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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2008 Rhif 1512 (Cy.155)**

**2008 No. 1512 (W.155)**

**COMISIYNYDD POBL HŶN  
CYMRU, CYMRU**

**COMMISSIONER FOR OLDER  
PEOPLE IN WALES, WALES**

Rheoliadau Comisiynydd Pobl Hŷn  
Cymru (Diwygio)  
2008

The Commissioner for Older  
People in Wales (Amendment)  
Regulations 2008

**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 yn diwygio Rheoliadau Comisiynydd Pobl Hŷn Cymru 2007 ("Rheoliadau 2007") a wnaed o dan Ddeddf Comisiynydd Pobl Hŷn (Cymru) 2006.

These Regulations amend the Commissioner for Older People in Wales Regulations 2007 ("the 2007 Regulations") made under the Commissioner for Older People (Wales) Act 2006.

Mae Rheoliadau 2007 yn gwneud darpariaeth mewn perthynas â swyddogaethau Comisiynydd Pobl Hŷn Cymru. Maent yn cynnwys gofynion ynghylch y Cynulliad ar gyfer rhoi gwybodaeth gan bersonau rhagnodedig, darparu cymorth i bobl hŷn mewn achosion rhagnodedig, archwilio disgrifiadau penodedig o achosion a pharatoi a dosbarthu adroddiadau penodol.

The 2007 Regulations make provision in relation to the functions of the Commissioner for Older People in Wales. These include requirements relating to the Assembly for the provision of information by prescribed persons, the provision of assistance to older persons in prescribed proceedings, the examination of specific descriptions of cases and the preparation and distribution of specific reports.

Mae Deddf Llywodraeth Cymru 2006 ("Deddf 2006") yn gwneud darpariaethau newydd i Lywodraeth Cymru. Mae'r Rheoliadau hyn yn addasu Rheoliadau 2007 fel yr ystyrir sy'n briodol o ganlyniad i Ddeddf 2006. Addesir pob cyfeiriad at y Cynulliad yn Rheoliadau 2007 er mwyn pennu a ydyw'n gymwys i'r Cynulliad fel y cyfansoddwyd ef gan Ddeddf Llywodraeth Cymru 1998; Llywodraeth Cynulliad Cymru; Comisiwn y Cynulliad; y Cynulliad (fel y cyfansoddwyd ef gan Ddeddf Llywodraeth Cymru 2006); Gweinidogion Cymru; y Prif Weinidog neu'r Cwnsler Cyffredinol.

The Government of Wales Act 2006 ("the 2006 Act") makes new provisions for the Government of Wales. These Regulations modify the 2007 Regulations as considered appropriate in consequence of the 2006 Act. Each reference to the Assembly in the 2007 Regulations is modified to specify whether it applies to the Assembly as constituted by the Government of Wales Act 1998; the Welsh Assembly Government; the Assembly Commission; the Assembly (as constituted by the Government of Wales Act 2006); the Welsh Ministers; the First Minister or the Counsel General.

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*Gwnaed* 10 Mehefin 2008  
*Yn dod i rym* 12 Mehefin 2008

*Made* 10 June 2008  
*Coming into force* 12 June 2008

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 5(4)(b) a 6(5), 8(1)(e), 10(1) a (5), 15(1) a (3) o Ddeddf Comisiynydd Pobl Hŷn Cymru 2006 a pharagraff 8 o Atodlen 1 iddi(1) ac sydd bellach wedi'u breinio ynddynt(2), yn gwneud y Rheoliadau canlynol.

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 5(4)(b), 6(5), 8(1)(e), 10(1) and (5), 15(1) and (3) of, and paragraph 8 of Schedule 1 to, the Commissioner for Older People (Wales) Act 2006(1) and now vested(2) in them, make the following Regulations.

Yn unol â pharagraff 35(3) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006(3), cafodd drafft o'r Rheoliadau hyn ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

In accordance with paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006(3), a draft of these Regulations has been laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

**Enwi, cychwyn a dehongli**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Comisiynydd Pobl Hŷn Cymru (Diwygio) 2008 a deuant i rym ar 12 Mehefin 2008.

**Title, commencement and interpretation**

1.—(1) The title of these Regulations is the Commissioner for Older People in Wales (Amendment) Regulations 2008 and they come into force on 12 June 2008.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

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- (1) 2006 p.30, fel y'i diwygiwyd gan Orchymyn Deddf Llywodraeth Cymru 2006 (Addasiadau Canlyniadol a Darpariaethau Trosiannol) 2007 (O.S. 2007/1388).
- (2) Trosglwyddwyd y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru i Weinidogion Cymru drwy weithrediad paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.
- (3) 2006 p.32, fel y'i diwygiwyd gan Orchymyn Deddf Llywodraeth Cymru (Addasiadau Canlyniadol a Darpariaethau Trosiannol) (O.S. 2007/1388).

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- (1) 2006 c.30, as amended by the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).
- (2) The powers conferred on the National Assembly for Wales are transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
- (3) 2006 c.32, as amended by the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).

2. Yn y Rheoliadau hyn—

ystyr "y Cwnsler Cyffredinol" ("*the Counsel General*") yw'r person a benodir o dan adran 49 o Ddeddf 2006;

ystyr "y Cynulliad" ("*the Assembly*") yw Cynulliad Cenedlaethol Cymru fel y cyfansoddwyd ef gan adran 1 o Ddeddf 2006;

ystyr "Cynulliad 1998" ("*the 1998 Assembly*") yw Cynulliad Cenedlaethol Cymru fel y cyfansoddwyd ef gan Ddeddf Llywodraeth Cymru 1998(1);

ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Llywodraeth Cymru 2006(2);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Comisiynydd Pobl Hŷn (Cymru) 2006(3);

ystyr "Gweinidogion Cymru" ("*the Welsh Ministers*") yw'r personau a benodir o dan adran 48 o Ddeddf 2006;

ystyr "Llywodraeth Cynulliad Cymru" ("*the Welsh Assembly Government*") yw Llywodraeth Cynulliad Cymru fel y'i diffinnir gan adran 45(1) o Ddeddf 2006;

ystyr "y Prif Weinidog" ("*the First Minister*") yw'r person a benodir o dan adran 48 o Ddeddf 2006.

**Diwygio Rheoliadau Comisiynydd Pobl Hŷn Cymru 2007**

3.—(1) Diwygir Rheoliadau Comisiynydd Pobl Hŷn Cymru 2007(4) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 4 (rhoi gwybodaeth gan bersonau rhagnodedig)—

(a) yn is-baragraff (a) o baragraff (2)—

- (i) ar ôl "ac aelodau a chyflogwyr" mewnosoder "Llywodraeth Cynulliad Cymru";
- (ii) yn lle "y Cynulliad" mewnosoder "Cynulliad 1998"; a
- (iii) ar ôl "Cynulliad 1998" mewnosoder "a Llywodraeth Cynulliad Cymru";

(b) ym mharagraff (3)—

- (i) yn lle "yw'r Cynulliad" mewnosoder "yw Cynulliad 1998"; a
- (ii) ar ôl "Cynulliad 1998," mewnosoder "Llywodraeth Cynulliad Cymru,".

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(1) 1998 p.38.  
(2) 2006 p.32.  
(3) 2006 p.30.  
(4) O.S. 2007/398 (Cy.44).

2. In these Regulations—

"the 1998 Assembly" ("*Cynulliad 1998*") means the National Assembly for Wales as constituted by the Government of Wales Act 1998(1);

"the 2006 Act" ("*Deddf 2006*") means the Government of Wales Act 2006(2);

"the Act" ("*y Ddeddf*") means the Commissioner for Older People (Wales) Act 2006(3);

"the Assembly" ("*y Cynulliad*") means the National Assembly for Wales as constituted by section 1 of the 2006 Act;

"the Counsel General" ("*y Cwnsler Cyffredinol*") means the person appointed under section 49 of the 2006 Act;

"the First Minister" ("*y Prif Weinidog*") means the person appointed under section 46 of the 2006 Act;

"the Welsh Assembly Government" ("*Llywodraeth Cynulliad Cymru*") means the Welsh Assembly Government as defined by section 45(1) of the 2006 Act;

"the Welsh Ministers" ("*Gweinidogion Cymru*") means the persons appointed under section 48 of the 2006 Act.

**Amendment of the Commissioner for Older People in Wales Regulations 2007**

3.—(1) The Commissioner for Older People in Wales Regulations 2007(4) are amended in accordance with the following provisions of this regulation.

(2) In regulation 4 (provision of information by prescribed persons)—

(a) in sub-paragraph (a) of paragraph (2)—

- (i) after "and members and employees" insert "of the Welsh Assembly Government";
- (ii) after "and former members and employees of the" insert "1998"; and
- (iii) after "Assembly" insert "and the Welsh Assembly Government";

(b) in paragraph (3)—

- (i) after "means the" insert "1998"; and
- (ii) after "Assembly," insert "the Welsh Assembly Government,".

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(1) 1998 c.38.  
(2) 2006 c.32.  
(3) 2006 c.30.  
(4) S.I. 2007/398 (W.44).

- (3) Yn rheoliad 5 (rhoi cymorth mewn achosion)—
- (a) yn is-baragraff (c) o baragraff (2)—
- (i) yn lle "y Cynulliad" mewnosoder "Gynulliad 1998"; a
- (ii) ar ôl "Gynulliad 1998" mewnosoder ", Gweinidogion Cymru, y Prif Weinidog neu'r Cwnsler Cyffredinol".
- (4) Yn rheoliad 8 (achosion sy'n destun archwilio)—
- (a) ym mharagraff (c)—
- (i) yn lle "gan y Cynulliad" mewnosoder "gan Gynulliad 1998"; a
- (ii) ar ôl "Gynulliad 1998" mewnosoder ", Gweinidogion Cymru, y Prif Weinidog neu'r Cwnsler Cyffredinol".
- (5) Yn rheoliad 11 (rhoi gwybodaeth mewn cysylltiad ag archwiliad)—
- (a) yn is-baragraff (a) o baragraff (3)—
- (i) ar ôl "ac aelodau a chyflogeion" mewnosoder "Llywodraeth Cynulliad Cymru";
- (ii) yn lle "y Cynulliad" mewnosoder "Cynulliad 1998"; a
- (iii) ar ôl "Cynulliad 1998" mewnosoder "a Llywodraeth Cynulliad Cymru";
- (b) ym mharagraff (4)—
- (i) yn lle "yw'r Cynulliad" rhodder "yw Cynulliad 1998";
- (ii) ar ôl "Cynulliad 1998" mewnosoder "Llywodraeth Cynulliad Cymru,"; a
- (iii) yn lle "gan y Cynulliad" rhodder "gan Weinidogion Cymru, y Prif Weinidog neu'r Cwnsler Cyffredinol".
- (6) Yn rheoliad 14 (adroddiadau) yn lle is-baragraff (b) o baragraff (5) rhodder "i'r Cynulliad a Dau Dŷ'r Senedd".
- (7) Yn rheoliad 15 (camau pellach yn sgil adroddiad) ym mharagraff (1) yn lle "y Cynulliad" rhodder "Gweinidogion Cymru, y Prif Weinidog neu'r Cwnsler Cyffredinol".
- (8) Yn rheoliad 16 (adroddiadau i'r Cynulliad)—
- (a) ym mharagraff (1) yn lle "i'r Cynulliad" rhodder "i'r Prif Weinidog";
- (b) ym mharagraff (2) yn lle "i'r Cynulliad" rhodder "i'r Prif Weinidog";
- (c) yn lle paragraff (4) rhodder—
- "Yn ddarostyngedig i baragraff (3), rhaid i'r Comisiynydd, erbyn 1 Hydref bob blwyddyn fan
- (3) In regulation 5 (provision of assistance in proceedings)—
- (a) in sub-paragraph (c) of paragraph (2)—
- (i) before "Assembly" insert "1998"; and
- (ii) after "Assembly" insert ", the Welsh Ministers, the First Minister or the Counsel General".
- (4) In regulation 8 (cases subject to examination)—
- (a) in paragraph (c)—
- (i) before "Assembly" insert "1998"; and
- (ii) after "Assembly" insert ", the Welsh Ministers, the First Minister or the Counsel General".
- (5) In regulation 11 (provision of information in connection with an examination)—
- (a) in sub-paragraph (a) of paragraph (3)—
- (i) after "and members and employees" insert "of the Welsh Assembly Government";
- (ii) after "and former members and employees of the" insert "1998"; and
- (iii) after "Assembly" insert "and the Welsh Assembly Government";
- (b) in paragraph (4)—
- (i) before the first reference to "Assembly" after the words "means the" insert "1998";
- (ii) after the first reference to "Assembly," insert "the Welsh Assembly Government,"; and
- (iii) for the second reference to "Assembly" substitute "Welsh Ministers, the First Minister or the Counsel General".
- (6) In regulation 14 (reports) for sub-paragraph (b) of paragraph (5) substitute "the Assembly and the Houses of Parliament".
- (7) In regulation 15 (further action following a report) in paragraph (1) for "Assembly" substitute "Welsh Ministers, the First Minister or the Counsel General".
- (8) In regulation 16 (reports to the Assembly)—
- (a) in paragraph (1) for "Assembly" substitute "First Minister";
- (b) in paragraph (2) for "Assembly" substitute "First Minister";
- (c) for paragraph (4) substitute—
- "Subject to paragraph (3), the Commissioner must, no later than 1 October in each year, send a copy of

bellaf, anfon copi o'r adroddiad y cyfeirir ato ym mharagraff (1), (2) a (3) at y Cynulliad a dau Dŷ'r Senedd".

the report referred to in paragraph (1), (2) and (3) to the Assembly and the Houses of Parliament".

*Gwenda Thomas*

O dan arweiniad y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru.

Under authority of the Minister for Health and Social Services, one of the Welsh Ministers.

10 Mehefin 2008

10 June 2008

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