



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 2414 (Cy.222)

2004 No. 2414 (W.222)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

IECHYD Y CYHOEDD, CYMRU

PUBLIC HEALTH, WALES

**Rheoliadau Deddf Safonau Gofal
2000 a Deddf Plant 1989 (Diwygio
Rheoliadau Amrywiol) (Cymru)
2004**

**The Care Standards Act 2000 and
the Children Act 1989 (Amendment
of Miscellaneous Regulations)
(Wales) Regulations 2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Gwneir y Rheoliadau hyn o ganlyniad i gychwyn, ar 26 Gorffennaf 2004, ddarpariaethau Rhan VII o Ddeddf Safonau Gofal 2000 sy'n sefydlu rhestr o bersonau yr ystyrir eu bod yn anaddas i weithio gydag oedolion hawdd eu niweidio ("y rhestr").

These Regulations are made in consequence of the commencement on 26 July 2004 of provisions of Part VII of the Care Standards Act 2000 establishing a list of persons considered unsuitable to work with vulnerable adults ("the list").

Mae rheoliadau 2 i 7 o'r Rheoliadau hyn yn diwygio nifer o Rheoliadau a wnaed o dan Ddeddf Safonau Gofal 2000 a Deddf Plant 1989 ("y Rheoliadau presennol"). Mae'r Rheoliadau presennol (ac eithrio Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004) yn ei gwneud yn ofynnol i dystysgrif cofnod troseddol lai na theirblwydd oed fod ar gael o ran darparwyr, rheolwyr a staff penodol yr ymgymeriadau y mae'r Rheoliadau'n berthnasol iddynt. (Nid yw Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004 yn cynnwys terfyn oedran o'r fath.) Os person y gellir cadarnhau pa un a yw wedi'i gynnwys ar y rhestr ai peidio yw testun y dystysgrif, mae'r Rheoliadau presennol yn darparu bod yn rhaid i'r dystysgrif nodi a yw'r person wedi'i gynnwys felly.

Regulations 2 to 7 of these Regulations amend a number of Regulations made under the Care Standards Act 2000 and the Children Act 1989 ("the existing Regulations"). The existing Regulations require a criminal record certificate that is less than three years old to be available in respect of the providers, managers and certain staff of the undertakings to which the Regulations relate (save for the Domiciliary Care Agencies (Wales) Regulations 2004 which do not include such an age-limit). Where the subject of a certificate is a person in respect of whom it may be ascertained whether he or she is included on the list, the existing Regulations provide that the certificate must detail whether the person is so included.

Mae'r diwygiadau y mae'r Rheoliadau hyn yn eu gwneud i'r Rheoliadau presennol yn darparu, os oedd tystysgrif cofnod troseddol ar gael ar 26 Gorffennaf 2004, nad cymwys unrhyw ofyniad am i'r dystysgrif nodi a yw testun y dystysgrif wedi'i gynnwys ar y rhestr.

The amendments made by these Regulations to the existing Regulations provide that, where a criminal record certificate was available on 26 July 2004, any requirement for it to detail whether the subject of the certificate is included on the list does not apply.

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2000 a Deddf Plant 1989 (Diwygio
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The Care Standards Act 2000 and
the Children Act 1989 (Amendment
of Miscellaneous Regulations)
(Wales) Regulations 2004

Wedi'u gwneud

15 Medi 2004

Made

15 September 2004

Yn dod i rym yn unol â rheoliad 1(b)

*Coming into force in accordance with
regulation 1(b)*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 22(1), (2)(a), (b), (7)(c) a 118(6) o Ddeddf Safonau Gofal 2000(a) ac adrannau 79C(2), (3)(b), (f) a (104)(a) o Ddeddf Plant 1989(b), a chan ei fod o'r farn nad yw drwy hyn yn rhoi ar waith unrhyw newid sylweddol yn y ddarpariaeth a wnaed eisoes gan reoliadau o dan adran 22 o Ddeddf 2000(c), yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 22(1), (2)(a), (b), (7)(c) and 118(6) of the Care Standards Act 2000(a) and sections 79C(2), (3)(b), (f) and 104(a) of the Children Act 1989(b), and being of the opinion that it does not hereby effect any substantial change in the provision already made by regulations under section 22 of the 2000 Act(c), makes the following Regulations:

(a) 2000 p. 14. Rhoddir y pwerau i'r Gweinidog priodol. Ystyr "appropriate Minister" mewn perthynas â Chymru yw'r Cynulliad (adran 121(1) o Ddeddf 2000); ystyr "Assembly" yw Cynulliad Cenedlaethol Cymru (adran 5(1)(b) o Ddeddf 2000). *Gweler* adran 121(1) o Ddeddf 2000 am y diffiniad o "regulations".

(b) 1989 p. 41. Rhoddir y pwerau i'r Cynulliad. Ystyr "the Assembly" yw Cynulliad Cenedlaethol Cymru (adran 79B(2) o Ddeddf 1989). Mewnosodwyd adran 79C yn Neddf 1989 gan adran 79(1) o Ddeddf Safonau Gofal 2000.

(c) Mae adran 22(9) o Ddeddf Safonau Gofal 2000 yn darparu bod yn rhaid i'r "appropriate Minister", cyn iddo wneud rheoliadau o dan yr adran honno, ymgynghori ag unrhyw berson y mae o'r farn ei fod yn berson priodol, onid yw'r rheoliadau'n diwygio rheoliadau eraill a wnaed o dan yr adran honno ac nad ydynt, ym marn y Gweinidog, yn rhoi ar waith unrhyw newid sylweddol yn y ddarpariaeth a wnaed gan y rheoliadau hynny.

(a) 2000 c. 14. The powers are conferred upon the appropriate Minister. "appropriate Minister" means in relation to Wales, the Assembly (section 121(1) of the 2000 Act); "Assembly" means the National Assembly for Wales (section 5(1)(b) of the 2000 Act). *See* section 121(1) of the 2000 Act for the definition of "regulations".

(b) 1989 c. 41. The powers are conferred upon the Assembly. "the Assembly" means the National Assembly for Wales (section 79B(2) of the 1989 Act). Section 79C was inserted into the 1989 Act by section 79(1) of the Care Standards Act 2000.

(c) Section 22(9) of the Care Standards Act 2000 provides that the "appropriate Minister" must, before making regulations under that section, consult any persons he considers appropriate unless the regulations amend other regulations made under that section and do not, in the Minister's opinion, effect any substantial change in the provision made by those regulations.

Enwi a chychwyn

1. O ran y Rheoliadau hyn-

- (a) eu henw yw Rheoliadau Deddf Safonau Gofal 2000 a Deddf Plant 1989 (Diwygio Rheoliadau Amrywiol) (Cymru) 2004;
- (b) deuant i rym y diwrnod ar ôl iddynt gael eu gwneud.

Diwygio Rheoliadau Cartrefi Gofal (Cymru) 2002

2.-(1) Diwygir Rheoliadau Cartrefi Gofal (Cymru) 2002(a) fel a ganlyn.

(2) Yn Atodlen 2 i'r Rheoliadau hynny-

- (a) ym mharagraff 2, ar ôl y geiriau "o dan Ddeddf yr Heddlu 1997" mewnosoder "ac yn ddarostyngedig i baragraff 8";
- (b) ar y diwedd mewnosoder y canlynol-

"8. Ni fydd y gofyniad ym mharagraff 2 am i dystysgrif gynnwys y materion a bennir yn adran 113(3C) neu 115(6B) o Ddeddf yr Heddlu 1997 yn gymwys mewn perthynas â thystysgrif oedd ar gael at ddibenion y Rheoliadau hyn yn syth cyn 26 Gorffennaf 2004."

Diwygio Rheoliadau Cartrefi Plant (Cymru) 2002

3.-(1) Diwygir Rheoliadau Cartrefi Plant (Cymru) 2002(b) fel a ganlyn.

(2) Yn Atodlen 2 i'r Rheoliadau hynny-

- (a) ym mharagraff 2, ar ôl y geiriau "o dan Ddeddf yr Heddlu 1997" mewnosoder "ac yn ddarostyngedig i baragraff 8";
- (b) ar y diwedd mewnosoder y canlynol-

"8. Ni fydd y gofyniad ym mharagraff 2 am i dystysgrif gynnwys y materion a bennir yn adran 113(3C) neu 115(6B) o Ddeddf yr Heddlu 1997 yn gymwys mewn perthynas â thystysgrif oedd ar gael at ddibenion y Rheoliadau hyn yn syth cyn 26 Gorffennaf 2004."

Diwygio Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002

4.-(1) Diwygir Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002(c) fel a ganlyn.

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- (a) O.S. 2002/324 (Cy. 37); gwnaed y diwygiad perthnasol gan O.S. 2002/2622 (Cy. 254).
 - (b) S.I. 2002/327 (Cy. 40); gwnaed y diwygiad perthnasol gan O.S. 2002/2622 (Cy. 254).
 - (c) O.S. 2002/325 (Cy. 38); gwnaed y diwygiad perthnasol gan O.S. 2002/2622 (Cy.254).

Citation and commencement

1. These Regulations-

- (a) may be cited as the Care Standards Act 2000 and the Children Act 1989 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2004;
- (b) come into force on the day after that on which they are made.

Amendment of the Care Homes (Wales) Regulations 2002

2.-(1) The Care Homes (Wales) Regulations 2002(a) are amended as follows.

(2) In Schedule 2 to those Regulations-

- (a) in paragraph 2, after the words "under the Police Act 1997" insert "and subject to paragraph 8";
- (b) at the end insert the following-

"8. The requirement in paragraph 2 for a certificate to include the matters specified in section 113(3C) or 115(6B) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

Amendment of the Children's Homes (Wales) Regulations 2002

3.-(1) The Children's Homes (Wales) Regulations 2002(b) are amended as follows.

(2) In Schedule 2 to those Regulations-

- (a) in paragraph 2, after the words "under the Police Act 1997" insert "and subject to paragraph 8";
- (b) at the end insert the following-

"8. The requirement in paragraph 2 for a certificate to include the matters specified in section 113(3C) or 115(6B) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

Amendment of the Private and Voluntary Health Care (Wales) Regulations 2002

4.-(1) The Private and Voluntary Health Care (Wales) Regulations 2002(c) are amended as follows.

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- (a) S.I. 2002/324 (W. 37); relevant amendment made by S.I. 2002/2622 (W. 254).
 - (b) S.I. 2002/327 (W. 40); relevant amendment made by S.I. 2002/2622 (W. 254).
 - (c) S.I. 2002/325 (W. 38); relevant amendment made by S.I. 2002/2622 (W.254).

(2) Yn Atodlen 2 i'r Rheoliadau hynny-

- (a) ym mharagraff 2, ar ôl y geiriau "o dan Ddeddf yr Heddlu 1997" mewnosoder "ac yn ddarostyngedig i baragraff 9";
- (b) ar y diwedd mewnosoder y canlynol-

"9. Ni fydd y gofyniad ym mharagraff 2 am i dystysgrif gynnwys y materion a bennir yn adran 113(3C) neu 115(6B) o Ddeddf yr Heddlu 1997 yn gymwys mewn perthynas â thystysgrif oedd ar gael at ddibenion y Rheoliadau hyn yn syth cyn 26 Gorffennaf 2004."

Diwygio Rheoliadau Asiantaethau Nyrsys (Cymru) 2003

5.-(1) Diwygir Rheoliadau Asiantaethau Nyrsys (Cymru) 2003(a) fel a ganlyn.

(2) Yn Atodlen 2 i'r Rheoliadau hynny-

- (a) ym mharagraff 2, ar ôl "os yw'n gymwys" mewnosoder "ac yn ddarostyngedig i baragraff 10";
- (b) ar y diwedd mewnosoder y canlynol-

"10. Ni fydd y gofyniad ym mharagraff 2 am i dystysgrif gynnwys y materion a bennir yn adran 113(3C)(a) a (b) neu 115(6B)(a) a (b) o Ddeddf yr Heddlu 1997 yn gymwys mewn perthynas â thystysgrif oedd ar gael at ddibenion y Rheoliadau hyn yn syth cyn 26 Gorffennaf 2004."

(3) Yn Atodlen 3 i'r Rheoliadau hynny-

- (a) ym mharagraff 4, ar ôl "os yw'n gymwys" mewnosoder "ac yn ddarostyngedig i baragraff 14";
- (b) ar y diwedd mewnosoder y canlynol-

"14. Ni fydd y gofyniad ym mharagraff 4 am i dystysgrif gynnwys y materion a bennir yn adran 113(3C)(a) a (b) neu 115(6B)(a) a (b) o Ddeddf yr Heddlu 1997 yn gymwys mewn perthynas â thystysgrif oedd ar gael at ddibenion y Rheoliadau hyn yn syth cyn 26 Gorffennaf 2004."

Diwygio Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004

6.-(1) Diwygir Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004(b) fel a ganlyn.

(2) Yn Atodlen 2 i'r Rheoliadau hynny-

- (a) ym mharagraff 3, ar ôl "os yw'n gymwys" mewnosoder "ac yn ddarostyngedig i baragraff 11";

(a) O.S. 2003/2527 (Cy. 242).

(b) O.S. 2004/219 (Cy. 23).

(2) In Schedule 2 to those Regulations-

- (a) in paragraph 2, after the words "under the Police Act 1997" insert "and subject to paragraph 9";
- (b) at the end insert the following-

"9. The requirement in paragraph 2 for a certificate to include the matters specified in section 113(3C) or 115(6B) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

Amendment of the Nurses Agencies (Wales) Regulations 2003

5.-(1) The Nurses Agencies (Wales) Regulations 2003(a) are amended as follows.

(2) In Schedule 2 to those Regulations-

- (a) in paragraph 2, after "where applicable" insert "and subject to paragraph 10";
- (b) at the end insert the following-

"10. The requirement in paragraph 2 for a certificate to include the matters specified in section 113(3C)(a) and (b) or 115(6B)(a) and (b) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

(3) In Schedule 3 to those Regulations-

- (a) in paragraph 4, after "where applicable" insert "and subject to paragraph 14";
- (b) at the end insert the following-

"14. The requirement in paragraph 4 for a certificate to include the matters specified in section 113(3C)(a) and (b) or 115(6B)(a) and (b) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

Amendment of the Domiciliary Care Agencies (Wales) Regulations 2004

6.-(1) The Domiciliary Care Agencies (Wales) Regulations 2004(b) are amended as follows.

(2) In Schedule 2 to those Regulations-

- (a) in paragraph 3, after "where applicable" insert "and subject to paragraph 11";

(a) S.I. 2003/2527 (W. 242).

(b) S.I. 2004/219 (W. 23).

(b) ar y diwedd mewnosoder y canlynol-

"11. Ni fydd y gofyniad ym mharagraff 3 am i dystysgrif gynnwys y materion a bennir yn adran 113(3C)(a) a (b) neu 115(6B)(a) a (b) o Ddeddf yr Heddlu 1997 yn gymwys mewn perthynas â thystysgrif oedd ar gael at ddibenion y Rheoliadau hyn yn syth cyn 26 Gorffennaf 2004."

(3) Yn Atodlen 3 i'r Rheoliadau hynny-

(a) ym mharagraff 4, ar ôl "os yw'n gymwys" mewnosoder "ac yn ddarostyngedig i baragraff 13";

(b) ar y diwedd mewnosoder y canlynol-

"13. Ni fydd y gofyniad ym mharagraff 4 am i dystysgrif gynnwys y materion a bennir yn adran 113(3C)(a) a (b) neu 115(6B)(a) a (b) o Ddeddf yr Heddlu 1997 yn gymwys mewn perthynas â thystysgrif oedd ar gael at ddibenion y Rheoliadau hyn yn syth cyn 26 Gorffennaf 2004."

Diwygio Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002

7.-(1) Diwygir Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002(a) fel a ganlyn.

(2) Yn Atodlen 2 i'r Rheoliadau hynny-

(a) ym mharagraff 2, ar ôl y geiriau "o dan Ddeddf yr Heddlu 1997" mewnosoder "ac yn ddarostyngedig i baragraff 8";

(b) ar y diwedd mewnosoder y canlynol-

"8. Ni fydd y gofyniad ym mharagraff 2 am i dystysgrif gynnwys y materion a bennir yn adran 113(3C) neu 115(6B) o Ddeddf yr Heddlu 1997 yn gymwys mewn perthynas â thystysgrif oedd ar gael at ddibenion y Rheoliadau hyn yn syth cyn 26 Gorffennaf 2004."

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

15 Medi 2004

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

(a) O.S. 2002/812 (Cy.92); gwnaed y diwygiad perthnasol gan O.S. 2002/2622 (Cy. 254).

(b) 1998 p. 38.

(b) at the end insert the following-

"11. The requirement in paragraph 3 for a certificate to include the matters specified in section 113(3C)(a) and (b) or 115(6B)(a) and (b) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

(3) In Schedule 3 to those Regulations-

(a) in paragraph 4, after "where applicable" insert "and subject to paragraph 13";

(b) at the end insert the following-

"13. The requirement in paragraph 4 for a certificate to include the matters specified in section 113(3C)(a) and (b) or 115(6B)(a) and (b) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

Amendment of the Child Minding and Day Care (Wales) Regulations 2002

7.-(1) The Child Minding and Day Care (Wales) Regulations 2002(a) are amended as follows.

(2) In Schedule 2 to those Regulations-

(a) in paragraph 2, after "under the Police Act 1997" insert "and subject to paragraph 8";

(b) at the end insert the following-

"8. The requirement in paragraph 2 for a certificate to include the matters specified in section 113(3C) or 115(6B) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

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

15 September 2004

Deputy Presiding Officer of the National Assembly

(a) S.I. 2002/812 (W.92); relevant amendment made by S.I. 2002/2622 (W. 254).

(b) 1998 c. 38.

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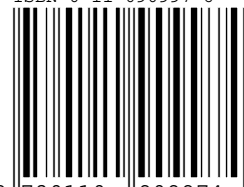
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