



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2192 (Cy. 154)

2001 No. 2192 (W. 154)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Plant Anabl (Taliadau
Uniongyrchol) (Cymru)
2001

The Disabled Children (Direct
Payments) (Wales) Regulations
2001

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae Deddf Gofalwyr a Phlant Anabl 2000 yn mewnosod adran newydd (adran 17A) yn Neddf Plant 1989 sy'n galluogi'r awdurdodau lleol i wneud taliadau uniongyrchol i bersonau sydd â chyfrifoldeb rhiant dros blentyn anabl neu i blentyn anabl 16 neu 17 oed, yn lle gwasanaethau a fyddai fel arall wedi'u darparu ar eu cyfer gan yr awdurdod lleol o dan adran 17 o'r Ddeddf Plant.

Mae'r rheoliadau hyn yn pennu'r personau hynny na ellir sicrhau gwasanaethau oddi wrthynt drwy gyfrwng taliad uniongyrchol (rheoliad 2).

Mae'r rheoliadau hyn hefyd yn pennu uchafswm y cyfnodau mewn llety preswyl a all gael eu sicrhau drwy gyfrwng taliad uniongyrchol (rheoliad 3).

The Carers and Disabled Children Act 2000 inserts into the Children Act 1989 a new section (section 17A) enabling local authorities to make direct payments to persons with parental responsibility for a disabled child or to a disabled child aged 16 or 17, in lieu of services which would have otherwise been provided for them by the local authority under section 17 of the Children Act.

These regulations specify those persons from whom services may not be secured by means of a direct payment (regulation 2).

These regulations also specify the maximum periods of residential accommodation which may be secured by means of a direct payment (regulation 3).

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PERSONS, WALES****Rheoliadau Plant Anabl (Taliadau
Uniongyrchol) (Cymru)
2001****The Disabled Children (Direct
Payments) (Wales) Regulations
2001***Wedi'u gwneud* 12 Mehefin 2001
Yn dod i rym 1 Gorffennaf 2001*Made* 12th June 2001
Coming into force 1st July 2001

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddir gan adrannau 17A(3) a (4) a 104(4) o Ddeddf Plant 1989(a) drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred by sections 17A(3) and (4) and 104(4) of the Children Act 1989(a) hereby makes the following Regulations:

Enwi, cychwyn, dehongli a chymhwyso**Citation, commencement, interpretation and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Plant Anabl (Taliadau Uniongyrchol) (Cymru) 2001 a deuant i rym ar 1 Gorffennaf 2001.

1.-(1) These Regulations may be cited as the Disabled Children (Direct Payments) (Wales) Regulations 2001 and shall come into force on 1st July 2001.

(2) Yn y Rheoliadau hyn, ystyr "y Ddeddf" ("the Act") yw Ddeddf Plant 1989.

(2) In these Regulations "the Act" ("y Ddeddf") means the Children Act 1989.

(3) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) These Regulations apply to Wales only.

Personau na ellir sicrhau gwasanaethau oddi wrthynt drwy gyfrwng taliad uniongyrchol**Persons from whom services may not be secured by means of a direct payment**

2. -(1) Yn achos taliad uniongyrchol sy'n cael ei roi i berson sy'n dod o fewn adran 17A(2)(a) o'r Ddeddf, mae'r personau canlynol o ddisgrifiad rhagnodedig at ddibenion adran 17A(3) o'r Ddeddf -

2.-(1) In the case of a direct payment being made to a person falling within section 17A(2)(a) of the Act, the following persons are of a prescribed description for the purposes of section 17A(3) of the Act-

- (a) priod y talai;
- (b) person sy'n byw gyda'r talai fel priod i'r talai;

- (a) the spouse of the payee;
- (b) a person who lives with the payee as the payee's spouse;

(a) 1989 p.41; mewnosodwyd adran 17A gan adran 7(1) o Ddeddf Gofalwyr a Phlant Anabl 2000 (p.16) ("Deddf 2000"). O ran Cymru, cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Plant 1989 ("Deddf 1989") eu trosglwyddo i Gynulliad Cenedlaethol Cymru o dan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. O dan adran 7(2) o Ddeddf 2000, mae'r Gorchymyn hwnnw i gael ei drin fel pe bai'n cyfeirio at Ddeddf 1989 fel y'i diwygiwyd gan adran 7 o Ddeddf 2000. Yn adran 17A(3) o Ddeddf 1989 ystyr "prescribed", drwy gyfeirio at adran 105(1) o'r Ddeddf, yw wedi'i ragnodi gan reoliadau a wneir o dan y Ddeddf.

(a) 1989 c.41; section 17A was inserted by section 7(1) of the Carers and Disabled Children Act 2000 (c.16) ("the 2000 Act"). As regards Wales, the functions of the Secretary of State under the Children Act 1989 ("the 1989 Act") are transferred to the National Assembly for Wales under article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Under section 7(2) of the 2000 Act, that Order is to be treated as referring to the 1989 Act as amended by section 7 of the 2000 Act. In section 17A(3) of the 1989 Act "prescribed" means, by reference to section 105(1) of the Act, prescribed by regulations made under the Act.

- (c) person yn byw ar yr un aelwyd â'r talai sydd-
 - (i) yn rhiant neu'n rhiant-yng-nghyfraith;
 - (ii) yn fab neu'n ferch;
 - (iii) yn fab-yng-nghyfraith neu'n ferch-yng-nghyfraith;
 - (iv) yn llysfab neu'n llysfarch;
 - (v) yn frawd neu'n chwaer;
 - (vi) yn fodryb neu'n ewythr; neu
 - (vii) yn nain neu'n daid;

i'r talai;

- (ch) priod unrhyw berson a bennir yn is-baragraff (c) sy'n byw ar yr un aelwyd â'r talai; a

- (d) person sy'n byw gydag unrhyw berson a bennir yn is-baragraff (c) fel priod i'r person hwnnw.

(2) Yn achos taliad uniongyrchol sy'n cael ei roi i berson sy'n dod o fewn adran 17A(2)(b) o'r Ddeddf, mae'r personau canlynol o ddisgrifiad rhagnodedig at ddibenion adran 17A(3) o'r Ddeddf-

- (a) priod y talai;
- (b) person sy'n byw gyda'r talai fel priod i'r talai;
- (c) person yn byw ar yr un aelwyd â'r talai sydd -
 - (i) yn rhiant neu'n rhiant-yng-nghyfraith;
 - (ii) yn frawd neu'n chwaer;
 - (iii) yn fodryb neu'n ewythr;
 - (iv) yn nain neu'n daid;

i'r talai;

- (ch) priod unrhyw berson a bennir yn is-baragraff (c) sy'n byw ar yr un aelwyd â'r talai; a

- (d) person sy'n byw gydag unrhyw berson a bennir yn is-baragraff (c) fel priod i'r person hwnnw.

Uchafswm y cyfnod o lety preswyl a all gael ei sicrhau drwy gyfrwng taliad uniongyrchol

3. Ni fydd y pŵer i wneud taliad o dan adran 17A(1) o'r Ddeddf yn arferadwy mewn perthynas â darparu llety preswyl ar gyfer unrhyw blentyn anabl -

- (a) am gyfnod o fwy nag 28 diwrnod; a
- (b) mewn unrhyw gyfnod o 12 mis am gyfnodau sy'n gyfanswm o fwy na 120 o ddyddiau.

- (c) a person living in the same household as the payee who is the payee's-
 - (i) parent or parent-in-law;
 - (ii) son or daughter;
 - (iii) son-in-law or daughter-in-law;
 - (iv) stepson or stepdaughter;
 - (v) brother or sister;
 - (vi) aunt or uncle; or
 - (vii) grandparent;

- (d) the spouse of any person specified in sub-paragraph (c) who lives in the same household as the payee; and

- (e) a person who lives with any person specified in sub-paragraph (c) as that person's spouse.

(2) In the case of a direct payment being made to a person falling within section 17A(2)(b) of the Act, the following persons are of a prescribed description for the purposes of section 17A(3) of the Act-

- (a) the spouse of the payee;
- (b) a person who lives with the payee as the payee's spouse;
- (c) a person living in the same household as the payee who is the payee's-
 - (i) parent or parent-in-law;
 - (ii) brother or sister;
 - (iii) aunt or uncle; or
 - (iv) grandparent;

- (d) the spouse of any person specified in sub-paragraph (c) who lives in the same household as the payee; and

- (e) a person who lives with any person specified in sub-paragraph (c) as that person's spouse.

Maximum period of residential accommodation which may be secured by means of a direct payment

3. The power to make a payment under section 17A(1) of the Act shall not be exercisable in relation to the provision of residential accommodation for any disabled child-

- (a) for a period in excess of 28 days; and
- (b) in any period of 12 months for periods which exceed 120 days in total.

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

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

12 Mehefin 2001

12th June 2001

D. Elis-Thomas

Llywydd Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly for Wales

(a) 1998 p.38.

(a) 1998 c.38.

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