



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 2935 (Cy.277)

2002 No. 2935 (W.277)

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

Rheoliadau Deddf Plant 1989 a
Deddf Safonau Gofal 2000
(Rheoliadau Amrywiol) (Diwygio)
(Cymru) (Rhif 2)
2002

The Children Act 1989 and the
Care Standards Act 2000
(Miscellaneous Regulations)
(Amendment) (Wales) (No.2)
Regulations 2002

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys mewn perthynas â Chymru, yn gwneud diwygiadau amrywiol i nifer o Reoliadau sy'n rheoli lleoli, gofal a llety plant sy'n derbyn gofal gan awdurdodau lleol wrth arfer eu swyddogaethau o dan Ddeddf Plant 1989 ('Deddf 1989'), ac i nifer o Reoliadau a wnaed o dan Ddeddf Safonau Gofal 2000 ('Deddf 2000').

These Regulations, which apply in relation to Wales, make miscellaneous amendments to a number of Regulations which govern the placement, care and accommodation of children looked after by local authorities in the exercise of their functions under the Children Act 1989 ('the 1989 Act'), and to a number of Regulations made under the Care Standards Act 2000 ('the 2000 Act').

Caiff Rheoliadau Deddf 1989 eu diwygio o ganlyniad i weithredu Rhan II o Ddeddf 2000 mewn perthynas â chartrefi plant a chartrefi gofal. Gwneir hefyd amryw o fân ddiwygiadau a diwygiadau diweddarau eraill.

The 1989 Act Regulations are amended as a consequence of the implementation of Part II of the 2000 Act in respect of children's homes and care homes. Various other minor and updating amendments are also made.

Caiff Rheoliadau Deddf 2000 eu diwygio er mwyn unioni mân wall drafftio, ac yn ogystal: (i) mewn perthynas â Rheoliadau Cartrefi Gofal (Cymru) 2002, i eglurhau nad yw sefydliad yn gartref gofal at ddibenion Rhan II o Ddeddf 2000 pan mai dim ond llety ynghyd â gofal i blant fu gynt yn blant maeth i'r person sy'n ei weithredu y mae'n eu darparu; a (ii) mewn perthynas â Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002, i hepgor y gofyniad bod raid i awdurdod lleol neu Ymddiriedolaeth GIG gyflenwi tystlythyr ariannol i gydfynd â chais i gofrestru o dan Ran II o Ddeddf Safonau Gofal 2000.

The 2000 Act Regulations are amended to remedy a minor drafting error, and also: (i) in respect of the Care Homes (Wales) Regulations 2002, to clarify that where an establishment only provides care together with accommodation to certain ex-foster children of the person carrying it on it is not a care home for the purposes of Part II of the 2000 Act; and (ii) in respect of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002, to omit the requirement that a local authority or a NHS Trust must supply a financial reference to accompany an application for registration under Part II of the Care Standards Act 2000.

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The Children Act 1989 and the
Care Standards Act 2000
(Miscellaneous Regulations)
(Amendment) (Wales) (No.2)
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Wedi'u gwneud 27 Tachwedd 2002

Made 27th November 2002

Yn dod i rym 31 Rhagfyr 2002

Coming into force 31st December 2002

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 23(2)(a) ac (f), (5) a (9), 23A(3), 25(2) a (7), 26(1), (2), (5) a (6), 51(4), 59(2) i (5) a 104(4) o Ddeddf Plant 1989(a) a pharagraffau 13 a 14 o Atodlen 2, paragraff 4(1)(a) o Atodlen 4, paragraff 7(1)(a) o Atodlen 5, a pharagraff 10(1)(a) a (2)(1) o Atodlen 6 iddi, ac adrannau 3(3), 12(2)(a), 16(1)(a) a (3), 22(1) a 118(6) o'r Ddeddf Safonau Gofal(b) ac yntau o'r farn nad yw'r Rheoliadau hyn yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wnaed gan reoliadau eraill a wnaed o dan adran 22 o Ddeddf 2000(c) drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 23(2)(a) and (f), (5) and (9), 23A(3), 25(2) and (7), 26(1), (2), (5) and (6), 51(4), 59(2) to (5) and 104(4) of, and paragraphs 13 and 14 of Schedule 2, paragraph 4(1)(a) of Schedule 4, paragraph 7(1)(a) of Schedule 5, and paragraph 10(1)(a) and (2)(1) of Schedule 6 to, the Children Act 1989(a) and sections 3(3), 12(2)(a), 16(1)(a) and (3), 22(1) and 118(6) of the Care Standards Act(b) being of the opinion that these Regulations do not effect any substantial change in the provision made by other regulations made under section 22 of the 2000 Act(c) hereby makes the following Regulations:

(a) 1989 p.41. Mae'r pwerau wedi eu rhoi i'r Ysgrifennydd Gwladol. Maent yn arferadwy gan Gynulliad Cenedlaethol Cymru mewn perthynas â Chymru drwy rinwedd adran 22(1) o Ddeddf Llywodraeth Cymru 1998 (p.38), ac erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) a'r cofnod mewn perthynas â Deddf Plant 1989 yn atodlen 1 iddi ac, mewn perthynas â'r pŵer o dan adran 23A o Ddeddf 1989, gan adran 8(7) o Ddeddf Plant (Ymadael â Gofal) 2000 (p.35). *Gweler* adran 105(1) o Ddeddf 1989 am y diffiniad o "prescribed".

(a) 1989 c.41. The powers are conferred upon the Secretary of State. They are exercisable by the National Assembly for Wales in relation to Wales by virtue of section 22(1) of the Government of Wales Act 1998 (c.38), and article 2 of, and the entry in respect of the Children Act 1989 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and, in respect of the power under section 23A of the 1989 Act, by section 8(7) of the Children (Leaving Care) Act 2000 (c.35). *See* section 105(1) of the 1989 Act for the definition of "prescribed".

(b) 2000 p.14. Mae'r pwerau wedi'u rhoi i'r "appropriate Minister". Ystyr "appropriate Minister" yw'r Cynulliad mewn perthynas â Chymru: a.121(1) o Ddeddf 2000. Ystyr "Cynulliad" yw Cynulliad Cenedlaethol Cymru: adran 5(b) o Ddeddf 2000. Mewn perthynas â Lloegr, yr Alban a Gogledd Iwerddon ystyr "appropriate Minister" yw'r Ysgrifennydd Gwladol: adran 121(1) o Ddeddf 2000. *Gweler* adran 121(1) o Ddeddf 2000 ar gyfer y diffiniadau o "regulations" a "prescribed".

(b) 2000 c.14. The powers are conferred upon the "appropriate Minister". "appropriate Minister" means the Assembly in relation to Wales: s.121(1) of the 2000 Act. "Assembly" means the National Assembly for Wales: section 5(b) of the 2000 Act. In relation to England, Scotland and Northern Ireland "appropriate Minister" means the Secretary of State: section 121(1) of the 2000 Act. *See* section 121(1) of the 2000 Act for the definitions of "regulations" and "prescribed".

(c) O dan adran 22(9) o Ddeddf 2000 bydd y Gweinidog priodol yn ymgynghori ag unrhyw berson y mae'n ei ystyried yn briodol cyn gwneud unrhyw reoliadau o dan adran 22, oni bai fod y rheoliadau yn diwygio rheoliadau eraill a wnaed o dan yr adran honno ac nad yw'r rheoliadau yn ei farn ef yn rhoi effaith i unrhyw newidiadau o bwys yn y ddarpariaeth a wnaed gan y rheoliadau hynny. Mae'r Rheoliadau hyn yn diwygio rheoliadau eraill a wnaed o dan adran 22: *gweler* rheoliad 2.

(c) Under section 22(9) of the 2000 Act the appropriate Minister shall consult any person he considers appropriate before making any regulations under section 22, unless the regulations amend other regulations made under that section and in his opinion the regulations do not effect any substantial change in the provision made by those regulations. These Regulations amend other regulations made under section 22: *see* regulation 2.

Enwi, cychwyn, cymhwyso a dehongli

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Plant 1989 a Deddf Safonau Gofal 2000 (Rheoliadau Amrywiol) (Diwygio) (Cymru) (Rhif 2) 2002, a deuant i rym ar 31 Rhagfyr 2002.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru.

(3) Yn y Rheoliadau hyn-

ystyr "cartref" ("*home*") yw-

- (a) cartref cymunedol o fewn ystyr adran 53 o Ddeddf 1989;
- (b) cartref a gofrestrwyd o dan Ran VIII o Ddeddf 1989(a);
- (c) cartref a gofrestrwyd mewn cofrestr a gadwyd at ddibenion adran 60 o Ddeddf 1989(b);
- (ch) cartref y cyfeirir ato yn erthygl 3(9) o Orchymyn Cychwyn Rhif 8(c);
- (d) cartref gofal preswyl o fewn ystyr adran 1(1) o Ddeddf 1984, cartref nyrsio o fewn ystyr adran 21 o Ddeddf 1984, a chartref nyrsio meddwl o fewn ystyr adran 22 o Ddeddf 1984(ch);

ystyr "Deddf 1984" ("*1984 Act*") yw Deddf Cartrefi Cofrestredig 1984(d);

ystyr "Deddf 1989" ("*1989 Act*") yw Deddf Plant 1989;

ystyr "Deddf 2000" ("*2000 Act*") yw Deddf Safonau Gofal 2000;

ystyr "Gorchymyn Cychwyn Rhif 8" ("*the No.8 Commencement Order*") yw Gorchymyn Deddf Safonau Gofal 2000 (Cychwyn Rhif 8 (Cymru) a Darpariaethau Trosiannol, Arbedion a Chanlyniadol) 2002(e).

(a) Diddymwyd darpariaethau Rhan VIII o Ddeddf 1989 ynghylch cofrestru rhai cartrefi plant gan adran 117(2) o Ddeddf 2000, ac Atodlen 6 iddi, yn ddarostyngedig i'r darpariaethau trosiannol yn erthygl 3 o Orchymyn Cychwyn Rhif 8.

(b) Diddymwyd darpariaethau adran 60 o Ddeddf 1989 sy'n ymwneud â chofrestru cartrefi plant gwirfoddol gan adran 117(2) o Ddeddf 2000, ac Atodlen 6 iddi, yn ddarostyngedig i'r darpariaethau trosiannol yn erthygl 3 o Orchymyn Cychwyn Rhif 8.

(c) Mae erthygl 3(9) yn gymwys i rai cartrefi plant nad oeddent ar 1 Ebrill 2002 wedi'u cofrestru o dan Ran VIII o Ddeddf 1989, ond mewn perthynas â hwy, trwy rinwedd erthygl 3(1) o Orchymyn Deddf Safonau Gofal 2000 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) 2001 (O.S. 2001/139), yr oedd y person a oedd yn gweithredu'r cartref wedi'i ddioglu rhag cyflawni'r drosedd o dan adran 63(10) o Ddeddf 1989 o weithredu cartref plant anghofrestredig. Deddfodd O.S. 2001/139 ddarpariaethau trosiannol mewn perthynas â chychwyn adran 40 o Ddeddf 2000, a oedd yn diwygio adran 63 o Ddeddf 1989 er mwyn gwaredu'r esemptiad o'r gofyniad i gofrestru o dan yr adran honno mewn perthynas â chartrefi plant sy'n lletya tri phlentyn neu lai.

(ch) Diddymwyd Deddf 1984 gan adran 117(2) o Ddeddf 2000, ac Atodlen 6 iddi, yn ddarostyngedig i'r darpariaethau trosiannol yn erthygl 3 o Orchymyn Cychwyn Rhif 8.

(d) 1984 p.24.

(e) O.S. 2002/920.

Citation, commencement, application and interpretation

1.-(1) These Regulations may be cited as the Children Act 1989 and the Care Standards Act 2000 (Miscellaneous Regulations) (Amendment) (Wales) (No.2) Regulations 2002, and shall come into force on 31st December 2002.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations-

"1984 Act" ("*Deddf 1984*") means the Registered Homes Act 1984(a);

"1989 Act" ("*Deddf 1989*") means the Children Act 1989;

"2000 Act" ("*Deddf 2000*") means the Care Standards Act 2000;

"home" ("*cartref*") means-

- (a) a community home within the meaning of section 53 of the 1989 Act;
- (b) a home that was registered under Part VIII of the 1989 Act(b);
- (c) a home that was registered in a register kept for the purposes of section 60 of the 1989 Act(c);
- (d) a home referred to in article 3(9) of the No.8 Commencement Order (d);
- (e) a residential care home within the meaning of section 1(1) of the 1984 Act, a nursing home within the meaning of section 21 of the 1984 Act, and a mental nursing home within the meaning of section 22 of the 1984 Act(e).

"the No.8 Commencement Order" ("*Gorchymyn Cychwyn Rhif 8*") means the Care Standards Act 2000 (Commencement No.8 (Wales) and Transitional, Savings and Consequential Provisions) Order 2002(f).

(a) 1984 c.24.

(b) The provisions of Part VIII of the 1989 Act about the registration of certain children's homes were repealed by section 117(2) of, and Schedule 6 to, the 2000 Act, subject to the transitional provisions in article 3 of the No.8 Commencement Order.

(c) The provisions of section 60 of the 1989 Act about the registration of voluntary children's homes were repealed by section 117(2) of, and Schedule 6 to, the 2000 Act, subject to the transitional provisions in article 3 of the No.8 Commencement Order.

(d) Article 3(9) applies to certain children's homes that at 1st April 2002 were not registered under Part VIII of the 1989 Act, but in respect of which, by virtue of article 3(1) of the Care Standards Act 2000 (Commencement No.2 and Transitional Provisions) (Wales) Order 2001 (S.I. 2001/139), the person carrying on the home was protected from committing the offence under section 63(10) of the 1989 Act of carrying on an unregistered children's home. S.I. 2001/139 enacted transitional provisions in association with its commencement of section 40 of the 2000 Act, which amended section 63 of the 1989 Act so as to remove the exemption from the requirement to register under that section in respect of children's homes that accommodated three or fewer children.

(e) The 1984 Act was repealed by section 117(2) of, and Schedule 6 to, the 2000 Act, subject to the transitional provisions in article 3 of the No.8 Commencement Order.

(f) S.I. 2002/920.

Diwygio Rheoliadau Cartrefi Gofal (Cymru) 2002

2.-(1) Yn rheoliad 2(1) o Reoliadau Cartrefi Gofal (Cymru) 2002(a) caiff y diffiniad o "perthynas" ei ddiwygio yn unol â pharagraff (2) o'r rheoliad hwn.

(2) Yn lle'r geiriau "(ch) unrhyw unigolyn y cafodd y person ei letya ag ef o dan drefniadau maethu am gyfnod hwy na 28 diwrnod tra'r oedd rhwng un ar bymtheg a deunaw mlwydd oed, neu briod yr unigolyn hwnnw" rhoddir "(ch) unrhyw unigolyn a gafodd ei letya am gyfnod hwy na 28 diwrnod rhwng un ar bymtheg a deunaw mlwydd oed o dan drefniadau maethu a wnaed gyda'r person hwnnw, neu briod yr unigolyn hwnnw".

Diwygio Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002

3. Ym mharagraff 3 o Atodlen 1 i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(b) ar ddechrau is-baragraff (a) mewnosodir y geiriau "heblaw pan fo'r ceisydd yn awdurdod lleol neu Ymddiriedolaeth GIG".

Diwygio Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002

4. Yn rheoliad 7(5)(c) o Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002(c) yn lle'r gair "home" rhoddir "independent hospital or clinic".

Diwygio Rheoliadau Trefniadau ar gyfer Lleoli Plant (Cyffredinol) 1991

5.-(1) Caiff Rheoliadau Trefniadau ar gyfer Lleoli Plant (Cyffredinol) 1991(ch) eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 1(2), 2(1), 5(1), 6, 10(2) a (3) ac 11, ac ym mharagraff 5 o Atodlen 4, yn lle'r geiriau "registered children's home" rhoddir y geiriau "private children's home" bob tro y digwydd.

(3) Yn rheoliad 1(2) (dehongli), yn y diffiniad o "placement", yn lle "(b), (c), (d)" rhoddir "(aa)" ym mharagraff (a) a (b)(d).

(a) O.S. 2002/324.

(b) O.S. 2002/919.

(c) O.S. 2002/921.

(ch) O.S. 1991/890, fel y'i diwygiwyd gan O.S. 1991/2033, O.S. 1993/3069, O.S. 1995/2015 ac O.S. 1997/649.

(d) Mae'r darpariaethau a amnewidiwyd yn gyfeiriadau at ddarpariaethau Deddf Plant 1989 a amnewidiwyd eu hunain gan adran 116 o Ddeddf Safonau Gofal 2000, a pharagraff 14(1), (3) ac(8) o Atodlen 4 iddi.

Amendment of the Care Homes (Wales) Regulations 2002

2.-(1) In regulation 2(1) of the Care Homes (Wales) Regulations 2002(a) the definition of "relative" is amended in accordance with paragraph (2) of this regulation.

(2) For the words "(d) any individual with whom the person was accommodated for more than 28 days between the ages of sixteen and eighteen under fostering arrangements, or the individual's spouse" substitute "(d) any individual who was provided with accommodation for more than 28 days between the ages of sixteen and eighteen under fostering arrangements made with the person, or the individual's spouse".

Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

3. In paragraph 3 of Schedule 1 to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002(b) at the beginning of sub-paragraph (a) insert the words "except where the applicant is a local authority or NHS Trust,".

Amendment of the Registration of Social Care and Independent Health Care (Fees) (Wales) Regulations 2002

4. In regulation 7(5)(c) of the Registration of Social Care and Independent Health Care (Fees) (Wales) Regulations 2002(c) for the word "home" substitute "independent hospital or clinic".

Amendment of the Arrangements for Placement of Children (General) Regulations 1991

5.-(1) The Arrangements for the Placement of Children (General) Regulations 1991(d) are amended in accordance with the following provisions of this regulation.

(2) In regulations 1(2), 2(1), 5(1), 6, 10(2) and (3) and 11, and in paragraph 5 of Schedule 4, in each place in which they occur, for the words "registered children's home" substitute "private children's home".

(3) In regulation 1(2) (interpretation), in the definition of "placement", in both paragraph (a) and (b), for "(b), (c), (d)" substitute "(aa)"(e).

(a) S.I. 2002/324.

(b) S.I. 2002/919.

(c) S.I. 2002/921.

(d) S.I. 1991/890, as amended by S.I. 1991/2033, S.I. 1993/3069, S.I. 1995/2015 and S.I. 1997/649.

(e) The provisions substituted are references to provisions of the Children Act 1989 that were themselves substituted by section 116 of, and paragraph 14(1), (3) and (8) of Schedule 4 to, the Care Standards Act 2000.

(4) Yn rheoliad 2(2) (cymhwyso'r rheoliadau) ar ôl y geiriau "voluntary organisation", rhoddir ", in a school which is a children's home within the meaning of section 1(6) of the Care Standards Act 2000."

(5) Yn rheoliad 11 (mynediad gan warcheidwaid ad litem i gofnodion a'r gofrestr), ac yn y pennawd i'r rheoliad hwnnw, yn lle "guardian ad litem" rhoddir "officer of the service"(a).

(6) Yn Atodlen 3 (ystyriaethau addysgol y mae awdurdodau cyfrifol i'w ystyried), ym mharagraff 4 -

(a) yn lle "Education Act 1981" rhoddir "Education Act 1996"(b); a

(b) yn lle "section 7" rhoddir "section 324".

Diwygio Rheoliadau Lleoli Plant â Rhieni a.y.y.b. 1991

6.-(1) Caiff Rheoliadau Lleoli Plant â Rhieni a.y.y.b 1991(c) eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 1(2) (dehongli), hegorir y diffiniad o "guardian ad litem".

(3) Ym mharagraff 1 o Atodlen 1 (manyllion i'w cymryd i ystyriaeth) -

(a) yn is-baragraff (f), yn lle'r geiriau o "under" hyd at "Act" rhoddir "for child minding or day care"; a

(b) yn lle is-baragraff (k) rhoddir-
" (k) details of any criminal offences of which he has been convicted, or in respect of which, at the time the caution was given, he admitted."

Diwygio Rheoliadau Adolygu Achosion Gofal Plant 1991

7.-(1) Caiff Rheoliadau Adolygu Achosion Gofal Plant 1991(ch) eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 1(2) (dehongli), hegorir y diffiniad o "guardian ad litem".

(3) Yn rheoliad 1(2) a 12, yn lle'r geiriau "registered children's homes" rhoddir "private children's homes" bob tro y diwydd.

(a) Mae Adran 105(1) o Ddeddf Plant 1989 yn darparu bod i "officer of the service" yr un ystyr ag sydd yn Neddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000 (p. 43). *Gweler* adran 11(3) o'r Ddeddf honno.

(b) 1996 p.56.

(c) O.S. 1991/893, fel y'i diwygiwyd gan O.S. 1995/2015.

(ch) O.S. 1991/895, fel y'i diwygiwyd gan O.S. 1991/2033, O.S. 1993/3069, O.S. 1995/2015, ac O.S. 1997/649.

(4) In regulation 2(2) (application of regulations) for the words after "voluntary organisation", substitute ", in a school which is a children's home within the meaning of section 1(6) of the Care Standards Act 2000."

(5) In regulation 11 (access by guardians ad litem to records and register), and in the heading to that regulation, for "guardian ad litem" substitute "officer of the service"(a).

(6) In Schedule 3 (educational considerations to which responsible authorities are to have regard), in paragraph 4 -

(a) for "Education Act 1981" substitute "Education Act 1996"(b); and

(b) for "section 7" substitute "section 324".

Amendment of the Placement of Children with Parents etc. Regulations 1991

6.-(1) The Placement of Children with Parents etc. Regulations 1991(c) are amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (interpretation), the definition of "guardian ad litem" is omitted.

(3) In paragraph 1 of Schedule 1 (particulars to be taken into account) -

(a) in sub-paragraph (f), for the words from "under" to "Act" substitute "for child minding or day care"; and

(b) for sub-paragraph (k) substitute-
" (k) details of any criminal offences of which he has been convicted, or in respect of which, at the time the caution was given, he admitted."

Amendment of the Review of Children's Cases Regulations 1991

7.-(1) The Review of Children's Cases Regulations 1991(d) are amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (interpretation), the definition of "guardian ad litem" is omitted.

(3) In regulations 1(2) and 12, in each place in which they occur, for the words "registered children's home" substitute "private children's home".

(a) Section 105(1) of the Children Act 1989 provides that "officer of the service" has the same meaning as in the Criminal Justice and Court Services Act 2000 (c.43). *See* section 11(3) of that Act.

(b) 1996 c.56.

(c) S.I. 1991/893, as amended by S.I. 1995/2015.

(d) S.I. 1991/895, as amended by S.I. 1991/2033, S.I. 1993/3069, S.I. 1995/2015, and S.I. 1997/649.

(4) Yn rheoliad 13 (eithriadau i gymhwyso'r Rheoliadau), yn lle'r geiriau "on behalf of" hyd at ddiwedd y rheoliadau, rhoddir "by a local authority or a voluntary organisation in a school which is a children's home within the meaning of section 1(6) of the Care Standards Act 2000."

(5) Yn Atodlen 2 (ystyriaethau y mae awdurdodau cyfifrol i'w ystyried), ym mharagraff 4, yn lle "Deddf Addysg 1981" rhoddir "Deddf Addysg 1996".

Diwygio Rheoliadau Gweithdrefn Cynrychioliadau (Plant) 1991

8. Caiff Rheoliadau Gweithdrefn Cynrychioliadau (Plant) 1991(a) eu diwygio fel a ganlyn-

- (a) yn rheoliad 11(2) (cais i sefydliadau gwirfoddol a chartrefi plant cofrestredig), yn lle'r geiriau "registered children's home" rhoddir "private children's home" bob tro y digwydd; a
- (b) yn rheoliad 11A (eithriadau i gymhwyso'r rheoliadau) yn lle'r geiriau sy'n dilyn "voluntary organisation" hyd at ddiwedd y rheoliad rhoddir ", in a school which is a children's home within the meaning of section 1(6) of the Care Standards Act 2000."

Diwygio Rheoliadau Llochesau (Cartrefi Plant a Lleoliadau Maeth) 1991

9. Caiff Rheoliadau Llochesau (Cartrefi Plant a Lleoliadau Maeth) 1991(b) eu diwygio fel a ganlyn-

- (a) yn rheoliad 2(1) (dehongli), yn y diffiniad o "home" ac yn rheoliad 4(2) yn lle'r geiriau "registered children's home" rhoddir "private children's home"; a
- (b) yn rheoliad 4(1) (tynnu tystysgrif yn ôl) yn is-baragraff (b), yn lle "Part II of the Children's Homes Regulations 1991" rhoddir "Parts III to V of the Children's Homes (Wales) Regulations 2002(c)".

Diwygio Rheoliadau Plant (Llety Diogel) 1991

10. Caiff Rheoliadau Plant (Llety Diogel) 1991(ch) eu diwygio fel a ganlyn-

- (a) yn rheoliad 2(1) (dehongli), yn y diffiniad o "children's home", yn lle "registered" rhoddir "private";

(a) O.S. 1991/894, fel y'i diwygiwyd gan O.S. 1991/2033, O.S. 1993/3069 ac O.S. 2001/2189.

(b) O.S. 1991/1507.

(c) O.S. 2002/327.

(ch) O.S. 1991/1505, fel y'i diwygiwyd gan O.S. 1992/2117, O.S. 1995/1398, O.S. 1996/692 ac O.S. 2000/694.

(4) In regulation 13 (exceptions to application of Regulations), for the words from "on behalf of" to the end of the regulations, substitute "by a local authority or a voluntary organisation in a school which is a children's home within the meaning of section 1(6) of the Care Standards Act 2000."

(5) In Schedule 2 (considerations to which responsible authorities are to have regard), in paragraph 4, for "Education Act 1981" substitute "Education Act 1996".

Amendment of the Representations Procedure (Children) Regulations 1991

8. The Representations Procedure (Children) Regulations 1991(a) are amended as follows-

- (a) in regulation 11(2) (application to voluntary organisations and registered children's homes), in each place in which they occur, for the words "registered children's home" substitute "private children's home"; and
- (b) in regulation 11A (exceptions to application of regulations) for the words after "voluntary organisation" to the end of the regulation, substitute ", in a school which is a children's home within the meaning of section 1(6) of the Care Standards Act 2000."

Amendment of the Refuges (Children's Homes and Foster Placements) Regulations 1991

9. The Refuges (Children's Homes and Foster Placements) Regulations 1991(b) are amended as follows-

- (a) in regulation 2(1) (interpretation), in the definition of "home" and in regulation 4(2), for the words "registered children's home" substitute "private children's home"; and
- (b) in regulation 4(1) (withdrawal of a certificate) in sub-paragraph (b), for "Part II of the Children's Homes Regulations 1991" substitute "Parts III to V of the Children's Homes (Wales) Regulations 2002(c)".

Amendment of the Children (Secure Accommodation) Regulations 1991

10. The Children (Secure Accommodation) Regulations 1991(d) are amended as follows-

- (a) in regulation 2(1) (interpretation), in the definition of "children's home", for "registered" substitute "private";

(a) S.I. 1991/894, as amended by S.I. 1991/2033, S.I. 1993/3069 and S.I. 2001/2189.

(b) S.I. 1991/1507.

(c) S.I. 2002/327.

(d) S.I. 1991/1505, as amended by S.I. 1992/2117, S.I. 1995/1398, S.I. 1996/692 and S.I. 2000/694.

- (b) yn rheoliad 5 (plant na fydd adran 25 o'r Ddeddf yn gymwys iddynt), ym mharagraff (1), yn lle "section 53" hyd at ddiwedd y paragraff hwnnw, rhoddir "section 90 or 91 of the Powers of the Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty's Pleasure or for specified period)(a)."; ac
- (c) yn rheoliad 7 (plant y bydd adran 25 o'r Ddeddf yn gymwys iddynt ac yn cael effaith arnynt yn ddarostyngedig i addasiadau)-
 - (i) yn y naill a'r llall o baragraffau (1)(b) a (3)(b), yn lle "residential care homes, nursing homes or mental nursing homes" rhoddir "care homes or independent hospitals"; a
 - (ii) ym mharagraff (3)(a) yn lle "residential care home, a nursing home or a mental nursing home" rhoddir "care home or an independent hospital".

Diwygio Rheoliadau Plant (Llety Diogel) (Rhif 2) 1991

11. Ym mharagraff (2) o reoliad 2 o Reoliadau Plant (Llety Diogel) (Rhif 2)(b), yn lle "residential care home, nursing home, or mental nursing home" rhoddir "care home or independent hospital".

Diwygio Rheoliadau Plant (Ymadael â Gofal) Cymru) 2001

12. Yn y diffiniad o "ysbyty" yn rheoliad 2 o Reoliadau Plant (Ymadael â Gofal) (Cymru) 2001(c) yn lle paragraff (b) rhoddir "(b) sefydliad cofrestredig o fewn ystyr adran 34(1) o Ddeddf Iechyd Meddwl 1983(ch)".

Darpariaeth trosiannol

13.-(1) Ni fydd unrhyw ddiwygiad a wnaed yn rheoliadau 5 i 12 o'r Rheoliadau hyn yn gymwys mewn perthynas, neu mewn cysylltiad, â chartref, y mae am y tro, unrhyw un o'r darpariaethau a grybwyllwyd ym mharagraff (2) yn gymwys.

(2) Y darpariaethau yw paragraffau (6) i (9) o erthygl 3 o Orchymyn Cychwyn Rhif 8.

(a) 2000 p.6.

(b) O.S. 1991/2034, fel y'i diwygiwyd gan O.S. 2000/694.

(c) O.S. 2001/2189.

(ch) 1983 p.20. Diwygir adran 34(1) gan adran 116 o Ddeddf Safonau Gofal 2000, a pharagraff 9(4) o Atodlen 4 iddi. Sefydliad cofrestredig yw sefydliad nad yw'n ysbyty at ddiēbnion Rhan II o Ddeddf 1983, y mae person wedi'i gofrestru o dan Ran II o Ddeddf Safonau Gofal 2000 mewn perthynas ag ef fel ysbyty annibynnol lle caiff triniaeth neu nyrso (neu'r ddau) eu darparu i bersonau sy'n agored i gael eu cadw o dan Ddeddf 1983.

- (b) in regulation 5 (children to whom section 25 of the Act shall not apply), in paragraph (1), for "section 53" to the end of that paragraph, substitute "section 90 or 91 of the Powers of the Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty's Pleasure or for specified period)(a)."; and
- (c) in regulation 7 (children to whom section 25 of the Act shall apply and have effect subject to modifications)-
 - (i) in each of paragraphs (1)(b) and (3)(b), for "residential care homes, nursing homes or mental nursing homes" substitute "care homes or independent hospitals"; and
 - (ii) in paragraph (3)(a) for "residential care home, a nursing home or a mental nursing home" substitute "care home or an independent hospital".

Amendment of the Children (Secure Accommodation) (No.2) Regulations 1991

11. In paragraph (2) of regulation 2 of the Children (Secure Accommodation) (No.2) Regulations(b), for "residential care home, nursing home, or mental nursing home" substitute "care home or independent hospital".

Amendment of the Children (Leaving Care) (Wales) Regulations 2001

12. In the definition of "hospital" in regulation 2 of the Children (Leaving Care) (Wales) Regulations 2001(c) for paragraph (b) substitute "(b) a registered establishment within the meaning of section 34(1) of the Mental Health Act 1983(d)".

Transitional provision

13.-(1) No amendment made in regulations 5 to 12 of these Regulations shall apply in respect of, or in relation to, a home to which, for the time being, any of the provisions mentioned in paragraph (2) apply.

(2) The provisions are paragraphs (6) to (9) of article 3 of the No.8 Commencement Order.

(a) 2000 c.6.

(b) S.I. 1991/2034, as amended by S.I. 2000/694.

(c) S.I. 2001/2189.

(d) 1983 c.20. Section 34(1) is amended by section 116 to, and paragraph 9(4) of Schedule 4 to, the Care Standards Act 2000. A registered establishment is an establishment which is not a hospital for the purposes of Part II of the 1983 Act, in respect of which a person is registered under Part II of the Care Standards Act 2000 as an independent hospital in which treatment or nursing (or both) are provided for persons liable to be detained under the 1983 Act.

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)

27 Tachwedd 2002

27th November 2002

D. Elis-Thomas

Llywydd Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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