



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2782 (Cy.235) (C.92)

2001 No. 2782 (W.235)(C.92)

**COMISIYNYDD PLANT,
CYMRU**

**CHILDREN'S
COMMISSIONER, WALES**

**Gorchymyn Deddf Safonau Gofal
2000 (Cychwyn Rhif 7) (Cymru)
2001**

**The Care Standards Act 2000
(Commencement No. 7) (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 diwrnod i ddarpariaethau penodol yn Neddf Safonau Gofal 2000 ("Deddf 2000") ddod i rym ynghylch Comisiynydd Plant Cymru ("y Comisiynydd"). Mewnosodir rhai o'r darpariaethau gan Ddeddf Comisiynydd Plant Cymru 2001 ("Deddf 2001") y mae Gorchymyn Deddf Comisiynydd Plant Cymru 2001 (Cychwyn) yn gymwys iddi.

This Order appoints a day for certain provisions of the Care Standards Act 2000 ("the 2000 Act") to come into force concerning the Children's Commissioner for Wales ("the Commissioner"). Some of the provisions are inserted by the Children's Commissioner for Wales Act 2001 ("the 2001 Act") to which the Children's Commissioner for Wales Act 2001 (Commencement) Order 2001 applies.

26 Awst 2001 yw'r diwrnod penodedig i ddarpariaethau canlynol y Ddeddf ddod i rym:

26th August 2001 is the day appointed for the following provisions of the 2000 Act to come into force:

- (a) Adran 72A, a fewnosodwyd gan Ddeddf 2001, sy'n darparu mai diogelu a hybu hawliau a lles plant y mae Rhan V o Ddeddf 2000 yn gymwys iddynt yw prif nod y Comisiynydd wrth arfer ei swyddogaethau;
- (b) Adran 72B, a fewnosodwyd gan Ddeddf 2001, sy'n galluogi'r Comisiynydd i adolygu yr effaith ar blant a gâi arfer unrhyw swyddogaeth sydd gan Gynulliad Cenedlaethol Cymru ("y Cynulliad") neu sydd gan unrhyw berson a grybwyllir yn Atodlen 2A i Ddeddf 2000, fel y'i mewnosodwyd gan Ddeddf 2001;
- (c) Adran 73, fel y'i diwygir gan Ddeddf 2001, sy'n galluogi'r Comisiynydd i adolygu a monitro sut mae trefniadau ar gyfer cŵynion, eiriolaeth a chwythu'r chwiban yn cael eu gweithredu gan ddarparwyr gwasanaethau

- (a) Section 72A, inserted by the 2001 Act, which provides that the principal aim of the Commissioner in exercising his or her functions is to safeguard and promote the rights and welfare of children to whom Part V of the 2000 Act applies;
- (b) Section 72B, inserted by the 2001 Act, which enables the Commissioner to review the effect on children of the exercise of any function of the National Assembly for Wales ("the Assembly") or of persons mentioned in Schedule 2A to the 2000 Act, as inserted by the 2001 Act;
- (c) Section 73, as amended by the 2001 Act, which enables the Commissioner to review and monitor the operation of, and assess the effect of failure to make, arrangements for complaints, advocacy and whistleblowing by

- plant a reoleiddir o dan Ddeddf 2000, y Cynulliad, personau a grybwyllir yn Atodlen 2B i Ddeddf 2000, fel y'i mewnosodwyd gan Ddeddf 2001, a phersonau penodol eraill, ac i asesu effaith methiant i wneud trefniadau o'r fath;
- (ch) Adran 74, fel y'i diwygiwyd gan Ddeddf 2001, sy'n galluogi'r Cynulliad i wneud rheoliadau ac sy'n gwneud darpariaeth arall am archwilio achosion penodol gan y Comisiynydd;
- (d) Adran 75, sy'n galluogi'r Comisiynydd i ardystio tramgwydd i'r Uchel Lys yn achos ymddygiad rhwystrol penodol;
- (dd) Adran 75A, fel y'i mewnosodwyd gan Ddeddf 2001, sy'n ymwneud â phŵer y Comisiynydd i ystyried unrhyw fater sy'n effeithio ar hawliau neu les plant yng Nghymru, a chyflwyno sylw i'r Cynulliad yn eu cylch;
- (e) Adran 76, fel y'i diwygiwyd gan Ddeddf 2001, sy'n galluogi'r Cynulliad i wneud rheoliadau ynghylch cymorth ariannol a chymorth arall y gall y Comisiynydd ei roi mewn achosion penodol, ac ynghylch adroddiadau a phwerau a dyletswyddau eraill y gall y Cynulliad eu rhoi o dan Ran V o Ddeddf 2000. Mae adran 76 hefyd yn galluogi'r Comisiynydd i roi cyngor a gwybodaeth i unrhyw un mewn cysylltiad â'i swyddogaethau, ac yn ymdrin ag enwi unigolion mewn adroddiadau ac yn rhoi braint absoliwt ar gynnwys adroddiadau'r Comisiynydd;
- (f) Adran 77, sy'n darparu ar gyfer cyfyngu ar swyddogaethau'r Comisiynydd mewn perthynas ag achosion penodol ac mewn perthynas â swyddogaethau personau a ragnodir gan reoliadau a wneir gan y Cynulliad;
- (ff) Adran 78, fel y'i diwygiwyd gan Ddeddf 2001, sy'n cynnwys darpariaethau dehongli ac sy'n galluogi'r Cynulliad i wneud rheoliadau sy'n estyn ychydig ar awdurdodaeth y Comisiynydd mewn perthynas â phlant penodol;
- (g) Atodlenni 2A a 2B a grybwyllir uchod, fel y'u mewnosodwyd gan Ddeddf 2001; ac
- (h) Paragraff 3 o Atodlen 5 sy'n gwneud darpariaeth drosiannol sy'n ymdrin â chyfeiriadau at ddarparwyr a gwasanaethau fel cyfeiriadau at ddarparwyr a gwasanaethau a fyddai'n cael eu rheoleiddio yn unol â Deddf 2000, pe bai rhai o ddarpariaethau eraill Deddf 2000 mewn grym.
- providers of children's services regulated under the 2000 Act, the Assembly, persons mentioned in Schedule 2B to the 2000 Act, as inserted by the 2001 Act, and certain other persons;
- (d) Section 74, as amended by the 2001 Act, which enables the Assembly to make regulations and makes other provision about examinations of particular cases by the Commissioner;
- (e) Section 75, which enables the Commissioner to certify an offence to the High Court in the case of certain obstructive behaviour;
- (f) Section 75A, as inserted by the 2001 Act, which concerns the Commissioner's power to consider, and make representations to the Assembly about, any matter affecting the rights or welfare of children in Wales;
- (g) Section 76, as amended by the 2001 Act, which enables the Assembly to make regulations about financial and other assistance which the Commissioner may provide in certain cases, and about reports and other powers and duties which the Assembly may give the Commissioner in connection with his functions under Part V of the 2000 Act. Section 76 also enables the Commissioner to give advice and information to anyone, in connection with his functions, deals with the naming of individuals in reports and confers absolute privilege on the contents of the Commissioner's reports;
- (h) Section 77, which provides for restrictions on the Commissioner's functions in relation to certain proceedings and in relation to the functions of persons prescribed by regulations made by the Assembly;
- (i) Section 78, as amended by the 2001 Act, which contains interpretation provisions and enables the Assembly to make regulations slightly extending the Commissioner's jurisdiction in relation to certain children;
- (j) Schedules 2A and 2B mentioned above, as inserted by the 2001 Act; and
- (k) Paragraph 3 of Schedule 5 which makes transitional provision treating references to providers and services as references to providers and services which would be regulated pursuant to the 2000 Act, if certain other provisions of the 2000 Act were in force.

**NODYN YNGHYLCH GORCHMYNION
CYCHWYN BLAENOROL**

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

Mae darpariaethau Deddf Safonau Gofal 2000 ('y Ddeddf') y gwneir cofnod ar eu cyfer yn y Tabl isod wedi'u dwyn i rym neu i'w dwyn i rym mewn perthynas â Chymru ar y dyddiad a bennir ochr yn ochr â'u cofnod drwy orchymynion cychwyn sydd wedi'u gwneud cyn dyddiad y Gorchymyn hwn. 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); cafodd y rhai a ddilynir ag '(c)' eu dwyn i rym gan O.S. 2001/2190 (Cy.152) (C.70); cafodd y rhai a ddilynir ag '(ch)' eu dwyn i rym gan O.S. 2001/2354(Cy.192) (C.80); cafodd y rhai a ddilynir â '(d)' eu dwyn i rym gan O.S. 2001/ 2504(Cy.205) (C.82); a chafodd y rhai a ddilynir â '(dd)' eu dwyn i rym gan O.S. 2001/2538(Cy.213) (C.83).

**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 have been, or are to be, brought into force in relation to Wales on the date specified alongside their entry by commencement orders made before the date of this Order. 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); those followed by '(c)' were brought into force by S.I. 2001/2190(W.152) (C.70); those followed by '(d)' were brought into force by S.I. 2001/2354(W.192) (C.80); those followed by '(e)' were brought into force by S.I. 2001/2504 (W.205) (C.82) and those followed by '(f)' were brought into force by S.I. 2001/2538 (W.213)(C. 83)

<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 39 (yn rhannol) (d)	31 Gorffennaf 2001
Adran 39 (y gweddill) (d)	31 Awst 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

<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 39 (partially) (e)	31st July 2001
Section 39 (remainder) (e)	31st August 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)	13th November 2001

Adran 55 ac Atodlen 1 (a)	13 Tachwedd 2001
Adran 63 (dd)	31 Gorffennaf 2001
Adran 66 (dd)	31 Gorffennaf 2001
Adran 67 (dd)	1 Hydref 2001
Adran 70(1) (dd)	1 Hydref 2001
Adran 71 (dd)	31 Gorffennaf 2001
Adran 72 ac Atodlen 2 (a)	1 Ebrill 2001
Adran 79(1) (yn rhannol) (c)	1 Gorffennaf 2001
Adran 79(2) ac Atodlen 3 (yn rhannol) (c)	1 Gorffennaf 2001
Adran 79(3),(4) (c)	1 Gorffennaf 2001
Adran 98 (ch)	1 Gorffennaf 2001
Adrannau 107-108 (c)	1 Gorffennaf 2001
Adran 112 (c)	1 Gorffennaf 2001
Adran 113 (2)-(4) (a)	1 Ebrill 2001
Adran 114 (yn rhannol) (a)	1 Ebrill 2001
Adran 114 (y gweddill) (c)	1 Gorffennaf 2001
Adran 115 (c)	1 Gorffennaf 2001
Adran 116 ac Atodlen 4 (yn rhannol) (b)	1 Gorffennaf 2001
Adran 116 ac Atodlen 4 (yn rhannol) (b)	1 Gorffennaf 2001
Adran 117(1) ac Atodlen 5 (yn rhannol) (c)	1 Gorffennaf 2001

Section 63 (f)	31st July 2001
Section 66 (f)	31st July 2001
Section 67 (f)	1st October 2001
Section 70(1) (f)	1st October 2001
Section 71 (f)	31st July 2001
Section 72 & Schedule 2 (a)	1st April 2001
Section 79(1) (partially) (c)	1st July 2001
Section 79(2) & Schedule 3 (partially) (c)	1st July 2001
Section 79(3),(4) (c)	1st July 2001
Section 98 (d)	1st July 2001
Sections 107-108 (c)	1st July 2001
Section 112 (c)	1st July 2001
Section 113 (2)-(4) (a)	1st April 2001
Section 114 (partially) (a)	1st April 2001
Section 114 (remainder) (c)	1st July 2001
Section 115 (c)	1st July 2001
Section 116 & Schedule 4 (partially) (b)	28th February 2001
Section 116 & Schedule 4 (partially) (b)	1st July 2001
Section 117(1) & Schedule 5 (partially) (c)	1st July 2001

Mae darpariaethau'r Ddeddf y gwneir cofnod ar eu cyfer yn y Tabl isod wedi'u 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.

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>
Adran 80(8)	2 Hydref 2001
Adran 94	2 Hydref 2001
Adran 96 (yn rhannol)	15 Medi 2001
Adran 96 (y gweddill)	2 Hydref 2001
Adran 99	15 Medi 2001
Adran 100	2 Hydref 2001
Adran 101	2 Hydref 2001
Adran 103	2 Hydref 2001
Adran 116 ac Atodlen 4 (yn rhannol)	2 Hydref 2001
Adran 117(2) ac Atodlen 6 (yn rhannol)	2 Hydref 2001

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. 2001/1210 (C.41); O.S. 2001/1536 (C.55); a O.S 2001/2041 (C.68).

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>Provision</i>	<i>Date of Commencement</i>
Section 80(8)	2nd October 2001
Section 94	2nd October 2001
Section 96 (partially)	15th September 2001
Section 96 (remainder)	2nd October 2001
Section 99	15th September 2001
Section 100	2nd October 2001
Section 101	2nd October 2001
Section 103	2nd October 2001
Section 116 & Schedule 4 (partially)	2nd October 2001
Section 117(2) & Schedule 6 (partially)	2nd October 2001

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. 2001/1210 (C.41); S.I. 2001/1536 (C.55); and S.I. 2001/2041 (C.68).

2001 Rhif 2782 (Cy.235) (C.92)**2001 No. 2782 (W.235)(C.92)****COMISIYNYDD PLANT,
CYMRU****CHILDREN'S
COMMISSIONER, WALES**

Gorchymyn Deddf Safonau Gofal
2000 (Cychwyn Rhif 7) (Cymru)
2001

The Care Standards Act 2000
(Commencement No. 7) (Wales)
Order 2001

*Wedi'i wneud**25 Gorffennaf 2001**Made**25th July 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

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Safonau Gofal 2000 (Cychwyn Rhif 7) (Cymru) 2001.

(2) Yn y Gorchymyn hwn -ystyr "y Ddeddf" ("*the Act*") yw Deddf Safonau Gofal 2000.

Citation and interpretation

1. -(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 7) (Wales) Order 2001.

(2) In this Order "the Act" ("*y Ddeddf*") means the Care Standards Act 2000.

Y diwrnod penodedig

2. -(1) 26 Awst 2001 yw'r diwrnod penodedig ar gyfer dwyn darpariaethau'r Ddeddf a bennir ym mharagraff (2) i rym mewn perthynas â Chymru.

Appointed day

2. -(1) 26th August 2001 is the appointed day for the coming into force in relation to Wales of the provisions of the Act specified in paragraph (2).

(2) Dyma'r darpariaethau -

- (a) Adran 72A (prif nod y Comisiynydd);
- (b) Adran 72B (adolygu arfer swyddogaethau gan y Cynulliad a chan bersonau eraill);
- (c) Adran 73 (adolygu a monitro trefniadau);
- (ch) Adran 74 (archwilio achosion);
- (d) Adran 75 (rhwystro etc.);
- (dd) Adran 75A (pŵer ychwanegol i ystyried a chynrychioli);
- (e) Adran 76 (swyddogaethau pellach);
- (f) Adran 77 (cyfyngiadau);
- (ff) Adran 78 (dehongli);
- (g) Atodlen 2A (personau sy'n destun adolygiad gan y Comisiynydd o dan Adran 72B);

(2) The provisions are -

- (a) Section 72A (principal aim of the Commissioner);
- (b) Section 72B (review of exercise of functions of Assembly and other persons);
- (c) Section 73 (review and monitoring of arrangements);
- (d) Section 74 (examination of cases);
- (e) Section 75 (obstruction etc.);
- (f) Section 75A (additional power of consideration and representation);
- (g) Section 76 (further functions);
- (h) Section 77 (restrictions);
- (i) Section 78 (interpretation);

(a) 2000 p.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. Mewnosodwyd adrannau 72A, 72B, 75A ac Atodlenni 2A a 2B a diwygiwyd adrannau 73, 74, 76 a 78 gan Ddeddf Comisiynydd Plant Cymru 2001 (p.18).

(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. Sections 72A, 72B, 75A and Schedules 2A and 2B were inserted by and section 73, 74, 76 and 78 were amended by the Children's Commissioner for Wales Act 2001(c.18).

- (ng) Atodlen 2B (personau y mae eu trefniadau'n destun adolygiad gan y Comisiynydd o dan Adran 73)
- (h) Paragraff 3 o Atodlen 5 (darpariaethau trosiannol ac eithriadau) ac adran 117(1) i'r graddau y mae'n ymwneud ag ef.

- (j) Schedule 2A (persons subject to review by the Commissioner under section 72B);
- (k) Schedule 2B (persons whose arrangements are subject to review by the Commissioner under section 73)
- (l) Paragraph 3 of Schedule 5 (transitional provisions and savings) and section 117 (1) so far as it relates thereto.

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)

25 Gorffennaf 2001

25th July 2001

Rhodri Morgan

Prif Weinidog Cynulliad Cenedlaethol Cymru

The First Minister of the National Assembly for Wales

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2782 (Cy.235) (C.92)

**COMISIYNYDD PLANT,
CYMRU**

**Gorchymyn Deddf Safonau Gofal
2000 (Cychwyn Rhif 7) (Cymru)
2001**

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**CHILDREN'S
COMMISSIONER, WALES**

**The Care Standards Act 2000
(Commencement No. 7) (Wales)
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