



OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 2541 (Cy.205)

**PLANT A PHOBL IFANC,
CYMRU**

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Deddf Plant 1989,
Deddf Safonau Gofal 2000 a Deddf
Mabwysiadu a Phlant 2002
(Diwygiadau Amrywiol) (Cymru)
2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diweddarau cyfeiriadau at Ddeddf yr Heddlu 1997 (p.50) mewn darpariaethau a geir mewn amryw setiau o reoliadau a wnaed o dan Ddeddf Plant 1989 (p.41), Deddf Safonau Gofal 2000 (p.14) a Deddf Mabwysiadu a Phlant 2002 (p.38). Mae'r Rheoliadau sy'n cael eu diwygio'n ymwneud â gwarchod plant, gofal dydd, asiantaethau mabwysiadu, asiantaethau cymorth mabwysiadu, cartrefi plant, asiantaethau maethu, gwasanaethau mabwysiadu llywodraeth leol, canolfannau preswyl i deuluoedd, cynlluniau lleoli oedolion, cartrefi gofal, asiantaethau gofal cartref, asiantaethau nyrsys, sefydliadau ac asiantaethau gofal iechyd preifat a gwirfoddol a gwasanaethau deintyddol preifat.

Gwneir y diwygiadau er mwyn adlewyrchu newidiadau sydd wedi digwydd yn sgil diwygiadau sydd wedi eu gwneud i Ddeddf yr Heddlu 1997 gan Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p.47). Un o'r newidiadau yw na fydd gwybodaeth ynghylch p'un a yw person wedi ei wahardd rhag gweithio gyda grwpiau hyglwyf (gwybodaeth am addasrwydd) ar gael ond mewn achosion rhagnodedig pan wneir cais am dystysgrif cofnod troseddol fanwl. Yn gyfredol, mae'r cyfryw wybodaeth hefyd ar gael mewn amgylchiadau penodedig gyda thystysgrif cofnod troseddol safonol.

WELSH STATUTORY
INSTRUMENTS

2009 No. 2541 (W.205)

**CHILDREN AND YOUNG
PERSONS, WALES**

SOCIAL CARE, WALES

The Children Act 1989, Care
Standards Act 2000 and Adoption
and Children Act 2002
(Miscellaneous Amendments)
(Wales) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations update references to the Police Act 1997 (c. 50) in provisions contained in various sets of regulations made under the Children Act 1989 (c.41), the Care Standards Act 2000 (c.14) and the Adoption and Children Act 2002 (c.38). The Regulations that are amended relate to child minding, day care, adoption agencies, adoption support agencies, children's homes, fostering agencies, local authority adoption services, residential family centres, adult placement schemes, care homes, domiciliary care agencies, nurses agencies, private and voluntary health care establishments and agencies and private dental services.

The amendments are made in order to reflect changes that have been brought about following amendments that have been made to the Police Act 1997 by the Safeguarding Vulnerable Groups Act 2006 (c.47). One of the changes is that information as to whether a person is barred from working with vulnerable groups (suitability information) will only be available in prescribed cases where an application for an enhanced criminal record certificate is made. Currently, such information is also available in specified circumstances with a standard criminal record certificate.

Mae mwyafrif y diwygiadau a wneir yn y Rheoliadau hyn yn ymwneud â darpariaethau sy'n pennu pa wybodaeth y mae'n rhaid iddi fod ar gael pan fo person yn bwriadu rhedeg neu reoli asiantaeth neu sefydliad y mae'n ofynnol i berson gael ei gofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000 mewn perthynas â hi neu ag ef, neu weithio at ddibenion asiantaeth neu sefydliad o'r fath. Mae'r Rheoliadau hefyd yn cynnwys diwygiadau sy'n pennu pa wybodaeth y mae'n rhaid iddi fod ar gael pan fo person am weithredu fel gwarchodwr plant neu am ddarparu gofal dydd neu pan fo am weithio i warchodwr plant neu ddarparwr gofal dydd pan fo'n ofynnol i berson gael ei gofrestru o dan Ran 10A o Ddeddf Plant 1989. Yn ychwanegol at hyn, mae'r Rheoliadau'n cynnwys diwygiadau sy'n ymwneud â darpariaethau yn Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005 (O.S. 2005/1313) sy'n pennu pa wiriadau y mae'n rhaid i asiantaeth fabwysiadu eu gwneud mewn cysylltiad â darpar fabwysiadu ac aelodau o aelwyd y darpar fabwysiadu sy'n oedolion a darpariaethau cyffelyb yn Rheoliadau Gwasanaethau Maethu (Cymru) 2003 (O.S. 2003/237) mewn perthynas â gwiriadau ar ddarpar rieni maeth ac aelodau o'u haelwyd sy'n oedolion.

Mae'r Rheoliadau hyn hefyd yn diweddarau cyfeiriadau cyffelyb at ddarpariaethau yn Neddf yr Heddlu 1997 yn Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002 (O.S. 2002/919). Mae'r Rheoliadau hyn dyddiedig 2002 yn gymwys i sefydliadau ac asiantaethau sy'n ymwneud ag oedolion, iechyd a phlant, gwarchodwyr plant a darparwyr gofal dydd ac maent yn llywodraethu'r wybodaeth a'r dogfennau y mae'n rhaid eu darparu pan fyddant yn gwneud cais am gael eu cofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000 neu am gael eu cofrestru o dan ran 10A o Ddeddf Plant 1989.

Mae'r Rheoliadau hyn hefyd yn cynnwys diwygiadau i reoliadau amrywiol a wnaed o dan Ddeddf Plant 1989, Deddf Safonau Gofal 2000 a Deddf Mabwysiadu a Phlant 2002 drwy ddileu cyfeiriadau at wiriadau heddlu o fewn ystyr Deddf yr Heddlu 1996 gan nad yw'r rhain ar gael mwyach. Mae cyfeiriadau at adroddiadau ar wiriadau ar y rhestrau a gedwir o dan adran 1 o Ddeddf Amddiffyn Plant 1999 (a elwir yn "rhestr POCA") ac o dan reoliadau a wnaed o dan adran 218 o Ddeddf Diwygio Addysg 1988 (a elwir yn "Rhestr 99") hefyd wedi eu dileu gan na ellir cyrchu'r wybodaeth ar y rhestrau hyn ond drwy dystysgrif cofnod troseddol fanwl. Effaith y diwygiadau hyn yw bod yn rhaid i dystysgrif cofnod troseddol fanwl fod ar gael pan fo person y mae'r rheoliadau perthnasol yn gymwys iddo'n ymgymryd â gweithgaredd a reolir ac sy'n ymwneud â phlant.

The majority of the amendments made in these Regulations relate to provisions that specify the information that must be available where a person intends to carry on, manage or work for the purposes of an agency or establishment in relation to which a person is required to register under Part 2 of the Care Standards Act 2000. The Regulations also include amendments that specify the information that must be available where a person seeks to act as a childminder or provide day care or seeks to work for a childminder or provider of day care where registration is required under part 10A of the Children Act 1989. In addition, the Regulations include amendments that relate to provisions in the Adoption Agencies (Wales) Regulations 2005 (S.I. 2005/1313) which specify the checks that must be made by an adoption agency in respect of a prospective adopter and adult members of the prospective adopter's household and similar provisions in the Fostering Services (Wales) Regulations 2003 (S.I. 2003/237) in relation to checks on prospective foster parents and adult members of their household.

These Regulations also update similar references to provisions in the Police Act 1997 in the Registration of Social Care and Independent Health Care (Wales) Regulations 2002 (S.I. 2002/919). These 2002 Regulations apply to adult, health and children-related establishments and agencies, child minders and providers of day care and govern the information and documents that must be provided when making an application to register under Part 2 of the Care Standards Act 2000 or when making an application to register under part 10A of the Children Act 1989.

These Regulations also include amendments to various regulations made under the Children Act 1989, Care Standards Act 2000 and Adoption and Children Act 2002 by removing references to police checks within the meaning of the Police Act 1996 as these are no longer available. References to reports of checks on the lists maintained under section 1 of the Protection of Children Act 1999 (known as the "POCA list") and under regulations made under section 218 of the Education Reform Act 1988 (known as "List 99") have also been removed as access to information on these lists can only be obtained via an enhanced criminal record certificate. The effect of these amendments is that where a person to whom the respective regulations apply is engaging in regulated activity relating to children, an enhanced criminal record certificate must be available.

Mae'r Rheoliadau hyn hefyd yn cynnwys diwygiadau sy'n cyfeirio at hysbysiadau o dan Ddeddf yr Heddlu 1997 sy'n datgan nad yw unigolyn wedi ei gynnwys ar "restr oedolion penodedig". Bydd yr uchod yn cynnwys y rhestr Amddiffyn Oedolion Hyglwyf (POVA) a gedwir o dan adran 89 o Ddeddf Safonau Gofal 2000 a'r rhestr oedolion gwaharddedig o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006. Effaith y diwygiadau yw caniatáu i berson y mae'r rheoliadau perthnasol yn gymwys iddo gael ei gofrestru neu weithio at ddibenion asiantaeth neu sefydliad y mae'n ofynnol iddi gael ei chofrestru neu iddo gael ei gofrestru os gwnaed cais am dystysgrif cofnod troseddol fanwl ond nas dyroddwyd ar yr amod bod y cyfryw hysbysiad wedi dod i law.

Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004 (O.S. 2004/2695). Gwneir y diwygiadau er mwyn diweddarau'r seiliau ar gyfer datgymhwyso o dan Reoliadau 2004 er mwyn cynnwys pan fydd person wedi'i gynnwys ar y rhestr waharddedig o ran plant a sefydlwyd gan Ddeddf Diogelu Grwpiau Hyglwyf 2006.

Mae'r Rheoliadau hyn hefyd yn gwneud diwygiad i Reoliadau 2004 ynglŷn â seiliau'r datgymhwysiad pan fydd person wedi'i wahardd rhag addysgu. Disodlir cyfeiriad at restr Deddf Diwygio Addysg gan gyfeiriad at gyfarwyddyd a wneir o dan Ddeddf Addysg 2002. Dilewyd hefyd y cyfeiriad at restr Deddf Addysg 1996 am fod y darpariaethau hyn wedi cael eu diddymu.

Gwneir mân ddiwygiad hefyd i Reoliadau 2004 er mwyn cywiro gwall ynglŷn â thramgwyddau penodedig sy'n sail i ddatgymhwysiad.

Mae'r Rheoliadau hyn hefyd yn gwneud diwygiadau i ddarpariaethau penodol yn Rheoliadau Cartrefi Plant (Cymru) 2002. Diben y diwygiadau yw dileu anghysonder mewn perthynas â rheoliad 6 (Ffitrwydd y darparydd cofrestredig); mewn perthynas â rheoliad 8 (Ffitrwydd y rheolwr), dirymu ac ailddeddfu gofyniad mewn perthynas â chofrestru gyda Chyngor Gofal Cymru ac, mewn perthynas â rheoliad 26 (Ffitrwydd gweithwyr), egluro y caniateir i berson gael ei gyflogi i weithio mewn cartref plant tra bydd yn aros i'w gofrestru gyda Chyngor Gofal Cymru, ar yr amod bod y gwaith o'i gofrestru'n cael ei gwblhau cyn pen y cyfnod o amser a bennir yn Rheoliadau 2002.

Mae'r Rheoliadau hyn hefyd yn gwneud diwygiad i reoliad 43 o Reoliadau Cartrefi Gofal (Cymru) 2002 er mwyn cywiro gwall.

These Regulations also include amendments which refer to notifications under the Police Act 1997 that an individual is not included on "a specified adults list". This will include both the Protection of Vulnerable Adults (POVA) list maintained under section 89 of the Care Standards Act 2000 and the adults barred list under the Safeguarding Vulnerable Groups Act 2006. The effect of the amendments is to allow a person to whom the respective regulations apply to be registered or work for the purposes of an agency or establishment which is required to be registered where an enhanced criminal record certificate has been applied for but not issued provided that such notification has been received.

These Regulations also amend the Disqualification from Caring for Children (Wales) Regulations 2004 (S.I. 2004/2695). The amendments are made to up date the grounds for disqualification under the 2004 Regulations to include where a person is included on the children's barred list established by the Safeguarding Vulnerable Groups Act 2006.

These Regulations also make an amendment to the 2004 Regulations in relation to the grounds of disqualification where a person has been prohibited from teaching. Reference to the Education Reform Act list is replaced with a reference to a direction under the Education Act 2002. Reference to the Education Act 1996 list has also been removed as these provisions have been repealed.

A minor amendment is also made to the 2004 Regulations to correct an error in relation to specified offences which are grounds for disqualification.

These Regulations also make amendments to certain provisions of the Children's Homes (Wales) Regulations 2002. The purpose of the amendments is to remove an anomaly in relation to regulation 6 (Fitness of registered provider); in relation to regulation 8 (Fitness of manager), to revoke and re-enact a requirement in relation to registration with the Care Council for Wales and in relation to regulation 26 (Fitness of workers) to clarify that a person may be employed to work in a children's home pending registration with the Care Council for Wales, provided that registration is completed within the period of time specified in the 2002 Regulations.

These Regulations also make an amendment to regulation 43 of the Care Homes (Wales) Regulations 2002 to correct an error.

2009 Rhif 2541 (Cy.205)

**PLANT A PHOBL IFANC,
CYMRU**

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Deddf Plant 1989,
Deddf Safonau Gofal 2000 a Deddf
Mabwysiadu a Phlant 2002
(Diwygiadau Amrywiol) (Cymru)
2009

Gwnaed 15 Medi 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 21 Medi 2009

Yn dod i rym 12 Hydref 2009

TREFN Y RHEOLIADAU

RHAN 1

Cyflwyniad

1. Enwi, cychwyn a chymhwyso

RHAN 2

Gwarchod plant a gofal dydd

2. Diwygio Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002
3. Diwygio Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004

RHAN 3

Sefydliadau ac asiantaethau - plant

4. Diwygio Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005
5. Diwygio Rheoliadau Asiantaethau Cymorth Mabwysiadu (Cymru) 2005
6. Diwygiadau i Reoliadau Cartrefi Plant (Cymru) 2002
7. Diwygiadau i Reoliadau Gwasanaethau Maethu (Cymru) 2003
8. Diwygiadau i Reoliadau Gwasanaeth Mabwysiadu Awdurdodau Lleol (Cymru) 2007
9. Diwygiadau i Reoliadau Canolfannau Preswyl i Deuluoedd (Cymru) 2003

2009 No. 2541 (W.205)

**CHILDREN AND YOUNG
PERSONS, WALES**

SOCIAL CARE, WALES

The Children Act 1989, Care
Standards Act 2000 and Adoption
and Children Act 2002
(Miscellaneous Amendments)
(Wales) Regulations 2009

Made 15 September 2009

*Laid before the National
Assembly for Wales* 21 September 2009

Coming into force 12 October 2009

ARRANGEMENT OF REGULATIONS

PART 1

Introduction

1. Title, commencement and application

PART 2

Child minding and day care

2. Amendments to the Child Minding and Day Care (Wales) Regulations 2002
3. Amendments to the Disqualification from Caring for Children (Wales) Regulations 2004

PART 3

Establishments and agencies - children

4. Amendment to the Adoption Agencies (Wales) Regulations 2005
5. Amendment to the Adoption Support Agencies (Wales) Regulations 2005
6. Amendments to the Children's Homes (Wales) Regulations 2002
7. Amendments to the Fostering Services (Wales) Regulations 2003
8. Amendment to the Local Authority Adoption Service (Wales) Regulations 2007
9. Amendments to the Residential Family Centres (Wales) Regulations 2003

RHAN 4

Sefydliadau ac asiantaethau, gwasanaethau a chyfleusterau - gofal cymdeithasol ac iechyd oedolion

10. Diwygiadau i Reoliadau Cynlluniau Lleoli Oedolion (Cymru) 2004
11. Diwygiadau i Reoliadau Cartrefi Gofal (Cymru) 2002
12. Diwygiadau i Reoliadau Asiantaethau Gofal Cartref (Cymru) 2004
13. Diwygiadau i Reoliadau Asiantaethau Nyrsys (Cymru) 2003
14. Diwygiadau i Reoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002
15. Diwygiadau i Reoliadau Deintyddiaeth Breifat (Cymru) 2008

RHAN 5

Cyffredinol

16. Diwygiadau i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002

Mae Gweinidogion Cymru'n gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 68(1) a (2), 79C(2) a (3), 79M(1)(c) a 104(4) o Ddeddf Plant 1989(1) a pharagraff 4 o Atodlen 9A iddi, adrannau 12(2)(a), 16(1)(a), 22(1), (2)(a), (b), (d) ac (e), 48(1)(a) ac 118(1), (6)(a) o Ddeddf Safonau Gofal 2000(2) ac adrannau 9(1), 10(1)(a), (3)(a) ac (e), 140(1) a (7) o Ddeddf Mabwysiadu a Phlant 2002(3):

RHAN 1

Cyflwyniad

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Plant 1989, Deddf Safonau Gofal 2000 a Deddf Mabwysiadu a Phlant 2002 (Diwygiadau Amrywiol) (Cymru) 2009 a deuant i rym ar 12 Hydref 2009.

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

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- (1) 1989 p.41. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 79C(2) a 104(4) i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).
 - (2) 2000 p.14. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adrannau hyn o Ddeddf Safonau Gofal 2000 i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).
 - (3) 2002 p.38. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adrannau hyn o Ddeddf Mabwysiadu a Phlant 2002 i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

PART 4

Establishments and agencies, services and facilities - adult social care and health

10. Amendment to the Adult Placement Schemes (Wales) Regulations 2004
11. Amendments to the Care Homes (Wales) Regulations 2002
12. Amendments to the Domiciliary Care Agencies (Wales) Regulations 2004
13. Amendments to the Nurses Agencies (Wales) Regulations 2003
14. Amendments to the Private and Voluntary Health Care (Wales) Regulations 2002
15. Amendments to the Private Dentistry (Wales) Regulations 2008

PART 5

General

16. Amendments to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 68 (1) and (2), 79C (2) and (3), 79M (1) (c) and 104 (4) of and paragraph 4 of Schedule 9A to the Children Act 1989 (1), sections 12 (2) (a), 16 (1) (a), 22(1), (2) (a), (b), (d) and (e), 48 (1) (a) and 118 (1), (6) (a) of the Care Standards Act 2000 (2) and sections 9 (1) , 10 (1) (a), (3) (a) and (e), 140 (1) and (7) of the Adoption and Children Act 2002(3):

PART 1

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the Children Act 1989, Care Standards Act 2000 and Adoption and Children Act 2002 (Miscellaneous Amendments) (Wales) Regulations 2009 and they come into force on 12 October 2009.

(2) These Regulations apply in relation to Wales.

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- (1) 1989 c.41. Functions of the National Assembly for Wales under sections 79C (2) and 104 (4) were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
 - (2) 2000 c.14. Functions of the National Assembly for Wales under these sections of the Care Standards Act 2000 were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
 - (3) 2002 c.38. Functions of the National Assembly for Wales under these sections of the Adoption and Children Act 2002 were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Gwarchod plant a gofal dydd

Diwygio Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002

2.—(1) Mae Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002(1) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 4 (y person cofrestredig - ei addasrwydd)—

(a) yn lle paragraff 3(c) rhodder—

"(c) bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl fel y digwydd, ar gael mewn perthynas â'r person—

(i) ac eithrio os yw paragraff (5) yn gymwys, mewn cysylltiad â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2;

(ii) os yw paragraff (5) yn gymwys, mewn cysylltiad â phob un o'r materion a bennir ym mharagraffau 1, 2 a 4 o Atodlen 2.";

(b) hepgorer paragraff (4).

(3) Yn rheoliad 4B(2) (y person â gofal - ei addasrwydd)—

(a) yn lle paragraff (3)(c) rhodder—

"(c) bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl y digwydd, ar gael mewn perthynas â'r person mewn cysylltiad â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2.";

(b) hepgorer paragraff (4).

(4) Yn rheoliad 16 (addasrwydd gweithwyr)—

(a) yn lle paragraff (2)(ch) rhodder—

"(ch) bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl fel y digwydd, ar gael mewn perthynas â'r person mewn cysylltiad â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2.";

(b) ym mharagraff (4)(b), yn lle'r geiriau "oni bai bod paragraff (5) yn gymwys" rhodder "oni bai bod paragraff (5) neu (5A) yn gymwys.";

(c) yn lle paragraff (5)(b) rhodder—

"(b) y cafwyd gwybodaeth lawn a boddhaol mewn perthynas â'r person hwnnw mewn cysylltiad â'r materion a bennir ym mharagraffau 1 a 2 o Atodlen 2.".

Child minding and day care

Amendments to the Child Minding and Day Care (Wales) Regulations 2002

2.—(1) The Child Minding and Day Care (Wales) Regulations 2002(1) are amended as follows.

(2) In regulation 4 (registered person - suitability)—

(a) for paragraph (3) (c) substitute—

"(c) full and satisfactory information or documentation, as the case may be, is available in relation to the person—

(i) except where paragraph (5) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;

(ii) where paragraph (5) applies, in respect of each of the matters specified in paragraphs 1, 2 and 4 of Schedule 2.";

(b) omit paragraph (4).

(3) In regulation 4B(2) (person in charge - suitability)—

(a) for paragraph (3) (c) substitute—

"(c) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2.";

(b) omit paragraph (4).

(4) In regulation 16 (suitability of workers)—

(a) for paragraph (2) (d) substitute—

"(d) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2.";

(b) in paragraph (4) (b), for the words "unless paragraph (5) applies" substitute "unless paragraph (5) or (5A) applies.";

(c) for paragraph (5) (b) substitute—

"(b) full and satisfactory information in relation to that person has been obtained in respect of the matters specified in paragraphs 1 and 2 of Schedule 2.".

(1) O.S. 2002/812 (Cy.92). Yr offerynnau diwygio perthnasol yw O.S. 2002/2171 (Cy.218), O.S. 2002/2622 (Cy.254), O.S. 2003/2708 (Cy.259) ac O.S. 2004/2414 (Cy.222).

(2) Mewnosodwyd rheoliad 4B gan O.S. 2003/2708 (Cy.259).

(1) S.I. 2002/812 (W.92). Relevant amending instruments are S.I. 2002/2171 (W.218), S.I. 2002/2622 (W.254), S.I. 2003/2708 (W.259) and 2004/2414 (W.222).

(2) Regulation 4B inserted by S.I. 2003/2708 (W.259).

(5) Yn Atodlen 2 (yr wybodaeth sy'n ofynnol mewn perthynas â phersonau sy'n ceisio gweithredu fel gwarchodwyr plant neu ddarparwyr gofal dydd neu'n ceisio gweithio drostynt)—

(a) yn lle paragraff 2 rhodder—

"2. Naill ai—

(a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 10A o'r Ddeddf neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Deddf yr Heddlu 1997 (Cofnodion Troseddol) 2002(1) tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997(2) ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2)(3) o'r Ddeddf honno) ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi; neu

(b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A(4) o Ddeddf yr Heddlu 1997 ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi";

(b) hepgorer paragraffau 7 ac 8.

Diwygio Rheoliadau Datgymhwysio rhag Gofalu am Blant (Cymru) 2004

3.—(1) Diwygier yr Atodlen i Reoliadau Datgymhwysio rhag Gofalu am Blant (Cymru) 2004(5) fel a ganlyn.

(2) Ym mharagraff 3, yn lle "78C" rhodder "79C"

(3) Yn lle paragraff 33 rhodder—

"Cyfarwyddyd Deddf Addysg 2002

33. Person sy'n ddarostyngedig i gyfarwyddyd a wnaed, neu y mae iddo effaith fel pe bai wedi'i wneud, o dan adran 142 o Ddeddf Addysg 2002(6) ar y seiliau a osodir yn is-adran (4)(a), (b) neu (d) o'r adran honno."

(5) In Schedule 2 (information required in respect of persons seeking to act or work for child minders or providers of day care)—

(a) for paragraph 2 substitute—

"2. Either—

(a) where the certificate is required for a purpose related to registration under Part 10A of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002(1) an enhanced criminal record certificate issued under section 113B of the Police Act 1997(2) which includes suitability information relating to children (within the meaning of section 113BA(2)(3) of that Act) in respect of which less than three years have elapsed since it was issued; or

(b) in any other case, a criminal record certificate issued under section 113A(4) of the Police Act 1997 in respect of which less than three years have elapsed since it was issued.";

(b) omit paragraphs 7 and 8.

Amendments to the Disqualification from Caring for Children (Wales) Regulations 2004

3.—(1) The Schedule to the Disqualification from Caring for Children (Wales) Regulations 2004(5) is amended as follows.

(2) In paragraph 3, for "78C" substitute "79C"

(3) For paragraph 33 substitute—

"Education Act 2002 direction

33. A person who is subject to a direction made, or which has effect as if made, under section 142 of the Education Act 2002(6) on the grounds set out in subsection (4) (a), (b) or (d) of that section."

(1) O.S. 2002/233. Mewnosodwyd Rheoliad 5A gan O.S. 2006/748. Mae diwygiadau pellach yn cael eu drafftio i reoliad 5A a bydd y rhain mewn grym o 12 Hydref 2009 ymlaen.

(2) 1997 p.50. Mewnosodwyd adran 113B gan Ddeddf Troseddol Cyfundrefnol Difrifol a'r Heddlu 2005 (p.15). Diwygir is-adran (2) o adran 113B gan Ddeddf Diogelu Grwpiau Hyglwyf 2006.

(3) Mewnosodwyd adran 113BA gan adran 63(1) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p.47) a pharagraff 14 o Atodlen 9 iddi.

(4) Mewnosodwyd adran 113A gan Ddeddf Troseddol Cyfundrefnol Difrifol a'r Heddlu 2005 (p.15).

(5) O.S. 2004/2695 (Cy.235).

(6) 2002 p.32.

(1) S.I. 2002/233. Regulation 5A was inserted by S.I. 2006/748. Further amendments are being drafted to regulation 5A and these will be in force from 12 October 2009.

(2) 1997 c.50. Section 113B was inserted by the Serious Organised Crime and Police Act 2005 (c.15). Sub-section (2) of section 113B is amended by the Safeguarding Vulnerable Groups Act 2006.

(3) Section 113BA was inserted by section 63(1) of, and paragraph 14 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c.47).

(4) Section 113A was inserted by the Serious Organised Crime and Police Act 2005 (c.15).

(5) S.I. 2004/2695 (W.235).

(6) 2002 c.32.

(4) Yn lle paragraff 34 rhodder—

"Ddeddf Diogelu Grwpiau Hyglwyf 2006 rhestr waharddedig o ran plant

34. Person sydd wedi'i wahardd rhag gweithgaredd a reoleiddir sy'n ymwneud â phlant (o fewn ystyr adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(1))"

RHAN 3

Sefydliadau ac asiantaethau - plant

Diwygio Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005

4.—(1) Mae Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005(2) yn cael eu diwygio fel a ganlyn.

(2) Yn lle paragraff (1) o reoliad 23 (gofyniad i wneud gwiriadau gyda'r heddlu) rhodder—

"(1) Mewn cysylltiad â'r darpar fabwysiadu ac unrhyw aelod arall o aelwyd y darpar fabwysiadu sy'n 18 oed neu drosodd, rhaid i asiantaeth fabwysiadu gael tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno)."

Diwygio Rheoliadau Asiantaethau Cymorth Mabwysiadu (Cymru) 2005

5.—(1) Mae Rheoliadau Asiantaethau Cymorth Mabwysiadu (Cymru) 2005(3) yn cael eu diwygio fel a ganlyn.

(2) Yn lle paragraff 2 o Atodlen 2 (yr wybodaeth y mae'n ofynnol ei chael am yr unigolyn cyfrifol neu am bersonau sy'n ceisio rheoli neu weithio at ddibenion asiantaeth) rhodder—

"2. Naill ai—

(a) os yw'r dystysgrif yn ofynnol at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o Ddeddf 2000 neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno) ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi; neu

(1) 2006 p.47.

(2) O.S. 2005/1313 (Cy.95).

(3) O.S. 2005/1514 (Cy.118).

(4) For paragraph 34 substitute—

"Safeguarding Vulnerable Groups Act 2006 children's barred list

34. A person who is barred from regulated activity relating to children within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006(1)"

PART 3

Establishments and agencies - children

Amendment to the Adoption Agencies (Wales) Regulations 2005

4.—(1) The Adoption Agencies (Wales) Regulations 2005(2) are amended as follows.

(2) For paragraph (1) of regulation 23 (requirement to carry out police checks) substitute—

"(1) In respect of the prospective adopter and any other member of the prospective adopter's household who is aged 18 or over, an adoption agency must obtain an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act)."

Amendment to the Adoption Support Agencies (Wales) Regulations 2005

5.—(1) The Adoption Support Agencies (Wales) Regulations 2005(3) are amended as follows.

(2) For paragraph 2 of Schedule 2 (information required in respect of the responsible individual or persons seeking to manage or work for the purposes of an agency) substitute—

"2. Either—

(a) where the certificate is required for a purpose related to registration under Part 2 of the 2000 Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act) in respect of which less than 3 years have elapsed since it was issued; or

(1) 2006 c.47.

(2) S.I. 2005/1313 (W.95).

(3) S.I. 2005/1514 (W.118).

(b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997 ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi."

Diwygiadau i Reoliadau Cartrefi Plant (Cymru) 2002

6.—(1) Mae Rheoliadau Cartrefi Plant (Cymru) 2002(1) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 6 (ffitwydd y darparwydd cofrestredig)—

(a) Ym mharagraff (3)(c) rhodder—

"(c) bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl fel y digwydd, ar gael mewn perthynas â'r person mewn cysylltiad â phob un o'r materion a bennir ym mharagraffau 1 i 5 a 6 o Atodlen 2.";

(b) hepgorer paragraff (4).

(3) Yn rheoliad 8 (ffitwydd y rheolwr)—

(a) yn lle paragraff (2)(c) rhodder—

"(c) oni bai bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl fel y digwydd, ar gael mewn perthynas â'r person mewn cysylltiad â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2."

(b) yn lle paragraff (2E)(2) rhodder—

"(2E) Ni fydd person yn ffit i reoli cartref plant onid yw wedi ei gofrestru'n rheolwr gyda Chyngor Gofal Cymru.";

(c) hepgorer paragraff (3).

(4) Yn rheoliad 26 (ffitwydd gweithwyr)—

(a) yn lle paragraff (2)(ch) rhodder—

"(ch) yn ddarostyngedig i baragraff (2G), bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl fel y digwydd, ar gael mewn perthynas â'r person mewn cysylltiad â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2"

(b) ym mharagraff (4)(b), yn lle'r geiriau "oni bai bod paragraff (5) yn gymwys" rhodder "oni bai bod paragraff (5) neu (5A) yn gymwys.";

(c) yn lle paragraff (5) (b) rhodder—

"(b) y cafwyd gwybodaeth lawn a boddhaol mewn perthynas â'r person hwnnw mewn cysylltiad â'r materion a bennir ym mharagraffau 1 a 2 o Atodlen 2."

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997 in respect of which less than 3 years have elapsed since it was issued."

Amendments to the Children's Homes (Wales) Regulations 2002

6.—(1) The Children's Homes (Wales) Regulations 2002(1) are amended as follows.

(2) In regulation 6 (fitness of registered provider)—

(a) for paragraph (3) (c) substitute—

"(c) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of each of the matters specified in paragraphs 1 to 5 and 6 of Schedule 2.";

(b) omit paragraph (4) .

(3) In regulation 8 (fitness of manager)—

(a) for paragraph (2) (c) substitute—

"(c) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2."

(b) for paragraph (2E)(2) substitute—

"(2E) A person is not fit to manage a children's home unless he or she is registered as a manager with the Care Council for Wales." ;

(c) omit paragraph (3).

(4) In regulation 26 (fitness of workers)—

(a) for paragraph (2) (d) substitute—

"(d) subject to paragraph (2G), full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of each matter specified in paragraphs 1 to 6 of Schedule 2"

(b) in paragraph (4) (b), for the words "unless paragraph (5) applies" substitute "unless paragraph (5) or (5A) applies.";

(c) for paragraph (5) (b) substitute—

"(b) full and satisfactory information in relation to that person has been obtained in respect of the matters specified in paragraphs 1 and 2 of Schedule 2." .

(1) O.S. 2002/327 (Cy.40). Yr offerynnau diwygio perthnasol yw O.S. 2002/2622 (Cy.254), O.S. 2004/2414 (Cy.222) ac O.S. 2007/311 (Cy.28).

(2) Mewnosodwyd paragraff (2E) o reoliad 8 gan O.S. 2007/311 (Cy.28).

(1) S.I. 2002/327 (W.40). Relevant amending instruments are S.I. 2002/2622 (W.254), S.I. 2004/2414 (W.222) and S.I. 2007/311 (W.28).

(2) Paragraph (2E) of regulation 8 was inserted by S.I. 2007/311 (W.28).

(5) Yn Atodlen 2 (yr wybodaeth y mae ei hangen mewn perthynas â phersonau sy'n ceisio rhedeg neu reoli cartref plant neu weithio mewn un) —

(a) yn lle paragraff 2 rhodder—

"2. Naill ai—

- (a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r Ddeddf neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno) ac, os yw'n gymwys, wybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi; neu
- (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol safonol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997 ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi.";

(b) hepgorer paragraffau 7 ac 8.

Diwygiadau i Reoliadau Gwasanaethau Maethu (Cymru) 2003

7.—(1) Mae Rheoliadau Gwasanaethau Maethu (Cymru) 2003(1) yn cael eu diwygio fel a ganlyn.

(2) Yn lle paragraff 2 o Atodlen 1 (yr wybodaeth sy'n ofynnol mewn perthynas â phersonau sy'n ceisio rhedeg neu reoli gwasanaeth maethu neu weithio at ddibenion y gwasanaeth hwnnw) rhodder—

"2. Naill ai—

- (a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r Ddeddf 2000 neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno); neu
- (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997."

(3) Yn lle paragraff 13 o Atodlen 3 (gwybodaeth am ddarpar riant maeth ac aelodau eraill o aelwyd a theulu'r darpar riant maeth) rhodder—

(5) In Schedule 2 (information required in respect of persons seeking to carry on, manage or work at a children's home)—

(a) for paragraph 2 substitute—

"2. Either—

- (a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act) and, where applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act) in respect of which less than three years have elapsed since it was issued ; or
- (b) in any other case, a standard criminal record certificate issued under section 113A of the Police Act 1997 in respect of which less than three years have elapsed since it was issued." ;

(b) omit paragraphs 7 and 8.

Amendments to the Fostering Services (Wales) Regulations 2003

7.—(1) The Fostering Services (Wales) Regulations 2003(1) are amended as follows.

(2) For paragraph 2 of Schedule 1 (information required in respect of persons seeking to carry on, manage or work for the purposes of a fostering service) substitute—

"2. Either —

- (a) where the certificate is required for a purpose related to registration under Part 2 of the 2000 Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act); or
- (b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997."

(3) For paragraph 13 of Schedule 3 (information as to prospective foster parent and other members of the prospective foster parent's household and family) substitute—

(1) O.S. 2003/237 (Cy.35).

(1) S.I. 2003/237 (W.35).

"13. Mewn cysylltiad â'r darpar riant maeth ac unrhyw aelod arall o aelwyd y darpar riant maeth sy'n 18 oed neu drosodd, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno)."

Diwygiadau i Reoliadau Gwasanaeth Mabwysiadu Awdurdodau Lleol (Cymru) 2007

8.—(1) Mae Rheoliadau Gwasanaeth Mabwysiadu Awdurdodau Lleol (Cymru) 2007(1) yn cael eu diwygio fel a ganlyn.

(2) Yn lle paragraff 2 o Atodlen 3 (gwybodaeth y mae ei hangen am bersonau sy'n gwneud cais am reoli neu weithio at ddibenion y gwasanaeth mabwysiadu) rhodder—

"2. Naill ai—

- (a) os oes angen y dystysgrif ar gyfer swydd sy'n dod o dan reoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno) ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi; neu
- (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997 ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi."

Diwygiadau i Reoliadau Canolfannau Preswyl i Deuluoedd (Cymru) 2003

9.—(1) Mae Rheoliadau Canolfannau Preswyl i Deuluoedd (Cymru) 2003(2) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 5 (ffitrwydd y darparydd cofrestredig)—

(a) yn lle paragraff (3)(c) rhodder—

"(c) bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl fel y digwydd, ar gael mewn perthynas â'r unigolyn mewn cysylltiad â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2.";

(b) hepgorer paragraff (4)

(3) Yn rheoliad 7 (ffitrwydd y rheolwr)—

(a) yn lle paragraff (2)(c) rhodder—

(1) O.S. 2007/1357 (Cy.128).

(2) O.S. 2003/781 (Cy.92).

"13. In respect of the prospective foster parent and any other member of the prospective foster parent's household who is aged 18 or over, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act)." .

Amendment to the Local Authority Adoption Service (Wales) Regulations 2007

8.—(1) The Local Authority Adoption Service (Wales) Regulations 2007(1) are amended as follows.

(2) For paragraph 2 of Schedule 3 (information required in respect of persons seeking to manage or work for the purposes of the adoption service) substitute—

"2. Either—

- (a) where the certificate is required for a position that falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act) in respect of which less than three years has elapsed since it was issued; or
- (b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997 in respect of which less than three years has elapsed since it was issued."

Amendments to the Residential Family Centres (Wales) Regulations 2003

9.—(1) The Residential Family Centres (Wales) Regulations 2003(2) are amended as follows.

(2) In regulation 5 (fitness of registered provider)—

(a) for paragraph (3) (c) substitute—

"(c) full and satisfactory information and documentation, as the case may be, is available in relation to the individual in respect of each matter specified in paragraphs 1 to 6 of Schedule 2" ;

(b) omit paragraph (4) .

(3) In regulation 7 (fitness of manager)—

(a) For paragraph (2) (c) substitute—

(1) S.I. 2007/1357 (W.128).

(2) S.I. 2003/781 (W.92).

"(c) bod gwybodaeth a dogfennaeth lawn a boddhaol, yn ôl fel y digwydd, ar gael mewn perthynas â'r person mewn cysylltiad â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2."

(b) hepgorer paragraff (3).

(4) Yn Atodlen 2 (yr wybodaeth y mae ei hangen mewn perthynas â phersonau sy'n ceisio rhedeg neu reoli canolfan breswyl i deuluoedd neu weithio mewn un) —

(a) yn lle paragraff 2 rhodder—

"2. Naill ai—

(a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o Ddeddf 2000 neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno) ac, os yw'n gymwys, wybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno); neu

(b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997.";

(b) hepgorer paragraff 7.

RHAN 4

Sefydliadau ac asiantaethau, gwasanaethau a chyfleusterau - gofal cymdeithasol ac ieuchyd oedolion

Diwygiadau i Reoliadau Cynlluniau Lleoli Oedolion (Cymru) 2004

10.—(1) Mae Rheoliadau Cynlluniau Lleoli Oedolion Cymru 2004(1) yn cael eu diwygio fel a ganlyn.

(2) Yn lle paragraff 2 o Atodlen 3 (gwybodaeth a dogfennau sydd i fod ar gael mewn perthynas â gofalwyr lleoliadau oedolion, personau sy'n darparu gwasanaethau gofal at ddibenion lleoliad oedolion, personau sy'n darparu ac yn rheoli cynlluniau lleoli oedolion) rhodder—

"2. Naill ai—

(a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r

"(c) full and satisfactory information and documentation, as the case may be, is available in relation to the person in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2."

(b) omit paragraph (3).

(4) In Schedule 2 (information required in respect of persons seeking to carry on, manage or work at a residential family centre) —

(a) for paragraph 2 substitute—

"2. Either—

(a) where the certificate is required for a purpose related to registration under Part 2 of the 2000 Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act) and, where applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act); or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997." ;

(b) omit paragraph 7.

PART 4

Establishments and agencies, services and facilities - adult social care and health

Amendment to the Adult Placement Schemes (Wales) Regulations 2004

10.—(1) The Adult Placement Schemes (Wales) Regulations 2004(1) are amended as follows.

(2) For paragraph 2 of Schedule 3 (information and documents to be available in respect of adult placement carers, persons providing care services for the purposes of an adult placement, persons providing and managing adult placement schemes) substitute—

"2. Either—

(a) where the certificate is required for a purpose related to registration under Part

(1) O.S. 2004/1756 (Cy.188).

(1) S.I. 2004/1756 (W.188).

Ddeddf neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno); neu

- (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997."

Diwygiadau i Reoliadau Cartrefi Gofal (Cymru) 2002

11.—(1) Mae Rheoliadau Cartrefi Gofal (Cymru) 2002(1) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 7 (ffitrwydd y darparwydd cofrestredig)—

(a) yn lle paragraff (3)(c)(ii) rhodder—

"(ii) os yw paragraff (4) yn gymwys, mewn perthynas â phob mater a bennir ym mharagraffau 1 a 3 i 6 o Atodlen 2;"

(b) yn lle paragraff (3)(c)(iii) rhodder—

"(iii) ac ymhellach, pan fo paragraff (4) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";

(c) yn lle paragraff (4) rhodder—

"(4) Mae'r paragraff hwn yn gymwys —

(a) pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 2 ond nad yw'r dystysgrif wedi ei dyroddi; a

(b) pan na fydd yr unigolyn yn ymgymryd â gweithgaredd wedi ei reoli sy'n ymwneud â phlant."

(3) Yn rheoliad 9 (ffitrwydd y rheolwr cofrestredig)—

(a) yn lle paragraff (2)(c)(ii) rhodder—

"(ii) pan fydd paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 a 3 i 6 o Atodlen 2;"

(b) yn lle paragraff (2)(c)(iii) rhodder—

"(iii) ac ymhellach, pan fydd paragraff (3) yn gymwys, bod hysbysiad wedi dod

2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act); or

- (b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997."

Amendments to the Care Homes (Wales) Regulations 2002

11.—(1) The Care Homes (Wales) Regulations 2002(1) are amended as follows.

(2) In regulation 7 (fitness of registered provider)—

(a) for paragraph (3) (c) (ii) substitute—

"(ii) where paragraph (4) applies, in respect of each matter specified in paragraph 1 and 3 to 6 of Schedule 2;"

(b) for paragraph (3) (c) (iii) substitute—

"(iii) and further, where paragraph (4) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(c) for paragraph (4) substitute—

"(4) This paragraph applies—

(a) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and

(b) the individual will not be engaged in regulated activity relating to children."

(3) In regulation 9 (fitness of registered manager)—

(a) for paragraph (2) (c) (ii) substitute—

"(ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 6 of Schedule 2;"

(b) for paragraph (2) (c) (iii) substitute—

"(iii) and further, where paragraph (3) applies, notification has been received

(1) O.S. 2002/324 (Cy.37). Yr offerynnau diwygio perthnasol yw O.S. 2002/2622 (Cy.254) ac O.S. 2004/2414 (Cy.222).

(1) S.I. 2002/324 (W.37). Relevant amending instruments are S.I. 2002/2622 (W.254) and 2004/2414 (W.222).

i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";

(c) yn lle paragraff (3) rhodder—

"(3) Mae'r paragraff hwn yn gymwys —

- (a) pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 2 ond nad yw'r dystysgrif wedi ei dyroddi; a
- (b) pan na fydd yr unigolyn yn ymgymryd â gweithgaredd wedi ei reoli sy'n ymwneud â phlant."

(4) Yn rheoliad 19 (ffitrwydd y gweithwyr)—

(a) yn lle paragraff (2)(ch)(ii) rhodder—

"(ii) pan fydd paragraff (3) yn gymwys, y materion a bennir ym mharagraffau 1 a 3 i 6 o'r Atodlen honno";

(b) ar ôl paragraff (2)(ch)(ii) mewnosoder—

"(iii) ac ymhellach, pan fydd paragraff (3) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";

(c) yn lle paragraff (3) rhodder—

"(3) Mae'r paragraff hwn yn gymwys —

- (i) pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 2 ond nad yw'r dystysgrif wedi ei dyroddi; a
- (ii) pan na fydd yr unigolyn yn ymgymryd â gweithgaredd wedi ei reoli sy'n ymwneud â phlant.";

(ch) yn lle paragraff (5)(b)(iii) rhodder—

"(iii) pan fydd paragraff (3) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";

(d) ar ôl paragraff (5A)(b) mewnosoder—

"(ba) bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";

(dd) hepgorer is-baragraff (6).

(5) Yn lle paragraff (5) o reoliad 43 (marwolaeth person cofrestredig) rhodder—

under section 113E(4)(a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(c) for paragraph (3) substitute—

"(3) This paragraph applies—

- (a) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and
- (b) the individual will not be engaged in regulated activity relating to children."

(4) In regulation 19 (fitness of workers)—

(a) for paragraph (2) (d) (ii) substitute—

"(ii) where paragraph (3) applies, the matters specified in paragraphs 1 and 3 to 6 of that Schedule";

(b) after paragraph (2) (d) (ii) insert—

"(iii) and further, where paragraph (3) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(c) for paragraph (3) substitute—

"(3) This paragraph applies—

- (i) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and
- (ii) the individual will not be engaging in regulated activity relating to children.";

(d) for paragraph (5) (b)(iii) substitute—

"(iii) where paragraph (3) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(e) after paragraph (5A) (b) insert—

"(ba) notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(f) omit sub paragraph (6) .

(5) For paragraph (5) of Regulation 43 (death of registered person) substitute—

"(5) Rhaid i'r cynrychiolwyr personol benodi person i reoli'r cartref gofal yn ystod unrhyw gyfnod pan fyddant, yn unol â pharagraff (3), yn rhedeg y cartref gofal heb fod wedi eu cofrestru mewn cysylltiad ag ef."

(6) Yn Atodlen 2 (yr wybodaeth a'r dogfennau sydd i fod ar gael mewn perthynas â phersonau sy'n rhedeg neu reoli cartrefi gofal neu weithio ynddynt)—

(a) yn lle paragraff 2 rhodder—

"2. Naill ai—

(a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r Ddeddf neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) ac, os yw'n gymwys, wybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno); neu

(b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997.";

(b) hepgorer paragraffau 7 ac 8.

Diwygiadau i Reoliadau Asiantaethau Gofal Cartref (Cymru) 2004

12.—(1) Mae Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004(1) yn cael eu diwygio fel a ganlyn.

(2) Yn Atodlen 2 (yr wybodaeth sy'n ofynnol mewn perthynas â darparwyr a rheolwyr cofrestredig asiantaeth a phersonau sydd wedi'u henwi i ddirprwyo ar gyfer person cofrestredig)

(a) yn lle paragraff 3 rhodder—

"3. Naill ai—

(a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r Ddeddf neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) ac, os yw'n gymwys, wybodaeth am

"(5) The personal representatives shall appoint a person to manage the care home during any period in which, in accordance with paragraph (3), they carry on the care home without being registered in respect of it."

(6) In Schedule 2 (information and documents to be available in respect of persons carrying on, managing or working at care homes)—

(a) for paragraph 2 substitute—

"2. Either—

(a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to vulnerable adults (within the meaning of section 113BB (2) of that Act) and, where applicable, suitability information relating to children (within the meaning of section 113BA (2) of that Act); or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997.";

(b) omit paragraphs 7 and 8 .

Amendments to the Domiciliary Care Agencies (Wales) Regulations 2004

12.—(1) The Domiciliary Care Agencies (Wales) Regulations 2004(1) are amended as follows.

(2) In Schedule 2 (information required in respect of registered providers and managers of an agency and persons nominated to deputise for a registered person)

(a) for paragraph 3 substitute—

"3. Either—

(a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to vulnerable adults (within the meaning of section 113BB (2) of that Act) and, where applicable, suitability information relating to

(1) O.S. 2004/219 (Cy.23). Yr offeryn diwygio perthnasol yw 2004/2414 (Cy.222).

(1) S.I. 2004/219 (W.23). Relevant amending instrument is S.I. 2004/2414 (W.222).

addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno); neu

(b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997.";

(b) hepgorer paragraff 11.

(3) Yn Atodlen 3 (yr wybodaeth a'r ddogfennaeth sydd i fod ar gael mewn perthynas â gweithwyr gofal cartref) —

(a) yn lle paragraff 4 rhodder—

"4. Naill ai—

(a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r Ddeddf neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys gwybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) ac, os yw'n gymwys, wybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno); neu

(b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997.";

(b) hepgorer paragraff 13.

Diwygiadau i Reoliadau Asiantaethau Nyrsys (Cymru) 2003

13.—(1) Mae Rheoliadau Asiantaethau Nyrsys (Cymru)2003(1) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 7 (ffitrydd y darparydd cofrestredig)—

(a) yn lle paragraff (3)(c)(ii) rhodder—

"(ii) os yw paragraff (4) yn gymwys, am bob mater a bennir ym mharagraffau 1 a 3 i 8 o Atodlen 2;"

(b) ar ôl paragraff (3)(c)(ii) mewnosoder—

"(iii) ac ymhellach, os yw paragraff (4) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";

(c) yn lle paragraff (4) rhodder—

children (within the meaning of section 113BA (2) of that Act); or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997." ;

(b) omit paragraph 11.

(3) In Schedule 3 (information and documentation to be available in respect of domiciliary care workers) —

(a) for paragraph 4 substitute—

"4. Either —

(a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to vulnerable adults (within the meaning of section 113BB (2) of that Act) and, where applicable, suitability information relating to children (within the meaning of section 113BA(2) of that Act); or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997." ;

(b) omit paragraph 13.

Amendments to the Nurses Agencies (Wales) Regulations 2003

13.—(1) The Nurses Agencies (Wales) Regulations 2003(1) are amended as follows.

(2) In regulation 7 (fitness of registered provider)—

(a) for paragraph (3) (c) (ii) substitute—

"(ii) where paragraph (4) applies, in respect of each matter specified in paragraphs 1 and 3 to 8 of Schedule 2;" ;

(b) after paragraph (3) (c) (ii) insert—

"(iii) and further, where paragraph (4) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(c) for paragraph (4) substitute—

(1) O.S. 2003/2527 (Cy.242). Yr offerynnau diwygio perthnasol yw O.S. 2003/3054 (Cy.292) ac O.S. 2004/2414 (Cy.222).

(1) S.I. 2003/2527 (W.242). Relevant amending instruments are S.I. 2003/3054 (W.292) and S.I. 2004/2414 (W.222).

- "(4) Mae'r paragraff hwn yn gymwys —
- (a) pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 2 ond nad yw'r dystysgrif wedi ei dyroddi; a
- (b) pan na fydd yr unigolyn yn ymgymryd â gweithgaredd wedi ei reoli sy'n ymwneud â phlant."
- (3) Yn rheoliad 9 (ffitwydd y rheolwr)—
- (a) yn lle paragraff (2)(c)(ii) rhodder—
- "(ii) os yw paragraff (3) yn gymwys, am bob mater a bennir ym mharagraffau 1 a 3 i 8 o Atodlen 2;"
- (b) ar ôl paragraff (2)(c)(ii) mewnosoder—
- "(iii) ac ymhellach, os yw paragraff (3) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";
- (c) yn lle paragraff (3) rhodder—
- "(3) Mae'r paragraff hwn yn gymwys —
- (a) pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 2 ond nad yw'r dystysgrif wedi ei dyroddi; a
- (b) pan na fydd yr unigolyn yn ymgymryd â gweithgaredd wedi ei reoli sy'n ymwneud â phlant."
- (4) Yn rheoliad 12 (ffitwydd y nyrsys sy'n cael eu cyflenwi gan asiantaeth)—
- (a) yn lle paragraff (1)(ch)(ii) rhodder—
- "(ii) os yw paragraff (3) yn gymwys, am bob mater a bennir ym mharagraffau 1 i 3 a 6 i 13 o Atodlen 3;"
- (b) ym mharagraff (1)(ch) mewnosoder ar ôl paragraff (1)(ch)(ii)—
- "(iii) ac ymhellach, os yw paragraff (3) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";
- (c) yn lle paragraff (2)(ii) rhodder—
- "(ii) os yw paragraff (3) yn gymwys, am bob mater a bennir ym mharagraffau 1 a 3 i 8 o Atodlen 2;"
- (ch) ar ôl paragraff (2)(ii) mewnosoder—
- "(iii) ac ymhellach, os yw paragraff (3) yn
- "(4) This paragraph applies—
- (a) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and
- (b) the individual will not be engaging in regulated activity relating to children."
- (3) In regulation 9 (fitness of manager)—
- (a) for paragraph (2) (c) (ii) substitute—
- "(ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 8 of Schedule 2;"
- (b) after paragraph (2) (c) (ii) insert—
- "(iii) and further where paragraph (3) applies, notification has been received under section 113E(4)(a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";
- (c) for paragraph (3) substitute—
- "(3) This paragraph applies—
- (a) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and
- (b) the individual will not be engaging in regulated activity relating to children."
- (4) In regulation 12 (fitness of nurses supplied by an agency)—
- (a) for paragraph (1) (d) (ii) substitute—
- "(ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 to 3 and 6 to 13 of Schedule 3;"
- (b) in paragraph (1) (d) insert after paragraph (1) (d) (ii)—
- "(iii) and further, where paragraph (3) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";
- (c) for paragraph (2)(ii) substitute—
- "(ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 8 of Schedule 2;"
- (d) after paragraph (2) (ii) insert—
- "(iii) and further, where paragraph (3)

gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";

(d) yn lle paragraff (3) rhodder—

"(3) Mae'r paragraff hwn yn gymwys —

- (a) pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 2 ond nad yw'r dystysgrif wedi ei dyroddi; a
- (b) pan na fydd yr unigolyn yn ymgymryd â gweithgaredd wedi ei reoli sy'n ymwneud â phlant."

(5) Yn Atodlen 2 (yr wybodaeth sy'n ofynnol mewn perthynas â darparwyr a rheolwyr cofrestredig asiantaeth a nyrsys sy'n gyfrifol am ddewis nyrsys i'w cyflenwi i ddefnyddwyr gwasanaeth)—

(a) yn lle paragraff 2 rhodder—

"2. Naill ai—

- (a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r Ddeddf neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys, fel y bo'n gymwys, wybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) neu wybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno) neu'r ddwy; neu
- (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997.";

(b) hepgorer paragraffau 9 ac 10.

(6) Yn Atodlen 3 (yr wybodaeth sy'n ofynnol mewn perthynas â nyrsys sydd i'w cyflenwi gan asiantaeth)—

(a) yn lle paragraff 4 rhodder—

"4. Naill ai—

- (a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r Ddeddf neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 ac sy'n cynnwys, fel y bo'n gymwys, wybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) neu wybodaeth am

applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(e) for paragraph (3) of substitute—

"(3) This paragraph applies—

- (a) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and
- (b) the individual will not be engaging in regulated activity relating to children."

(5) In Schedule 2 (information required in respect of registered providers and managers of an agency and nurses responsible for selecting nurses for supply to service users)—

(a) for paragraph 2 substitute—

"2. Either—

- (a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act) or suitability information relating to children (within the meaning of section 113BA (2) of that Act) or both; or
- (b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997.";

(b) omit paragraphs 9 and 10.

(6) In Schedule 3 (information required in respect of nurses to be supplied by an agency)—

(a) for paragraph 4 substitute—

"4. Either—

- (a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB (2) of that Act) or suitability information relating to

addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno neu'r ddwy; neu

(b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997.";

(b) hepgorer paragraffau 5 ac 14.

Diwygiadau i Reoliadau Gofal Iechyd Preifat a Gwifreddol (Cymru) 2002

14.—(1) Mae Rheoliadau Gofal Iechyd Preifat a Gwifreddol (Cymru) 2002(1) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 9 (ffitrwydd y darparydd cofrestredig)—

(a) yn lle paragraff (3)(c)(ii) rhodder—

"(ii) os yw paragraff (4) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 a 3 i 7 o Atodlen 2;"

(b) yn lle paragraff (3)(c)(iii) rhodder—

"(iii) ac ymhellach, pan fo paragraff (4) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";

(c) yn lle paragraff (4) rhodder—

"(4) Mae'r paragraff hwn yn gymwys —

(a) pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 2 ond nad yw'r dystysgrif wedi ei dyroddi; a

(b) pan na fydd yr unigolyn yn ymgymryd â gweithgaredd wedi ei reoli sy'n ymwneud â phlant.".

(3) Yn rheoliad 11 (ffitrwydd y rheolwr)—

(a) yn lle paragraff (2)(c)(ii) rhodder—

"(ii) os yw paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 a 3 i 7 o Atodlen 2;"

(b) yn lle paragraff (2)(c)(iii) rhodder—

"(iii) ac ymhellach, os yw paragraff (3) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";

children (within the meaning of section 113BA(2) of that Act) or both ; or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997.";

(b) omit paragraphs 5 and 14.

Amendments to the Private and Voluntary Health Care (Wales) Regulations 2002

14.—(1) The Private and Voluntary Health Care (Wales) Regulations 2002(1) are amended as follows.

(2) In regulation 9 (fitness of registered provider)—

(a) for paragraph (3) (c) (ii) substitute—

"(ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2;"

(b) for paragraph (3) (c) (iii) substitute—

"(iii) and further, where paragraph (4) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(c) for paragraph (4) substitute—

"(4) This paragraph applies—

(a) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and

(b) the individual will not be engaging in regulated activity relating to children.".

(3) In regulation 11 (fitness of manager)—

(a) for paragraph (2) (c) (ii) substitute—

"(ii) where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2;"

(b) for paragraph (2) (c) (iii) substitute—

"(iii) and further, where paragraph (3) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(1) O.S. 2002/325 (Cy.38). Yr offerynnau diwygio perthnasol yw 2002/2622 (Cy.254) a 2004/2414 (Cy.222).

(1) S.I. 2002/325 (W.38). Relevant amending instruments are S.I. 2002/2622 (W.254) and 2004/2414 (W.222).

- (c) yn lle paragraff (3) rhodder—
 "(3) Mae'r paragraff hwn yn gymwys —
 (a) pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 2 ond nad yw'r dystysgrif wedi ei dyroddi; a
 (b) pan na fydd yr unigolyn yn ymgymryd â gweithgaredd wedi ei reoli sy'n ymwneud â phlant."
- (4) Yn rheoliad 18 (ffitrwydd y gweithwyr)—
 (a) yn lle paragraff (2)(ch)(ii) rhodder—
 "(ii) os yw paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 a 3 i 7 o Atodlen 2;"
 (b) ar ôl paragraff (2)(ch)(ii) mewnosoder—
 "(iii) ac ymhellach, os yw paragraff (3) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";
 (c) yn lle paragraff (3), rhodder—
 "(3) Mae'r paragraff hwn yn gymwys —
 (i) pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 2 ond nad yw'r dystysgrif wedi ei dyroddi; a
 (ii) pan na fydd yr unigolyn yn ymgymryd â gweithgaredd wedi ei reoli sy'n ymwneud â phlant.";
 (ch) ym mharagraff (4)(b) yn lle'r geiriau "oni bai bod paragraff (5) yn gymwys" rhodder "oni bai bod paragraff (5) neu (5A) yn gymwys";
 (d) yn lle paragraff (5)(b)(iii) rhodder—
 "(iii) os yw paragraff (3) yn gymwys, bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";
 (dd) ym mharagraff (5A) ar ôl is-baragraff (b) mewnosoder—
 "(ba) bod hysbysiad wedi dod i law o dan adran 113E(4)(a) o Ddeddf yr Heddlu 1997 yn datgan nad yw'r unigolyn wedi ei gynnwys ar restr oedolion penodedig (o fewn ystyr adran 113E o'r Ddeddf honno).";
- (5) Yn Atodlen 2 (yr wybodaeth sy'n ofynnol mewn perthynas â phersonau sydd am redeg neu reoli sefydliad neu weithio ynddo) —
- (c) for paragraph (3) substitute—
 "(3) This paragraph applies—
 (a) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and
 (b) the individual will not be engaging in regulated activity relating to children."
- (4) In regulation 18 (fitness of workers)—
 (a) for paragraph (2) (d) (ii) substitute—
 "(ii) where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2;"
 (b) after paragraph (2) (d) (ii) insert—
 "(iii) and further, where paragraph (3) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";
 (c) for paragraph (3), substitute—
 "(3) This paragraph applies—
 (i) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and
 (ii) the individual will not be engaging in regulated activity relating to children.";
 (d) in paragraph (4)(b) for the words "unless paragraph (5) applies" substitute "unless paragraph (5) or (5A) applies";
 (e) for paragraph (5) (b) (iii) substitute—
 "(iii) where paragraph (3) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";
 (f) in paragraph (5A) after sub paragraph (b) insert—
 "(ba) notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";
- (5) In Schedule 2 (information required in respect of persons seeking to carry on, manage or work at an establishment)—

(a) yn lle paragraff 2 rhodder—

"2. Naill ai—

- (a) os oes angen y dystysgrif at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r Ddeddf neu os yw'r swydd yn dod o fewn rheoliad 5A o Reoliadau Ddeddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 sy'n cynnwys, fel y bo'n gymwys, wybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) neu wybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno) neu'r ddwy, ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi; neu
- (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113A o Ddeddf yr Heddlu 1997 ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi.";

(b) hepgorer paragraffau 8 ac 9 .

Diwygiadau i Reoliadau Deintyddiaeth Breifat (Cymru) 2008

15.—(1) Mae Rheoliadau Deintyddiaeth Breifat (Cymru) 2008(1) yn cael eu diwygio fel a ganlyn.

(2) Yn lle paragraff (2)(g) o reoliad 5 (gwybodaeth a dogfennau sydd i'w darparu gan geisydd) rhodder—

"(g)tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 sy'n cynnwys, fel y bo'n gymwys, wybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) neu wybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno) neu'r ddwy, ac y cydlofnodwyd y cais amdani ar ran yr awdurdod cofrestru;"

(3) Yn lle paragraff (4) o reoliad 13 (ffitirwydd person cofrestredig) rhodder—

"(4) Caiff yr awdurdod cofrestru ei gwneud yn ofynnol ar unrhyw adeg i'r person cofrestredig wneud cais am dystysgrif cofnod troseddol fanwl wedi ei dyroddi o dan adran 113B o Ddeddf yr Heddlu 1997 sy'n cynnwys, fel y bo'n gymwys, wybodaeth am addasrwydd mewn perthynas ag oedolion hyglwyf (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) neu wybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno) neu'r ddwy, a rhaid i'r cyfryw gais gael ei gydlofnodi ar ran yr awdurdod cofrestru."

(1) O.S. 2008/1976 (Cy.185).

(a) for paragraph 2 substitute—

"2. Either—

- (a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BA (2) of that Act) or both, in respect of which less than three years have elapsed since it was issued; or
- (b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997 in respect of which less than three years have elapsed since it was issued.";

(b) omit paragraphs 8 and 9 .

Amendments to the Private Dentistry (Wales) Regulations 2008

15.—(1) The Private Dentistry (Wales) Regulations 2008(1) are amended as follows.

(2) For paragraph (2) (j) of regulation 5 (information and documents to be provided by an applicant) substitute—

"(j) an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act) or suitability information relating to children (within the meaning of section 113BA (2) of that Act) or both, the application for which was countersigned on behalf of the registration authority;"

(3) For paragraph (4) of regulation 13 (fitness of registered persons) substitute—

"(4) The registration authority may at any time require the registered person to apply for an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BA(2) of that Act) or both, such application to be countersigned on behalf of the registration authority."

(1) S.I. 2008/1976 (W.185).

(4) Yn lle paragraff 2 o Atodlen 2 (gwybodaeth a dogfennau a fydd ar gael ynghylch personau cofrestredig) rhodder—

"2. Tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 113B o Ddeddf yr Heddlu 1997 sy'n cynnwys, fel y bo'n gymwys, wybodaeth am addasrwydd mewn perthynas ag oedolion hygryw (o fewn ystyr adran 113BB(2) o'r Ddeddf honno) neu wybodaeth am addasrwydd mewn perthynas â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno) neu'r ddwy, ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi."

RHAN 5

Cyffredinol

Diwygiadau i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002

16.—(1) Mae Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(1) yn cael eu diwygio fel a ganlyn.

(2) Yn Atodlen 2 (y dogfennau i'w cyflenwi wrth i berson wneud cais am gael ei gofrestru'n berson sy'n rhedeg sefydliad neu asiantaeth)—

(a) yn lle paragraff 4 rhodder—

"4. In relation to the responsible person—

(a) an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information in relation to vulnerable adults (within the meaning of section 113BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BB (2) of that Act) or both; and

(b) the application for that certificate which was countersigned by the Welsh Ministers."

(b) yn lle paragraff 9A rhodder—

"9A Notwithstanding paragraph 4, where the responsible person has applied for a certificate referred to in paragraph 4, but the certificate has not been issued and the responsible person will not be engaging in regulated activity related to children—

(a) a statement confirming that the documents specified in paragraph 4 have been applied for and that the applicant, or where the applicant is an organisation, the responsible individual, will advise the

(4) For paragraph 2 of Schedule 2 (information and documents to be available in respect of registered persons) substitute—

"2. An enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BA (2) of that Act) or both, in respect of which less than three years have elapsed since it was issued."

PART 5

General

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

16.—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(1) are amended as follows.

(2) In Schedule 2 (documents to be supplied on an application for registration as a person who carries on an establishment or agency)—

(a) for paragraph 4 substitute—

"4. In relation to the responsible person—

(a) an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information in relation to vulnerable adults (within the meaning of section 113BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BB (2) of that Act) or both; and

(b) the application for that certificate which was countersigned by the Welsh Ministers."

(b) for paragraph 9A substitute—

"9A Notwithstanding paragraph 4, where the responsible person has applied for a certificate referred to in paragraph 4, but the certificate has not been issued and the responsible person will not be engaging in regulated activity related to children—

(a) a statement confirming that the documents specified in paragraph 4 have been applied for and that the applicant, or where the applicant is an organisation, the responsible individual, will advise the

(1) O.S. 2002/919 (Cy.107). Yr offeryn diwygio perthnasol yw O.S. 2002/2622 (Cy.254).

(1) S.I. 2002/919 (W.107). Relevant amending instrument is S.I. 2002/2622 (W.254).

Welsh Ministers on receipt that they are available for inspection; and

- (b) notification under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act)

(c) yn lle paragraff 10(2) rhodder—

"(2) The following documents are specified—

- (a) where the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 112BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BA (2) of that Act) or both; or
- (b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997;".

(3) Yn Atodlen 3 (yr wybodaeth a'r dogfennau i'w cyflenwi wrth i berson wneud cais am gael ei gofrestru'n rheolwr sefydliad neu asiantaeth)—

(a) hepgorer paragraff 12.

(b) yn lle paragraff 13, rhodder—

"13.—(1) An enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information in relation to vulnerable adults (within the meaning of section 113BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BB (2) of that Act) or both; and

(2) the application for that certificate which was countersigned by the Welsh Ministers."

(c) yn lle paragraff 13A rhodder—

"(13A) Notwithstanding paragraph 13, where the responsible person has applied for a certificate referred to in paragraph 13, but the certificate has not been issued and the responsible person will not be engaging in regulated activity related to children—

- (a) a statement confirming that the documents specified in paragraph 13 have been applied for and that the applicant, or where the applicant is an organisation, the responsible individual, will advise the Welsh Ministers on receipt that they are available for inspection; and
- (b) notification under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act)."

Welsh Ministers on receipt that they are available for inspection; and

- (b) notification under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).";

(c) for paragraph 10 (2) substitute—

"(2) The following documents are specified—

- (a) where the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 112BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BA (2) of that Act) or both; or
- (b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997;".

(3) In Schedule 3 (information and documents to be supplied on an application for registration as the manager of an establishment or agency)—

(a) omit paragraph 12.

(b) for paragraph 13, substitute—

"13.—(1) An enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information in relation to vulnerable adults (within the meaning of section 113BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BB (2) of that Act) or both; and

(2) The application for that certificate which was countersigned by the Welsh Ministers."

(c) For paragraph 13A substitute—

" (13A) Notwithstanding paragraph 13, where the responsible person has applied for a certificate referred to in paragraph 13, but the certificate has not been issued and the responsible person will not be engaging in regulated activity related to children—

- (a) a statement confirming that the documents specified in paragraph 13 have been applied for and that the applicant, or where the applicant is an organisation, the responsible individual, will advise the Welsh Ministers on receipt that they are available for inspection; and
- (b) notification under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act)."

(4) Yn Atodlen 8 (y dogfennau i'w cyflenwi wrth i berson wneud cais am gael ei gofrestru'n warchodwr plant neu'n ddarparydd gofal dydd)-

(a) yn lle paragraff 4 rhodder-

"4. In relation to the responsible person and the person in charge-

(a) an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information in relation to children (within the meaning of section 113BA (2) of that Act);

(b) the application for that certificate which was countersigned by the Welsh Ministers.";

(b) hepgorer paragraff 9.

(c) yn lle paragraff 10(2) rhodder-

"(2) The following documents are specified-

(a) where the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA (2) of that Act); or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997."

(4) In Schedule 8 (documents to be supplied on an application for registration as a child minder or as a provider of day care)-

(a) for paragraph 4 substitute-

"4. In relation to the responsible person and the person in charge-

(a) an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information in relation to children (within the meaning of section 113BA (2) of that Act);

(b) the application for that certificate which was countersigned by the Welsh Ministers.";

(b) omit paragraph 9;

(c) for paragraph 10 (2) substitute-

"(2) The following documents are specified-

(a) where the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA (2) of that Act); or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997."

Gwenda Thomas

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol o dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

15 Medi 2009

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Deputy Minister for Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers

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