



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2354 (Cy.192) (C.80)

2001 No. 2354 (W.192) (C.80)

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Gorchymyn Deddf Safonau Gofal
2000 (Cychwyn Rhif 4)
(Cymru) 2001

The Care Standards Act 2000
(Commencement No. 4) (Wales)
Order 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn penodi 1 Gorffennaf 2001 yn ddiwrnod pan yw adran 98 o Ddeddf Safonau Gofal 2000 ('y Ddeddf') i ddod i rym mewn perthynas â Chymru.

This Order appoints 1st July 2001 as the day on which section 98 of the Care Standards Act 2000 ('the Act') is to come into force in relation to Wales.

Mae adran 98 o'r Ddeddf yn diwygio Deddf Amddiffyn Plant 1999 ('Deddf 1999'). Dyma yw effaith y diwygiadau:

Section 98 of the Act amends the Protection of Children Act 1999 ('the 1999 Act'). The effect of the amendments is:

- (a) caiff awdurdod lleol yng Nghymru gyfeirio unigolyn sy'n cael ei gyflogi neu wedi cael ei gyflogi i ddarparu gofal i blentyn at yr Ysgrifennydd Gwladol, at ddibenion ei swyddogaethau o dan adran 1 o Ddeddf 1999, pan yw'r awdurdod yn cyllido'r gofal hwnnw o dan adran 17A o Ddeddf Plant 1989 ('Deddf 1989')(a), os ydynt o'r farn bod yr unigolyn yn euog o gamymddwyn a niweidiodd blentyn, neu a roddodd blentyn mewn risg o niwed(b);
- (b) os yw person sy'n cyflogi neu'n bwriadu cyflogi unigolyn i ddarparu gofal i blentyn o dan adran 17A o Ddeddf 1989 yn gofyn i'r awdurdod lleol cyllido ddarganfod a yw'r unigolyn wedi'i gynnwys yn y rhestr a gedwir o dan adran 1 o Ddeddf 1999 (neu mewn rhestrau penodol

- (a) a local authority in Wales may refer to the Secretary of State, for the purposes of his functions under section 1 of the 1999 Act, an individual who is or has been employed to provide care to a child, where the authority funds that care under section 17A of the Children Act 1989 ('the 1989 Act')(a), if they consider that the individual has been guilty of misconduct which harmed, or placed at risk of harm, a child(b);
- (b) where a person who employs or proposes to employ an individual to provide care to a child under section 17A of the 1989 Act requests the funding local authority to ascertain whether the individual is included in the list kept under

(a) Mae adran 17A o Ddeddf 1989 yn caniatáu i awdurdodau gwasanaethau cymdeithasol mewn amgylchiadau penodol wneud taliadau uniongyrchol i berson sydd â gofal rhiant dros blentyn anabl neu i blentyn anabl 16 neu 17 oed mewn perthynas â sicrhau darpariaeth gwasanaethau ar gyfer y plentyn anabl o dan adran 17 o Ddeddf 1989 er mwyn diogelu a hybu eu lles. Mewn osodir adran 17A gan adran 7(1) o Ddeddf Gofalwyr a Phlant Anabl 2000 a fydd yn effeithiol o 1 Gorffennaf 2001 ymlaen mewn perthynas â Chymru.

(a) Section 17A of the 1989 Act permits social services authorities in certain circumstances to make direct payments to a person with parental responsibility for a disabled child or to a disabled child aged 16 or 17 in respect of their securing the provision of services for the disabled child under section 17 of the 1989 Act in order to safeguard and promote their welfare. Section 17A is inserted by section 7(1) of the Carers and Disabled Children Act 2000 with effect from 1st July 2001 in relation to Wales.

(b) O dan adran 1 o Ddeddf 1999 mae'r Ysgrifennydd Gwladol i gadw rhestr o bersonau y credir eu bod yn anaddas i weithio gyda phlant.

(b) Under section 1 of the 1999 Act the Secretary of State is to maintain a list of persons considered unsuitable to work with children.

eraill a grybwyllir yn adran 7 o Ddeddf 1999) rhaid i'r awdurdod lleol ddarganfod a yw'r unigolyn wedi'i gynnwys yn unrhyw un o'r rhestrau hynny;

- (c) os gofynnir i awdurdod lleol ddarganfod a yw unigolyn wedi'i gynnwys yn unrhyw un o'r rhestrau a grybwyllir yn (b) uchod mae'n ddigonol i'r awdurdod ei fodloni'i hun fod y corff a gyflenwodd yr unigolyn wedi darganfod, ar ddyddiad o fewn y deuddeg mis diwethaf, a oedd yr unigolyn wedi'i gynnwys felly os bydd yr awdurdod hefyd yn cael cadarnhad ysgrifenedig o'r ffeithiau a ddarganfuwyd gan y corff.

NODYN YNGHYLCH GORCHMYNION CYCHWYN BLAENOROL

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

Cafodd darpariaethau Deddf Safonau Gofal 2000 ('y Ddeddf') y gwneir cofnod ar eu cyfer yn y Tabl isod eu dwyn i rym mewn perthynas â Chymru ar y dyddiad a bennir ochr yn ochr â'u cofnod. Cafodd y darpariaethau hynny y dilynir eu cofnod ag '(a)' eu dwyn i rym gan O.S. 2000/2992 (Cy.192) (C.93); cafodd y rhai a ddilynir â '(b)' eu dwyn i rym gan O.S. 2001/139 (Cy.5) (C.7); a chafodd y rhai a ddilynir ag '(c)' eu dwyn i rym gan O.S. 2001/2190 (Cy.152) (C.70) .

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>
Adrannau 1-5 (c)	1 Gorffennaf 2001
Adran 7(7) (c)	1 Gorffennaf 2001
Adran 8 (yn rhannol) (c)	1 Gorffennaf 2001
Adran 9(3)-(5) (c)	1 Gorffennaf 2001
Adrannau 11-12 (yn rhannol) (c)	1 Gorffennaf 2001
Adrannau 14-15 (yn rhannol) (c)	1 Gorffennaf 2001
Adran 16 (c)	1 Gorffennaf 2001
Adrannau 22-23 (c)	1 Gorffennaf 2001
Adran 25 (c)	1 Gorffennaf 2001
Adrannau 33-35 (c)	1 Gorffennaf 2001
Adran 36 (yn rhannol) (c)	1 Gorffennaf 2001
Adran 38(c)	1 Gorffennaf 2001
Adran 40 (yn rhannol) (b)	1 Chwefror 2001
Adran 40 (y gweddill) (b)	28 Chwefror 2001
Adran 41 (b)	28 Chwefror 2001
Adrannau 42-43 (c)	1 Gorffennaf 2001
Adrannau 48-52 (c)	1 Gorffennaf 2001
Adran 54(1), (3)-(7) (a)	1 Ebrill 2001
Adran 55 & Atodlen 1 (a)	1 Ebrill 2001

section 1 of the 1999 Act (or certain other lists mentioned in section 7 of the 1999 Act) the local authority shall ascertain whether the individual is included in any of those lists;

- (c) where a local authority is required to ascertain whether an individual is included in any of the lists mentioned in (b) above it is sufficient for the authority to satisfy itself that, on a date within the last twelve months, the organisation which supplied the individual ascertained whether he or she was so included if the authority also obtains written confirmation of the facts as ascertained by the organisation.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Care Standards Act 2000 ('the Act') in respect of which an entry is made in the Table below were brought into force in relation to Wales on the date specified alongside their entry. Those provisions whose entry is followed by '(a)' were brought into force by S.I. 2000/2992 (W.192) (C.93); those followed by '(b)' were brought into force by S.I. 2001/139 (W.5) (C.7); and those followed by '(c)' were brought into force by S.I. 2001/2190 (W.152) (C.70) .

<i>Provision</i>	<i>Date of Commencement</i>
Sections 1-5 (c)	1st July 2001
Section 7(7) (c)	1st July 2001
Section 8 (partially) (c)	1st July 2001
Section 9(3)-(5) (c)	1st July 2001
Sections 11-12 (partially) (c)	1st July 2001
Sections 14-15 (partially) (c)	1st July 2001
Section 16 (c)	1st July 2001
Sections 22-23 (c)	1st July 2001
Section 25 (c)	1st July 2001
Sections 33-35 (c)	1st July 2001
Section 36 (partially) (c)	1st July 2001
Section 38(c)	1st July 2001
Section 40 (partially) (b)	1st February 2001
Section 40 (remainder) (b)	28th February 2001
Section 41 (b)	28th February 2001
Sections 42-43 (c)	1st July 2001
Sections 48-52 (c)	1st July 2001
Section 54(1), (3)-(7) (a)	1st April 2001
Section 55 & Schedule 1 (a)	1st April 2001

Adran 72 & Atodlen 2 (a)	13 Tachwedd 2000	Section 72 & Schedule 2 (a)	13th November 2000
Adran 79(1) (yn rhannol) (c)	1 Gorffennaf 2001	Section 79(1) (partially) (c)	1st July 2001
Adran 79(2) ac Atodlen 3 (yn rhannol) (c)	1 Gorffennaf 2001	Section 79(2) & Schedule 3 (partially) (c)	1st July 2001
Adran 79(3),(4) (c)	1 Gorffennaf 2001	Section 79(3),(4) (c)	1st July 2001
Adrannau 107-108 (c)	1 Gorffennaf 2001	Sections 107-108 (c)	1st July 2001
Adran 112 (c)	1 Gorffennaf 2001	Section 112 (c)	1st July 2001
Adran 113 (2)-(4) (a)	1 Ebrill 2001	Section 113 (2)-(4) (a)	1st April 2001
Adran 114 (yn rhannol) (a)	1 Ebrill 2001	Section 114 (partially) (a)	1st April 2001
Adran 114 (y gweddill) (c)	1 Gorffennaf 2001	Section 114 (remainder) (c)	1st July 2001
Adran 115 (c)	1 Gorffennaf 2001	Section 115 (c)	1st July 2001
Adran 116 ac Atodlen 4 (yn rhannol) (b)	28 Chwefror 2001	Section 116 & Schedule 4 (partially) (b)	28th February 2001
Adran 116 ac Atodlen 4 (yn rhannol) (c)	1 Gorffennaf 2001	Section 116 & Schedule 4 (partially) (c)	1st July 2001
Adran 117(1) ac Atodlen 5 (yn rhannol) (c)	1 Gorffennaf 2001	Section 117(1) & Schedule 5 (partially) (c)	1st July 2001

Cafodd darpariaethau'r Ddeddf y gwneir cofnod ar eu cyfer yn y Tabl isod eu dwyn i rym gan O.S. 2000/2544 (C.72) mewn perthynas â Chymru, yn ogystal ag mewn perthynas â Lloegr, ar y dyddiad a bennir ochr yn ochr â'u cofnod.

The provisions of the Act in respect of which an entry is made in the Table below have been brought into force by S.I. 2000/2544 (C.72) in relation to Wales, as well as in relation to England, on the date specified alongside their entry.

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>
Adran 80(8)	2 Hydref 2000
Adran 94	2 Hydref 2000
Adran 96 (yn rhannol)	15 Medi 2000
Adran 96 (y gweddill)	2 Hydref 2000
Adran 99	15 Medi 2000
Adran 100	2 Hydref 2000
Adran 101	2 Hydref 2000
Adran 103	2 Hydref 2000
Adran 116 ac Atodlen 4 (yn rhannol)	2 Hydref 2000
Adran 117(2) ac Atodlen 6 (yn rhannol)	2 Hydref 2000

<i>Provision</i>	<i>Date of Commencement</i>
Section 80(8)	2nd October 2000
Section 94	2nd October 2000
Section 96 (partially)	15th September 2000
Section 96 (remainder)	2nd October 2000
Section 99	15th September 2000
Section 100	2nd October 2000
Section 101	2nd October 2000
Section 103	2nd October 2000
Section 116 & Schedule 4 (partially)	2nd October 2000
Section 117(2) & Schedule 6 (partially)	2nd October 2000

Yn ychwanegol, mae amryw o ddarpariaethau eraill y Ddeddf wedi'u dwyn i rym mewn perthynas â Lloegr gan yr Offerynnau Statudol canlynol: O.S. 2000/2795 (C.79); O.S. 2001/290 (C.17); O.S. 2001/731 (C.26); O.S. 2001/952 (C.35); O.S. 2001/1210 (C.41); O.S. 2001/1536 (C.55); O.S. 2001/2041 (C.68).

In addition various other provisions of the Act have been brought into force in relation to England by the following Statutory Instruments: S.I. 2000/2795 (C.79); S.I. 2001/290 (C.17); S.I. 2001/731 (C.26); S.I. 2001/952 (C.35); S.I. 2001/1210 (C.41); S.I. 2001/1536 (C.55); S.I. 2001/2041 (C.68).

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(Commencement No. 4) (Wales)
Order 2001**

Wedi'i wneud

29 Mehefin 2001

Made

29th June 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddir gan adran 122 o Ddeddf Safonau Gofal 2000(a):

The National Assembly for Wales makes the following Order in exercise of the powers conferred by section 122 of the Care Standards Act 2000(a):

Enwi a dehongli

Citation and interpretation

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Safonau Gofal 2000 (Cychwyn Rhif 4) (Cymru) 2001.

1.-(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 4) (Wales) Order 2001.

(2) Yn y Gorchymyn hwn -

(2) In this Order -

ystyr "y Ddeddf" (*"the Act"*) yw Deddf Safonau Gofal 2000.

"the Act" (*"y Ddeddf"*) means the Care Standards Act 2000.

Y diwrnod penodedig

Appointed day

2. 1 Gorffennaf 2001 yw'r diwrnod penodedig i adran 98 o'r Ddeddf (cyllido unigolion sy'n darparu gofal drwy daliadau uniongyrchol) ddod i rym mewn perthynas â Chymru.

2. 1st July 2001 is the day appointed for section 98 of the Act (individuals providing care funded by direct payments) to come into force in relation to Wales.

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

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

29 Mehefin 2001

29th June 2001

Rhodri Morgan

Prif Ysgrifennydd Cynulliad Cenedlaethol Cymru

First Secretary of the National Assembly for Wales

(a) 2000 c.14. Mae'r pŵer yn arferadwy gan y Gweinidog priodol. Diffinnir y Gweinidog priodol yn adran 121(1). Mewn perthynas â Chymru mae'n golygu Cynulliad Cenedlaethol Cymru; mewn perthynas â Lloegr, yr Alban a Gogledd Iwerddon mae'n golygu'r Ysgrifennydd Gwladol.

(a) 2000 c.14. The power is exercisable by the appropriate Minister. The appropriate Minister is defined in section 121(1). It means the National Assembly for Wales in relation to Wales; in relation to England, Scotland and Northern Ireland it means the Secretary of State.

(b) 1998 p.38.

(b) 1998 c.38.

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