



Mesur Plant a Theuluoedd (Cymru) 2010

2010 mccc 1

Children and Families (Wales) Measure 2010

2010 nawm 1

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Mesur hwn ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Measure and are available separately.

£ 15.50



Mesur Plant a Theuluoedd (Cymru) 2010

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CYNNWYS

RHAN 1

TLODI PLANT, CYFLEOEDD CHWARAE A CHYMRYD RHAN

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Children and Families (Wales) Measure 2010

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Mesur Plant a Theuluoedd (Cymru) 2010

Mesur gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch cyfrannu at ddileu tlodi plant; i ddarparu dyletswydd ar awdurdodau lleol i sicrhau cyfleoedd chwarae digonol i blant; i wneud darpariaeth ynghylch trefniadau i blant gymryd rhan ym mhenderfyniadau awdurdod lleol a allai effeithio arnynt; i wneud darpariaeth ynghylch gwarchod plant a gofal dydd i blant; i wneud darpariaeth sy'n sefydlu timau a byrddau integredig ar gyfer cymorth i deuluoedd; i wneud darpariaeth ynghylch gwella safonau mewn gwaith cymdeithasol ar gyfer plant a'r personau sy'n gofalu amdanynt; i wneud darpariaeth ynghylch asesu anghenion plant os oes angen gwasanaethau gofal cymunedol ar eu rhieni neu os oes ganddynt gyflyrau iechyd sy'n effeithio ar anghenion y plant; ac at ddibenion cysylltiedig.

Mae'r Mesur hwn, a basiwyd gan Gynulliad Cenedlaethol Cymru ar 10 Tachwedd ac a gymeradwywyd gan Ei Mawrhydi yn Ei Chyngor ar 10 Chwefror 2010, yn deddfu'r darpariaethau a ganlyn:—

RHAN 1

TLODI PLANT, CYFLEOEDD CHWARAE A CHYMRYD RHAN

PENNOD 1

DILEU TLODI PLANT

Y nodau eang

1 Y nodau eang i gyfrannu at ddileu tlodi plant

- (1) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.
- (2) Y nodau eang i gyfrannau at ddileu tlodi plant yw—
 - (a) cynyddu incwm i aelwydydd sy'n cynnwys plentyn neu blant gyda'r bwriad o sicrhau, i'r graddau y mae'n rhesymol ymarferol, nad oes unrhyw aelwyd yn y grŵp incwm perthnasol;
 - (b) sicrhau, i'r graddau y mae'n rhesymol ymarferol, nad yw plant sy'n byw ar aelwydydd yn y grŵp incwm perthnasol wedi'u hamddifadu'n sylweddol;
 - (c) hybu a hwyluso cyflogaeth am dâl i rieni plant;



Children and Families (Wales) Measure 2010

A Measure of the National Assembly for Wales to make provision about contributing to the eradication of child poverty; to provide a duty for local authorities to secure sufficient play opportunities for children; to make provision about arrangements for participation of children in local authority decisions that might affect them; to make provision about child minding and day care for children; to make provision establishing integrated family support teams and boards; to make provision about improving standards in social work for children and persons who care for them; to make provision about assessing the needs of children where their parents need community care services or have health conditions that affect the needs of the children; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 10 November 2009 and approved by Her Majesty in Council on 10 February 2010, enacts the following provisions:—

PART 1

CHILD POVERTY, PLAY AND PARTICIPATION

CHAPTER 1

ERADICATING CHILD POVERTY

Broad aims

1 Broad aims for contributing to the eradication of child poverty

- (1) This section applies for the purposes of this Part.
- (2) The broad aims for contributing to the eradication of child poverty are—
 - (a) to increase income for households including one or more children with a view to ensuring that, so far as reasonably practicable, there are no households in the relevant income group;
 - (b) ensuring that, so far as reasonably practicable, children living in households in the relevant income group are not materially deprived;
 - (c) to promote and facilitate paid employment for parents of children;

- (d) darparu i rieni plant y sgiliau sy'n angenrheidiol ar gyfer cyflogaeth am dâl;
 - (e) lleihau anghydraddoldebau mewn cyrhaeddiad addysgol rhwng plant;
 - (f) cefnogi rhianta plant;
 - (g) lleihau anghydraddoldebau mewn iechyd rhwng plant a rhwng rhieni plant (i'r graddau y mae'n angenrheidiol i sicrhau llesiant eu plant);
 - (h) sicrhau bod pob plentyn yn tyfu mewn tai gweddus;
 - (i) sicrhau bod pob plentyn yn tyfu mewn cymunedau diogel a chydlynus;
 - (j) lleihau anghydraddoldebau wrth gymryd rhan mewn gweithgareddau diwylliannol, gweithgareddau chwaraeon a hamdden rhwng plant a rhwng rhieni plant (i'r graddau y mae'n angenrheidiol i sicrhau llesiant eu plant);
 - (k) cynorthwyo personau ifanc i gymryd rhan yn effeithiol mewn addysg a hyfforddiant;
 - (l) cynorthwyo personau ifanc i fanteisio ar gyfleoedd i gael cyflogaeth;
 - (m) cynorthwyo personau ifanc i gymryd rhan yn effeithiol ac yn gyfrifol ym mywyd eu cymunedau.
- (3) At ddibenion is-adran (2)(a), y "grŵp incwm perthnasol", mewn perthynas ag aelwyd, yw pob aelwyd sy'n cynnwys plentyn neu blant lle y mae incwm yr aelwyd yn llai na 60% o incwm canolrifol yn y Deyrnas Unedig.
- (4) At ddibenion is-adran (2)(b), y "grŵp incwm perthnasol", mewn perthynas ag aelwyd, yw pob aelwyd sy'n cynnwys plentyn neu blant lle y mae incwm yr aelwyd yn llai na 70% o incwm canolrifol yn y Deyrnas Unedig.
- (5) Caiff rheoliadau ddarparu ar gyfer penderfynu amddifadedd sylweddol ac incwm canolrifol mewn perthynas ag aelwyd at ddibenion yr is-adran hon.
- (6) Os nad oes rheoliadau o dan is-adran (5) mewn grym, mae awdurdod Cymreig i wneud ei benderfyniad ei hun ar amddifadedd sylweddol ac ar incwm canolrifol mewn perthynas ag aelwyd at ddibenion yr is-adran hon.
- (7) Yn yr adran hon, ystyr "personau ifanc" yw personau sydd wedi cyrraedd 11 oed ond heb gyrraedd 26 oed.
- (8) Caiff Gweinidogion Cymru, drwy orchymyn—
- (a) diwygio neu hepgor unrhyw baragraff o is-adran (2);
 - (b) ychwanegu paragraffau at yr is-adran honno;
 - (c) diwygio neu hepgor paragraffau ychwanegol o'r fath;
 - (d) diwygio neu hepgor is-adrannau (3), (4), (5), (6) a (7);
 - (e) ychwanegu is-adrannau sy'n ymwneud ag is-adran (2);
 - (f) diwygio neu hepgor y cyfryw is-adrannau ychwanegol;
 - (g) gwneud unrhyw ddiwygiadau i'r Rhan hon sy'n angenrheidiol neu'n hwylus o ganlyniad i unrhyw ddarpariaeth a wneir o dan baragraffau (a) i (f).

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- (d) to provide parents of children with the skills necessary for paid employment;
 - (e) to reduce inequalities in educational attainment between children;
 - (f) to support parenting of children;
 - (g) to reduce inequalities in health between children and between parents of children (so far as necessary to ensure the well-being of their children);
 - (h) to ensure that all children grow up in decent housing;
 - (i) to ensure that all children grow up in safe and cohesive communities;
 - (j) to reduce inequalities in participation in cultural, sporting and leisure activities between children and between parents of children (so far as necessary to ensure the well-being of their children);
 - (k) to help young persons participate effectively in education and training;
 - (l) to help young persons take advantage of opportunities for employment;
 - (m) to help young persons participate effectively and responsibly in the life of their communities.
- (3) For the purposes of subsection (2)(a), the "relevant income group", in relation to a household, is every household including one or more children where household income is less than 60% of median income in the United Kingdom.
- (4) For the purposes of subsection (2)(b), the "relevant income group", in relation to a household, is every household including one or more children where household income is less than 70% of median income in the United Kingdom.
- (5) Regulations may provide for the determination of material deprivation and median income in relation to a household for the purposes of this section.
- (6) If no regulations under subsection (5) are in force, a Welsh authority is to make its own determination of material deprivation and median income in relation to a household for the purposes of this section.
- (7) In this section "young persons" means persons who have attained the age of 11 but not the age of 26.
- (8) The Welsh Ministers may by order –
- (a) amend or omit any paragraph of subsection (2);
 - (b) add paragraphs to that subsection;
 - (c) amend or omit such additional paragraphs;
 - (d) amend or omit subsections (3), (4), (5), (6) and (7);
 - (e) add subsections which relate to subsection (2);
 - (f) amend or omit such additional subsections;
 - (g) make any amendments to this Part that are necessary or expedient in consequence of any provision made under paragraphs (a) to (f).

Strategaethau

2 Strategaethau i gyfrannu at ddileu tloidi plant

- (1) Rhaid i awdurdod Cymreig lunio a chyhoeddi strategaeth i gyfrannu at ddileu tloidi plant yng Nghymru sy'n gosod pob un o'r canlynol –
 - (a) amcanion a ddewiswyd gan yr awdurdod (yn ddarostyngedig i is-adrannau (3) a (4)) –
 - (i) sy'n ymwneud ag unrhyw un neu unrhyw rai o'r nodau eang i gyfrannu at ddileu tloidi plant, a
 - (ii) y gellir eu dilyn wrth iddo arfer ei swyddogaethau;
 - (b) unrhyw amcanion a bennir mewn perthynas â'r awdurdod mewn rheoliadau a wneir o dan is-adran (5);
 - (c) camau sydd i'w cyflawni a swyddogaethau sydd i'w harfer gan yr awdurdod at ddibenion cyflawni'r amcanion o dan baragraff (a) ac, os pennir unrhyw amcanion mewn perthynas â'r awdurdod mewn rheoliadau o dan is-adran (5), o dan baragraff (b).
- (2) Rhaid i awdurdod Cymreig gymryd pob cam rhesymol i gyflawni'r camau ac arfer y swyddogaethau y cyfeirir atynt yn is-adran (1)(c) yn unol â'i strategaeth.
- (3) Rhaid i Weinidogion Cymru ac awdurdod lleol ddewis ystod o amcanion o dan is-adran (1)(a) sy'n ymwneud â'r holl nodau eang i ddileu tloidi plant.
- (4) Rhaid i Weinidogion Cymru hefyd ddewis amcanion o dan is-adran (1)(a) –
 - (a) sy'n ymwneud â'u pwerau i ddarparu cyllid i unrhyw berson, a
 - (b) sy'n hybu'r nodau eang i ddileu tloidi plant.
- (5) Caiff Gweinidogion Cymru bennu amcanion ar gyfer awdurdod Cymreig mewn rheoliadau –
 - (a) os yw'r amcanion yn ymwneud ag un o'r nodau eang neu fwy ohonynt ar gyfer cyfrannu at ddileu tloidi plant, a
 - (b) os caniateir i awdurdod Cymreig ddilyn yr amcanion wrth iddo arfer ei swyddogaethau.
- (6) Caiff rheoliadau o dan is-adran (5) hefyd ddarparu nad yw is-adran (1)(a) a pharagraff (c) o'r is-adran honno (fel y mae'n ymwneud ag is-adran (a)) yn gymwys i awdurdod Cymreig i'r graddau a bennir yn y rheoliadau.
- (7) At ddibenion yr adran hon, mae cyfeiriad at gam sydd i'w gyflawni neu at swyddogaeth sydd i'w harfer gan awdurdod Cymreig yn gyfeiriad at gam neu swyddogaeth sydd o fewn pwerau awdurdod Cymreig.
- (8) O ran darparu ynghylch llunio a chyhoeddi strategaethau, gweler adrannau 3 i 5 o'r Mesur hwn ac adran 26 o Ddeddf Plant 2004 (p. 31).

3 Strategaethau a lunnir gan Weinidogion Cymru

- (1) O ran Gweinidogion Cymru –
 - (a) rhaid iddynt gyhoeddi eu strategaeth gyntaf o dan y Rhan hon yn 2010,

*Strategies***2 Strategies for contributing to the eradication of child poverty**

- (1) A Welsh authority must prepare and publish a strategy for contributing to the eradication of child poverty in Wales which sets out each of the following—
 - (a) objectives chosen by the authority (subject to subsections (3) and (4)) which—
 - (i) relate to one or more of the broad aims for contributing to the eradication of child poverty, and
 - (ii) may be pursued in the exercise of its functions;
 - (b) any objectives specified in relation to the authority in regulations under subsection (5);
 - (c) actions to be performed and functions to be exercised by the authority for the purpose of achieving the objectives under paragraph (a) and, if any objectives are specified in relation to the authority in regulations under subsection (5), paragraph (b).
- (2) A Welsh authority must take all reasonable steps to perform the actions and exercise the functions referred to in subsection (1)(c) in accordance with its strategy.
- (3) The Welsh Ministers and a local authority must choose a range of objectives under subsection (1)(a) relating to all of the broad aims for the eradication of child poverty.
- (4) The Welsh Ministers must also choose objectives under subsection (1)(a) which—
 - (a) relate to their powers to provide funding to any person, and
 - (b) promote the broad aims for the eradication of child poverty.
- (5) The Welsh Ministers may specify objectives for a Welsh authority in regulations if—
 - (a) the objectives relate to one or more of the broad aims for contributing to the eradication of child poverty, and
 - (b) the objectives may be pursued by the Welsh authority in the exercise of its functions.
- (6) Regulations under subsection (5) may also provide that subsection (1)(a) and paragraph (c) of that subsection (as it relates to paragraph (a)) do not apply to a Welsh authority to the extent specified in the regulations.
- (7) For the purposes of this section, a reference to an action to be performed or a function to be exercised by a Welsh authority is a reference to an action or function which is within the powers of the Welsh authority.
- (8) For provision about the preparation and publication of strategies, see sections 3 to 5 of this Measure and section 26 of the Children Act 2004 (c. 31).

3 Strategies prepared by the Welsh Ministers

- (1) The Welsh Ministers—
 - (a) must publish their first strategy under this Part in 2010,

- (b) rhaid iddynt gadw golwg ar eu strategaeth yn gyson, ac
 - (c) cânt o bryd i'w gilydd ail-lunio neu adolygu eu strategaeth.
- (2) Cyn llunio, ail-lunio neu adolygu eu strategaeth, rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
- (a) yr Ysgrifennydd Gwladol, a
 - (b) y personau eraill hynny y maent o'r farn eu bod yn briodol.
- (3) Nid yw darpariaethau is-adran (2)(a) i'w dehongli fel pe baent yn rhoi pŵer i'r Ysgrifennydd Gwladol neu'n gosod dyletswydd arno.
- (4) Rhaid i Weinidogion Cymru gyhoeddi strategaeth pan fyddant yn ei llunio a phryd bynnag y byddant yn ei hail-lunio; ac os byddant yn adolygu'r strategaeth heb ei hail-lunio, rhaid iddynt gyhoeddi naill ai'r diwygiadau neu'r strategaeth fel y'i diwygiwyd (fel y maent yn barnu sy'n briodol).
- (5) Os bydd Gweinidogion Cymru'n cyhoeddi strategaeth neu ddiwygiadau o dan is-adran (4) rhaid iddynt osod copi o'r strategaeth neu'r diwygiadau gerbron Cynulliad Cenedlaethol Cymru.
- (6) Rhaid i Weinidogion Cymru yn 2013, ac ym mhob trydedd blwyddyn ar ôl 2013 –
- (a) cyhoeddi adroddiad sy'n cynnwys asesiad –
 - (i) i ba raddau y chyflawnwyd yr amcanion sydd yn eu strategaeth i gyfrannu at ddileu tlodi plant, a
 - (ii) os na chyflawnwyd un o'r amcanion, i ba raddau y gwnaed cynnydd tuag at gyflawni'r amcan;
 - (b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.

4 Strategaethau a lunnir gan awdurdodau lleol (awdurdodau gwasanaethau plant)

- (1) Bydd dyletswydd awdurdod lleol i gyhoeddi strategaeth o dan adran 2(1) wedi ei chyflawni pan fydd yr awdurdod yn cyhoeddi cynllun o dan adran 26 o Ddeddf Plant 2004 (p. 31).
- (2) Diwygier Deddf Plant 2004 (p. 31) fel a ganlyn.
- (3) Yn adran 26 (cynlluniau plant a phersonau ifanc) –
- (a) yn lle is-adran (1), rhodder –
 - "(1A) A children's services authority in Wales must, in accordance with regulations made by the Welsh Ministers, prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.
 - (1B) A children's services authority in Wales must include in their plan –
 - (a) the arrangements made or to be made under section 25 by the authority;
 - (b) the children's services authority's strategy under section 2 of the Children and Families (Wales) Measure 2010 (strategies for contributing to the eradication of child poverty).
 - (1C) A children's services authority in Wales may include in their plan –

- (b) must keep their strategy under review, and
 - (c) may from time to time remake or revise their strategy.
- (2) Before making, remaking or revising their strategy, the Welsh Ministers must consult—
 - (a) the Secretary of State, and
 - (b) such other persons as they consider appropriate.
- (3) The provisions of subsection (2)(a) are not to be interpreted as conferring a power or duty on the Secretary of State.
- (4) The Welsh Ministers must publish a strategy when they make it and whenever they remake it; and, if they revise the strategy without remaking it, they must publish either the revisions or the strategy as revised (as they consider appropriate).
- (5) If the Welsh Ministers publish a strategy or revisions under subsection (4) they must lay a copy of the strategy or revisions before the National Assembly for Wales.
- (6) The Welsh Ministers must in 2013 and in every third year after 2013—
 - (a) publish a report containing an assessment of the extent to which—
 - (i) the objectives contained in their strategy for contributing to the eradication of child poverty have been achieved, and
 - (ii) if an objective has not been achieved, progress that has been made towards achieving the objective;
 - (b) lay a copy of the report before the National Assembly for Wales.

4 Strategies prepared by local authorities (children's services authorities)

- (1) The duty of a local authority to publish a strategy under section 2(1) is discharged on publication by the authority of a plan under section 26 of the Children Act 2004 (c. 31).
- (2) The Children Act 2004 (c. 31) is amended as follows.
- (3) In section 26 (children and young people's plans)—
 - (a) for subsection (1), substitute—
 - "(1A) A children's services authority in Wales must, in accordance with regulations made by the Welsh Ministers, prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.
 - (1B) A children's services authority in Wales must include in their plan—
 - (a) the arrangements made or to be made under section 25 by the authority;
 - (b) the children's services authority's strategy under section 2 of the Children and Families (Wales) Measure 2010 (strategies for contributing to the eradication of child poverty).
 - (1C) A children's services authority in Wales may include in their plan—

- (a) the strategy or proposals in relation to children and relevant young persons of any partner of the authority;
 - (b) the strategy under section 2 of the Children and Families (Wales) Measure 2010 (strategies for contributing to the eradication of child poverty) of any partner of the authority.
- (1D) The powers of a children's services authority in subsection (1C) are subject to any duty imposed in regulations under subsection (2)(a).";
- (b) yn is-adran (3)(b), yn lle "person or body with whom a children's services authority in Wales makes or proposes to make such arrangements" rhodder "partner";
 - (c) yn lle is-adran (6) rhodder –
 - "(6) In this section –
 - "partner" means any person or body with whom a children's services authority in Wales has made an arrangement under section 25;
 - "relevant young persons" means the persons, in addition to children, in relation to whom arrangements under section 25 may be made."
- (4) Yn adran 66 (rheoliadau a gorchmynion), ar ôl is-adran (6) mewnosoder –
- "(7) Any statutory instrument containing regulations made under section 26 by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
 - (8) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule."

5 Strategaethau a lunnir gan awdurdodau Cymreig eraill

- (1) Yn yr adran hon nid yw cyfeiriad at "awdurdod Cymreig" yn cynnwys –
 - (a) Gweinidogion Cymru;
 - (b) awdurdod lleol.
- (2) Mae is-adran (3) yn gymwys i strategaeth awdurdod Cymreig o dan adran 2.
- (3) Caiff rheoliadau ddarparu ar gyfer –
 - (a) y cyfnod y mae'r strategaeth i ymwneud ag ef;
 - (b) pryd a sut y mae'n rhaid cyhoeddi strategaeth;
 - (c) cadw golwg gyson ar strategaeth;
 - (d) ymgynghori cyn cyhoeddi strategaeth.
- (4) Mae is-adran (5) yn gymwys i awdurdod Cymreig os bydd y ddau baragraff canlynol yn gymwys –
 - (a) bod yr awdurdod Cymreig yn arfer swyddogaethau ynglŷn ag ardal neu ardaloedd awdurdod lleol;

- (a) the strategy or proposals in relation to children and relevant young persons of any partner of the authority;
 - (b) the strategy under section 2 of the Children and Families (Wales) Measure 2010 (strategies for contributing to the eradication of child poverty) of any partner of the authority.
- (1D) The powers of a children's services authority in subsection (1C) are subject to any duty imposed in regulations under subsection (2)(a).";
- (b) in subsection (3)(b), for "person or body with whom a children's services authority in Wales makes or proposes to make such arrangements" substitute "partner";
 - (c) for subsection (6) substitute—
 - "(6) In this section—
 - "partner" means any person or body with whom a children's services authority in Wales has made an arrangement under section 25;
 - "relevant young persons" means the persons, in addition to children, in relation to whom arrangements under section 25 may be made."
- (4) In section 66 (regulations and orders), after subsection (6) insert—
- "(7) Any statutory instrument containing regulations made under section 26 by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
 - (8) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule."

5 Strategies prepared by other Welsh authorities

- (1) In this section a reference to a "Welsh authority" does not include—
 - (a) the Welsh Ministers;
 - (b) a local authority.
- (2) Subsection (3) applies to the strategy of a Welsh authority under section 2.
- (3) Regulations may make provision as to—
 - (a) the period to which a strategy is to relate;
 - (b) when and how a strategy must be published;
 - (c) keeping a strategy under review;
 - (d) consultation to be carried out before a strategy is published.
- (4) Subsection (5) applies to a Welsh authority if both of the following paragraphs apply—
 - (a) the Welsh authority exercises functions in relation to one or more local authority areas;

- (b) bod yr awdurdod Cymreig wedi ymrwymo i drefniant o dan adran 25 o Ddeddf Plant 2004 (p. 31) â phob un o'r awdurdodau lleol hynny.
- (5) Bydd dyletswydd awdurdod Cymreig o dan adran 2(1) i gyhoeddi strategaeth wedi ei chyflawni os yw'r strategaeth yn rhan annatod o gynllun a gyhoeddir o dan adran 26 o Ddeddf Plant 2004 (p. 31) gan bob awdurdod lleol yr ymrwymodd mewn trefniant ag ef o dan adran 25 o'r Ddeddf honno.

Yr awdurdodau Cymreig

6 Yr awdurdodau Cymreig

- (1) At ddibenion y Mesur hwn, mae pob un o'r canlynol yn "awdurdod Cymreig" –
 - (a) Gweinidogion Cymru;
 - (b) awdurdod lleol;
 - (c) Bwrdd Iechyd Lleol;
 - (d) Awdurdod tân ac achub yng Nghymru, sef awdurdod yng Nghymru a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p. 21) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo;
 - (e) Awdurdod Parc Cenedlaethol yng Nghymru;
 - (f) Cyngor Cefn Gwlad Cymru;
 - (g) Cyngor Cyllido Addysg Uwch Cymru;
 - (h) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru;
 - (i) Amgueddfa Genedlaethol Cymru;
 - (j) Cyngor Celfyddydau Cymru;
 - (k) Llyfrgell Genedlaethol Cymru;
 - (l) Cyngor Chwaraeon Cymru.
- (2) Caiff Gweinidogion Cymru, drwy orchymyn –
 - (a) diwygio neu hepgor unrhyw baragraff yn is-adran (1), ac eithrio paragraff (a) a (b);
 - (b) ychwanegu paragraffau at yr is-adran honno;
 - (c) diwygio neu hepgor y cyfryw baragraffau ychwanegol;
 - (d) gwneud unrhyw ddiwygiadau i adran 5 sy'n angenrheidiol neu'n hwylus o ganlyniad i unrhyw ddarpariaeth a wneir o dan baragraffau (a) i (c).
- (3) Cyn gwneud gorchymyn o dan is-adran (2) i gynnwys person yn is-adran (1) neu i symud person o is-adran (1), rhaid i Weinidogion Cymru ymgynghori â'r person hwnnw.
- (4) Rhaid i Weinidogion Cymru beidio ag arfer eu pŵer o dan is-adran (2) mewn modd a fyddai'n cynnwys unrhyw un neu unrhyw rai o'r canlynol o fewn is-adran (1) –
 - (a) person sydd heb swyddogaethau o natur gyhoeddus;
 - (b) person nad yw ei brif swyddogaethau'n ymwneud â maes neu feysydd yn Rhan 1 o Atodlen 5 i Ddeddf Llywodraeth Cymru 2006 (p. 32);

- (b) the Welsh authority has entered into an arrangement under section 25 of the Children Act 2004 (c. 31) with each of those local authorities.
- (5) The duty of a Welsh authority under section 2(1) to publish a strategy is discharged if the strategy is an integral part of a plan published under section 26 of the Children Act 2004 (c. 31) by each local authority with which it has entered into an arrangement under section 25 of that Act.

The Welsh authorities

6 The Welsh authorities

- (1) For the purposes of this Measure, each of the following is a "Welsh authority" –
 - (a) the Welsh Ministers;
 - (b) a local authority;
 - (c) a Local Health Board;
 - (d) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies;
 - (e) a National Park authority in Wales;
 - (f) the Countryside Council for Wales;
 - (g) the Higher Education Funding Council for Wales;
 - (h) the Public Health Wales National Health Service Trust;
 - (i) the National Museum of Wales;
 - (j) the Arts Council of Wales;
 - (k) the National Library of Wales;
 - (l) the Sports Council for Wales.
- (2) The Welsh Ministers may by order –
 - (a) amend or omit any paragraph of subsection (1), except paragraphs (a) and (b);
 - (b) add paragraphs to that subsection;
 - (c) amend or omit such additional paragraphs;
 - (d) make any amendments to section 5 that are necessary or expedient in consequence of any provision made under paragraphs (a) to (c).
- (3) Before making an order under subsection (2) to include a person within subsection (1) or to remove a person from subsection (1), the Welsh Ministers must consult that person.
- (4) The Welsh Ministers must not exercise their power under subsection (2) so as to include any of the following within subsection (1) –
 - (a) a person who does not have functions of a public nature;
 - (b) a person whose principal functions do not relate to one or more of the fields in Part 1 of Schedule 5 to the Government of Wales Act 2006 (c. 32);

- (c) tribiwnlys.
- (5) Os bydd Gweinidogion Cymru yn arfer eu pŵer o dan is-adran (2) mewn modd a fyddai'n cynnwys person o fewn is-adran (1) sydd â swyddogaethau o natur gyhoeddus ac o natur breifat, rhaid iddynt gynnwys y person hwnnw mewn perthynas â'r swyddogaethau hynny sydd ganddo sydd o natur gyhoeddus yn unig.

Gwasanaethau i fynd i'r afael â thlodi plant

7 Dyletswydd awdurdod lleol i sicrhau bod gofal plant ar gael yn ddi-dâl

- (1) Rhaid i awdurdod lleol sicrhau bod gofal plant o ddisgrifiad rhagnodedig ar gael yn ddi-dâl am y cyfryw gyfnodau ag a ragnodir ar gyfer pob plentyn o ddisgrifiad rhagnodedig yn ei ardal—
- (a) sydd wedi cyrraedd y cyfryw oedran ag a ragnodir, ond
- (b) sydd o dan oedran ysgol gorfodol.
- (2) Mae'r ddyletswydd hon yn ddarostyngedig i ddarpariaethau rheoliadau a wneir o dan adran 10(1)(c).
- (3) Yn yr adran hon ystyr "gofal plant" yw—
- (a) gwarchod plant neu ofal dydd o fewn ystyr Rhan 2 y mae'n ofynnol i'r darparpwydd fod wedi'i gofrestru ar ei gyfer o dan y Rhan honno, neu
- (b) gofal a ddarperir gan berson o ddisgrifiad a gymeradwyir yn unol â chynllun a wnaed gan Weinidogion Cymru o dan adran 12(5) o Ddeddf Credydau Treth 2002 (p. 21).

8 Gwasanaethau cymorth i rieni: pwerau awdurdod lleol

- (1) Caiff awdurdod lleol ddarparu gwasanaethau cymorth i rieni plant, sicrhau eu darparu neu gymryd rhan wrth eu darparu.
- (2) Ni chaiff awdurdod lleol godi tâl am unrhyw beth a ddarperir o dan is-adran (1).
- (3) Yn yr adran hon ac yn adran 10, ystyr "gwasanaethau cymorth i rieni" yw unrhyw un neu unrhyw rai o'r canlynol—
- (a) hyfforddiant mewn sgiliau rhianta;
- (b) unrhyw wasanaeth arall i hybu neu hwyluso rhianta effeithiol.

9 Gwasanaethau cymorth iechyd: pwerau awdurdod lleol

- (1) Caiff awdurdod lleol ddarparu gwasanaethau cymorth iechyd, sicrhau eu darparu neu gymryd rhan wrth eu darparu.
- (2) Ni chaiff awdurdod lleol ddarparu gwasanaethau nyrsio, sicrhau eu darparu neu gymryd rhan wrth eu darparu o dan is-adran (1) ar gyfer unrhyw ran o'i ardal heb gydsyniad y Bwrdd Iechyd Lleol ar gyfer y rhan honno o'i ardal.
- (3) Ni chaiff awdurdod lleol godi tâl am unrhyw beth a ddarperir o dan is-adran (1).
- (4) Yn yr adran hon ac yn adran 10, ystyr "gwasanaethau cymorth iechyd" yw gwasanaethau sy'n darparu cymorth mewn perthynas â iechyd plant neu rieni plant (i'r graddau y maent yn angenrheidiol i sicrhau llesiant eu plant), ar wahân i gymorth sy'n golygu darparu gwasanaethau meddygol, deintyddol, offthalmig, neu fferyllol.

- (c) a tribunal.
- (5) If the Welsh Ministers exercise their power under subsection (2) so as to include a person within subsection (1) who has functions of both a public and a private nature, they must include that person only in relation to those of its functions which are of a public nature.

Services to tackle child poverty

7 Local authority duty to secure the availability of free childcare

- (1) A local authority must secure that childcare of a prescribed description is available free of charge for such periods as may be prescribed for each child of a prescribed description in its area who—
 - (a) has attained such age as may be prescribed, but
 - (b) is under compulsory school age.
- (2) This duty is subject to the provisions of regulations made under section 10(1)(c).
- (3) In this section "childcare" means—
 - (a) child minding or day care within the meaning of Part 2 in respect of which the provider is required to be registered under that Part, or
 - (b) care provided by a person of a description approved in accordance with a scheme made by the Welsh Ministers under section 12(5) of the Tax Credits Act 2002 (c. 21).

8 Parental support services: powers of a local authority

- (1) A local authority may provide, secure the provision of or participate in the provision of parental support services to parents of children.
- (2) A local authority may not charge for anything provided under subsection (1).
- (3) In this section and in section 10 "parental support services" means any of the following—
 - (a) training in parenting skills;
 - (b) any other service to promote or facilitate effective parenting.

9 Health support services: powers of a local authority

- (1) A local authority may provide, secure the provision of or participate in the provision of health support services.
- (2) A local authority may not provide, secure the provision of or participate in the provision of nursing services under subsection (1) for any part of its area without the consent of the Local Health Board for that part of its area.
- (3) A local authority may not charge for anything provided under subsection (1).
- (4) In this section and in section 10, "health support services" means services providing assistance in relation to the health of children or parents of children (so far as necessary to secure the well-being of their children), apart from assistance that amounts to the provision of medical, dental, ophthalmic, or pharmaceutical services.

10 Rheoliadau am wasanaethau i fynd i'r afael â thlodi plant

- (1) Caiff rheoliadau –
- (a) ei gwneud yn ofynnol bod awdurdod lleol yn sicrhau darparu gwasanaethau cymorth i rieni o ddisgrifiad rhagnodedig yn ddi-dâl i rieni rhagnodedig plant yn ei ardal;
 - (b) ei gwneud yn ofynnol bod awdurdod lleol yn sicrhau darparu gwasanaethau cymorth iechyd o ddisgrifiad rhagnodedig yn ddi-dâl i blant rhagnodedig neu i rieni rhagnodedig plant yn ei ardal;
 - (c) darparu bod y ddyletswydd yn adran 7(1) i fod yn gymwys yn unig mewn rhan neu rannau o ardal awdurdod lleol;
 - (d) darparu bod gofyniad mewn rheoliadau o dan baragraff (a) neu (b) i fod yn gymwys yn unig mewn rhan neu rannau o ardal awdurdod lleol.
- (2) Caiff rheoliadau o dan baragraff (c) neu (d) o is-adran (1) (ymysg pethau eraill) –
- (a) pennu ardal neu ardaloedd o fewn ardal awdurdod lleol;
 - (b) darparu ar gyfer pennu ardal neu ardaloedd gan awdurdod lleol.

PENNOD 2**CYFLEOEDD CHWARAE A CHYMRYD RHAN***Cyfleoedd chwarae***11 Dyletswyddau awdurdod lleol ynghylch cyfleoedd chwarae i blant**

- (1) Rhaid i awdurdod lleol asesu digonolrwydd cyfleoedd chwarae ar gyfer plant yn ei ardal yn unol â rheoliadau.
- (2) Caiff rheoliadau gynnwys darpariaeth ynghylch –
- (a) y materion sydd i'w hystyried wrth asesu digonolrwydd;
 - (b) y dyddiad erbyn pryd y mae asesiad cyntaf i'w gyflawni;
 - (c) amllder asesiadau;
 - (d) adolygu asesiadau;
 - (e) cyhoeddi asesiadau.
- (3) Rhaid i awdurdod lleol sicrhau cyfleoedd chwarae digonol i blant yn ei ardal, i'r graddau y mae'n rhesymol ymarferol, gan roi sylw i'w asesiad o dan is-adran (1).
- (4) Rhaid i awdurdod lleol –
- (a) cyhoeddi gwybodaeth ynghylch cyfleoedd chwarae i blant yn ardal yr awdurdod, a
 - (b) diweddarau'r wybodaeth a gyhoeddir.
- (5) Wrth gyflawni ei ddyletswyddau o dan yr adran hon, rhaid i awdurdod lleol roi sylw (ymysg pethau eraill) –

10 Regulations about services to tackle child poverty

- (1) Regulations may –
 - (a) require a local authority to secure the provision of parental support services of a prescribed description free of charge for prescribed parents of children in its area;
 - (b) require a local authority to secure the provision of health support services of a prescribed description free of charge for prescribed children or prescribed parents of children in its area;
 - (c) provide that the duty in section 7(1) is to apply only in one or more parts of a local authority area;
 - (d) provide that a requirement in regulations under paragraph (a) or (b) is to apply only in one or more parts of a local authority area.
- (2) Regulations under paragraph (c) or (d) of subsection (1) may (among other things) –
 - (a) specify one or more areas within a local authority area;
 - (b) provide for the specification of one or more areas by a local authority.

CHAPTER 2

PLAY AND PARTICIPATION

Play opportunities

11 Local authority duties in respect of play opportunities for children

- (1) A local authority must assess the sufficiency of play opportunities in its area for children in accordance with regulations.
- (2) Regulations may include provision about –
 - (a) the matters to be taken into account in assessing sufficiency;
 - (b) the date by which a first assessment is to be carried out;
 - (c) frequency of assessments;
 - (d) review of assessments;
 - (e) publication of assessments.
- (3) A local authority must secure sufficient play opportunities in its area for children, so far as reasonably practicable, having regard to its assessment under subsection (1).
- (4) A local authority must –
 - (a) publish information about play opportunities in the authority's area for children, and
 - (b) keep the information published up to date.
- (5) In performing its duties under this section, a local authority must have regard (among other things) –

- (a) i anghenion plant sy'n bobl anabl (o fewn ystyr adran 1 o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p. 50);
 - (b) i anghenion plant o wahanol oedrannau.
- (6) Yn yr adran hon-
- mae "chwarae" yn cynnwys unrhyw weithgaredd hamdden;
- ystyr "digonol", mewn perthynas â chyfleoedd chwarae, yw digonol o ran nifer ac ansawdd.

Cymryd rhan

12 Plant yn cymryd rhan ym mhenderfyniadau awdurdod lleol

- (1) Rhaid i awdurdod lleol wneud y cyfryw drefniadau ag y mae'n eu hystyried yn addas i hybu a hwyluso plant i gymryd rhan ym mhenderfyniadau'r awdurdod a allai effeithio arnynt.
- (2) Rhaid i awdurdod lleol –
 - (a) cyhoeddi gwybodaeth ynghylch ei drefniadau o dan is-adran (1), a
 - (b) diweddarau'r wybodaeth a gyhoeddir.
- (3) Diddymir adran 176 o Ddeddf Addysg 2002 (p. 32) gan yr is-adran hon.

PENNOD 3

AROLYGU, CANLLAWIAU A CHYFARWYDDIADAU

Arolygu

13 Arolygu

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu –
 - (a) ar gyfer arolygu arfer swyddogaethau gan awdurdod lleol o dan adrannau 7 i 12;
 - (b) ar gyfer cyhoeddi adroddiadau o'r arolygiadau yn y fath fodd y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.
- (2) Caiff y rheoliadau ddarparu bod yr arolygiadau yn cael eu trefnu –
 - (a) gan Weinidogion Cymru, neu
 - (b) gan Brif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, neu gan unrhyw berson arall, o dan drefniadau a wnaed gyda Gweinidogion Cymru.
- (3) Caiff y rheoliadau ddarparu at ddibenion cyfraith difenwi bod unrhyw adroddiad a gyhoeddir o dan y rheoliadau yn freintiedig oni ddangosir bod y cyhoeddiad wedi'i wneud yn faleisus.
- (4) Nid yw rheoliadau a wneir o dan is-adran (3) yn cyfyngu ar unrhyw frain sy'n bodoli ar wahân i ddarpariaeth yn y cyfryw reoliadau.

- (a) to the needs of children who are disabled persons (within the meaning of section 1 of the Disability Discrimination Act 1995 (c. 50));
 - (b) to the needs of children of different ages.
- (6) In this section –
- "play" includes any recreational activity;
 - "sufficient", in relation to play opportunities, means sufficient having regard to quantity and quality.

Participation

12 Participation of children in local authority decision making

- (1) A local authority must make such arrangements as it considers suitable to promote and facilitate participation by children in decisions of the authority which might affect them.
- (2) A local authority must –
 - (a) publish information about its arrangements under subsection (1), and
 - (b) keep the information published up to date.
- (3) Section 176 of the Education Act 2002 (c. 32) is repealed by this subsection.

CHAPTER 3

INSPECTION, GUIDANCE AND DIRECTIONS

Inspection

13 Inspection

- (1) The Welsh Ministers may by regulations make provision –
 - (a) for the inspection of the exercise by a local authority of functions under sections 7 to 12;
 - (b) for the publication of reports of the inspections in such manner as the Welsh Ministers consider appropriate.
- (2) The regulations may provide for the inspections to be organised by –
 - (a) the Welsh Ministers, or
 - (b) Her Majesty's Chief Inspector of Education and Training in Wales, or any other person, under arrangements made with the Welsh Ministers.
- (3) The regulations may provide that for the purposes of the law of defamation any report published under the regulations is privileged unless the publication is shown to have been made with malice.
- (4) Regulations made under subsection (3) do not limit any privilege subsisting apart from provision in such regulations.

14 Pwerau mynediad

- (1) Caiff unrhyw berson a awdurdodwyd gan Weinidogion Cymru, at ddibenion rheoliadau a wneir o dan adran 13, ar unrhyw adeg resymol fynd i mewn—
 - (a) i unrhyw fangre sydd ym mherchenogaeth neu o dan reolaeth awdurdod lleol;
 - (b) i unrhyw fangre sy'n dod o fewn is-adran (3).
- (2) Ond nid yw is-adran (1) yn awdurdodi mynediad i mewn i fangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat.
- (3) Y mangreoedd y cyfeirir atynt yn is-adran (1)(b) yw mangreoedd—
 - (a) a ddefnyddir, neu yr arfaethir eu defnyddio, gan unrhyw berson mewn cysylltiad â gwasanaethau neu gyfleusterau a sicrhawyd gan awdurdod lleol;
 - (b) neu bod y person a awdurdodwyd o dan is-adran (1) yn rhesymol yn credu eu bod yn cael eu defnyddio felly, neu yr arfaethir eu defnyddio felly.
- (4) Caniateir rhoi awdurdodiad o dan is-adran (1)—
 - (a) ar gyfer achlysur neu gyfnod penodol;
 - (b) yn ddarostyngedig i amodau.
- (5) Rhaid i berson sy'n arfer unrhyw bŵer a roddir gan is-adran (1) neu adran 15, os gofynnir iddo wneud hynny, ddangos dogfen a ddilyswyd yn briodol sy'n dangos awdurdod y person hwnnw i wneud hynny.

15 Pwerau arolygu

- (1) Caiff person sy'n mynd i mewn i fangre o dan adran 14 (yn ddarostyngedig i unrhyw amodau a osodwyd o dan adran 14(4)(b))—
 - (a) arolygu'r fangre;
 - (b) arolygu unrhyw ddogfennau neu gofnodion, cymryd copiâu ohonynt neu eu symud oddi yno a hwythau'n ymwneud ag awdurdod lleol yn cyflawni ei swyddogaethau o dan adrannau 7 i 12;
 - (c) arolygu unrhyw eitem arall a'i symud o'r fangre;
 - (d) cyf-weld yn breifat ag unrhyw berson sy'n gweithio yn y fangre.
- (2) Mae'r pŵer yn is-adran (1)(b) yn cynnwys—
 - (a) pŵer i'w gwneud yn ofynnol i unrhyw berson sy'n dal dogfennau neu gofnodion neu sy'n atebol amdanynt yn y fangre i'w dangos, a
 - (b) o ran cofnodion a gedwir drwy gyfrwng cyfrifiadur, pŵer i'w gwneud yn ofynnol i'r cofnodion gael eu dangos ar ffurf sy'n eu gwneud yn ddarllenadwy ac y gellir eu cymryd oddi yno.
- (3) Nid yw'r pŵer yn is-adran (1)(b) yn cynnwys pŵer—
 - (a) i'w gwneud yn ofynnol i berson ddangos unrhyw ddogfennau neu gofnodion y gellid cynnal hawliad am fraint broffesiynol gyfreithiol mewn cysylltiad â hwy mewn achos cyfreithiol, neu

14 Powers of entry

- (1) Any person authorised by the Welsh Ministers may, for the purposes of regulations made under section 13, at any reasonable time enter –
 - (a) any premises owned or controlled by a local authority;
 - (b) any premises falling within subsection (3).
- (2) But subsection (1) does not authorise entry to premises used wholly or mainly as a private dwelling.
- (3) The premises referred to in subsection (1)(b) are premises –
 - (a) which are used, or proposed to be used, by any person in connection with services or facilities secured by a local authority;
 - (b) or which the person authorised under subsection (1) reasonably believes to be so used, or proposed to be so used.
- (4) Authorisation under subsection (1) –
 - (a) may be given for a particular occasion or period;
 - (b) may be given subject to conditions.
- (5) A person exercising any power conferred by subsection (1) or section 15 must, if so required, produce some duly authenticated document showing that person's authority to do so.

15 Powers of inspection

- (1) A person entering premises under section 14 may (subject to any conditions imposed under section 14(4)(b)) –
 - (a) inspect the premises;
 - (b) inspect, take copies of and remove from the premises any documents or records relating to the discharge by the local authority of its functions under sections 7 to 12;
 - (c) inspect any other item and remove it from the premises;
 - (d) interview in private any person working at the premises.
- (2) The power in subsection (1)(b) includes –
 - (a) power to require any person holding or accountable for documents or records kept on the premises to produce them, and
 - (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (3) The power in subsection (1)(b) does not include power –
 - (a) to require a person to produce any document or record in respect of which a claim to legal professional privilege could be maintained in legal proceedings, or

- (b) i gymryd copïau o ddogfennau neu gofnodion o'r fath neu eu symud oddi yno.
- (4) O ran arolygu unrhyw ddogfennau o'r fath, caiff person a awdurdodwyd at ddibenion adran 14 (yn ddarostyngedig i unrhyw amodau a osodwyd o dan adran 14(4)(b)) –
- (a) cael mynediad i unrhyw gyfrifiadur a chyfarpar cysylltiedig neu ddeunyddiau ac arolygu a gwirio eu gweithrediad y mae'r person hwnnw'n ystyried sy'n cael eu defnyddio neu wedi cael eu defnyddio mewn cysylltiad â'r dogfennau, a
- (b) ei gwneud yn ofynnol bod person sy'n dod o fewn is-adran (5) yn rhoi iddo'r cyfryw gymorth rhesymol ag y bo angen amdano at y diben hwnnw.
- (5) Mae person yn dod o fewn yr is-adran hon –
- (a) os yw'n berson y mae'r cyfrifiadur yn cael ei ddefnyddio ganddo neu wedi cael ei ddefnyddio ganddo neu ar ei ran, neu
- (b) os yw'n berson sydd â gofal y cyfrifiadur, y cyfarpar neu'r deunydd neu fel arall yn ymwneud â'u gweithredu.
- (6) Caiff person sy'n mynd i mewn i fangre o dan adran 14 (yn ddarostyngedig i unrhyw amodau a osodir o dan adran 14(4)(b)) ei gwneud yn ofynnol i unrhyw berson roi iddo'r cyfryw gyfleusterau a chymorth ynglŷn â materion sydd o dan reolaeth y person ag a fo'n angenrheidiol i'w alluogi i arfer pwerau o dan adran 14 neu o dan yr adran hon.
- (7) Mae unrhyw berson sydd heb esgus rhesymol –
- (a) yn rhwystro person rhag arfer unrhyw bŵer o dan adran 14(1) neu o dan yr adran hon, neu
- (b) yn methu â chydymffurfio ag unrhyw ofyniad a osodir o dan yr adran hon,
- yn euog o dramgwydd a bydd yn atebol ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol.

16 Pŵer i'w gwneud yn ofynnol bod gwybodaeth yn cael ei rhoi

- (1) Caiff Gweinidogion Cymru ar unrhyw adeg ei gwneud yn ofynnol i unrhyw berson a bennir yn is-adran (3) roi iddynt unrhyw wybodaeth, dogfennau, cofnodion (gan gynnwys cofnodion personol) neu eitemau eraill –
- (a) sy'n ymwneud ag arfer ei swyddogaethau gan awdurdod lleol o dan adrannau 7 i 12, a
- (b) y mae Gweinidogion Cymru –
- (i) yn ystyried eu bod yn angenrheidiol neu'n hwylus eu cael at ddibenion unrhyw un neu unrhyw rai o'u swyddogaethau sy'n ymwneud ag awdurdod lleol yn arfer ei swyddogaethau o dan adrannau 7 i 12, neu
- (ii) yn ystyried eu bod yn angenrheidiol neu'n hwylus i unrhyw berson sy'n arfer swyddogaethau o dan adrannau 14 i 15 eu cael at ddibenion y swyddogaethau hynny.
- (2) Caiff Gweinidogion Cymru rannu unrhyw beth a gafwyd o dan is-adran (1) gydag unrhyw berson sy'n arfer swyddogaethau o dan adrannau 14 i 15.
- (3) Dyma'r personau y cyfeirir atynt yn is-adran (1) –

- (b) to take copies of such a document or record or to remove it.
- (4) In connection with inspecting any such documents, a person authorised for the purposes of section 14 (subject to any conditions imposed under section 14(4)(b)) –
 - (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he or she considers is or has been in use in connection with the documents, and
 - (b) may require a person within subsection (5) to afford him or her such reasonable assistance as may be required for that purpose.
- (5) A person is within this subsection if he or she is –
 - (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (6) A person entering premises under section 14 (subject to any conditions imposed under section 14(4)(b)) may require any person to afford him or her such facilities and assistance with respect to matters within the person's control as are necessary to enable him or her to exercise powers under section 14 or this section.
- (7) Any person who without reasonable excuse –
 - (a) obstructs a person exercising any power under section 14(1) or this section, or
 - (b) fails to comply with any requirement imposed under this section,is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

16 Power to require information

- (1) The Welsh Ministers may at any time require any person specified in subsection (3) to provide them with any information, documents, records (including personal records) or other items –
 - (a) which relates or relate to the exercise by a local authority of its functions under sections 7 to 12, and
 - (b) which the Welsh Ministers –
 - (i) consider necessary or expedient to have for the purpose of any of their functions relating to the exercise by a local authority of its functions under sections 7 to 12, or
 - (ii) consider necessary or expedient for any person exercising functions under sections 14 to 15 to have for the purpose of those functions.
- (2) The Welsh Ministers may share anything obtained under subsection (1) with any person exercising functions under sections 14 to 15.
- (3) The persons referred to in subsection (1) are –

- (a) awdurdod lleol;
- (b) unrhyw berson y mae'r awdurdod wedi ymrwymo mewn trefniadau gydag ef—
 - (i) wrth iddo arfer unrhyw un neu unrhyw rai o'i swyddogaethau o dan adrannau 7 i 12, neu
 - (ii) ynglŷn ag unrhyw weithgaredd cysylltiedig.
- (4) Mae'r pŵer yn is-adran (1) yn cynnwys, mewn perthynas â gwybodaeth, ddogfennau neu gofnodion a gedwir drwy gyfrwng cyfrifiadur, pŵer i'w gwneud yn ofynnol eu darparu mewn ffurf ddarllenadwy y gellir ei cymryd oddi yno.
- (5) Nid yw'r pŵer yn is-adran (1) yn cynnwys y pŵer i'w gwneud yn ofynnol i roi gwybodaeth, dogfennau neu gofnodion y gellid cynnal hawliad am fraint broffesiynol gyfreithiol mewn cysylltiad â hwy mewn achos cyfreithiol.
- (6) Bydd unrhyw berson sydd, heb esgus rhesymol, yn methu â chydymffurfio ag unrhyw ofyniad a osodir yn rhinwedd yr adran hon yn euog o dramgwydd ac yn agored ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 4 ar y raddfa safonol.

Canllawiau a chyfarwyddiadau

17 Canllawiau

- (1) Caiff Gweinidogion Cymru roi canllawiau i awdurdod Cymreig arall o bryd i'w gilydd ynghylch—
 - (a) arfer swyddogaethau o dan adrannau 1 i 10, neu
 - (b) unrhyw gam i hybu'r nodau eang i gyfrannu at ddileu tlodi plant.
- (2) Rhaid i awdurdod Cymreig roi sylw i'r canllawiau wrth arfer ei swyddogaethau.
- (3) Wrth iddo arfer ei swyddogaethau o dan adrannau 11 a 12, rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau a roddir o bryd i'w gilydd gan Weinidogion Cymru.

18 Cyfarwyddiadau

- (1) Mae'r adran hon yn gymwys os yw Gweinidogion Cymru wedi'u bodloni bod unrhyw awdurdod Cymreig arall yn methu â chydymffurfio, neu'n debygol o fethu â chydymffurfio ag unrhyw ddyletswydd o dan adrannau 2, 7, 10, 11 neu 12.
- (2) Caiff Gweinidogion Cymru gyfarwyddo'r awdurdod Cymreig i gymryd unrhyw gam y mae Gweinidogion Cymru o'r farn ei fod yn angenrheidiol neu'n hwylus i sicrhau cydymffurfiaeth â gofynion y ddyletswydd berthnasol.
- (3) O ran cyfarwyddyd a roddir o dan yr adran hon—
 - (a) rhaid iddo fod yn ysgrifenedig;
 - (b) caniateir ei amrywio neu ei ddirymu drwy gyfarwyddyd diweddarach;
 - (c) mae'n orfodadwy drwy orchymyn gorfodi ar gais Gweinidogion Cymru.

- (a) a local authority;
 - (b) any person with whom the authority have entered into arrangements—
 - (i) in the exercise of any of its functions under sections 7 to 12, or
 - (ii) in connection with any related activity.
- (4) The power in subsection (1) includes, in relation to information, documents or records kept by means of a computer, power to require provision of them in a legible form which can be taken away.
- (5) The power in subsection (1) does not include power to require the provision of information, documents or records in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (6) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Guidance and directions

17 Guidance

- (1) The Welsh Ministers may give guidance to another Welsh authority from time to time about—
- (a) the exercise of functions under sections 1 to 10, or
 - (b) any action to promote the broad aims for contributing to the eradication of child poverty.
- (2) A Welsh authority must have regard to the guidance when exercising its functions.
- (3) In exercising its functions under sections 11 and 12, a local authority must have regard to any guidance given from time to time by the Welsh Ministers.

18 Directions

- (1) This section applies if the Welsh Ministers are satisfied that any other Welsh authority is failing, or is likely to fail, to comply with any duty under section 2, 7, 10, 11 or 12.
- (2) The Welsh Ministers may direct the Welsh authority to take any action which the Welsh Ministers consider necessary or expedient to secure its compliance with the requirements of the relevant duty.
- (3) A direction given under this section—
- (a) must be given in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on the application of the Welsh Ministers.

RHAN 2**GWARCHOD PLANT A GOFAL DYDD I BLANT***Y prif dermau***19 Ystyr "gwarchod plant" a "gofal dydd i blant"**

- (1) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.
- (2) Mae person yn gweithredu fel gwarchodwr plant os yw'r person yn gofalu am blentyn neu blant o dan wyth oed mewn mangre ddomestig er mwyn gwobr; ac mae "gwarchod plant" i'w ddehongli yn unol â hynny.
- (3) Mae person yn darparu gofal dydd i blant os yw'r person yn darparu gofal ar unrhyw adeg i blant o dan wyth oed mewn mangre heblaw mangre ddomestig; ac mae "gofal dydd i blant" a "gofal dydd" i'w dehongli yn unol â hynny.
- (4) Caiff Gweinidogion Cymru drwy orchymyn—
 - (a) diwygio is-adran (2) neu (3) i amnewid oedran gwahanol;
 - (b) darparu, o dan yr amgylchiadau a bennir yn y gorchymyn, nad yw person yn gweithredu fel gofalydd plant at ddibenion y Rhan hon;
 - (c) darparu, o dan yr amgylchiadau a bennir yn y gorchymyn, nad yw person yn darparu gofal dydd at ddibenion y Rhan hon.
- (5) Caiff yr amgylchiadau a bennir mewn gorchymyn ymwneud ag un neu fwy o'r materion canlynol (ymhlith eraill)—
 - (a) y person sy'n darparu'r gwasanaeth gwarchod plant neu'r gofal dydd;
 - (b) y plentyn neu'r plant y darperir ef ar ei gyfer neu ar eu cyfer;
 - (c) natur y gwasanaeth gwarchod plant neu'r gofal dydd;
 - (d) y fangre y darperir ef ynnddi;
 - (e) yr adegau pan ddarperir ef;
 - (f) y trefniadau y darperir ef oddi tanynt.
- (6) Yn yr adran hon ystyr "mangre ddomestig" yw unrhyw fangre sy'n cael ei defnyddio'n gyfan gwbl neu'n bennaf fel annedd breifat.

*Cofrestru gwarchod plant***20 Cofrestr o warchodwyr plant**

Rhaid i Weinidogion Cymru gynnal cofrestr ("cofrestr o warchodwyr plant") o bob person sydd wedi'i gofrestru'n warchodwr plant o dan y Rhan hon.

21 Dyletswydd gwarchodwyr plant i gofrestru

- (1) Rhaid i berson beidio â gweithredu'n warchodwr plant yng Nghymru oni bai bod y person hwnnw wedi'i gofrestru'n warchodwr plant gan Weinidogion Cymru o dan y Rhan hon.

PART 2

CHILD MINDING AND DAY CARE FOR CHILDREN

*Main terms***19 Meaning of "child minding" and "day care for children"**

- (1) This section applies for the purposes of this Part.
- (2) A person acts as a child minder if the person looks after one or more children under the age of eight on domestic premises for reward; and "child minding" is to be interpreted accordingly.
- (3) A person provides day care for children if the person provides care at any time for children under the age of eight on premises other than domestic premises; and "day care for children" and "day care" are to be interpreted accordingly.
- (4) The Welsh Ministers may by order –
 - (a) amend subsection (2) or (3) to substitute a different age;
 - (b) provide that, in the circumstances specified in the order, a person is not acting as a child minder for the purposes of this Part;
 - (c) provide that, in the circumstances specified in the order, a person is not providing day care for the purposes of this Part.
- (5) The circumstances specified in an order may relate to one or more of the following matters (among others) –
 - (a) the person providing the child minding or day care;
 - (b) the child or the children for whom it is provided;
 - (c) the nature of the child minding or day care;
 - (d) the premises on which it is provided;
 - (e) the times during which it is provided;
 - (f) the arrangements under which it is provided.
- (6) In this section "domestic premises" means any premises which are wholly or mainly used as a private dwelling.

*Registration of child minding***20 Register of child minders**

The Welsh Ministers must maintain a register ("the child minders register") of all persons who are registered as child minders under this Part.

21 Duty of child minders to register

- (1) A person must not act as a child minder in Wales unless that person is registered as a child minder by the Welsh Ministers under this Part.

- (2) Os yw'n ymddangos i Weinidogion Cymru bod person yn gweithredu fel gwarchodwr plant heb iddo gael ei gofrestru i wneud hynny o dan y Rhan hon, caiff Gweinidogion Cymru gyflwyno hysbysiad ("hysbysiad gorfodi") i'r person hwnnw.
- (3) Ceir cyflwyno hysbysiad gorfodi i berson –
 - (a) drwy ei draddodi i'r person, neu
 - (b) drwy ei anfon drwy'r post i gyfeiriad hysbys diwethaf y person.
- (4) Mae hysbysiad gorfodi yn effeithiol am gyfnod o flwyddyn sy'n dechrau ar y dyddiad pan gyflwynir ef.
- (5) Mae person ("P") sy'n gweithredu fel gwarchodwr plant yn groes i is-adran (1) yn cyflawni tramgwydd –
 - (a) os oes hysbysiad gorfodi yn effeithiol mewn perthynas â P, a
 - (b) os yw P yn gweithredu fel gwarchodwr plant heb esgus rhesymol.
- (6) Mae person sy'n euog o dramgwydd o dan y is-adran (5) yn atebol ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

Cofrestru gofal dydd i blant

22 Cofrestr o ddarparwyr gofal dydd i blant

Rhaid i Weinidogion Cymru gynnal cofrestr ("cofrestr gofal dydd i blant") o bob person sydd wedi'i gofrestru i ddarparu gofal dydd i blant o dan y Rhan hon ac o'r mangreoedd y maent wedi eu hawdurdodi i'w ddarparu ynddynt o dan y Rhan hon.

23 Dyletswydd darparwyr gofal dydd i gofrestru

- (1) Rhaid i berson beidio â darparu gofal dydd i blant mewn unrhyw fangre yng Nghymru oni bai bod y person hwnnw wedi'i gofrestru i ddarparu gofal dydd i blant yn y fangre honno gan Weinidogion Cymru o dan y Rhan hon.
- (2) Mae person sy'n mynd yn groes i is-adran (1) heb esgus rhesymol yn cyflawni tramgwydd.
- (3) Mae person sy'n euog o dramgwydd o dan is-adran (2) yn atebol ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

Y broses gofrestru a gofynion cofrestru

24 Ceisiadau i gofrestru: gwarchod plant

- (1) Caiff person sy'n bwriadu gweithredu fel gwarchodwr plant wneud cais i Weinidogion Cymru i gofrestru fel gwarchodwr plant.
- (2) Rhaid i gais –
 - (a) rhoi unrhyw wybodaeth a ragnodwyd am faterion a ragnodwyd,
 - (b) rhoi unrhyw wybodaeth arall y gall Gweinidogion Cymru yn rhesymol ei gwneud yn ofynnol i'r ceisydd ei rhoi, ac
 - (c) cynnwys gydag ef unrhyw ffi a ragnodwyd.
- (3) Rhaid i Weinidogion Cymru ganiatáu cais –

- (2) If it appears to the Welsh Ministers that a person is acting as a child minder without being registered to do so under this Part, the Welsh Ministers may serve a notice ("an enforcement notice") on that person.
- (3) An enforcement notice may be served on a person—
 - (a) by delivering it to the person, or
 - (b) by sending it by post to the person's last known address.
- (4) An enforcement notice has effect for a period of one year beginning with the date on which it is served.
- (5) A person ("P") who acts as a child minder in contravention of subsection (1) commits an offence if—
 - (a) an enforcement notice has effect in relation to P, and
 - (b) P acts as a child minder without reasonable excuse.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Registration of day care for children

22 Register of providers of day care for children

The Welsh Ministers must maintain a register ("the day care for children register") of all persons who are registered to provide day care for children under this Part and of the premises on which they are authorised to provide it under this Part.

23 Duty of day care providers to register

- (1) A person must not provide day care for children on any premises in Wales unless that person is registered to provide day care for children on those premises by the Welsh Ministers under this Part.
- (2) A person who contravenes subsection (1) without reasonable excuse commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Process and requirements of registration

24 Applications for registration: child minding

- (1) A person who proposes to act as a child minder may make an application to the Welsh Ministers for registration as a child minder.
- (2) An application must—
 - (a) give any prescribed information about prescribed matters,
 - (b) give any other information which the Welsh Ministers reasonably require the applicant to give, and
 - (c) be accompanied by any prescribed fee.
- (3) The Welsh Ministers must grant an application if—

- (a) os na chafodd y ceisydd ei anghymwyso rhag cofrestru o dan adran 38, a
 - (b) os yw'n ymddangos i Weinidogion Cymru bod yr holl ofynion rhagnodedig ar gyfer cofrestru fel gwarchodwr plant wedi eu bodloni a'u bod yn debygol o barhau i fod wedi eu bodloni.
- (4) Rhaid i Weinidogion Cymru wrthod unrhyw gais o dan is-adran (1) nad yw is-adran (3) yn ei gwneud yn ofynnol iddynt ei ganiatáu.

25 Gofynion rhagnodedig ar gyfer cofrestru fel gwarchodwr plant

Caiff y gofynion rhagnodedig ar gyfer cofrestru fel gwarchodwr plant gynnwys gofynion sy'n ymwneud â'r canlynol –

- (a) y ceisydd;
- (b) y fangre y darperir y gwasanaeth gwarchod plant ynddi;
- (c) y trefniadau ar gyfer gwarchod plant yn y fangre honno;
- (d) unrhyw berson a all fod yn gofalu am blant yn y fangre honno;
- (e) unrhyw berson a all fod yn y fangre honno.

26 Ceisiadau i gofrestru: gofal dydd i blant

- (1) Caiff person sy'n bwriadu darparu gofal dydd i blant mewn mangre benodol wneud cais i Weinidogion Cymru i gofrestru fel darparwydd gofal dydd yn y fangre honno.
- (2) Rhaid i gais –
- (a) rhoi unrhyw wybodaeth a ragnodwyd am faterion a ragnodwyd,
 - (b) rhoi unrhyw wybodaeth arall y gall Gweinidogion Cymru yn rhesymol ei gwneud yn ofynnol i'r ceisydd ei rhoi, ac
 - (c) cynnwys gydag ef unrhyw ffi a ragnodwyd.
- (3) Rhaid i Weinidogion Cymru ganiatáu cais –
- (a) os na chafodd y ceisydd ei anghymwyso rhag cofrestru o dan adran 38, a
 - (b) os yw'n ymddangos i Weinidogion Cymru bod yr holl ofynion rhagnodedig i gofrestru darparwyr gofal dydd wedi eu bodloni a'u bod yn debygol o barhau i fod wedi eu bodloni.
- (4) Rhaid i Weinidogion Cymru wrthod unrhyw gais o dan is-adran (1) nad yw is-adran (3) yn ei gwneud yn ofynnol iddynt ei ganiatáu.

27 Gofynion rhagnodedig ar gyfer cofrestru darparwyr gofal dydd i blant

Caiff y gofynion rhagnodedig ar gyfer cofrestru fel darparwyr gofal dydd i blant gynnwys gofynion sy'n ymwneud â'r canlynol –

- (a) y ceisydd;
- (b) y fangre y darperir y gofal dydd ynddi;
- (c) y trefniadau ar gyfer gofal dydd yn y fangre honno;
- (d) unrhyw berson a all fod yn gofalu am blant yn y fangre honno;

- (a) the applicant is not disqualified from registration under section 38, and
 - (b) it appears to the Welsh Ministers that all the prescribed requirements for registration as a child minder are satisfied and are likely to continue to be satisfied.
- (4) The Welsh Ministers must refuse any application under subsection (1) which subsection (3) does not require them to grant.

25 Prescribed requirements for registration as a child minder

The prescribed requirements for registration as a child minder may include requirements relating to—

- (a) the applicant;
- (b) the premises on which the child minding is to be provided;
- (c) the arrangements for child minding on those premises;
- (d) any person who may be caring for children on those premises;
- (e) any person who may be on those premises.

26 Applications for registration: day care for children

- (1) A person who proposes to provide day care for children on particular premises may make an application to the Welsh Ministers for registration as a provider of day care on those premises.
- (2) An application must—
- (a) give any prescribed information about prescribed matters,
 - (b) give any other information which the Welsh Ministers reasonably require the applicant to give, and
 - (c) be accompanied by any prescribed fee.
- (3) The Welsh Ministers must grant an application if—
- (a) the applicant is not disqualified from registration under section 38, and
 - (b) it appears to the Welsh Ministers that all the prescribed requirements for registration of day care providers are satisfied and are likely to continue to be satisfied.
- (4) The Welsh Ministers must refuse any application under subsection (1) which subsection (3) does not require them to grant.

27 Prescribed requirements for registration of providers of day care for children

The prescribed requirements for registration of providers of day care for children may include requirements relating to—

- (a) the applicant;
- (b) the premises on which the day care is to be provided;
- (c) the arrangements for day care on those premises;
- (d) any person who may be caring for children on those premises;

(e) unrhyw berson arall a all fod yn y fangre honno.

28 Cofnodi ar y gofrestr a thystysgrifau

- (1) Os caiff cais o dan adran 24(1) ei ganiatáu, rhaid i Weinidogion Cymru –
 - (a) cofrestru'r ceisydd yn y gofrestr gwarchodwyr plant fel gwarchodwr plant, a
 - (b) rhoi tystysgrif gofrestru i'r ceisydd yn datgan bod y ceisydd wedi'i gofrestru.
- (2) Os caiff cais o dan adran 26(1) ei ganiatáu, rhaid i Weinidogion Cymru –
 - (a) cofrestru'r ceisydd yn ddarparparydd gofal dydd ynglŷn â'r fangre o dan sylw, a
 - (b) rhoi tystysgrif gofrestru i'r ceisydd yn datgan fod y ceisydd wedi'i gofrestru.
- (3) Rhaid i dystysgrif gofrestru a roddir i geisydd o dan is-adran (1) neu (2) gynnwys gwybodaeth a ragnodwyd ynghylch materion a ragnodwyd.
- (4) Os oes newid yn yr amgylchiadau sy'n ei gwneud yn ofynnol diwygio tystysgrif gofrestru, rhaid i Weinidogion Cymru roi i'r person cofrestredig dystysgrif ddiwygiedig.
- (5) Os yw Gweinidogion Cymru wedi'u bodloni bod tystysgrif gofrestru wedi cael ei cholli neu ei difa, rhaid i Weinidogion Cymru roi copi i'r person cofrestredig, pan fydd y person cofrestredig yn talu'r ffi a ragnodwyd.

29 Amodau wrth gofrestru

- (1) Caiff Gweinidogion Cymru osod y cyfryw amodau ag y gwelant yn dda eu gwneud wrth gofrestru unrhyw berson o dan y Rhan hon sy'n gweithredu fel gwarchodwr plant neu berson sy'n darparu gofal dydd i blant.
- (2) Caniateir i'r pŵer hwn gael ei arfer ar unrhyw adeg pan fydd Gweinidogion Cymru yn cofrestru person o dan adran 24 neu adran 26 neu ar unrhyw adeg ar ôl hynny.
- (3) Caiff Gweinidogion Cymru ar unrhyw adeg amrywio neu dynnu i ffwrdd unrhyw amod a osodwyd o dan yr adran hon.
- (4) Mae person sydd wedi'i gofrestru o dan y Rhan hon yn cyflawni tramgwydd os bydd y person hwnnw, heb esgus rhesymol, yn methu â chydymffurfio ag unrhyw un o'r amodau a osodir o dan yr adran hon.
- (5) Mae person sy'n euog o dramgwydd o dan is-adran (4) yn atebol ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

30 Rheoliadau sy'n llywodraethu gweithgareddau

- (1) Caiff Gweinidogion Cymru wneud rheoliadau sy'n llywodraethu gweithgareddau personau cofrestredig sy'n gweithredu fel gwarchodwyr plant, neu'n darparu gofal dydd, mewn mangre yng Nghymru.
- (2) Caiff y rheoliadau o dan yr adran hon ymdrin â'r materion canlynol (ymhlith eraill) –
 - (a) lles a datblygiad y plant o dan sylw;
 - (b) addasrwydd i ofalu am y plant o dan sylw, neu fod mewn cyswllt rheolaidd â hwy;
 - (c) cymwysterau a hyfforddiant;

- (e) any other person who may be on those premises.

28 Entry on the register and certificates

- (1) If an application under section 24(1) is granted, the Welsh Ministers must—
 - (a) register the applicant in the child minders register as a child minder, and
 - (b) give the applicant a certificate of registration stating that the applicant is registered.
- (2) If an application under section 26(1) is granted, the Welsh Ministers must—
 - (a) register the applicant as a day care provider in respect of the premises in question, and
 - (b) give the applicant a certificate of registration stating that the applicant is registered.
- (3) A certificate of registration given to the applicant under subsection (1) or (2) must contain prescribed information about prescribed matters.
- (4) If there is a change in circumstances which requires the amendment of a certificate of registration, the Welsh Ministers must give the registered person an amended certificate.
- (5) If the Welsh Ministers are satisfied that a certificate of registration has been lost or destroyed, the Welsh Ministers must give the registered person a copy, on payment by the registered person of any prescribed fee.

29 Conditions on registration

- (1) The Welsh Ministers may impose such conditions as they think fit on the registration under this Part of a person who acts as a child minder or a person who provides day care for children.
- (2) This power may be exercised at any time when the Welsh Ministers register a person under section 24 or section 26 or at any subsequent time.
- (3) The Welsh Ministers may at any time vary or remove any condition imposed under this section.
- (4) A person registered under this Part commits an offence if, without reasonable excuse, that person fails to comply with any condition imposed under this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

30 Regulations governing activities

- (1) The Welsh Ministers may make regulations governing the activities of registered persons who act as child minders, or provide day care, on premises in Wales.
- (2) The regulations under this section may deal with the following matters (among others)—
 - (a) the welfare and development of the children concerned;
 - (b) suitability to look after, or be in regular contact with, the children concerned;
 - (c) qualifications and training;

- (d) mwyafswm nifer y plant y caniateir iddynt dderbyn gofal a nifer y personau sy'n ofynnol i gynorthwyo i ofalu amdanynt;
 - (e) cynnal a chadw, diogelwch ac addasrwydd y fangre a'r cyfarpar;
 - (f) y gweithdrefnau i drafod cwynion;
 - (g) goruchwyllo staff;
 - (h) cadw cofnodion;
 - (i) darparu gwybodaeth.
- (3) Os yw'r rheoliadau'n ei gwneud yn ofynnol i unrhyw berson (heblaw Gweinidogion Cymru) roi sylw i neu fodloni ffactorau, safonau neu faterion eraill a ragnodwyd gan y rheoliadau neu y cyfeirir atynt yn y rheoliadau, cânt hefyd ddarparu bod unrhyw honiad bod person wedi methu â gwneud hynny yn cael ei gymryd i ystyriaeth—
- (a) gan Weinidogion Cymru wrth iddynt arfer eu swyddogaethau o dan y Rhan hon, neu
 - (b) mewn unrhyw achos cyfreithiol o dan y Rhan hon.
- (4) Caiff rheoliadau ddarparu—
- (a) bod person cofrestredig sydd heb esgus rhesymol yn mynd yn groes i unrhyw ofyniad yn y rheoliadau, neu fel arall yn methu â chydymffurfio ag ef, yn euog o dramgwydd; a
 - (b) bod person sy'n euog o'r tramgwydd yn atebol ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

Diddymu ac atal cofrestriad

31 Diddymu cofrestriad

- (1) Rhaid i Weinidogion Cymru ddiddymu cofrestriad person a gofrestrwyd o dan y Rhan hon os yw'n ymddangos iddynt bod y person bellach wedi'i anghymwysu rhag cofrestru o dan adran 38.
- (2) Caiff Gweinidogion Cymru ddiddymu cofrestriad person a gofrestrwyd o dan y Rhan hon os yw'n ymddangos iddynt bod unrhyw un neu unrhyw rai o'r canlynol yn gymwys—
 - (a) bod y gofynion i gofrestru sy'n gymwys o ran cofrestriad y person o dan adran 25 neu 27 wedi peidio â chael eu bodloni neu y byddant yn peidio â chael eu bodloni;
 - (b) bod y person wedi methu â chydymffurfio ag amod a osodwyd ar gofrestrriad y person hwnnw o dan y Rhan hon;
 - (c) bod y person wedi methu â chydymffurfio â gofyniad a osodwyd ar y person hwnnw gan reoliadau o dan y Rhan hon;
 - (d) bod y person wedi methu â thalu'r ffi a ragnodwyd.
- (3) Os gosodwyd gofyniad i wneud unrhyw newidiadau neu ychwanegiadau i unrhyw wasanaethau, cyfarpar neu fangre ar berson a gofrestrwyd o dan y Rhan hon, ni cheir diddymu cofrestriad y person hwnnw ar sail unrhyw ddiffyg neu annigonolrwydd yn y gwasanaethau, cyfarpar neu fangre—

- (d) the maximum number of children who may be looked after and the number of persons required to assist in looking after them;
 - (e) the maintenance, safety and suitability of premises and equipment;
 - (f) the procedures for dealing with complaints;
 - (g) the supervision of staff;
 - (h) the keeping of records;
 - (i) the provision of information.
- (3) If the regulations require any person (other than the Welsh Ministers) to have regard to or meet factors, standards or other matters prescribed by or referred to in the regulations, they may also provide for any allegation that the person has failed to do so to be taken into account—
- (a) by the Welsh Ministers in the exercise of their functions under this Part, or
 - (b) in any proceedings under this Part.
- (4) Regulations may provide—
- (a) that a registered person who without reasonable excuse contravenes, or otherwise fails to comply with, any requirement of the regulations is guilty of an offence; and
 - (b) that a person guilty of the offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Cancellation and suspension of registration

31 Cancellation of registration

- (1) The Welsh Ministers must cancel the registration of a person registered under this Part if it appears to them that the person has become disqualified from registration under section 38.
- (2) The Welsh Ministers may cancel the registration of a person registered under this Part if it appears to them that any of the following apply—
- (a) the requirements for registration that apply in relation to the person's registration under section 25 or 27 have ceased, or will cease, to be satisfied;
 - (b) the person has failed to comply with a condition imposed on that person's registration under this Part;
 - (c) the person has failed to comply with a requirement imposed on that person by regulations under this Part;
 - (d) the person has failed to pay a prescribed fee.
- (3) Where a requirement to make any changes or additions to any services, equipment or premises has been imposed on a person registered under this Part, that person's registration may not be cancelled on the ground of any defect or insufficiency in the services, equipment or premises if—

- (a) os nad yw'r amser a osodwyd i gydymffurfio â'r gofynion wedi dod i ben, a
 - (b) os dangosir bod y diffyg neu'r annigonolrwydd oherwydd na wnaed y newidiadau neu'r ychwanegiadau.
- (4) Rhaid i ddiddymiad o dan yr adran hon fod yn ysgrifenedig.
- (5) Caiff Gweinidogion Cymru ragnodi amgylchiadau eraill pan geir diddymu cofrestrriad person cofrestredig o dan y Rhan hon.

32 Atal cofrestrriad

- (1) Caiff rheoliadau ddarparu bod cofrestrriad unrhyw berson o dan y Rhan hon yn cael ei atal.
- (2) Caiff rheoliadau o dan is-adran (1) gynnwys (ymysg pethau eraill) ddarpariaeth ynghylch—
- (a) cyfnod yr ataliad;
 - (b) yr amgylchiadau y ceir atal cofrestrriad ynddynt;
 - (c) atal cofrestrriad ar gais y person cofrestredig.
- (3) Rhaid i reoliadau o dan is-adran (1) gynnwys darpariaeth yn rhoi i'r person cofrestredig hawl i apelio i'r Tribiwnlys Haen Gyntaf yn erbyn ataliad.
- (4) Nid yw'r ddyletswydd yn is-adran (3) yn gynnwys mewn perthynas ag ataliad ar gais y person cofrestredig.
- (5) Rhaid i berson a gofrestrwyd o dan y Rhan hon i warchod plant gan Weinidogion Cymru beidio â gweithredu fel gwarchodwr plant yng Nghymru ar adeg pan fydd y cofrestrriad hwnnw wedi'i atal.
- (6) Rhaid i berson a gofrestrwyd o dan y Rhan hon i ddarparu gofal dydd yn unrhyw fangre gan Weinidogion Cymru beidio â darparu gofal dydd yn y fangre honno ar unrhyw adeg pan fydd y cofrestrriad hwnnw wedi'i atal.
- (7) Os yw person yn mynd yn groes i is-adran (5) neu (6) heb esgus rhesymol, mae'r person hwnnw'n euog o dramgwydd ac yn atebol ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

33 Tynnu oddi ar y gofrestr yn wirfoddol

- (1) Caiff person a gofrestrwyd o dan y Rhan hon hysbysu Gweinidogion Cymru i dynnu'r person hwnnw oddi ar y gofrestr gwarchod plant neu (yn ôl y digwydd) y gofrestr gofal dydd i blant.
- (2) Os bydd person yn rhoi hysbysiad o dan is-adran (1), rhaid i Weinidogion Cymru dynnu'r person hwnnw oddi ar y gofrestr gwarchod plant neu (yn ôl y digwydd) y gofrestr gofal dydd i blant.
- (3) Rhaid i Weinidogion Cymru beidio â gweithredu o dan is-adran (2)—
- (a) os yw Gweinidogion Cymru wedi anfon hysbysiad at y person (o dan adran 36) o'u bwriad i ddiddymu cofrestrriad y person, a
 - (b) os yw Gweinidogion Cymru yn dal i fwriadu cymryd y cam hwnnw.
- (4) Rhaid i Weinidogion Cymru beidio â gweithredu o dan is-adran (2)—
- (a) os yw Gweinidogion Cymru wedi anfon hysbysiad at y person (o dan adran 36) o'u bwriad i ddiddymu cofrestrriad y person hwnnw, a

- (a) the time set for complying with the requirement has not expired, and
 - (b) it is shown that the defect or insufficiency is due to the changes or additions not having been made.
- (4) A cancellation under this section must be in writing.
- (5) The Welsh Ministers may prescribe other circumstances in which the registration of a person registered under this Part may be cancelled.

32 Suspension of registration

- (1) Regulations may provide for the registration of any person under this Part to be suspended.
- (2) Regulations under subsection (1) may include (among other things) provision about—
- (a) the period of suspension;
 - (b) the circumstances in which registration may be suspended;
 - (c) suspension of registration at the request of the registered person.
- (3) Regulations under subsection (1) must include provision conferring on the registered person a right of appeal to the First-tier Tribunal against suspension.
- (4) The duty in subsection (3) does not apply in relation to suspension at the request of the registered person.
- (5) A person registered under this Part for child minding by the Welsh Ministers must not act as a child minder in Wales at a time when that registration is suspended.
- (6) A person registered under this Part for providing day care on any premises by the Welsh Ministers must not provide day care on those premises at any time when that registration is suspended.
- (7) If a person contravenes subsection (5) or (6) without reasonable excuse, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

33 Voluntary removal from the register

- (1) A person registered under this Part may give notice to the Welsh Ministers to remove that person from the child minding register or (as the case may be) the day care for children register.
- (2) If a person gives notice under subsection (1), the Welsh Ministers must remove that person from the child minding register or (as the case may be) the day care for children register.
- (3) The Welsh Ministers must not act under subsection (2) if—
- (a) the Welsh Ministers have sent the person a notice (under section 36) of their intention to cancel the person's registration, and
 - (b) the Welsh Ministers still intend to take that step.
- (4) The Welsh Minister must not act under subsection (2) if—
- (a) the Welsh Ministers have sent the person a notice (under section 36) of their decision to cancel that person's registration, and

- (b) os nad yw'r amser y gellir dwyn apêl o dan adran 37 wedi dod i ben neu, os gwnaed y cyfryw apêl, na chafodd ei phenderfynu.

Amddiffyn mewn argyfwng

34 Amddiffyn plant mewn argyfwng: diddymu cofrestrriad

- (1) O ran person a gofrestrwyd o dan y Rhan hon, caiff Gweinidogion Cymru wneud cais i ynad heddwch am orchymyn yn diddymu cofrestrriad y person.
- (2) Os yw'n ymddangos i'r ynad bod plentyn y mae'r person hwnnw yn ei warchod neu'n darparu gofal dydd iddo, neu y gallai'r person hwnnw fod yn ei warchod neu'n darparu gofal dydd iddo, a bod y plentyn yn dioddef niwed arwyddocaol, neu'n debygol o wneud hynny, caniateir i'r ynad wneud y gorchymyn.
- (3) Caniateir i gais o dan is-adran (1) gael ei wneud heb hysbysiad.
- (4) O ran gorchymyn o dan is-adran (2) –
 - (a) rhaid iddo fod yn ysgrifenedig, a
 - (b) bydd yn effeithiol o'r amser y gwneir ef.
- (5) Os gwneir gorchymyn o dan is-adran (2), rhaid i Weinidogion Cymru gyflwyno i'r person cofrestredig cyn gynted ag y bo'n rhesymol ymarferol ar ôl gwneud y gorchymyn –
 - (a) copi o'r gorchymyn,
 - (b) copi o unrhyw ddatganiad ysgrifenedig yn cefnogi'r cais am y gorchymyn, ac
 - (c) hysbysiad o unrhyw hawl i apelio a roddir gan adran 37(2).
- (6) Caniateir cyflwyno'r dogfennau a grybwyllir yn is-adran (5) i'r person cofrestredig –
 - (a) drwy eu traddodi i'r person, neu
 - (b) drwy eu hanfon drwy'r post i gyfeiriad hysbys diwethaf y person.
- (7) Os gwneir gorchymyn o dan is-adran (2), rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol bosibl ar ôl gwneud y gorchymyn, hysbysu'r awdurdod lleol y mae neu yr oedd y person yn gweithredu neu wedi gweithredu yn ei ardal fel gwarchodwr plant, neu'n darparu neu wedi darparu gofal dydd ynnddi, bod y gorchymyn wedi'i wneud.
- (8) At ddibenion yr adran hon ac adran 35, mae i "niwed" yr ystyr sydd i "harm" yn Neddf Plant 1989 (p. 41) ac mae'r cwestiwn a yw niwed yn arwyddocaol yn un sydd i'w benderfynu yn unol ag adran 31(10) o'r Ddeddf honno.

35 Amddiffyn plant mewn argyfwng: newidiadau i amodau

- (1) Mae is-adran (2) yn gymwys –
 - (a) os yw person wedi'i gofrestru o dan y Rhan hon, a
 - (b) os oes gan Weinidogion Cymru achos rhesymol i gredu oni fyddant yn gweithredu o dan yr adran hon y bydd plentyn yn dioddef neu'n debygol o ddioddef niwed arwyddocaol.
- (2) Os yw'r is-adran hon yn gymwys, caiff Gweinidogion Cymru, drwy roi hysbysiad o dan yr adran hon i'r person a gofrestrwyd o dan y Rhan hon, ddarparu bod unrhyw benderfyniad gan Weinidogion Cymru a grybwyllir yn is-adran (3) i gael effaith o'r amser pan roddir yr hysbysiad.

- (b) the time within which an appeal under section 37 may be brought has not expired or, if such an appeal has been brought, it has not been determined.

Emergency protection

34 Protection of children in an emergency: cancellation of registration

- (1) In relation to a person registered under this Part, the Welsh Ministers may apply to a justice of the peace for an order cancelling the person's registration.
- (2) If it appears to the justice that a child for whom child minding or day care is being, or may be, provided by that person is suffering or is likely to suffer significant harm, the justice may make the order.
- (3) An application under subsection (1) may be made without notice.
- (4) An order under subsection (2) –
 - (a) must be made in writing, and
 - (b) has effect from the time when it is made.
- (5) If an order is made under subsection (2), the Welsh Ministers must serve on the registered person as soon as is reasonably practicable after the making of the order –
 - (a) a copy of the order,
 - (b) a copy of any written statement in support of the application for the order, and
 - (c) notice of any right of appeal conferred by section 37(2).
- (6) The documents mentioned in subsection (5) may be served on the registered person by –
 - (a) delivering them to the person, or
 - (b) sending them by post to the person's last known address.
- (7) If an order is made under subsection (2), the Welsh Ministers must, as soon as reasonably possible after the making of the order, notify the local authority in whose area the person concerned acts or acted as a child minder, or provides or provided day care, of the making of the order.
- (8) For the purposes of this section and section 35, "harm" has the same meaning as in the Children Act 1989 (c. 41) and the question of whether harm is significant is to be determined in accordance with section 31(10) of that Act.

35 Protection of children in an emergency: changes to conditions

- (1) Subsection (2) applies where –
 - (a) a person is registered under this Part, and
 - (b) the Welsh Ministers have reasonable cause to believe that unless they act under this section a child will suffer or is likely to suffer significant harm.
- (2) If this subsection applies, the Welsh Ministers may, by giving notice under this section to the person registered under this Part, provide for any decision of the Welsh Ministers that is mentioned in subsection (3) to take effect from the time when the notice is given.

- (3) Y penderfyniadau y cyfeirir atynt yn is-adran (2) yw penderfyniadau o dan adran 29 i amrywio neu dynnu i ffwrdd amod sydd ar y pryd mewn grym o ran y cofrestriad neu i osod amod ychwanegol.
- (4) Caniateir cyflwyno hysbysiad o dan yr adran hon i berson –
 - (a) drwy ei draddodi i'r person, neu
 - (b) drwy ei anfon drwy'r post i gyfeiriad hysbys diwethaf y person.
- (5) Rhaid i'r hysbysiad –
 - (a) datgan ei fod yn cael ei roi o dan yr adran hon,
 - (b) datgan rhesymau Gweinidogion Cymru dros gredu bod yr amgylchiadau'n dod o fewn is-adran (1)(b),
 - (c) pennu'r amod a gafodd ei amrywio, ei dynnu i ffwrdd neu ei osod, ac esbonio'r hawl i apelio a roddir gan adran 37.

Diogelwch gweithdrefnol

36 Gweithdrefnau ar gyfer cymryd camau penodol

- (1) Mae'r adran hon yn gymwys os yw Gweinidogion Cymru'n bwriadu cymryd unrhyw un neu unrhyw rai o'r camau canlynol o dan y Rhan hon –
 - (a) gwrthod cais i gofrestru;
 - (b) gosod amod newydd ar gofrestriad person;
 - (c) amrywio neu dynnu i ffwrdd unrhyw amod a osodwyd ar gofrestriad person;
 - (d) gwrthod caniatáu cais i amrywio neu dynnu i ffwrdd unrhyw amod o'r fath;
 - (e) diddymu cofrestriad person.
- (2) Nid yw'r adran hon yn gymwys i gam a gymerir o dan adran 34 neu 35.
- (3) Rhaid i Weinidogion Cymru roi i'r ceisydd i gofrestru neu (yn ôl y digwydd) y person cofrestredig hysbysiad o'u bwriad i gymryd y cam o dan sylw.
- (4) Rhaid i'r hysbysiad –
 - (a) rhoi rhesymau Gweinidogion Cymru dros y bwriad i gymryd y cam, a
 - (b) hysbysu'r person o dan sylw o hawliau'r person hwnnw o dan yr adran hon.
- (5) Ni chaiff Gweinidogion Cymru gymryd y cam tan ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau gyda'r diwrnod y maent yn rhoi'r hysbysiad o dan is-adran (3) oni fydd y ceisydd i gofrestru neu (yn ôl y digwydd) y person cofrestredig yn hysbysu Gweinidogion Cymru ei fod yn dymuno gwrthwynebu bod y cam yn cael ei gymryd.
- (6) Os bydd derbynnnydd hysbysiad o dan is-adran (3) ("y derbynnnydd") yn hysbysu Gweinidogion Cymru fod y derbynnnydd yn dymuno gwrthwynebu bod y cam yn cael ei gymryd, rhaid i Weinidogion Cymru roi cyfle i'r derbynnnydd wrthwynebu cyn iddynt gymryd y cam.
- (7) Caniateir i wrthwynebiad o dan is-adran (5) gael ei wneud ar lafar neu'n ysgrifenedig ac yn y naill achos neu'r llall caniateir iddo gael ei wneud gan y derbynnnydd neu gan gynrychiolydd y derbynnnydd.

- (3) Those decisions referred to in subsection (2) are decisions under section 29 to vary or remove a condition for the time being in force in relation to the registration or to impose an additional condition.
- (4) A notice under this section may be served on a person—
 - (a) by delivering it to the person, or
 - (b) by sending it by post to the person's last known address.
- (5) The notice must—
 - (a) state that it is given under this section,
 - (b) state the Welsh Ministers' reasons for believing that the circumstances fall within subsection (1)(b),
 - (c) specify the condition varied, removed or imposed, and explain the right of appeal conferred by section 37.

Procedural safeguards

36 Procedure for taking certain steps

- (1) This section applies if the Welsh Ministers propose to take any of the following steps under this Part—
 - (a) refuse an application for registration;
 - (b) impose a new condition on a person's registration;
 - (c) vary or remove any condition imposed on a person's registration;
 - (d) refuse to grant an application for the variation or removal of any such condition;
 - (e) cancel a person's registration.
- (2) This section does not apply to action taken under section 34 or 35.
- (3) The Welsh Ministers must give to the applicant for registration or (as the case may be) the registered person, notice of their intention to take the step in question.
- (4) The notice must—
 - (a) give the Welsh Ministers' reasons for proposing to take the step, and
 - (b) inform the person concerned of that person's rights under this section.
- (5) The Welsh Ministers may not take the step until the end of the period of 28 days beginning with the day on which they give notice under subsection (3) unless the applicant for registration or (as the case may be) the registered person notifies the Welsh Ministers they wish to object to the step being taken.
- (6) If the recipient of a notice under subsection (3) ("the recipient") gives notice to the Welsh Ministers that the recipient wishes to object to the step being taken, the Welsh Ministers must give the recipient an opportunity to object before taking the step.
- (7) An objection made under subsection (5) may be made orally or in writing and in either case may be made by the recipient or the recipient's representative.

- (8) Os bydd Gweinidogion Cymru yn penderfynu cymryd y cam, rhaid iddynt hysbysu'r derbynnydd o'u penderfyniad (p'un a wnaeth y derbynnydd hysbysu Gweinidogion Cymru fod y derbynnydd yn dymuno gwrthwynebu bod y cam yn cael ei gymryd ai peidio).
- (9) Nid yw cymryd cam a grybwyllir ym mharagraff (b), (c) neu (e) o is-adran (1) yn cael effaith—
 - (a) nes bod y cyfnod y ceir apelio ynddo o dan adran 37 wedi dod i ben, neu
 - (b) os cyflwynir y cyfryw apêl, hyd at yr amser pan benderfynir yr apêl (a phan gadarnheir bod caniatâd i gymryd y cam).
- (10) Nid yw is-adran (9) yn rhwystro'r cyfryw gam rhag cael effaith cyn i'r cyfnod y caniateir apelio ynddo ddod i ben os yw'r person o dan sylw yn hysbysu Gweinidogion Cymru nad yw'r person yn bwriadu apelio.
- (11) Os yw Gweinidogion Cymru'n hysbysu ceisydd i gofrestru o dan y Rhan hon eu bod yn bwriadu gwrthod y cais, ni chaniateir tynnu'r cais yn ôl heb gydsyniad Gweinidogion Cymru.
- (12) Yn yr adran hon ac yn adran 37, ystyr "amod newydd" yw amod a osodir ar adeg heblaw adeg cofrestriad y person.

37 Apelau

- (1) Caiff ceisydd i gofrestru neu (yn ôl y digwydd) berson cofrestredig apelio i'r Tribiwnlys Haen Gyntaf yn erbyn unrhyw un neu unrhyw rai o'r camau canlynol gan Weinidogion Cymru o dan y Rhan hon—
 - (a) gwrthod cais i gofrestru;
 - (b) gosod amod newydd wrth gofrestru;
 - (c) amrywio neu dynnu i ffwrdd unrhyw amod a osodwyd wrth gofrestru;
 - (d) gwrthod cais i amrywio neu dynnu i ffwrdd unrhyw amod o'r fath;
 - (e) diddymu cofrestriad.
- (2) Caiff y personau canlynol hefyd apelio i'r Tribiwnlys Haen Gyntaf—
 - (a) ceisydd i gofrestru neu (yn ôl y digwydd) berson cofrestredig ynglŷn â phenderfyniad a wnaed gan Weinidogion Cymru o dan y Rhan hon o ddisgrifiad a ragnodwyd;
 - (b) person cofrestredig y gwnaed gorchymyn yn ei erbyn o dan adran 34;
 - (c) person cofrestredig y rhoddir hysbysiad iddo o dan adran 35.
- (3) Pan fo apêl, rhaid i'r Tribiwnlys Haen Gyntaf—
 - (a) naill ai gadarnhau bod y cam yn cael ei gymryd, bod y penderfyniad arall yn cael ei wneud, bod y gorchymyn yn cael ei wneud, neu bod yr hysbysiad yn cael ei roi (yn ôl y digwydd), neu
 - (b) cyfarwyddo nad yw'n cael effaith neu ei fod yn peidio â chael effaith.
- (4) Oni fydd y Tribiwnlys Haen Gyntaf wedi cadarnhau bod cymryd cam a grybwyllir yn is-adran (1)(a) neu (e) neu wneud gorchymyn o dan adran 34 yn diddymu cofrestriad person, caiff y Tribiwnlys hefyd wneud y naill neu'r llall o'r canlynol neu wneud y ddau ohonynt—

- (8) If the Welsh Ministers decide to take the step, they must give the recipient notice of their decision (whether or not the recipient informed the Welsh Ministers that the recipient wished to object to the step being taken).
- (9) The taking of a step mentioned in paragraph (b), (c) or (e) of subsection (1) does not have effect until –
 - (a) the expiry of the time within which an appeal may be brought under section 37, or
 - (b) if such an appeal is brought, the time when the appeal is determined (and the taking of the step is confirmed).
- (10) Subsection (9) does not prevent such a step having effect before the expiry of the time within which an appeal may be brought if the person concerned notifies the Welsh Ministers that the person does not intend to appeal.
- (11) If the Welsh Ministers give notice to an applicant for registration under this Part that they intend to refuse the application, the application may not be withdrawn without the consent of the Welsh Ministers.
- (12) In this section and in section 37, "a new condition" means a condition imposed otherwise than at the time of the person's registration.

37 Appeals

- (1) An applicant for registration or (as the case may be) a registered person may appeal to the First-tier Tribunal against the taking of any of the following steps by the Welsh Ministers under this Part –
 - (a) refusal of an application for registration;
 - (b) imposition of a new condition on registration;
 - (c) variation or removal of any condition imposed on registration;
 - (d) refusal of an application to vary or remove any such condition;
 - (e) cancellation of registration.
- (2) The following persons may also appeal to the First-tier Tribunal –
 - (a) an applicant for registration or (as the case may be) a registered person in respect of a determination made by the Welsh Ministers under this Part of a prescribed description;
 - (b) a registered person against whom an order is made under section 34;
 - (c) a registered person who is given a notice under section 35.
- (3) On an appeal the First-tier Tribunal must either –
 - (a) confirm the taking of the step, the making of the other determination, the making of the order, or the giving of the notice (as the case may be), or
 - (b) direct that it does not have, or ceases to have, effect.
- (4) Unless the First-tier Tribunal has confirmed the taking of a step mentioned in subsection (1)(a) or (e) or the making of an order under section 34 cancelling a person's registration, the Tribunal may also do either or both or the following –

- (a) gosod amodau ar gofrestriad y person o dan sylw;
- (b) amrywio neu dynnu i ffwrdd unrhyw amod a osodwyd cyn hynny ar gofrestriad y person.

Anghymwyso rhag cofrestru

38 Anghymwyso rhag cofrestru

- (1) Yn yr adran hon ystyr "cofrestru" yw cofrestru o dan y Rhan hon.
- (2) Caiff rheoliadau ddarparu fod person i'w anghymwyso rhag cofrestru.
- (3) Caiff y rheoliadau, yn benodol, ddarparu bod person i'w anghymwyso rhag cofrestru –
 - (a) os yw'r person wedi ei wahardd rhag gweithgaredd a reoleiddir sy'n ymwneud â phlant (o fewn ystyr adran 3(2) o Ddeddf Diogelu Grwpiau Hawdd eu Niweidio 2006 (p. 47));
 - (b) os gwnaed gorchymyn o fath a ragnodwyd ynglŷn â'r person;
 - (c) os gwnaed gorchymyn o fath a ragnodwyd ar unrhyw adeg ynglŷn â phlentyn a fu dan ofal y person;
 - (d) os gosodwyd gofyniad o fath a ragnodwyd ar unrhyw adeg ynglŷn â phlentyn o'r fath, o dan neu yn rhinwedd unrhyw ddeddfiad;
 - (e) os gwrthodwyd cofrestru'r person ar unrhyw adeg o dan y Rhan hon o'r Mesur hwn, Rhan 3 o Ddeddf Gofal Plant 2006 (p. 21) neu o dan Ran 10 neu Ran 10A o Ddeddf Plant 1989 (p. 41) neu unrhyw ddeddfiad a ragnodwyd, neu os diddymwyd unrhyw gofrestriad o'r fath ar ei gyfer;
 - (f) os cafodd y person ei gollfarnu o dramgwydd o fath a ragnodwyd neu os cafodd ryddhad diamod neu ryddhad amodol am y cyfryw dramgwydd;
 - (g) os cafodd y person rybudd ynglŷn â thramgwydd o fath a ragnodwyd;
 - (h) os cafodd y person ar unrhyw adeg ei anghymwyso rhag maethu plentyn yn breifat (o fewn ystyr Deddf Plant 1989 (p. 41));
 - (i) os gosodwyd gwaharddiad ar y person ar unrhyw adeg o dan adran 69 o Ddeddf Plant 1989 (p. 41), adran 10 o Ddeddf Plant Maeth (yr Alban) 1984 (p. 56) neu unrhyw ddeddfiad a ragnodwyd;
 - (j) os cafodd hawliau a phwerau person ynglŷn â phlentyn ar unrhyw adeg eu breinio mewn awdurdod a ragnodwyd o dan ddeddfiad a ragnodwyd.
- (4) Caiff rheoliadau ddarparu i berson gael ei anghymwyso rhag cofrestru –
 - (a) os yw'r person yn byw ar yr un aelwyd â pherson arall sydd wedi'i anghymwyso rhag cofrestru, neu
 - (b) os yw person yn byw ar aelwyd y mae person arall sydd wedi'i anghymwyso yn cael ei gyflogi yno.
- (5) Caiff rheoliadau o dan is-adran (2) neu (4) ddarparu nad yw person i'w anghymwyso rhag cofrestru (ac yn benodol cânt ddarparu nad yw person i'w anghymwyso rhag cofrestru at ddibenion adran 39) o achos unrhyw ffaith a fyddai fel arall yn peri bod y person yn cael ei anghymwyso –
 - (a) os yw'r person wedi datgelu'r ffaith i Weinidogion Cymru, a

- (a) impose conditions on the registration of the person concerned;
- (b) vary or remove any condition previously imposed on the person's registration.

Disqualification from registration

38 Disqualification from registration

- (1) In this section "registration" means registration under this Part.
- (2) Regulations may provide for a person to be disqualified from registration.
- (3) The regulations may, in particular, provide for a person to be disqualified from registration if—
 - (a) the person is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006 (c. 47));
 - (b) an order of a prescribed kind has been made with respect to the person;
 - (c) an order of a prescribed kind has been made at any time with respect to a child who has been in the person's care;
 - (d) a requirement of a prescribed kind has been imposed at any time with respect to such a child, under or by virtue of any enactment;
 - (e) the person has at any time been refused registration under this Part of this Measure, Part 3 of the Childcare Act 2006 (c. 21) or under Part 10 or Part 10A of the Children Act 1989 (c. 41) or any prescribed enactment, or had any such registration cancelled;
 - (f) the person has been convicted of an offence of a prescribed kind or has been discharged absolutely or conditionally for such an offence;
 - (g) the person has been given a caution in respect of an offence of a prescribed kind;
 - (h) the person has at any time been disqualified from fostering a child privately (within the meaning of the Children Act 1989 (c. 41));
 - (i) a prohibition has been imposed on the person at any time under section 69 of the Children Act 1989 (c. 41), section 10 of the Foster Children (Scotland) Act 1984 (c. 56) or any prescribed enactment;
 - (j) the person's rights and powers with respect to a child have at any time been vested in a prescribed authority under a prescribed enactment.
- (4) Regulations may provide for a person to be disqualified from registration if—
 - (a) the person lives in the same household as another person who is disqualified from registration, or
 - (b) the person lives in a household in which another person who is disqualified is employed.
- (5) Regulations under subsection (2) or (4) may provide for a person not to be disqualified from registration (and in particular may provide for a person not to be disqualified from registration for the purposes of section 39) by reason of any fact which would otherwise cause the person to be disqualified if—
 - (a) the person has disclosed the fact to the Welsh Ministers, and

- (b) os yw Gweinidogion Cymru wedi cydsynio'n ysgrifenedig nad yw'r person wedi'i anghymwyso rhag cofrestru ac nad ydynt wedi tynnu eu cydsyniad yn ôl.
- (6) Yn yr adran hon—
- mae "rhybudd" yn cynnwys cerydd neu rybudd yn yr ystyr sydd i "caution" yn adran 65 o Ddeddf Trosedd ac Anhrefn 1998 (p. 37);
- ystyr "deddfiad" yw unrhyw ddeddfiad sy'n cael effaith ar unrhyw adeg yn unrhyw ran o'r Deyrnas Unedig.
- (7) Mae collfarn y gwnaed gorchymyn prawf ynglŷn â hi cyn 1 Hydref 1992 (na fyddai fel arall yn cael ei thrin fel collfarn) i'w thrin fel collfarn at ddibenion yr adran hon.

39 Canlyniadau anghymwyso

- (1) Rhaid i berson sydd wedi ei anghymwyso rhag cofrestru o dan y Rhan hon gan reoliadau o dan adran 38 beidio â gwneud y canlynol—
- (a) gweithredu fel gwarchodwr plant yng Nghymru,
- (b) darparu gofal dydd yng Nghymru neu ymwneud yn uniongyrchol â rheolaeth unrhyw ddarpariaeth gofal dydd yng Nghymru.
- (2) Rhaid i berson beidio â chyflogi, mewn cysylltiad â darparu gofal dydd neu wasanaeth gwarchod plant yng Nghymru, berson sydd wedi'i anghymwyso rhag cofrestru o dan y Rhan hon gan reoliadau o dan adran 38.
- (3) Mae person sy'n mynd yn groes i is-adran (1) neu (2) yn cyflawni tramgwydd.
- (4) Nid yw person sy'n mynd yn groes i is-adran (1) yn euog o dramgwydd o dan is-adran (3)—
- (a) os yw'r person wedi'i anghymwyso rhag cofrestru yn unig yn rhinwedd rheoliadau o dan adran 38(4), a
- (b) os yw'r person yn profi na wyddai, ac nad oedd ganddo sail resymol dros gredu, ei fod yn byw—
- (i) ar yr un aelwyd â pherson a oedd wedi'i anghymwyso rhag cofrestru, neu
- (ii) ar aelwyd yr oedd y cyfryw berson yn cael ei gyflogi yno.
- (5) Nid yw person sy'n mynd yn groes i is-adran (2) yn euog o dramgwydd o dan is-adran (3) os yw'r person yn profi na wyddai, ac nad oedd ganddo sail resymol dros gredu, bod y person a gyflogwyd wedi'i anghymwyso rhag cofrestru.
- (6) Mae person sy'n euog o dramgwydd o dan is-adran (3) yn atebol ar gollfarn ddiannod i garchariad am gyfnod nad yw'n hwy na 51 o wythnosau, neu i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol, neu i'r ddau.
- (7) O ran tramgwydd a gyflawnwyd cyn cychwyn adran 281(5) o Ddeddf Cyfiawnder Troseddol 2003 (p. 44) (newid mewn cosbau ar gyfer tramgwyddau diannod), mae'r cyfeiriad at 51 o wythnosau yn is-adran (7) i'w ddarllen fel cyfeiriad at 6 mis.

- (b) the Welsh Ministers have consented in writing to the person not being disqualified from registration and have not withdrawn their consent.
- (6) In this section –
 - "caution" includes a reprimand or warning within the meaning of section 65 of the Crime and Disorder Act 1998 (c. 37);
 - "enactment" means any enactment having effect at any time in any part of the United Kingdom.
- (7) A conviction in respect of which a probation order was made before 1 October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of this section.

39 Consequences of disqualification

- (1) A person who is disqualified from registration under this Part by regulations under section 38 must not –
 - (a) act as a child minder in Wales,
 - (b) provide day care in Wales or be directly concerned in the management of any provision of day care in Wales.
- (2) A person must not employ, in connection with the provision of day care or child minding in Wales, a person who is disqualified from registration under this Part by regulations under section 38.
- (3) A person who contravenes subsection (1) or (2) commits an offence.
- (4) A person who contravenes subsection (1) is not guilty of an offence under subsection (3) if –
 - (a) the person is disqualified from registration by virtue only of regulations under section 38(4), and
 - (b) the person proves that he or she did not know, and had no reasonable grounds for believing, that he or she was living –
 - (i) in the same household as a person who was disqualified from registration, or
 - (ii) in a household in which such a person was employed.
- (5) A person who contravenes subsection (2) is not guilty of an offence under subsection (3) if the person proves that he or she did not know, and had no reasonable grounds for believing, that the person employed was disqualified from registration.
- (6) A person guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 5 on the standard scale, or to both.
- (7) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (alteration of penalties for summary offences), the reference in subsection (7) to 51 weeks is to be read as a reference to 6 months.

*Arolygu***40 Arolygu**

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu –
 - (a) ar gyfer arolygu gwarchod plant a ddarperir yng Nghymru gan bersonau cofrestredig a gofal dydd a ddarperir gan bersonau cofrestredig mewn mangreoedd yng Nghymru;
 - (b) ar gyfer cyhoeddi adroddiadau o'r arolygiadau mewn modd y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.
- (2) Caiff y rheoliadau ddarparu bod yr arolygiadau yn cael eu trefnu –
 - (a) gan Weinidogion Cymru, neu
 - (b) gan Brif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, neu gan unrhyw berson arall, o dan drefniadau a wneir gyda Gweinidogion Cymru.
- (3) Caiff y rheoliadau ddarparu at ddibenion cyfraith difenwi bod unrhyw adroddiad a gyhoeddir o dan y rheoliadau yn freintiedig oni ddangosir bod y cyhoeddiad wedi'i wneud yn faleisus.
- (4) Nid yw rheoliadau a wneir o dan is-adran (3) yn cyfyngu ar unrhyw faint sy'n bodoli ar wahân i ddarpariaeth yn y cyfryw reoliadau.

41 Pwerau mynediad

- (1) Caiff unrhyw berson a awdurdodwyd at ddibenion yr is-adran hon gan Weinidogion Cymru ar unrhyw adeg resymol fynd i mewn i unrhyw fangre yng Nghymru lle y darperir gwasanaeth gwarchod plant neu ofal dydd ar unrhyw adeg.
- (2) Caiff unrhyw berson a awdurdodwyd at ddibenion yr is-adran hon gan Weinidogion Cymru ar unrhyw adeg resymol fynd i mewn i unrhyw fangre yng Nghymru os oes gan y person achos rhesymol dros gredu bod plentyn yn derbyn gofal yn unrhyw fangre yn groes i'r Rhan hon.
- (3) Caniateir rhoi awdurdodiad o dan is-adran (1) neu (2) –
 - (a) ar gyfer achlysur neu gyfnod penodol;
 - (b) yn ddarostyngedig i amodau.
- (4) Rhaid i berson sy'n arfer unrhyw bŵer a roddir gan yr adran hon neu adran 42, os gofynnir iddo wneud hynny, ddangos dogfen a ddilyswyd yn briodol sy'n dangos awdurdod y person hwnnw i wneud hynny.

42 Pwerau arolygu

- (1) Caiff person sy'n mynd i mewn i fangre o dan adran 41 (yn ddarostyngedig i unrhyw amodau a osodir o dan adran 41(3)(b)) –
 - (a) arolygu'r fangre;
 - (b) arolygu, a chymryd copïau o'r canlynol –
 - (i) unrhyw gofnodion a gedwir gan y person sy'n darparu'r gwasanaeth gwarchod plant neu'r gofal dydd, a

*Inspection***40 Inspection**

- (1) The Welsh Ministers may by regulations make provision—
 - (a) for the inspection of child minding provided in Wales by registered persons and of day care provided by registered persons on premises in Wales;
 - (b) for the publication of reports of the inspections in such manner as the Welsh Ministers consider appropriate.
- (2) The regulations may provide for the inspections to be organised by—
 - (a) the Welsh Ministers, or
 - (b) Her Majesty's Chief Inspector of Education and Training in Wales, or any other person, under arrangements made with the Welsh Ministers.
- (3) The regulations may provide that for the purposes of the law of defamation any report published under the regulations is privileged unless the publication is shown to have been made with malice.
- (4) Regulations made under subsection (3) do not limit any privilege subsisting apart from provision in such regulations.

41 Powers of entry

- (1) Any person authorised for the purposes of this subsection by the Welsh Ministers may at any reasonable time enter any premises in Wales on which child minding or day care is at any time provided.
- (2) Any person authorised for the purposes of this subsection by the Welsh Ministers may at any reasonable time enter any premises in Wales if the person has reasonable cause to believe that a child is being looked after on any premises in contravention of this Part.
- (3) Authorisation under subsection (1) or (2)—
 - (a) may be given for a particular occasion or period;
 - (b) may be given subject to conditions.
- (4) A person exercising any power conferred by this section or section 42 must, if so required, produce some duly authenticated document showing that person's authority to do so.

42 Powers of inspection

- (1) A person entering premises under section 41 may (subject to any conditions imposed under section 41(3)(b))—
 - (a) inspect the premises;
 - (b) inspect, and take copies of—
 - (i) any records kept by the person providing the child minding or day care, and

- (ii) unrhyw ddogfennau eraill sy'n cynnwys gwybodaeth ynghylch darparu'r gwasanaeth;
 - (c) ymafael yn unrhyw ddogfen neu ddeunydd arall neu beth arall a geir yno a'u symud oddi yno y mae gan y person a awdurdodwyd sail resymol dros gredu y gall fod yn dystiolaeth o fethiant i gydymffurfio ag unrhyw amod neu ofyniad a osodwyd gan neu o dan y Rhan hon;
 - (d) cymryd mesuriadau neu dynnu lluniau neu wneud recordiadau;
 - (e) arolygu unrhyw blant sy'n derbyn gofal yno, a'r trefniadau a wnaed er eu lles;
 - (f) cyfweld yn breifat â'r person sy'n darparu'r gwasanaeth gwarchod plant neu'r gofal dydd;
 - (g) cyfweld yn breifat ag unrhyw berson sy'n gofalu am blant, neu'n byw neu'n gweithio, yn y fangre sy'n cydsynio i gael ei gyfweld.
- (2) Mae'r pŵer yn is-adran (1)(b) yn cynnwys –
- (a) pŵer i'w gwneud yn ofynnol i unrhyw berson sy'n dal dogfennau neu gofnodion a gedwir yn y fangre neu sy'n atebol amdanynt i'w dangos, a
 - (b) o ran cofnodion a gedwir drwy gyfrwng cyfrifiadur, pŵer i'w gwneud yn ofynnol i'r cofnodion gael eu dangos ar ffurf sy'n eu gwneud yn ddarllenadwy ac y gellir eu cymryd oddi yno.
- (3) Nid yw'r pŵer ym mharagraffau (b) ac (c) yn is-adran (1) yn cynnwys pŵer –
- (a) i'w gwneud yn ofynnol i berson ddangos unrhyw ddogfennau neu gofnodion y gellid cynnal hawliad am ffrainc broffesiynol gyfreithiol mewn cysylltiad â hwy mewn achos cyfreithiol, neu
 - (b) i gymryd copïau o ddogfennau neu gofnodion o'r fath neu i ymafael ynddynt a'u symud oddi yno.
- (4) Mewn cysylltiad ag arolygu unrhyw ddogfennau o'r fath, caiff person a awdurdodwyd at ddibenion adran 41 (yn ddarostyngedig i unrhyw amodau a osodir o dan adran 41(3)(b)) –
- (a) cael mynediad i unrhyw gyfrifiadur a chyfarpar neu ddeunyddiau cysylltiedig ac arolygu a gwirio eu gweithrediad y mae'r person hwnnw'n ystyried sy'n cael eu defnyddio neu wedi cael eu defnyddio mewn cysylltiad â'r dogfennau, a
 - (b) ei gwneud yn ofynnol bod person sy'n dod o fewn is-adran (5) yn rhoi iddo'r cyfryw gymorth rhesymol ag y bo angen amdano at y diben hwnnw.
- (5) Mae person yn dod o fewn yr is-adran hon –
- (a) os yw'n berson y mae'r cyfrifiadur yn cael ei ddefnyddio ganddo neu wedi cael ei ddefnyddio ganddo neu ar ei ran, neu
 - (b) os yw'n berson sydd â gofal y cyfrifiadur, y cyfarpar neu'r deunydd neu fel arall yn ymwneud â'u gweithredu.
- (6) Caiff person sy'n mynd i mewn i fangre o dan adran 41 (yn ddarostyngedig i unrhyw amodau a osodir o dan adran 41(3)(b)) ei gwneud yn ofynnol bod unrhyw berson yn rhoi iddo'r cyfryw gyfleusterau a chymorth ynglyn â materion o fewn rheolaeth y person ag sy'n angenrheidiol i'w alluogi i arfer pwerau o dan adran 41 neu o dan yr adran hon.
- (7) Mae unrhyw berson sydd heb esgus rhesymol –

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- (ii) any other documents containing information relating to its provision;
 - (c) seize and remove any document or other material or thing found there which the authorised person has reasonable grounds to believe may be evidence of a failure to comply with any condition or requirement imposed by or under this Part;
 - (d) take measurements and photographs or make recordings;
 - (e) inspect any children being looked after there, and the arrangements made for their welfare;
 - (f) interview in private the person providing the child minding or day care;
 - (g) interview in private any person looking after children, or living or working, on the premises who consents to be interviewed.
- (2) The power in subsection (1)(b) includes –
- (a) power to require any person holding or accountable for documents or records kept on the premises to produce them, and
 - (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (3) The powers in paragraphs (b) and (c) of subsection (1) do not include power –
- (a) to require a person to produce any record or document in respect of which a claim to legal professional privilege could be maintained in legal proceedings, or
 - (b) to take copies of such a record or document or to seize and remove it.
- (4) In connection with inspecting any such documents, a person authorised for the purposes of section 41 (subject to any conditions imposed under section 41(3)(b)) –
- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he or she considers is or has been in use in connection with the documents, and
 - (b) may require a person within subsection (5) to afford him or her such reasonable assistance as may be required for that purpose.
- (5) A person is within this subsection if he or she is –
- (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (6) A person entering premises under section 41 (subject to any conditions imposed under section 41(3)(b)) may require any person to afford him or her such facilities and assistance with respect to matters within the person's control as are necessary to enable him or her to exercise powers under section 41 or this section.
- (7) Any person who without reasonable excuse –

- (a) yn rhwystro person sy'n arfer unrhyw bŵer o dan adran 41 neu o dan yr adran hon, neu
- (b) yn methu â chydymffurfio ag unrhyw ofyniad a osodir o dan yr adran hon, yn euog o dramgwydd a bydd yn atebol ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol.

43 Pŵer cwnstabl i gynorthwyo wrth arfer pwerau mynediad

- (1) Caiff person a awdurdodwyd i arfer pŵer mynediad o dan adran 41 wneud cais i lys am warant o dan yr adran hon.
- (2) Os yw'n ymddangos i'r llys bod y person awdurdodedig –
 - (a) wedi ceisio arfer pŵer a roddwyd i'r person hwnnw o dan adran 41 neu 42 ond ei fod wedi cael ei rwystro rhag gwneud hynny, neu
 - (b) yn debygol o gael ei rwystro rhag arfer unrhyw bŵer o'r fath,
 caiff y llys ddyroddi gwarant sy'n awdurdodi unrhyw gwnstabl i gynorthwyo'r person awdurdodedig i arfer y pŵer, gan ddefnyddio grym rhesymol os bydd angen.
- (3) Rhaid i warant a ddyroddwyd o dan yr adran hon gael ei chyfeirio at gwnstabl a chael ei gweithredu ganddo.
- (4) Mae Atodlen 11 i Ddeddf Plant 1989 (p 41) (awdurdodaeth y llysoedd) yn gymwys o ran achosion cyfreithiol o dan yr adran hon fel pe baent yn achosion cyfreithiol o dan y Ddeddf honno.
- (5) Yn yr adran hon, ystyr "llys" yw'r Uchel Lys, llys sirol neu lys ynadon; ond mae hyn yn ddarostyngedig i unrhyw ddarpariaeth a ellid ei gwneud (yn rhinwedd is-adran (4)) gan neu o dan Atodlen 11 i Ddeddf Plant 1989.

Gwybodaeth

44 Cyflenwi gwybodaeth i Weinidogion Cymru

Caiff Gweinidogion Cymru ar unrhyw adeg ei gwneud yn ofynnol i unrhyw berson sydd wedi'i gofrestru o dan y Rhan hon roi iddynt unrhyw wybodaeth sy'n gysylltiedig â gweithgareddau'r person fel gwarchodwr plant neu wrth ddarparu gofal dydd y mae Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol ei chael at ddibenion eu swyddogaethau o dan y Rhan hon.

45 Cyflenwi gwybodaeth i awdurdodau lleol

- (1) Rhaid i Weinidogion Cymru roi gwybodaeth a ragnodwyd i'r awdurdod lleol perthnasol, os ydynt yn cymryd unrhyw un neu unrhyw rai o'r camau canlynol o dan y Rhan hon –
 - (a) caniatáu cais cofrestru i berson;
 - (b) rhoi hysbysiad o'u bwriad i ddiddymu cofrestriad person;
 - (c) diddymu cofrestriad person;
 - (d) atal cofrestriad person;
 - (e) tynnu person oddi ar y gofrestr ar gais y person hwnnw.

- (a) obstructs a person exercising any power under section 41 or this section, or
 - (b) fails to comply with any requirement imposed under this section,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

43 Power of constable to assist in exercising powers of entry

- (1) A person authorised to exercise a power of entry under section 41 may apply to a court for a warrant under this section.
- (2) If it appears to the court that the authorised person—
 - (a) has attempted to exercise a power conferred on that person under section 41 or 42 but has been prevented from doing so, or
 - (b) is likely to be prevented from exercising any such power,the court may issue a warrant authorising any constable to assist the authorised person in exercising the power, using reasonable force if necessary.
- (3) A warrant issued under this section must be addressed to, and executed by, a constable.
- (4) Schedule 11 to the Children Act 1989 (c 41) (jurisdiction of courts) applies in relation to proceedings under this section as if they were proceedings under that Act.
- (5) In this section, "court" means the High Court, a county court or a magistrates' court; but this is subject to any provision which may be made (by virtue of subsection (4)) by or under Schedule 11 to the Children Act 1989.

Information

44 Supply of information to the Welsh Ministers

The Welsh Ministers may at any time require any person registered under this Part to provide them with any information connected with the person's activities as a child minder or in providing day care which the Welsh Ministers consider it necessary to have for the purposes of their functions under this Part.

45 Supply of information to local authorities

- (1) The Welsh Ministers must provide prescribed information to the relevant local authority, if they take any of the following steps under this Part—
 - (a) grant a person's application for registration;
 - (b) give notice of their intention to cancel a person's registration;
 - (c) cancel a person's registration;
 - (d) suspend a person's registration;
 - (e) remove a person from the register at that person's request.

- (2) Rhaid i Weinidogion Cymru hefyd roi gwybodaeth a ragnodwyd i'r awdurdod lleol perthnasol os gwneir gorchymyn o dan adran 34(2).
- (3) Yr wybodaeth y gellir ei rhagnodi at ddibenion yr adran hon yw gwybodaeth a fyddai'n cynorthwyo'r awdurdod lleol wrth iddo gyflawni ei swyddogaethau o dan adran 27 o Ddeddf Gofal Plant 2006 (p. 21).
- (4) Yn yr adran hon, ystyr "yr awdurdod lleol perthnasol" yw'r awdurdod lleol ar gyfer yr ardal y mae'r person yn gweithredu fel gwarchodwr plant ynddi (neu wedi gweithredu felly) neu'n darparu (neu wedi darparu) gofal dydd y mae'r person (neu yr oedd y person) wedi ei gofrestru ynglŷn ag ef.
- (5) Caiff Gweinidogion Cymru roi gwybodaeth i berson sy'n arfer swyddogaethau statudol (at ddibenion sy'n gysylltiedig â'r swyddogaethau hynny) ynghylch a yw person wedi'i gofrestru o dan y Rhan hon ai peidio.

Tramgwyddau, achosion troseddol a chosbau penodedig

46 Y tramgwydd o wneud datganiad anwir neu gamarweiniol

- (1) Mae person yn cyflawni tramgwydd os yw, mewn cais i gofrestru o dan y Rhan hon, yn gwneud datganiad y mae'n gwybod ei fod yn anwir neu'n gamarweiniol mewn manylyn perthnasol.
- (2) Mae person sy'n euog o dramgwydd o dan is-adran (1) yn atebol ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

47 Hysbysiadau o gosb

- (1) Os yw Gweinidogion Cymru wedi'u bodloni bod person wedi cyflawni tramgwydd cosb benodedig, cânt roi i'r person hysbysiad o gosb o ran y tramgwydd.
- (2) Tramgwydd cosb benodedig yw unrhyw dramgwydd perthnasol a ragnodwyd at ddibenion yr adran hon.
- (3) Tramgwydd perthnasol yw tramgwydd o dan y Rhan hon neu o dan reoliadau a wneir o dan y Rhan hon.
- (4) Hysbysiad o gosb yw hysbysiad sy'n cynnig cyfle i'r person fodloni unrhyw atebolrwydd i gollfarn am y tramgwydd y mae'r hysbysiad yn ymwneud ag ef drwy dalu cosb yn unol â'r hysbysiad.
- (5) Os yw person yn cael hysbysiad o gosb, ni cheir codi achos am y tramgwydd y mae'r hysbysiad yn ymwneud ag ef cyn diwedd y cyfryw gyfnod ag a ragnodir.
- (6) Os yw person yn cael hysbysiad o gosb, ni ellir collfarnu'r person o'r tramgwydd y mae'r hysbysiad yn ymwneud ag ef os yw'r person yn talu'r gosb yn unol â'r hysbysiad.
- (7) Mae cosbau o dan yr adran hon yn daladwy i Weinidogion Cymru.

48 Hysbysiadau o gosb: darpariaethau atodol

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth am unrhyw un neu unrhyw rai o'r canlynol—
 - (a) ffurf a chynnwys yr hysbysiadau o gosb;
 - (b) swm ariannol y gosb ac erbyn pa bryd y mae i'w thalu;

- (2) The Welsh Ministers must also provide prescribed information to the relevant local authority if an order is made under section 34(2).
- (3) The information which may be prescribed for the purposes of this section is information which would assist the local authority in the discharge of its functions under section 27 of the Childcare Act 2006 (c. 21).
- (4) In this section, "the relevant local authority" means the local authority for the area in which the person acts as a child minder (or has so acted) or provides (or has provided) day care in respect of which the person is (or was) registered.
- (5) The Welsh Ministers may provide information to a person exercising statutory functions (for purposes connected to those functions) about whether or not a person is registered under this Part.

Offences, criminal proceedings and fixed penalties

46 Offence of making false or misleading statement

- (1) A person commits an offence if, in an application for registration under this Part, that person knowingly makes a statement which is false or misleading in a material particular.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

47 Penalty notices

- (1) Where the Welsh Ministers are satisfied that a person has committed a fixed penalty offence, they may give the person a penalty notice in respect of the offence.
- (2) A fixed penalty offence is any relevant offence which is prescribed for the purposes of this section.
- (3) A relevant offence is an offence under this Part or under regulations made under this Part.
- (4) A penalty notice is a notice offering the person the opportunity of discharging any liability to conviction for the offence to which the notice relates by payment of a penalty in accordance with the notice.
- (5) Where a person is given a penalty notice, proceedings for the offence to which the notice relates may not be instituted before the end of such period as may be prescribed.
- (6) Where a person is given a penalty notice, the person cannot be convicted of the offence to which the notice relates if the person pays the penalty in accordance with the notice.
- (7) Penalties under this section are payable to the Welsh Ministers.

48 Penalty notices: supplementary provisions

- (1) The Welsh Ministers may by regulations make provision about any of the following—
 - (a) the form and content of penalty notices;
 - (b) the monetary amount of the penalty and the time by which it is to be paid;

- (c) penderfynu'r dulliau y gellir talu cosbau drwyddynt;
 - (d) y cofnodion sydd i'w cadw o ran hysbysiadau o gosb;
 - (e) tynnu hysbysiad o gosb yn ôl, mewn amgylchiadau a ragnodwyd, gan gynnwys –
 - (i) ad-dalu unrhyw swm a dalwyd am gosb o dan hysbysiad o gosb a dynnir yn ôl, a
 - (ii) gwahardd codi achos cyfreithiol neu barhau ag ef am y tramgwydd y mae'r hysbysiad a dynnir yn ôl yn ymwneud ag ef;
 - (f) tystysgrifau sydd i'w derbyn yn dystiolaeth –
 - (i) sy'n honni eu bod wedi'u llofnodi gan neu ar ran person a ragnodwyd, a
 - (ii) sy'n datgan bod taliad o unrhyw swm a dalwyd am gosb wedi dod i law neu, yn ôl y digwydd, heb ddod i law ar ddyddiad a bennir yn y dystysgrif neu cyn y dyddiad hwnnw;
 - (g) camau sydd i'w cymryd os na thelir cosb yn unol â hysbysiad o gosb;
 - (h) unrhyw beth arall o ran cosbau neu hysbysiadau o gosb y mae Gweinidogion Cymru o'r farn eu bod yn angenrheidiol neu'n hwylus.
- (2) O ran rheoliadau o dan is-adran (1)(b) –
- (a) cânt ddarparu ar gyfer cosbau o symiau gwahanol i fod yn daladwy mewn achosion gwahanol, gan gynnwys darpariaeth ar gyfer y gosb sy'n daladwy o dan hysbysiad o gosb i wahaniaethu yn unol â'r amser erbyn pryd y telir hi, ond
 - (b) rhaid iddynt sicrhau nad yw swm unrhyw gosb sy'n daladwy o ran unrhyw dramgwydd yn fwy nag un hanner mwyafswm y ddirwy y byddai person sy'n cyflawni tramgwydd yn atebol amdani ar gollfarn ddiannod.
- (3) Yn yr adran hon –
- ystyr "cosb" yw cosb o dan hysbysiad o gosb;
- mae i "hysbysiad o gosb" yr ystyr a roddir gan adran 47.

49 Terfyn amser ar gyfer achosion

- (1) Ceir dwyn achos am dramgwydd o dan y Rhan hon neu o dan reoliadau a wneir oddi tani o fewn cyfnod o flwyddyn o'r dyddiad pan ddaw'r erlynydd i wybod am dystiolaeth ddigonol ym marn yr erlynydd i warantu'r achos.
- (2) Ni chaniateir cychwyn unrhyw achos o'r fath yn rhinwedd rheoliad (1) fwy na thair blynedd ar ôl i'r tramgwydd gael ei gyflawni.

50 Tramgwyddau gan gyrrff corfforaethol

- (1) Mae'r adran hon yn gymwys os cyflawnir unrhyw dramgwydd o dan y Rhan hon gan gorff corfforaethol.
- (2) Os profir bod y tramgwydd wedi cael ei gyflawni gyda chydysyniad neu ymoddefiad, neu wedi'i briodoli i unrhyw esgeulustod ar ran, unrhyw gyfarwyddwr, rheolwr, neu swyddog arall tebyg yn y corff corfforaethol, neu unrhyw berson a oedd yn honni ei fod yn gweithredu yn rhinwedd unrhyw swyddogaeth o'r fath, bydd y person hwnnw (yn ogystal â'r corff corfforaethol) yn euog o'r tramgwydd a bydd yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

- (c) determination of the methods by which penalties may be paid;
 - (d) the records to be kept in relation to penalty notices;
 - (e) the withdrawal, in prescribed circumstances, of a penalty notice, including—
 - (i) repayment of any amount paid by way of penalty under a penalty notice which is withdrawn, and
 - (ii) prohibition of the institution or continuation of proceedings for the offence to which the withdrawn notice relates;
 - (f) certificates to be received in evidence—
 - (i) purporting to be signed by or on behalf of a prescribed person, and
 - (ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate;
 - (g) action to be taken if a penalty is not paid in accordance with a penalty notice;
 - (h) anything else in relation to penalties or penalty notices as the Welsh Ministers think necessary or expedient.
- (2) Regulations under subsection (1)(b)—
- (a) may make provision for penalties of different amounts to be payable in different cases, including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid, but
 - (b) must secure that the amount of any penalty payable in respect of any offence does not exceed one half of the maximum amount of the fine to which a person committing the offence would be liable on summary conviction.
- (3) In this section—
- "penalty" means a penalty under a penalty notice;
 - "penalty notice" has the meaning given by section 47.

49 Time limit for proceedings

- (1) Proceedings for an offence under this Part or regulations made under it may be brought within a period of one year from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings comes to the prosecutor's knowledge.
- (2) No such proceedings may be brought by virtue of subsection (1) more than three years after the commission of the offence.

50 Offences by bodies corporate

- (1) This section applies where any offence under this Part is committed by a body corporate.
- (2) If the offence is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of, any director, manager or other similar officer of the body corporate, or of any person who was purporting to act in any such capacity, he or she (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

51 Cymdeithasau anghorfforedig

- (1) Rhaid i achos am dramgwydd o dan y Rhan hon yr honnir iddo cael ei gyflawni gan gymdeithas anghorfforedig gael ei ddwyn yn enw'r gymdeithas (ac nid yn enw unrhyw un neu unrhyw rai o'i haelodau).
- (2) At ddibenion unrhyw achosion o'r fath, mae rheolau'r llys ynghylch cyflwyno dogfennau i gael effaith fel pe bai'r gymdeithas yn gorff corfforaethol.
- (3) Mewn achos am dramgwydd o dan y Rhan hon sy'n cael ei ddwyn yn erbyn cymdeithas anghorfforedig, mae adran 33 o Ddeddf Cyfiawnder Troseddol 1925 (p. 86) ac Atodlen 3 i Ddeddf Llysoedd Ynadon 1980 (p. 43) yn gymwys fel y maent mewn perthynas â chorff corfforaethol.
- (4) Mae dirwy a osodir ar gymdeithas anghorfforedig pan gollfennir hi o dramgwydd o dan y Rhan hon i'w thalu allan o gronfeydd y gymdeithas.
- (5) Os dangosir bod tramgwydd o dan y Rhan hon gan gymdeithas anghorfforedig –
 - (a) wedi'i gyflawni gyda chydysyniad neu ymoddefiad un o swyddogion y gymdeithas neu aelod o'i chorff llywodraethu, neu
 - (b) i'w briodoli i unrhyw esgeulustod ar ran y cyfryw swyddog neu aelod,
 mae'r swyddog neu'r aelod hwnnw yn ogystal â'r gymdeithas yn euog o'r tramgwydd ac yn agored i gael ei erlyn ac i gael ei gosbi yn unol â hynny.

*Amrywiol***52 Swyddogaethau awdurdodau lleol**

Caiff rheoliadau ei gwneud yn ofynnol bod awdurdod lleol yn sicrhau darparu –

- (a) gwybodaeth neu gyngor ynghylch gwarchod plant a gofal dydd i blant;
- (b) hyfforddiant ynghylch darparu gwasanaethau gwarchod plant a gofal dydd i blant.

53 Ffioedd

- (1) Caiff rheoliadau ei gwneud yn ofynnol i bersonau a gofrestrwyd o dan y Rhan hon dalu i Weinidogion Cymru ar adegau a ragnodwyd neu erbyn yr adegau hynny y symiau a ragnodwyd o ran bod Gweinidogion Cymru yn cyflawni eu swyddogaethau o dan y Rhan hon.
- (2) Caiff rheoliadau o dan is-adran (1) ragnodi amgylchiadau –
 - (a) pan ellir amrywio swm y ffi sy'n daladwy o dan y rheoliadau yn unol â'r rheoliadau;
 - (b) pan ellir hepgor y ffi sy'n daladwy o dan y rheoliadau.

54 Cydweithredu rhwng awdurdodau

- (1) Os yw'n ymddangos i Weinidogion Cymru y gallai unrhyw awdurdod lleol, drwy gymryd unrhyw gam penodol, gynorthwyo wrth iddynt arfer unrhyw un neu unrhyw rai o'u swyddogaethau o dan y Rhan hon, cânt ofyn am gymorth yr awdurdod, gan nodi'r cam o dan sylw.

51 Unincorporated associations

- (1) Proceedings for an offence under this Part which is alleged to have been committed by an unincorporated association must be brought in the name of the association (and not in the name of any of its members).
- (2) For the purpose of any such proceedings, rules of court relating to the service of documents are to have effect as if the association were a body corporate.
- (3) In proceedings for an offence under this Part brought against an unincorporated association, section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) apply as they do in relation to a body corporate.
- (4) A fine imposed on an unincorporated association on its conviction of an offence under this Part is to be paid out of the funds of the association.
- (5) If an offence under this Part by an unincorporated association is shown—
 - (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
 - (b) to be attributable to any neglect on the part of such an officer or member,the officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

*Miscellaneous***52 Functions of local authorities**

Regulations may require a local authority to secure the provision—

- (a) of information or advice about child minding and day care;
- (b) of training about the provision of child minding and day care.

53 Fees

- (1) Regulations may require persons registered under this Part to pay to the Welsh Ministers at or by prescribed times fees of the prescribed amounts in respect of the discharge by the Welsh Ministers of their functions under this Part.
- (2) Regulations under subsection (1) may prescribe circumstances in which—
 - (a) the amount of a fee payable under the regulations may be varied in accordance with the regulations;
 - (b) a fee payable under the regulations may be waived.

54 Co-operation between authorities

- (1) If it appears to the Welsh Ministers that any local authority could, by taking any specified action, help in the exercise of any of their functions under this Part, they may request the help of the authority, specifying the action in question.

- (2) Rhaid i awdurdod y gofynnir iddo am ei gymorth gydymffurfio â'r cais os yw'n cydweddu â'i ddyletswyddau statudol ef ei hun a'i ddyletswyddau eraill ac nad yw'n rhagfarnu'n ormodol unrhyw un neu unrhyw rai o'i swyddogaethau rhag cael eu cyflawni.

55 Hysbysiadau

- (1) Mae'r adran hon yn gymwys o ran hysbysiadau sy'n ofynnol neu a awdurdodwyd eu rhoi i unrhyw berson gan unrhyw un neu unrhyw rai o'r canlynol –
- (a) adran 33;
 - (b) adran 36.
- (2) Gellir rhoi'r hysbysiad i'r person o dan sylw –
- (a) drwy ei draddodi i'r person,
 - (b) drwy ei anfon drwy'r post i gyfeiriad hysbys diwethaf y person, neu
 - (c) yn ddarostyngedig i is-adran (3), drwy ei drosglwyddo'n electronig.
- (3) Os trosglwyddir yr hysbysiad yn electronig, mae i'w drin fel un wedi ei roi ond yn unig os bodlonir gofynion is-adran (4) neu (5).
- (4) Os y person y mae'n ofynnol iddo roi'r hysbysiad neu a awdurdodwyd i wneud hynny yw Gweinidogion Cymru –
- (a) rhaid bod y person y mae'n ofynnol neu yr awdurdodwyd rhoi'r hysbysiad iddo wedi rhoi ar ddeall i Weinidogion Cymru bod y person hwnnw'n barod i dderbyn hysbysiadau a drosglwyddir drwy gyfrwng electronig a'i fod wedi darparu cyfeiriad addas at y diben hwnnw, a
 - (b) rhaid anfon yr hysbysiad i'r cyfeiriad a ddarparwyd gan y person hwnnw.
- (5) Os nad Gweinidogion Cymru yw'r person y mae'n ofynnol iddo roi'r hysbysiad neu a awdurdodwyd i wneud hynny, rhaid i'r hysbysiad gael ei drosglwyddo yn y cyfryw fodd ag y caiff Gweinidogion Cymru ei wneud yn ofynnol.
- (6) Ceir dangos parodrwydd i dderbyn hysbysiadau a drosglwyddir drwy fodd electronig, a roddir at ddibenion is-adran (4), drwy ddull cyffredinol at ddibenion hysbysiadau y mae'n ofynnol eu rhoi neu yr awdurdodwyd eu rhoi gan Weinidogion Cymru o dan y Rhan hon neu ceir cyfyngu hynny i hysbysiadau o ddisgrifiad penodol.
- (7) O ran cymryd cam a grybwyllir ym mharagraff (b) neu (c) o adran 36(1) ceir rhoi hysbysiad yr awdurdodwyd ei roi gan Weinidogion Cymru o dan is-adran (5) neu (7) o'r adran honno ar lafar i berson a awdurdodwyd gan Weinidogion Cymru i dderbyn y cyfryw hysbysiad (yn ogystal â thrwy unrhyw un neu unrhyw rai o'r dulliau a grybwyllir yn is-adran (2)).

56 Marwolaeth person cofrestredig

- (1) Caiff rheoliadau –
- (a) darparu bod darpariaethau'r Rhan hon i fod yn gymwys gydag addasiadau rhagnodedig mewn achosion lle y mae person, sef yr unig berson a oedd wedi'i gofrestru ynglŷn â busnes gofal dydd, wedi marw;
 - (b) ei gwneud yn ofynnol bod cynrychiolwyr personol person a fu farw a oedd wedi'i gofrestru ynglŷn â gwarchod plant neu ofal dydd i blant yn hysbysu Gweinidogion Cymru o'r farwolaeth.

- (2) An authority whose help is requested must comply with the request if it is compatible with its own statutory and other duties and does not unduly prejudice the discharge of any of its functions.

55 Notices

- (1) This section applies in relation to notices required or authorised to be given to any person by any of the following—
 - (a) section 33;
 - (b) section 36.
- (2) The notice may be given to the person in question—
 - (a) by delivering it to the person,
 - (b) by sending it by post to the person's last known address, or
 - (c) subject to subsection (3), by transmitting it electronically.
- (3) If the notice is transmitted electronically, it is to be treated as given only if the requirements of subsection (4) or (5) are met.
- (4) If the person required or authorised to give the notice is the Welsh Ministers—
 - (a) the person to whom the notice is required or authorised to be given must have indicated to the Welsh Ministers that person's willingness to receive notices transmitted by electronic means and provided an address suitable for that purpose, and
 - (b) the notice must be sent to the address provided by that person.
- (5) If the person required or authorised to give the notice is not the Welsh Ministers, the notice must be transmitted in such manner as the Welsh Ministers may require.
- (6) An indication of willingness to receive notices transmitted by electronic means, given for the purposes of subsection (4), may be given generally for the purposes of notices required or authorised to be given by the Welsh Ministers under this Part or may be limited to notices of a particular description.
- (7) In relation to the taking of a step mentioned in paragraph (b) or (c) of section 36(1), notification authorised to be given to the Welsh Ministers under subsection (5) or (7) of that section may be given orally to a person authorised by the Welsh Ministers to receive such notification (as well as by any of the methods mentioned in subsection (2)).

56 Death of registered person

- (1) Regulations may—
 - (a) provide for the provisions of this Part to apply with prescribed modifications in cases where a person who was the only person registered in respect of a day care business has died;
 - (b) require the personal representatives of a deceased person who was registered in respect of child minding or day care to notify the Welsh Ministers of the death.

- (2) Caiff rheoliadau o dan is-adran (1)(a) yn benodol—
- (a) darparu bod y busnes gofal dydd yn cael ei gyflawni am gyfnod rhagnodedig gan berson na chafodd ei gofrestru ar ei gyfer; a
 - (b) cynnwys darpariaeth y gellir estyn y cyfnod rhagnodedig gan y cyfryw gyfnod pellach ag a ganiateir gan Weinidogion Cymru.

RHAN 3

TIMAU INTEGREDIG CYMORTH I DEULUOEDD

Timau

57 Sefydlu timau integredig cymorth i deuluoedd

- (1) Rhaid i awdurdod lleol sefydlu ar gyfer ei ardal un neu fwy o dimau integredig cymorth i deuluoedd.
- (2) Caiff dau awdurdod lleol (neu fwy) sy'n gweithredu gyda'i gilydd sefydlu tîm neu dimau integredig cymorth i deuluoedd ar gyfer eu dwy ardal (neu bob un o'u hardaloedd); ac os byddant yn gwneud hynny—
 - (a) mae unrhyw gyfeiriad yn y Rhan hon (ac eithrio adran 59(1)(b)) at awdurdod lleol neu at ei ardal i'w ddehongli'n unol â hynny, a
 - (b) mae'r cyfeiriad yn adran 59(1)(b) i'w ddehongli fel cyfeiriad at bob un o'r awdurdodau.
- (3) Rhaid i Fwrdd Iechyd Lleol—
 - (a) cymryd rhan yn sefydlu un neu fwy o dimau integredig cymorth i deuluoedd ar gyfer ei ardal o dan is-adran (1) neu (2), a
 - (b) cynorthwyo awdurdod lleol i gyflawni ei swyddogaethau o dan y Rhan hon (os oes unrhyw ran o ardal y Bwrdd Iechyd Lleol yn dod o fewn ardal yr awdurdod lleol).

58 Swyddogaethau timau integredig cymorth i deuluoedd

- (1) Rhaid i dîm integredig cymorth i deuluoedd gyflawni'r swyddogaethau cymorth i deuluoedd a bennir ar ei gyfer gan yr awdurdod lleol gyda chydsyniad pob Bwrdd Iechyd Lleol sy'n ymwneud â'r tîm.
- (2) Swyddogaethau cymorth i deuluoedd yw—
 - (a) swyddogaethau gwasanaethau cymdeithasol rhagnodedig (o fewn ystyr Deddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970 (p. 42)), neu
 - (b) swyddogaethau rhagnodedig—
 - (i) Bwrdd Iechyd Lleol, neu
 - (ii) ymddiriedolaeth GIG a sefydlwyd o dan adran 18 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42).
- (3) At ddibenion y Rhan hon, mae Bwrdd Iechyd Lleol yn ymwneud â thîm integredig cymorth i deuluoedd os yw unrhyw ran o ardal y Bwrdd Iechyd Lleol yn dod o fewn yr ardal y mae'r tîm yn ei chwmpasu.

- (2) Regulations under subsection (1)(a) may in particular –
 - (a) provide for the day care business to be carried on for a prescribed period by a person who is not registered in respect of it; and
 - (b) include provision for the prescribed period to be extended by such further period as the Welsh Ministers may allow.

PART 3

INTEGRATED FAMILY SUPPORT TEAMS

Teams

57 Establishment of integrated family support teams

- (1) A local authority must establish for its area one or more integrated family support teams.
- (2) Two (or more) local authorities acting together may establish one or more integrated family support teams for both (or all) their areas; and if they do so –
 - (a) any reference in this Part (except section 59(1)(b)) to a local authority or its area is to be interpreted accordingly, and
 - (b) the reference in section 59(1)(b) is to be interpreted as a reference to each of the authorities.
- (3) A Local Health Board must –
 - (a) participate in the establishment under subsection (1) or (2) of one or more integrated family support teams for its area, and
 - (b) assist the discharge by a local authority of its functions under this Part (if any part of the Local Health Board's area lies within the local authority's area).

58 Functions of integrated family support teams

- (1) An integrated family support team must carry out the family support functions that are assigned to it by the local authority with the consent of each Local Health Board that relates to the team.
- (2) Family support functions are –
 - (a) prescribed social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)), or
 - (b) prescribed functions of –
 - (i) a Local Health Board, or
 - (ii) an NHS trust established under section 18 of the National Health Service (Wales) Act 2006 (c. 42).
- (3) For the purposes of this Part, a Local Health Board relates to an integrated family support team if any part of the Local Health Board's area lies within the area covered by the team.

- (4) Mae swyddogaethau tîm integredig cymorth i deuluoedd i gael eu cyflawni o dan gyfarwyddyd bwrdd integredig cymorth i deuluoedd a sefydlwyd o dan adran 61.
- (5) Mae swyddogaethau cymorth i deuluoedd tîm integredig cymorth i deuluoedd i gael eu cyflawni ynglŷn â theulu yr atgyfeirir ef iddo gan yr awdurdod lleol.
- (6) Caiff awdurdod lleol atgyfeirio teulu i dîm integredig cymorth i deuluoedd os yw yn rhesymol yn credu neu'n amau bod rhiant i blentyn yn y teulu hwnnw (neu darpar riant) –
 - (a) yn ddibynnol ar alcohol neu gyffuriau,
 - (b) yn ddiodefwr trais domestig neu gamdriniaeth,
 - (c) a chanddo hanes ymddygiad treisiol neu ymddygiad o gam-drin, neu
 - (d) a chanddo anhwylder meddwl.
- (7) At ddibenion is-adran (5), mae "teulu" yn cynnwys pob un o'r canlynol –
 - (a) plentyn mewn angen (neu blentyn sy'n derbyn gofal), rhieni'r plentyn ac, os yw'r awdurdod o'r farn ei fod yn briodol, unrhyw unigolyn arall sy'n gysylltiedig â'r plentyn neu'r rhieni;
 - (b) unigolion sydd ar fin dod yn rhieni i blentyn o dan amgylchiadau pan fo is-adran (8) yn gymwys ac, os yw'r awdurdod lleol o'r farn ei fod yn briodol unrhyw unigolyn arall sy'n gysylltiedig â'r unigolion sydd ar fin dod yn rhieni i'r plentyn hwnnw.
- (8) Mae'r is-adran hon yn gymwys os yw'r awdurdod lleol o'r farn bod y plentyn yn debygol o fod yn blentyn mewn angen os bydd yr unigolyn yn dod yn rhiant i'r plentyn hwnnw.
- (9) Rhai i dîm integredig cymorth i deuluoedd werthuso a chofnodi effeithiolrwydd ei waith gyda'r teuluoedd yr atgyfeirir hwy iddo.
- (10) Caiff rheoliadau –
 - (a) dosbarthu swyddogaethau cymorth i deuluoedd i dîm integredig cymorth i deuluoedd;
 - (b) caniatáu i awdurdodau lleol wneud atgyfeiriadau i'r tîm integredig cymorth i deuluoedd mewn amgylchiadau nas crybwyllir yn yr adran hon.
- (11) Nid yw dosbarthu swyddogaethau o dan yr adran hon yn effeithio ar y canlynol –
 - (a) atebolrwydd Bwrdd Iechyd Lleol wrth arfer unrhyw un neu unrhyw rai o'i swyddogaethau,
 - (b) atebolrwydd awdurdod lleol wrth arfer unrhyw un neu unrhyw rai o'i swyddogaethau, neu
 - (c) unrhyw bŵer neu ddyletswydd i adennill ffioedd ynghylch gwasanaethau a roddwyd wrth arfer unrhyw swyddogaethau llywodraeth leol.
- (12) Mae swyddogaeth a bennir o dan yr adran hon yn arferadwy yn gyredol gan y tîm integredig cymorth i deuluoedd a'r corff y rhoddir y swyddogaeth iddo.

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- (4) The functions of an integrated family support team are to be carried out under the direction of an integrated family support board established under section 61.
 - (5) The family support functions of an integrated family support team are to be carried out in respect of a family referred to it by the local authority.
 - (6) A local authority may refer a family to an integrated family support team if it reasonably believes or suspects that a parent of a child in that family (or a prospective parent) –
 - (a) is dependent on alcohol or drugs,
 - (b) is a victim of domestic violence or abuse,
 - (c) has a history of violent or abusive behaviour, or
 - (d) has a mental disorder.
 - (7) For the purposes of subsection (5), "family" includes each of the following –
 - (a) a child in need (or a looked after child), the parents of the child and, if the authority thinks it is appropriate, any other individual connected with the child or the parents;
 - (b) individuals who are about to become the parents of a child in circumstances where subsection (8) applies and, if the local authority thinks it appropriate, any other individual connected with the individuals who are about to become the parents of that child.
 - (8) This subsection applies if the local authority is of the opinion that the child is likely to be a child in need if the individual becomes the parent of that child.
 - (9) An integrated family support team must evaluate and record the effectiveness of its work with the families referred to it.
 - (10) Regulations may –
 - (a) assign family support functions to an integrated family support team;
 - (b) allow local authorities to make referrals to the integrated family support team in circumstances not mentioned in this section.
 - (11) The assignment of functions under this section does not affect –
 - (a) the liability of a Local Health Board for the exercise of any of its functions,
 - (b) the liability of a local authority for the exercise of any of its functions, or
 - (c) any power or duty to recover charges in respect of services provided in the exercise of any local authority functions.
 - (12) A function assigned under this section is exercisable concurrently by the integrated family support team and the body on whom the function is conferred.

(13) Yn yr adran hon –

ystyr "anhwylder meddwl" ("*mental disorder*") yw unrhyw anhwylder neu anabled meddwl;

mae "cam-drin" ("*abuse*") yn cynnwys gweithgaredd rhywiol heb gydsyniad yn ogystal ag ymddygiad afresymol sy'n debygol o beri niwed seicolegol difrifol; mae cam-drin yn "gam-drin domestig" os daw oddi wrth unigolyn sy'n gysylltiedig â'r dioddefwr; ac mae "camdriniaeth" a "camdriniol" i'w dehongli'n unol â hynny;

ystyr "plentyn mewn angen" ("*child in need*") yw plentyn mewn angen at ddibenion Rhan 3 o Deddf Plant 1989 (p. 41);

ystyr "plentyn sy'n derbyn gofal" ("*looked after child*") yw plentyn sy'n derbyn gofal gan awdurdod lleol (o fewn ystyr adran 22(1) i Ddeddf Plant 1989 (p. 41));

mae "rhiant" ("*parent*"), o ran plentyn, yn cynnwys unrhyw unigolyn –

(a) nad yw'n rhiant i'r plentyn ond bod ganddo gyfrifoldeb rhiant dros y plentyn, neu

(b) sydd â gofal y plentyn;

ystyr "trais" ("*violence*") yw trais neu fygythiadau o drais sy'n debygol o gael eu cyflawni ac mae "treisiol" i'w dehongli'n unol â hynny; mae trais yn drais domestig os daw oddi wrth unigolyn sy'n gysylltiedig â'r dioddefwr.

(14) At ddibenion y diffiniad o "rhiant" yn is-adran (13) –

(a) mae i "cyfrifoldeb rhiant" yr ystyr a roddir i "parental responsibility" yn Neddf Plant 1989 (p. 41);

(b) wrth benderfynu a oes gan unigolyn ofal am blentyn, mae unrhyw absenoldeb o'r plentyn mewn ysbyty, cartref plant neu leoliad maeth ac unrhyw absenoldeb arall dros dro i'w ddiystyru.

59 Adnoddau ar gyfer timau integredig cymorth i deuluoedd

(1) Caiff awdurdod lleol a Bwrdd Iechyd Lleol dalu tuag at wariant a dynnir gan dîm integredig cymorth i deuluoedd a sefydlwyd gan awdurdod lleol neu at ddibenion sy'n gysylltiedig ag ef –

(a) drwy wneud taliadau uniongyrchol, neu

(b) drwy gyfrannu i gronfa, a sefydlwyd ac a gynhelir gan yr awdurdod lleol, y ceir gwneud y taliadau ohoni.

(2) Caiff rheoliadau wneud darpariaeth bellach ar gyfer cyllido timau integredig cymorth i deuluoedd ac mewn cysylltiad â hynny, gan gynnwys (ymysg pethau eraill) ddarpariaeth ynghylch gwariant –

(a) ar gyfer swyddi neu gategoriâu o swydd mewn timau integredig cymorth i deuluoedd;

(b) ar gyfer gwasanaethau penodol cymorth i deuluoedd neu wasanaethau o'r fath yn gyffredinol;

(c) ar gyfer gweinyddu timau integredig cymorth i deuluoedd;

(d) at unrhyw ddiben arall sy'n gysylltiedig â thimau integredig cymorth i deuluoedd.

(13) In this section –

"abuse" ("*cam-drin*") includes both sexual activity without consent and unreasonable behaviour liable to cause serious psychological harm; abuse is "domestic abuse" if it is from an individual who is associated with the victim; and "abusive" is to be interpreted accordingly;

"child in need" ("*plentyn mewn angen*") means a child in need for the purposes of Part 3 of the Children Act 1989 (c. 41);

"looked after child" ("*plentyn sy'n derbyn gofal*") means a child looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989 (c. 41));

"mental disorder" ("*anhwylder meddwl*") means any disorder or disability of the mind;

"parent" ("*rhiant*"), in relation to a child, includes any individual –

- (a) who is not a parent of the child but who has parental responsibility for the child, or
- (b) who has care of the child;

"violence" ("*trais*") means violence or threats of violence which are likely to be carried out and "violent" is to be interpreted accordingly; violence is domestic violence if it is from an individual who is associated with the victim.

(14) For the purposes of the definition of "parent" in subsection (13) –

- (a) "parental responsibility" has the same meaning as in the Children Act 1989 (c. 41);
- (b) in determining whether an individual has care of a child, any absence of the child at a hospital, children's home or foster placement and any other temporary absence is to be disregarded.

59 Resources for integrated family support teams

- (1) A local authority and a Local Health Board may pay towards the expenditure incurred by, or for purposes connected with, an integrated family support team established by the local authority –
 - (a) by making payments directly, or
 - (b) by contributing to a fund, established and maintained by the local authority, out of which the payments may be made.
- (2) Regulations may make further provision for and in connection with the funding of integrated family support teams, including (among other things) provision about expenditure –
 - (a) for posts or categories of post in integrated family support teams;
 - (b) for particular family support services or such services generally;
 - (c) for the administration of integrated family support teams;
 - (d) for any other purpose connected to integrated family support teams.

- (3) Caiff awdurdod lleol a Bwrdd Iechyd Lleol ddarparu staff, nwyddau, gwasanaethau, llety neu adnoddau eraill i dîm integredig cymorth i deuluoedd a sefydlwyd gan awdurdod lleol neu mewn cysylltiad ag ef.

60 Cyfansoddiad timau integredig cymorth i deuluoedd

- (1) Rhaid i awdurdod lleol sicrhau bod tîm integredig cymorth i deuluoedd yn cynnwys personau rhagnodedig.
- (2) Caiff awdurdod lleol gynnwys y cyfryw bersonau eraill mewn tîm integredig cymorth i deuluoedd ag y mae o'r farn eu bod yn briodol gyda chydsyniad pob Bwrdd Iechyd Lleol sy'n ymwneud â'r tîm.

Byrddau

61 Sefydlu byrddau integredig cymorth i deuluoedd

- (1) Rhaid i bob awdurdod lleol sefydlu bwrdd integredig cymorth i deuluoedd ynglŷn â thîm neu dimau a sefydlwyd ar gyfer ei ardal o dan adran 57.
- (2) Os bydd dau awdurdod lleol (neu fwy) sy'n gweithredu gyda'i gilydd yn sefydlu tîm neu dimau integredig cymorth i deuluoedd ar gyfer eu dwy ardal (neu bob un o'u hardaloedd), rhaid i'r awdurdodau sefydlu un bwrdd integredig cymorth i deuluoedd.
- (3) Rhaid i fwrdd a sefydlir o dan yr adran hon gynnwys pob un o'r canlynol—
- cyfarwyddwr y gwasanaethau cymdeithasol;
 - os nad cyfarwyddwr y gwasanaethau cymdeithasol yw'r cyfarwyddwr arweiniol dros wasanaethau plant a phersonau ifanc (o fewn ystyr adran 27(1)(a) o Ddeddf Plant 2004 (p. 21)), y cyfarwyddwr arweiniol dros wasanaethau plant a phersonau ifanc;
 - y swyddog arweiniol dros wasanaethau plant a phersonau ifanc (o fewn ystyr adran 27(2)(a) o Ddeddf Plant 2004 (p. 21)) o bob un o'r Byrddau Iechyd Lleol y mae unrhyw ran o'u hardal yn dod o fewn yr ardal y mae'r tîm yn ei chwmpasu.
- (4) Rhaid i fwrdd a sefydlwyd ar gyfer mwy nag un awdurdod lleol gynnwys y personau a grybwyllir ym mharagraffau (a) a (b) o is-adran (3) o bob awdurdod lleol.
- (5) Caiff awdurdod lleol benodi aelodau eraill i fwrdd gyda chydsyniad pob Awdurdod Iechyd Lleol sy'n ymwneud â'r tîm integredig cymorth i deuluoedd.
- (6) Mae aelod a benodir o dan is-adran (5) yn dal ei swydd ac yn ymadael â hi yn unol â thelerau'r penodiad.
- (7) Caiff awdurdod lleol dalu taliadau a lwfansau i aelod a benodir o dan is-adran (5).

62 Swyddogaethau byrddau integredig cymorth i deuluoedd

- (1) Amcanion y byrddau integredig cymorth i deuluoedd yw—
- sicrhau effeithiolrwydd yr hyn a wneir gan y timau integredig cymorth i deuluoedd y maent yn ymwneud â hwy;
 - hybu arferion da gan yr awdurdodau lleol a'r Byrddau Iechyd Lleol sy'n cymryd rhan yn y timau o ran y swyddogaethau a bennir i'r timau;

- (3) A local authority and a Local Health Board may provide staff, goods, services, accommodation or other resources for and in connection with an integrated family support team established by the local authority.

60 Composition of integrated family support teams

- (1) A local authority must ensure that an integrated family support team includes prescribed persons.
- (2) A local authority may include such other persons in an integrated family support team as it thinks appropriate with the consent of each Local Health Board that relates to the team.

Boards

61 Establishment of integrated family support boards

- (1) Each local authority must establish an integrated family support board in respect of the one or more teams established for its area under section 57.
- (2) Where two (or more) local authorities acting together establish one or more integrated family support teams for both (or all) their areas, the authorities must establish one integrated family support board.
- (3) A board established under this section must include all of the following—
 - (a) the director of social services;
 - (b) if the director of social services is not the lead director for children and young people's services (within the meaning of section 27(1)(a) of the Children Act 2004 (c. 21)), the lead director for children and young people's services;
 - (c) the lead officer for children and young people's services (within the meaning of section 27(2)(a) of the Children Act 2004 (c. 21)) from each Local Health Board any part of whose area lies within the area covered by the team.
- (4) A board established for more than one local authority area must include the persons mentioned at paragraphs (a) and (b) of subsection (3) from each local authority.
- (5) A local authority may appoint other members to a board with the consent of each Local Health Board that relates to the integrated family support team.
- (6) A member appointed under subsection (5) holds and vacates office in accordance with the terms of the appointment.
- (7) A local authority may pay remuneration and allowances to a member appointed under subsection (5).

62 Functions of integrated family support boards

- (1) The objectives of integrated family support boards are—
 - (a) to ensure the effectiveness of what is done by the integrated family support teams to which they relate;
 - (b) to promote good practice by the local authorities and Local Health Boards participating in the teams in respect of the functions assigned to the teams;

- (c) sicrhau bod gan fyrddau integredig cymorth i deuluoedd adnoddau digonol i gyflawni eu swyddogaethau;
 - (d) sicrhau bod yr awdurdodau lleol a'r Byrddau Iechyd Lleol sy'n cymryd rhan yn y timau integredig cymorth i deuluoedd yn cydweithredu â'r timau integredig cymorth i deuluoedd wrth iddynt gyflawni swyddogaethau'r timau.
- (2) Mae bwrdd integredig cymorth i deuluoedd i gael y cyfryw swyddogaethau o ran ei amcanion ag a ragnodir gan Weinidogion Cymru drwy reoliadau.

Rheoliadau

63 Rheoliadau ynghylch timau a byrddau integredig cymorth i deuluoedd

Caiff rheoliadau ddarparu ar gyfer –

- (a) adolygu achosion a atgyfeirir i dimau integredig cymorth i deuluoedd;
- (b) cwynion ac anghydfodau ynghylch arfer swyddogaethau gan dimau integredig cymorth i deuluoedd;
- (c) darparu gwybodaeth ynghylch timau integredig cymorth i deuluoedd;
- (d) rhannu gwybodaeth rhwng awdurdodau lleol, Byrddau Iechyd Lleol, timau a byrddau integredig cymorth i deuluoedd;
- (e) cyfrifon ac archwilio o ran swyddogaethau a bennir i dimau integredig cymorth i deuluoedd;
- (f) y gweithdrefnau sydd i'w dilyn gan fwrdd integredig cymorth i deuluoedd.

Adroddiadau

64 Adroddiadau blynyddol ar dimau integredig cymorth i deuluoedd

- (1) Rhaid i bob bwrdd integredig cymorth i deuluoedd lunio adroddiad blynyddol ar gyfer –
- (a) yr awdurdod lleol;
 - (b) pob Bwrdd Iechyd Lleol sy'n ymwneud â'r timau integredig cymorth i deuluoedd y mae'r bwrdd yn gyfrifol amdanynt;
 - (c) Gweinidogion Cymru.
- (2) Rhaid i'r adroddiad fod ynghylch effeithiolrwydd pob tîm integredig cymorth i deuluoedd y mae'r bwrdd yn ymwneud ag ef a chaiff gynnwys unrhyw beth arall sy'n berthnasol i waith y tîm neu waith y bwrdd.

Canllawiau

65 Canllawiau ynghylch timau integredig cymorth i deuluoedd

Wrth arfer eu swyddogaethau o dan y Rhan hon, rhaid i'r cyrff canlynol roi sylw i unrhyw ganllawiau a roddir o bryd i'w gilydd gan Weinidogion Cymru –

- (a) awdurdod lleol;
- (b) Bwrdd Iechyd Lleol;
- (c) tîm integredig cymorth i deuluoedd;
- (d) bwrdd integredig cymorth i deuluoedd.

- (c) to ensure that integrated family support teams have sufficient resources to carry out their functions;
 - (d) to ensure that the local authorities and Local Health Boards participating in the integrated family support teams co-operate with the integrated family support teams in discharging the teams' functions.
- (2) An integrated family support board is to have such functions in relation to its objectives as the Welsh Ministers may by regulations prescribe.

Regulations

63 Regulations about integrated family support teams and boards

Regulations may provide for—

- (a) review of cases referred to integrated family support teams;
- (b) complaints and disputes about the exercise of functions by integrated family support teams;
- (c) the provision of information about integrated family support teams;
- (d) the sharing of information between local authorities, Local Health Boards, integrated family support teams and boards;
- (e) accounts and audit in respect of functions assigned to integrated family support teams;
- (f) the procedures to be followed by an integrated family support board.

Reports

64 Annual reports on integrated family support teams

- (1) Each integrated family support board must make an annual report to—
- (a) the local authority;
 - (b) each Local Health Board that relates to the integrated family support teams for which the board is responsible;
 - (c) the Welsh Ministers.
- (2) The report must be about the effectiveness of each integrated family support team to which the board relates and may include anything else related to the work of the team or the board.

Guidance

65 Guidance about integrated family support teams

In exercising their functions under this Part, the following bodies must have regard to any guidance given from time to time by the Welsh Ministers—

- (a) a local authority;
- (b) a Local Health Board;
- (c) an integrated family support team;
- (d) an integrated family support board.

RHAN 4**AMRYWIOL A CHYFFREDINOL***Swyddogion safonau gwaith cymdeithasol teuluol***66 Swyddogion safonau gwaith cymdeithasol teuluol**

Rhaid i awdurdod lleol ddynodi swyddog o'r awdurdod (i'w alw'n "swyddog safonau gwaith cymdeithasol teuluol") yn un sydd â chyfrifoldeb am y materion canlynol o ran gwaith cymdeithasol sy'n cael ei wneud gan neu ar ran yr awdurdod mewn cysylltiad â phlant a phersonau sy'n gofalu am blant—

- (a) codi safonau mewn arferion gwaith cymdeithasol;
- (b) codi ymwybyddiaeth o dystiolaeth mewn ymchwil perthnasol ymysg personau sy'n gwneud gwaith cymdeithasol;
- (c) hybu addasu arferion gwaith cymdeithasol yng ngoleuni tystiolaeth mewn ymchwil perthnasol.

Anghenion plant sy'n deillio o anghenion gofal cymunedol ac anghenion iechyd eu rhieni

67 Anghenion plant sy'n deillio o anghenion gofal cymunedol eu rhieni

- (1) Mae'r adran hon yn gymwys i blentyn os yw'n ymddangos i awdurdod lleol bod rhiant y plentyn—
 - (a) yn berson y gallai fod yn darparu neu'n trefnu ar ei gyfer ddarpariaeth o wasanaethau gofal cymunedol, a
 - (b) y gallai fod arno angen unrhyw wasanaethau o'r fath.
- (2) Rhaid i awdurdod lleol ystyried a yw'n ymddangos i'r awdurdod bod y plentyn yn blentyn mewn angen o ganlyniad i anghenion y rhiant.
- (3) Rhaid i awdurdod lleol gymryd cyfrif o ganlyniadau ei ystyriaeth o dan is-adran (2) wrth benderfynu—
 - (a) p'un ai asesu anghenion y plentyn at ddibenion adran 17 o Ddeddf Plant 1989 (p. 41) (darparu gwasanaethau i blant mewn angen) ai peidio, a
 - (b) pa wasanaethau, os o gwbl, i'w darparu o dan yr adran honno i'r plentyn neu i deulu'r plentyn.
- (4) Rhaid i awdurdod lleol gymryd cyfrif o ganlyniadau ei ystyriaeth o dan is-adran (2) wrth wneud unrhyw benderfyniad ynglŷn â'r rhiant o dan adran 47(1)(b) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p. 19) (asesiad o anghenion ar gyfer gwasanaethau gofal cymunedol).
- (5) Yn yr adran hon—

mae i "gwasanaethau gofal cymunedol" yr ystyr sydd i "community care services" yn adran 46 o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990;

ystyr "plentyn mewn angen" ("child in need") yw plentyn y bernir ei fod mewn angen at ddibenion Rhan 3 o Ddeddf Plant 1989.

PART 4

MISCELLANEOUS AND GENERAL

Family social work standards officers

66 Family social work standards officers

A local authority must designate an officer of the authority (to be known as the "family social work standards officer") as having responsibility for the following matters in relation to social work conducted by or on behalf of the authority in connection with children and persons who care for children—

- (a) raising standards in social work practice;
- (b) raising awareness of relevant research evidence amongst persons engaged in social work;
- (c) promoting adaptation of social work practice in the light of relevant research evidence.

Children's needs arising from community care and health needs of their parents

67 Children's needs arising from community care needs of their parents

- (1) This section applies to a child where it appears to a local authority that the child's parent—
 - (a) is a person for whom it may provide or arrange for the provision of community care services, and
 - (b) may be in need of any such services.
- (2) A local authority must consider whether the child appears to the authority to be a child in need as a result of the needs of the parent.
- (3) A local authority must take account of the results of its consideration under subsection (2) in deciding—
 - (a) whether or not to assess the needs of the child for the purposes of section 17 of the Children Act 1989 (c. 41) (provision of services for children in need), and
 - (b) what, if any, services to provide under that section for the child or the child's family.
- (4) A local authority must take account of the results of its consideration under subsection (2) in making any decision in respect of the parent under section 47(1)(b) of the National Health Service and Community Care Act 1990 (c. 19) (assessment of needs for community care services).
- (5) In this section—

"child in need" ("plentyn mewn angen") means a child taken to be in need for the purposes of Part 3 of the Children Act 1989;

"community care services" ("gwasanaethau gofal cymunedol") has the same meaning as in section 46 of the National Health Service and Community Care Act 1990.

- (6) Yn yr adran hon ac yn adran 68 mae "rhiant", o ran plentyn, yn cynnwys unrhyw unigolyn –
- (a) nad yw'n rhiant i'r plentyn ond sydd â chyfrifoldeb rhiant dros y plentyn, neu
 - (b) sydd â gofal y plentyn.
- (7) At ddibenion is-adran (6) –
- (a) mae i "cyfrifoldeb rhiant" yr ystyr a roddir i "parental responsibility" yn Neddf Plant 1989 (p. 41);
 - (b) wrth benderfynu a yw unigolyn â gofal plentyn, mae unrhyw absenoldeb o ran y plentyn mewn ysbyty, cartref plant neu leoliad maeth ac unrhyw absenoldeb arall dros dro i'w anwybyddu.

68 Anghenion plant sy'n deillio o gyflyrau iechyd eu rhieni

- (1) Mae'r adran hon yn gymwys ar gyfer darparu gwasanaethau iechyd penodedig i riant plentyn os darperir y gwasanaethau neu os sicrhair hwy gan gorff Gwasanaeth Iechyd Gwladol penodedig.
- (2) Rhaid i gorff Gwasanaeth Iechyd Gwladol penodedig wneud y trefniadau hynny y mae'n barnu sy'n gweddu –
- (a) er mwyn ystyried effaith unrhyw gyflwr iechyd gan y rhiant ar anghenion y plentyn ac a fyddai'r effaith honno'n galw am ddarparu gwasanaethau gan awdurdod lleol wrth iddo arfer ei swyddogaethau gwasanaethau cymdeithasol;
 - (b) er mwyn atgyfeirio achosion priodol i'r awdurdod lleol perthnasol, yn ddarostyngedig i unrhyw dyletswydd sy'n ddyledus gan y corff Gwasanaeth Iechyd Gwladol i'r plentyn neu i'r rhiant ynghylch datgelu gwybodaeth sy'n ymwneud â'r plentyn neu'r rhiant.
- (3) Yn yr adran hon –
- ystyr "corff Gwasanaeth Iechyd Gwladol" ("*National Health Service body*") yw unrhyw un o'r canlynol –
- (a) Bwrdd Iechyd Lleol;
 - (b) ymddiriedolaeth Gwasanaeth Iechyd Gwladol;
- ystyr "iechyd" ("*health*") yw iechyd corfforol neu iechyd meddwl;
- ystyr "penodedig" ("*specified*") yw corff neu wasanaeth sy'n benodedig drwy orchymyn Gweinidogion Cymru.

Swyddogaethau gwasanaethau cymdeithasol

69 Swyddogaethau gwasanaethau cymdeithasol

Yn Atodlen 1 i Ddeddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970 (p. 42) (swyddogaethau sy'n swyddogaethau gwasanaethau cymdeithasol), ar y diwedd mewnosoder –

- (6) In this section and in section 68 "parent", in relation to a child, includes any individual—
- (a) who is not a parent of the child but who has parental responsibility for the child, or
 - (b) who has care of the child.
- (7) For the purposes of subsection (6)—
- (a) "parental responsibility" has the same meaning as in the Children Act 1989 (c. 41);
 - (b) in determining whether an individual has care of a child, any absence of the child at a hospital, children's home or foster placement and any other temporary absence is to be disregarded.

68 Children's needs arising from the health conditions of their parents

- (1) This section applies to the provision of specified health services to a child's parent where the services are provided by, or secured by, a specified National Health Service body.
- (2) A specified National Health Service body must make such arrangements as it thinks fit—
- (a) for consideration to be given to the effect of any health condition of the parent on the needs of the child and whether that effect may call for the provision of services by a local authority in the exercise of its social services functions;
 - (b) for referral of appropriate cases to the relevant local authority, subject to any duty owed by the National Health Service body to the child or the parent in respect of the disclosure of information relating to the child or the parent.
- (3) In this section—
- "health" ("*iechyd*") means physical or mental health;
- "National Health Service body" ("*corff Gwasanaeth Iechyd Gwladol*") means any one of the following—
- (a) a Local Health Board;
 - (b) a National Health Service trust;
- "specified" ("*penodedig*") means specified by order of the Welsh Ministers.

Social services functions

69 Social services functions

In Schedule 1 to the Local Authority Social Services Act 1970 (c. 42) (functions which are social services functions), at the end insert—

"Children and Families (Wales) Measure 2010	
Sections 57 to 65	Functions relating to integrated family support teams and boards.
Section 66	Family social work standards officers.
Section 67	Assessing the needs of children arising from community care needs of their family members."

Cyffredinol

70 Canllawiau

- (1) Mae'r adran hon yn cael effaith o ran unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru o dan y Mesur hwn i gyrff y mae'n rhaid iddynt roi sylw i'r canllawiau.
- (2) O ran Gweinidogion Cymru –
 - (a) cânt roi canllawiau i gyrff yn gyffredinol neu i un corff penodol neu i gyrff penodol;
 - (b) cânt ddyroddi canllawiau gwahanol i gyrff gwahanol neu mewn perthynas â hwy;
 - (c) rhaid iddynt, cyn iddynt ddyroddi canllawiau, ymgynghori â'r gyrff hynny y mae'n rhaid iddynt roi sylw i'r canllawiau;
 - (d) rhaid iddynt gyhoeddi'r canllawiau.

71 Dehongli'n Gyffredinol

Yn y Mesur hwn –

ystyr "awdurdod Cymreig" ("*Welsh authority*") yw person a bennir yn adran 6(1);

ystyr "awdurdod lleol" ("*local authority*") yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

ystyr "Bwrdd Iechyd Lleol" ("*Local Health Board*") yw Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42);

mae "gofal dydd i blant" ("*day care for children*") (a "gofal dydd" ("*day care*")) i'w ddehongli yn unol ag adran 19 at ddibenion Rhan 2;

mae "gwarchod plant" ("*child minding*") i'w ddehongli yn unol ag adran 19 at ddibenion Rhan 2;

mae "mangre" ("*premises*") yn cynnwys unrhyw le ac unrhyw gerbyd;

ystyr "plentyn" ("*child*") yw person nad yw wedi cyrraedd 18 oed;

"Children and Families (Wales) Measure 2010	
Sections 57 to 65	Functions relating to integrated family support teams and boards.
Section 66	Family social work standards officers.
Section 67	Assessing the needs of children arising from community care needs of their family members."

General

70 Guidance

- (1) This section has effect in relation to any guidance issued by the Welsh Ministers under this Measure to bodies that must have regard to it.
- (2) The Welsh Ministers –
 - (a) may give guidance to bodies generally or to one or more particular bodies;
 - (b) may issue different guidance to or in respect of different bodies;
 - (c) must, before they issue guidance, consult the bodies that must have regard to the guidance;
 - (d) must publish the guidance.

71 General interpretation

In this Measure –

"child" (*"plentyn"*) means a person who has not attained the age of 18;

"child minding" (*"gwarchod plant"*) is to be interpreted in accordance with section 19 for the purposes of Part 2;

"day care for children" (*"gofal dydd i blant"*) (and "day care" (*"gofal dydd"*)) is to be interpreted in accordance with section 19 for the purposes of Part 2;

"local authority" (*"awdurdod lleol"*) means a county council or a county borough council in Wales;

"Local Health Board" (*"Bwrdd Iechyd Lleol"*) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42);

"premises" (*"mangre"*) includes any area and any vehicle;

"prescribed" (*"rhagnodi"*) means prescribed in regulations;

ystyr "rhagnodi" ("prescribed") yw rhagnodi mewn rheoliadau;

ystyr "rheoliadau" ("regulations") yw rheoliadau a wnaed gan Weinidogion Cymru.

72 Mân ddiwygiadau a diwygiadau canlyniadol

Mae Atodlen 1 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.

73 Diddymiadau

Mae Atodlen 2 yn cynnwys diddymiadau.

74 Gorchmynion a rheoliadau

- (1) Mae unrhyw bŵer gan Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Mesur hwn yn arferadwy drwy offeryn statudol.
- (2) Mae unrhyw bŵer gan Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Mesur hwn yn cynnwys pŵer –
 - (a) i wneud darpariaeth wahanol ar gyfer gwahanol achosion neu wahanol ddsbarthau o achos neu wahanol ardaloedd neu wahanol ddibenion;
 - (b) i wneud darpariaeth yn gyffredinol neu yn ddarostyngedig i esemptiadau neu eithriadau penodol neu mewn perthynas ag achosion penodol neu ddsbarthau o achos yn unig;
 - (c) i wneud y cyfryw ddarpariaeth gysylltiedig, darpariaeth atodol, darpariaeth ganlyniadol, darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed ag y mae Gweinidogion Cymru yn barnu ei bod yn addas.
- (3) Mae unrhyw offeryn statudol sy'n cynnwys rheoliadau a weir o dan y Mesur hwn yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.
- (4) Nid yw is-adran (3) yn gymwys i orchmynion y mae is-adran (5) yn gymwys iddynt.
- (5) Ni cheir gwneud offeryn statudol sy'n cynnwys rheoliadau o dan adran 2(5) neu orchymyn o dan adran 1(8), 6(2) neu 19(4) oni chafodd drafft o'r offeryn ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.

75 Cychwyn

- (1) Mae'r darpariaethau canlynol yn dod i rym ar ddiwedd cyfnod o ddau fis sy'n dechrau ar y diwrnod y cymeradwyir y Mesur hwn gan Ei Mawrhydi yn y Cyfrin Gyngor –

adran 1;

adran 2 (i'r graddau y mae'n gymwys i Weinidogion Cymru);

adran 3;

adran 74;

yr adran hon;

adran 76.

"regulations" ("*rheoliadau*") means regulations made by the Welsh Ministers;

"Welsh authority" ("*awdurdod Cymreig*") means a person specified in section 6(1).

72 Minor and consequential amendments

Schedule 1 contains minor and consequential amendments.

73 Repeals

Schedule 2 contains repeals.

74 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) Any power of the Welsh Ministers to make an order or regulations under this Measure includes power –
 - (a) to make different provision for different cases or classes of case, different areas or different purposes;
 - (b) to make provision generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case;
 - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) Any statutory instrument containing regulations made under this Measure is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) Subsection (3) does not apply to orders to which subsection (5) applies.
- (5) A statutory instrument containing regulations under section 2(5) or an order under section 1(8), 6(2), or 19(4) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

75 Commencement

- (1) The following provisions come into force at the end of a period of two months beginning on the day on which this Measure is approved by Her Majesty in Council –
 - section 1;
 - section 2 (in so far as it applies the Welsh Ministers);
 - section 3;
 - section 74;
 - this section;
 - section 76.

- (2) Daw paragraffau 19 i 20 o Atodlen 1 i rym ar y diwrnod y cymeradwyir y Mesur hwn gan Ei Mawrhydi yn y Cyfrin Gyngor.
- (3) Daw gweddill darpariaethau'r Mesur hwn i rym yn unol â darpariaeth a wneir gan Weinidogion Cymru drwy orchymyn.

76 Enw byr

Enw'r Mesur hwn yw Mesur Plant a Theuluoedd (Cymru) 2010.

- (2) Paragraphs 19 to 20 of Schedule 1 come into force on the day on which this Measure is approved by Her Majesty in Council.
- (3) The remaining provisions of this Measure come into force in accordance with provision made by the Welsh Ministers by order.

76 Short title

This Measure may be cited as the Children and Families (Wales) Measure 2010.

ATODLEN 1

(a gyflwynir gan adran 72)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Llysoedd Ynadon 1980 (p. 43)

- 1 Diwygier Deddf Llysoedd Ynadon 1980 fel a ganlyn.
- 2 Yn Adran 65 (ystyr achosion teulu), yn is-adran (1) ar ôl paragraff (nza) mewnosoder –
 "(nzb) sections 34 and 43 of the Children and Families (Wales) Measure 2010;"

Deddf Uwchlysoedd 1981 (p. 54)

- 3 Diwygier Deddf Uwchlysoedd 1981 fel a ganlyn.
- 4 Yn Atodlen 1 (dosbarthiad busnes yn yr Uchel Lys) ar ôl paragraff 3(ea) ychwanegwch –
 "(eb) proceedings under section 43 of the Children and Families (Wales) Measure 2010;"

Deddf Plant 1989 (p. 41)

- 5 Diwygier Deddf Plant 1989 fel a ganlyn.
- 6 Yn adran 80 (arolygu cartrefi plant etc gan bersonau a awdurdodwyd gan Weinidogion Cymru) –
 - (a) yn is-adran (1) hepgorer paragraff (i);
 - (b) yn is-adran (5) hepgorer paragraffau (h) ac (hh).
- 7 Yn adran 105 (dehongli) –
 - (a) yn is-adran (1) –
 - (i) yn y diffiniad o "day care" hepgorer "(except in Part ZA)";
 - (ii) yn y diffiniad o "hospital" hepgorer "(except in Schedule 9A)";
 - (b) hepgorer is-adran (5A).

Deddf y Diwydiant Dŵr 1991 (p. 56)

- 8 Diwygier Deddf y Diwydiant Dŵr 1991 fel a ganlyn.
- 9 Yn Atodlen 4A (mangreuedd na ddylid eu datgysylltu am beidio â thalu ffioedd) ym mharagraff 12(2) yn lle "Part 10A of the Children Act 1989" rhodder "Part 2 of the Children and Families (Wales) Measure 2010".

Deddf Amddiffyn Plant 1999 (p. 14)

- 10 Diwygier Deddf Amddiffyn Plant 1999 fel a ganlyn.

SCHEDULE 1

(introduced by section 72)

MINOR AND CONSEQUENTIAL AMENDMENTS

Magistrates' Courts Act 1980 (c. 43)

- 1 Amend the Magistrates' Courts Act 1980 as follows.
- 2 In section 65 (meaning of family proceedings), in subsection (1) after paragraph (nza) insert—
 - "(nzb) sections 34 and 43 of the Children and Families (Wales) Measure 2010;"

Senior Courts Act 1981 (c. 54)

- 3 Amend the Senior Courts Act 1981 as follows.
- 4 In Schedule 1 (distribution of business in High Court) after paragraph 3(ea) insert—
 - "(eb) proceedings under section 43 of the Children and Families (Wales) Measure 2010;"

Children Act 1989 (c. 41)

- 5 Amend the Children Act 1989 as follows.
- 6 In Section 80 (inspection of children's homes etc by persons authorised by the Welsh Ministers)—
 - (a) in subsection (1) omit paragraph (i);
 - (b) in subsection (5) omit paragraphs (h) and (hh).
- 7 In section 105 (interpretation)—
 - (a) in subsection (1)—
 - (i) in the definition of "day care" omit "(except in Part XA)";
 - (ii) in the definition of "hospital" omit "(except in Schedule 9A)";
 - (b) omit subsection (5A).

Water Industry Act 1991 (c. 56)

- 8 Amend the Water Industry Act 1991 as follows.
- 9 In Schedule 4A (premises that are not to be disconnected for non-payment of charges) in paragraph 12(2) for "Part 10A of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010".

Protection of Children Act 1999 (c. 14)

- 10 Amend the Protection of Children Act 1999 as follows.

- 11 Yn adran 2A (pŵer awdurdodau penodol i atgyfeirio unigolion i'w cynnwys ar restr o bersonau a ystyrir yn anaddas i weithio gyda phlant), yn is-adran (1)(a) yn lle "Part 10A of the Children Act 1989" rhodder "Part 2 of the Children and Families (Wales) Measure 2010".
- 12 Yn adran 9 (y Tribiwnlys), yn is-adran (2) –
- (a) ym mharagraff (c) hepgorer "or under, or by virtue of, Part XA of that Act";
 - (b) ym mharagraff (f), hepgorer "or";
 - (c) ar ddiwedd paragraff (g), mewnosoder "; or";
 - (d) ar ôl paragraff (g), mewnosoder –
 - "(h) on an appeal under, or by virtue of, Part 2 of the Children and Families (Wales) Measure 2010".

Deddf Safonau Gofal 2000 (p. 14)

- 13 Diwygier Deddf Safonau Gofal 2000 fel a ganlyn.
- 14 Yn adran 55(3)(e) –
- (a) yn lle "Assembly" yn y ddau le lle y mae'n ymddangos rhodder "Welsh Assembly Government";
 - (b) yn lle "section 79T of that Act" rhodder "section 40 of the Children and Families (Wales) Measure 2010".

Deddf Plant 2004 (p. 31)

- 15 Diwygier Deddf Plant 2004 fel a ganlyn.
- 16 Yn adran 29 (cronfeydd data gwybodaeth: Cymru) yn is-adran (8)(a) yn lle "Part 10A of the Children Act 1989 (c 41)" rhodder "Part 2 of the Children and Families (Wales) Measure 2010".

Deddf Addysg 2005 (p. 18)

- 17 Diwygier Deddf Addysg 2005 fel a ganlyn.
- 18 Yn adran 59 (adroddiadau cyfun), yn lle is-adran (1)(b) rhodder y canlynol –
- "(b) Part 2 of the Children and Families (Wales) Measure 2010 (child minding and day care for children),".

Deddf Addysg ac Arolygiadau 2006 (p. 40)

- 19 Diwygier adran 162 o Ddeddf Addysg ac Arolygiadau 2006 (fel y'i diwygiwyd gan Fesur Addysg (Cymru) 2009) fel a ganlyn.
- 20 Yn is-adran (5A) –
- (a) ar ôl paragraff (a) ychwanegwch –
 - "(aa) make such provision as appears to them to be appropriate for the purpose of –

-
- 11 In section 2A (power of certain authorities to refer individuals for inclusion in list of persons considered unsuitable to work with children), in subsection (1)(a) for "Part 10A of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010".
- 12 In section 9 (the Tribunal), in subsection (2) –
- (a) in paragraph (c) omit "or under, or by virtue of, Part XA of that Act";
 - (b) in paragraph (f), omit "or";
 - (c) at the end of paragraph (g) insert "; or";
 - (d) after paragraph (g) insert –
 - "(h) on an appeal under, or by virtue of, Part 2 of the Children and Families (Wales) Measure 2010".

Care Standards Act 2000 (c. 14)

- 13 Amend the Care Standards Act 2000 as follows.

- 14 In section 55(3)(e) –
- (a) for "Assembly" in both places where it appears substitute "Welsh Assembly Government";
 - (b) for "section 79T of that Act" substitute "section 40 of the Children and Families (Wales) Measure 2010".

Children Act 2004 (c. 31)

- 15 Amend the Children Act 2004 as follows.

- 16 In section 29 (information databases: Wales) in subsection (8)(a) for "Part 10A of the Children Act 1989 (c. 41)" substitute "Part 2 of the Children and Families (Wales) Measure 2010".

Education Act 2005 (c. 18)

- 17 Amend the Education Act 2005 as follows.

- 18 In section 59 (combined reports), for subsection (1)(b) substitute the following –
- "(b) Part 2 of the Children and Families (Wales) Measure 2010 (child minding and day care for children),".

Education and Inspections Act 2006 (c. 40)

- 19 Amend section 162 of the Education and Inspections Act 2006 (as amended by the Education (Wales) Measure 2009) as follows.

- 20 In subsection (5A) –
- (a) after paragraph (a) insert –
 - "(aa) make such provision as appears to them to be appropriate for the purpose of –

- (i) repealing any reference in a Measure of the National Assembly for Wales to a children's services authority (however expressed), and
- (ii) replacing it, where it appears to them to be appropriate, with a reference (however expressed) to a Welsh local authority;"

(b) ym mharagraff (b), ar ôl "paragraph (a)" ychwanegwch "or paragraph (aa)".

Deddf Gofal Plant 2006 (p. 21)

- 21 Diwygier Deddf Gofal Plant 2006 fel a ganlyn.
- 22 Yn adran 30 (dehongli Rhan 2) yn y diffiniad o "childcare", yn lle "Part 10A of the Children Act 1989 (c. 41)" rhodder "Part 2 of the Children and Families (Wales) Measure 2010".
- 23 Yn adran 75 (anghymwyso rhag cofrestru), yn is-adran (3)(f) ar ôl "Part 10A of the Children Act 1989 (c. 41)" mewnosoder "or under Part 2 of the Children and Families (Wales) Measure 2010".
- 24 Yn adran 101 (darparu gwybodaeth am blant: Cymru) –
- (a) yn is-adran (1)(a) yn lle "Part 10A of the Children Act 1989 (c. 41)" rhodder "Part 2 of the Children and Families (Wales) Measure 2010";
 - (b) yn is-adran (9), yn y diffiniad o "child minding" a "day care" yn lle "Part 10A of the Children Act 1989" rhodder "Part 2 of the Children and Families (Wales) Measure 2010".

Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42)

- 25 Diwygier Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 fel a ganlyn.
- 26 Yn Atodlen 1, paragraff 7A (pwysu plant a'u mesur) –
- (a) yn is-baragraff (3) yn lle "Part 10A of the Children Act 1989" rhodder "Part 2 of the Children and Families (Wales) Measure 2010";
 - (b) yn is-baragraff (4) yn lle "Part 10A of the Children Act 1989" rhodder "Part 2 of the Children and Families (Wales) Measure 2010".

Deddf Diogelu Grwpiau Hawdd eu Niweidio 2006 (p. 47)

- 27 Diwygier Deddf Diogelu Grwpiau Hawdd eu Niweidio 2006 fel a ganlyn.
- 28 Yn Atodlen 4 –
- (a) ym mharagraff 1(6)(a) yn lle "section 79D of the Children Act 1989 (c. 41)" rhodder "section 21 of the Children and Families (Wales) Measure 2010";
 - (b) ym mharagraff 1(6)(b), ar ôl "eight" mewnosoder "(or such other age as may be substituted by order under section 19(4)(a) of the Children and Families (Wales) Measure 2010)";
 - (c) ym mharagraff 3(2)(c), yn lle "(within the meaning of section 79A of the Children Act 1989 (c. 41))" rhodder "(within the meaning of section 19 of the Children and Families (Wales) Measure 2010)".

- (i) repealing any reference in a Measure of the National Assembly for Wales to a children's services authority (however expressed), and
- (ii) replacing it, where it appears to them to be appropriate, with a reference (however expressed) to a Welsh local authority;"

(b) in paragraph (b), after "paragraph (a)" insert "or paragraph (aa)".

Childcare Act 2006 (c. 21)

21 Amend the Childcare Act 2006 as follows.

22 In section 30 (interpretation of Part 2) in the definition of "childcare", for "Part 10A of the Children Act 1989 (c. 41)" substitute "Part 2 of the Children and Families (Wales) Measure 2010".

23 In section 75 (disqualification from registration), in subsection (3)(f) after "Part 10A of the Children Act 1989 (c. 41)" insert "or under Part 2 of the Children and Families (Wales) Measure 2010".

24 In section 101 (provision of information about children: Wales) –

- (a) in subsection (1)(a) for "Part 10A of the Children Act 1989 (c. 41)" substitute "Part 2 of the Children and Families (Wales) Measure 2010";
- (b) in subsection (9), in the definition of "child minding" and "day care" for "Part 10A of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010".

National Health Service (Wales) Act 2006 (c. 42)

25 Amend the National Health Service (Wales) Act 2006 as follows.

26 In Schedule 1, paragraph 7A (weighing and measuring of children) –

- (a) in sub-paragraph (3) for "Part 10A of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010";
- (b) in sub-paragraph (4) for "Part 10A of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010".

Safeguarding Vulnerable Groups Act 2006 (c. 47)

27 Amend the Safeguarding Vulnerable Groups Act 2006 as follows.

28 In Schedule 4 –

- (a) in paragraph 1(6)(a) for "section 79D of the Children Act 1989 (c. 41)" substitute "section 21 of the Children and Families (Wales) Measure 2010";
- (b) in paragraph 1(6)(b), after "eight" insert "(or such other age as may be substituted by order under section 19(4)(a) of the Children and Families (Wales) Measure 2010)";
- (c) in paragraph 3(2)(c), for "(within the meaning of section 79A of the Children Act 1989 (c. 41))" substitute "(within the meaning of section 19 of the Children and Families (Wales) Measure 2010)".

ATODLEN 2

(a gyflwynwyd gan adran 73)

DIDDYMIADAU

<i>Teitl byr a phennod</i>	<i>Graddau'r diddymiad</i>
Deddf Plant 1989 (p. 41)	Yn adran 80(1), paragraff (i). Yn adran 80(5), paragraffau (h) ac (hh). Yn adran 105, is-adran (5A). Rhan XA. Atodlen 9A.
Deddf Addysg 2002 (p. 32)	Adran 176.
Deddf Addysg 2005 (p. 18)	Yn Atodlen 7, paragraffau 5 a 6.
Deddf Gofal Plant 2006 (p. 21)	Yn Atodlen 2, paragraffau 5 i 18.
Deddf Addysg ac Arolygiadau 2006 (p. 40)	Adran 167.
Deddf Addysg a Sgiliau 2008 (p. 25)	Adran 158.

SCHEDULE 2

(introduced by section 73)

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Children Act 1989 (c. 41)	In section 80(1), paragraph (i). In section 80(5), paragraphs (h) and (hh). In section 105, subsection (5A). Part XA. Schedule 9A.
Education Act 2002 (c. 32)	Section 176.
Education Act 2005 (c. 18)	In Schedule 7, paragraphs 5 and 6.
Childcare Act 2006 (c. 21)	In Schedule 2, paragraphs 5 to 18.
Education and Inspections Act 2006 (c. 40)	Section 167.
Education and Skills Act 2008 (c. 25)	Section 158.

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