau  
Ysgol Rhad ac am Ddim)  
(Credydau Treth Rhagnodedig)  
(Cymru) 2003

The Education (Free School  
Lunches) (Prescribed Tax Credits)  
(Wales) Order  
2003

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn rhagnodi, at ddibenion adran 512ZB o Ddeddf Addysg 1996, bod plentyn â hawl i gael cinio ysgol yn rhad ac am ddim pan fydd ei riant yn derbyn Credyd Treth i Blant yn yr amgylchiadau diffiniedig.

This Order prescribes, for the purpose of section 512ZB of the Education Act 1996, that where a parent is in receipt of Child Tax Credit in the defined circumstances, his or her child is entitled to free school lunches.

Yr amgylchiadau diffiniedig yw nad yw'r riant yn derbyn Credyd Treth i Bobl sy'n Gweithio, a rhaid bod y dyfarniad o Credyd Treth i Blant wedi ei selio ar incwm blynyddol heb fod yn fwy na'r swm sydd wedi ei bennu at ddibenion adran 7(1)(a) o Ddeddf Credydau Treth 2002, (sef £13,230 ar hyn o bryd).

The defined circumstances are that the parent must not be in receipt of Working Tax Credit and that the award of Child Tax Credit must be based on an annual income not exceeding the amount determined for the purpose of the Tax Credits Act 2002 (currently £13,230).

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(Cymru) 2003****The Education (Free School  
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2003***Wedi'i wneud**25 Mawrth 2003**Made**25th March 2003**Yn dod i rym**6 Ebrill 2003**Coming into force**6th April 2003*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol trwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 512ZB(4)(a)(iv) a 568 o Ddeddf Addysg 1996(a), ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(b).

The National Assembly for Wales makes the following Order in exercise of the powers conferred on the Secretary of State by sections 512ZB(4)(a)(iv) and 568 of the Education Act 1996(a) and now vested in the National Assembly for Wales(b).

**Enw, Cychwyn a Chymhwyso**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Addysg (Ciniawau Ysgol Rhad ac am Ddim) (Credydau Treth Rhagnodedig) (Cymru) 2003 a daw i rym ar 6 Ebrill 2003.

**Name, commencement and application**

1.-(1) This Order is called the Education (Free School Lunches) (Prescribed Tax Credits) (Wales) Order 2003 and shall come into force on 6th April 2003.

(2) Mae'r Gorchymyn hwn yn gymwys mewn perthynas â Chymru.

(2) This Order applies in relation to Wales.

**Dehongli****2. Yn y Gorchymyn hwn -**

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996.

mae i "Credyd Treth i Blant" a "Credyd Treth i Bobl sy'n Gweithio" yr ystyr a roddir i "*Child Tax Credit*" a "*Working Tax Credit*" yn Neddf Credydau Treth 2002(c).

ystyr "incwm blynyddol" ("*annual income*")

**Interpretation****2. In this Order -**

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996;

"annual income" ("*incwm blynyddol*") means the income for the tax year calculated in accordance with the Tax Credits (Definition and Calculation of Income) Regulations 2002(c);

(a) 1996 p.56. Amnewidir adran 512 yn rhagolygol gan adran 201 o Ddeddf Addysg 2002 (p.32) a mewnosodir adrannau 512ZA a 512ZB. Mae rhannau perthnasol adran 201 i ddod i rym ar 31 Mawrth 2003 yn rhinwedd Gorchymyn Deddf Addysg 2002 (Cychwyn Rhif 1) (Cymru) 2002 (O.S. 2002/3185)(Cy.301) (C.107) Am ddiffiniad o "prescribed" gweler adran 512(b) fel y'i cymhwysir gan adran 512ZB(5).

(b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S.1999/672) ac adran 211(1) a (2) o Ddeddf Addysg 2002.

(c) 2002 p.21.

(a) 1996 c.56. Section 512 is prospectively substituted, and sections 512ZA and 512ZB inserted, by section 201 of the Education Act 2002 (c.32). The relevant parts of section 201 are to come into force on 31st March 2003 by virtue of the Education Act 2002 (Commencement No.1) (Wales) Order 2002 (S.I. 2002/3185 (W.301) (C.107)) for the meaning of "prescribed" see section 512(6) as applied by section 512ZB(5).

(b) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 211(1) and (2) of the Education Act 2002.

(c) S.I. 2002/2006. Annual income of a person calculated in accordance with those regulations includes income of the partner of that person in the case of a joint claim for Child Tax Credit.

yw'r incwm am y flwyddyn dreth sydd yn cael ei gyfrifo yn unol â Rheoliadau Credydau Treth (Diffinio a Chyfrifo Incwm) 2002(a).

"Child Tax Credit" ("*Credyd Treth i Blant*") and "Working Tax Credit" ("*Credyd Treth i Bobl sy'n Gweithio*") have the same meaning as in the Tax Credits Act 2002(a).

### Credydau Treth Rhagnodedig

3. Rhagnodir Credyd Treth i Blant at ddibenion adran 512ZB(4)(a)(iv) o Ddeddf 1996 o dan yr amgylchiadau canlynol -

- (a) pan fydd gan y rhiant â hawl i Credyd Treth i Blant ond nid i Credyd Treth i Bobl sy'n Gweithio, a
- (b) pan fod y rhiant yn derbyn Credyd Treth i Blant drwy rinwedd dyfarniad sydd wedi ei selio ar incwm blynyddol heb fod yn fwy na'r swm a bennwyd at ddibenion adran 7(1)(a) o Ddeddf Credydau Treth 2002 fel trothwy incwm ar gyfer Credyd Treth i Blant(b).

### Prescribed tax credits

3. Child Tax Credit is prescribed for the purposes of section 512ZB(4)(a)(iv) of the 1996 Act in the following circumstances -

- (a) where the parent is entitled to Child Tax Credit but not to Working Tax Credit, and
- (b) where the parent is receiving Child Tax Credit by virtue of an award which is based on an annual income not exceeding the amount determined for the purposes of section 7(1)(a) of the Tax Credits Act 2002 as the income threshold for Child Tax Credit(b).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(c).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(c).

25 Mawrth 2003

25th March 2003

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(a) OS 2002/2006. Mae incwm blynyddol person sydd yn cael ei gyfrifo yn unol â'r rheoliadau hynny yn cynnwys incwm partner y person hwnnw os oes cais ay y cyd i dderbyn Credyd Treth i Blant.

(b) £13,230 yw'r swm a bennwyd mewn perthynas a Credyd Treth i Blant o 6 Ebrill 2003 ymlaen, yn sgil rheoliad 3(3) o Reoliadau Credydau Treth (Trothwyau Incwm a Phennu Cyfraddau) 2002 (O.S. 2002/2008).

(c) 1998 p.38.

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(a) 2002. c.21.

(b) The amount determined in relation to Child Tax Credit is £13,230 as from 6th April 2003, by virtue of regulation 3(3) of the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002 (S.I. 2002/2008).

(c) 1998 c.38.

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