



OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 1703 (Cy.163)

**GOFAL CYMDEITHASOL,
CYMRU**

**PLANT A PHOBL IFANC,
CYMRU**

Rheoliadau Gwarchod Plant a
Gofal Dydd (Anghymhwysu)
(Cymru) 2010

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn pennu'r categorïau o bersonau a anghymhwysir rhag cofrestru yng Nghymru fel gwarchodwyr plant neu ddarparwyr gofal dydd o dan Ran 10A o Ddeddf Plant 1989 (p.41) ("y Ddeddf"). Ni chaiff personau a anghymhwysir o dan y Rheoliadau hyn ddarparu gofal dydd nac ymwneud â rheoli unrhyw ddarpariaeth o ofal dydd, na chael unrhyw fuddiant ariannol mewn darpariaeth o'r fath. Ni cheir ychwaith eu cyflogi mewn cysylltiad â darparu gofal dydd.

Mae rheoliad 3, ynghyd ag Atodlen 1 o'r Rheoliadau hyn, yn pennu'r gorchmynion a'r penderfyniadau ynglŷn â gofalu am blant a'u goruchwyllo, yr anghymhwysir person rhag cofrestru mewn cysylltiad â hwy. Mae rheoliad 3 ynghyd ag Atodlenni 2 a 3 yn pennu hefyd y categorïau o dramgwyddau yn erbyn plant neu oedolion, neu sy'n ymwneud â phlant neu oedolion, yr anghymhwysir person rhag cofrestru mewn perthynas â hwy.

Mae anghymhwysu rhag cofrestru yn gymwys o ran tramgwyddau a gyflawnir dramor, sy'n gyfaradwy i'r tramgwyddau a bennir yn y Rheoliadau hyn (*gweler* rheoliad 4).

O dan y Rheoliadau hyn, mae personau a gynhwysir ar y rhestr a gedwir o dan adran 1 o Ddeddf Amddiffyn Plant 1999 (p.14), personau y gwnaed cyfarwyddyd

WELSH STATUTORY
INSTRUMENTS

2010 No. 1703 (W.163)

**SOCIAL CARE,
WALES**

**CHILDREN AND YOUNG
PERSONS, WALES**

The Child Minding and Day Care
(Disqualification) (Wales)
Regulations 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the categories of persons who are disqualified from registration in Wales as child minders or providers of day care under Part 10A of the Children Act 1989 (c.41) ("the Act"). Persons disqualified under these Regulations must not provide day care or be concerned in the management of, or have any financial interest in, any provision of day care. Nor must they be employed in connection with the provision of day care.

Regulation 3 together with Schedule 1 of these Regulations sets out orders and determinations for the care and supervision of children in connection with which a person is disqualified from registration. Regulation 3 together with Schedules 2 and 3, also sets out categories of offences against or involving children or adults in respect of which a person is disqualified from registration.

Disqualification from registration applies to offences committed overseas which are comparable to the offences set out in these Regulations (*see* regulation 4).

Under these Regulations persons included on the list kept under section 1 of the Protection of Children Act 1999 (c. 14), persons in respect of whom a direction

mewn perthynas â hwy o dan adran 142 o Ddeddf Addysg 2002 (p.32) (a adwaenir fel Rhestr 99) a phersonau a waherddir o weithgarwch a reoleiddir mewn perthynas â phlant, o dan adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p.47) wedi eu hanghymhwyso rhag cofrestru (gweler rheoliadau 5, 6(1) a (2) a 7).

Mae rheoliad 9 yn darparu ar gyfer hepgor anghymhwyso mewn amgylchiadau penodol, ac felly, os yw Gweinidogion Cymru, neu awdurdod lleol cyn 1 Ebrill 2002, wedi cydsynio, ni cheir ystyried bod y person wedi ei anghymhwyso. Nid oes pŵer gan Weinidogion Cymru i hepgor anghymhwyso pan fo'r anghymhwysiad yn tarddu o gynnwys y person ar Restr 99 neu'r rhestr a gedwir o dan adran 1 o Ddeddf Amddiffyn Plant 1999, neu o'i wahardd o weithgarwch a reoleiddir mewn perthynas â phlant o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006 neu pan fo llys wedi gorchymyn na chaiff y person weithio mewn cysylltiad â phlant yn dilyn ei gollfarnu am dramgwyddau penodol yn erbyn plant (gweler rheoliadau 9(1) a 9(2)).

Yn rhinwedd rheoliad 10, mae hawl i apelio i'r Tribiwnlys Haen Gyntaf mewn perthynas ag unrhyw benderfyniad a wneir gan Weinidogion Cymru ynglŷn â chydsynio i hepgor anghymhwyso o dan reoliad 9.

Mae rheoliad 11 yn darparu bod dyletswydd ar berson a gofrestrwyd o dan Ran 10A o'r Ddeddf i ddarparu gwybodaeth i Weinidogion Cymru ynghylch manylion unrhyw orchymyn, penderfyniad, collfarn neu sail arall ar gyfer anghymhwyso rhag cofrestru o dan y Rheoliadau hyn. Mae'r rhwymedigaeth honno'n gymwys i wybodaeth am y person cofrestredig ac am unrhyw berson sy'n byw ar yr un aelwyd â'r person cofrestredig, neu a gyflogir ar yr aelwyd honno.

Mae rheoliad 12 yn diwygio Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004, a fydd bellach yn gymwys yn unig o ran anghymhwyso rhag maethu plentyn yn breifat.

has been made under section 142 of the Education Act 2002 (c. 32) (known as List 99) and persons barred from regulated activity relating to children under section 3(2) of the Safeguarding Vulnerable Groups Act 2006 (c. 47) are disqualified from registration (see regulations 5, 6(1) and (2) and 7).

Regulation 9 provides for a waiver of the disqualification in certain circumstances so that where the consent of the Welsh Ministers, or a local authority prior to 1 April 2002, has been given a person is not to be regarded as disqualified. There is no power of waiver by the Welsh Ministers where the disqualification arises from inclusion on List 99 or the list kept under section 1 of the Protection of Children Act 1999, being barred from regulated activity relating to children under the Safeguarding Vulnerable Groups Act 2006 or where a court has ordered that a person must not work in contact with children following a conviction for certain offences against children (see regulation 9(1) and 9(2)).

By virtue of regulation 10, a right of appeal lies to the First-tier Tribunal in relation to any determination made by the Welsh Ministers as to whether to give consent to waive disqualification under regulation 9.

Regulation 11 provides that a person registered under Part 10A of the Act has a duty to provide information to the Welsh Ministers about the details of any order, determination, conviction or other ground for disqualification from registration under these Regulations. That obligation applies to information relating to the registered person and to any person living in the same household as the registered person or employed in that household.

Regulation 12 amends the Disqualification from Caring for Children (Wales) Regulations 2004 which will now only apply to disqualification from fostering a child privately.

2010 Rhif 1703 (Cy.163)

**GOFAL CYMDEITHASOL,
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**PLANT A PHOBL IFANC,
CYMRU**

Rheoliadau Gwarchod Plant a
Gofal Dydd (Anghymhwyso)
(Cymru) 2010

Gwnaed 28 Mehefin 2010
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 30 Mehefin 2010
Yn dod i rym 30 Gorffennaf 2010

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 79C(2) a (3), 79M(1)(c) a 104(4) o Ddeddf Plant 1989 a pharagraff 4 o Atodlen 9A i'r Ddeddf honno(1):

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwyso) (Cymru) 2010 a deuant i rym ar 30 Gorffennaf 2010.

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

Dehongli

2.–(1) Yn y Rheoliadau hyn—

ystyr "cyfarwyddyd" ("*direction*") yw cyfarwyddyd a wnaed, neu sy'n cael effaith fel pe bai wedi ei wneud, o dan adran 142 o Ddeddf Addysg 2002(2) ar y seiliau a bennir yn is-adran (4)(a), (b) neu (d) o'r adran honno;

(1) 1989 p.41. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 79C(2) a (3), 79M(1)(c) a 104(4) o'r Ddeddf a pharagraff 4 o Atodlen 9A i'r Ddeddf i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) 2002 p.32.

2010 No. 1703 (W.163)

**SOCIAL CARE,
WALES**

**CHILDREN AND YOUNG
PERSONS, WALES**

The Child Minding and Day Care
(Disqualification) (Wales)
Regulations 2010

Made 28 June 2010
*Laid before the National
Assembly for Wales* 30 June 2010
Coming into force 30 July 2010

The Welsh Ministers make the following Regulations in exercise of the powers conferred by 79C(2) and (3), 79M(1)(c) and 104(4) of and paragraph 4 of Schedule 9A to the Children Act 1989(1):

Title, commencement and application

1.–(1) The title of these Regulations is the Child Minding and Day Care (Disqualification) (Wales) Regulations 2010 and they come into force on 30 July 2010.

(2) These Regulations apply in relation to Wales.

Interpretation

2.–(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Children Act 1989;

"the 2000 Act" ("*Deddf 2000*") means the Criminal Justice and Court Services Act 2000(2);

(1) 1989 c.41. Functions of the National Assembly for Wales under sections 79C(2) and (3), 79M(1)(c) and 104(4) of and paragraph 4 of Schedule 9A to the Act were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2000 c.43.

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000(1);

mae i "gorchymyn perthnasol" a "llys uwch" yr ystyron a roddir, yn eu trefn, i "*relevant order*" a "senior court" yn adran 30(1) o Ddeddf 2000:

ystyr "y Ddeddf" ("*the Act*") yw Deddf Plant 1989;

ystyr "swyddfa briodol" ("*appropriate office*") yw—

- (a) os oes swyddfa wedi ei phennu o dan baragraff (2) mewn perthynas ag unrhyw berson, y swyddfa honno;
- (b) mewn unrhyw achos arall, unrhyw swyddfa Llywodraeth Cynulliad Cymru;

ystyr "wedi ei anghymhwysu"/ "wedi eu hanghymhwysu" ("*disqualified*") yw wedi ei anghymhwysu, neu wedi eu hanghymhwysu, rhag cofrestru o dan Ran 10A o'r Ddeddf ar gyfer gwarchod plant neu ddarparu gofal dydd.

(2) Caiff Gweinidogion Cymru bennu swyddfa a reolir ganddynt hwy fel y swyddfa briodol mewn perthynas ag unrhyw berson cofrestredig neu geisydd i gofrestru o dan Ran 10A o'r Ddeddf.

(3) Yn y Rheoliadau hyn, mae person wedi ei "gael wedi cyflawni" tramgwydd os yw'r person hwnnw—

- (a) wedi ei gollfarnu am dramgwydd;
- (b) wedi ei gael yn ddieuog o dramgwydd oherwydd gwallgofrwydd;
- (c) wedi ei gael yn anabl a'i fod wedi cyflawni'r weithred y'i cyhuddwyd ohoni mewn perthynas â thramgwydd o'r fath; neu
- (ch) ar neu ar ôl 6 Ebrill 2007, wedi cael rhybudd(2) mewn perthynas â thramgwydd gan swyddog o'r heddlu.

(4) Yn y Rheoliadau hyn, mae person wedi ei gael wedi cyflawni tramgwydd sy'n "berthynol i" dramgwydd os yw'r person hwnnw wedi ei gael wedi cyflawni tramgwydd o—

- (a) ceisio cyflawni, cynllwynio i gyflawni, neu annog cyflawni'r tramgwydd hwnnw; neu
- (b) cynorthwyo, cefnogi, cynghori neu beri cyflawni'r tramgwydd hwnnw.

Gofal plant a thramgwyddau yn erbyn plant neu oedolion

3.—(1) Yn ddarostyngedig i baragraff (9) a rheoliad 9, mae person ("P") wedi ei anghymhwysu os yw unrhyw un o'r paragraffau (2) i (8) yn gymwys.

(1) 2000 p.43.

(2) Mae paragraff 4(6) o Atodlen 9A i Ddeddf Plant 1989 (fel y'i diwygiwyd gan adran 102(3) o Ddeddf Gofal Plant 2006 (2006 p.21)) yn darparu bod "caution" yn cynnwys "reprimand" neu "warning" o fewn ystyr adran 65 o Ddeddf Trosedd ac Anhrefn 1998.

"appropriate office" ("*swyddfa briodol*") means—

- (a) if an office has been specified under paragraph (2) in relation to any person, that office;
- (b) in any other case, any office of the Welsh Assembly Government;

"direction" ("*cyfarwyddyd*") means a direction made, or which has effect as if made, under section 142 of the Education Act 2002(1) on the grounds set out in subsection (4)(a), (b) or (d) of that section;

"disqualified" ("*wedi ei anghymhwysu/ wedi eu hanghymhwysu*") means disqualified for registration under Part 10A of the Act for child minding or providing day care;

"relevant order" ("*gorchymyn perthnasol*") and "senior court" ("*llys uwch*") have the same meanings as in section 30(1) of the 2000 Act.

(2) The Welsh Ministers may specify an office controlled by them as the appropriate office in relation to any registered person or applicant for registration under Part 10A of the Act.

(3) In these Regulations a person has been "found to have committed" an offence if that person has been—

- (a) convicted of an offence;
- (b) found not guilty of an offence by reason of insanity;
- (c) found to be under a disability and to have done the act charged against them in respect of such an offence; or
- (d) on or after 6 April 2007, given a caution(2) in respect of an offence by a police officer.

(4) In these Regulations a person has been found to have committed an offence that is "related to" an offence if that person has been found to have committed an offence of—

- (a) attempting, conspiring or incitement to commit that offence; or
- (b) aiding, abetting, counselling or procuring the commission of that offence.

Care of children and offences against children or adults

3.—(1) Subject to paragraph (9) and regulation 9 a person ("P") is disqualified if any of paragraphs (2) to (8) apply.

(1) 2002 c.32.

(2) Paragraph 4(6) of Schedule 9A to the Children Act 1989 (as amended by section 102(3) of the Childcare Act 2006 (2006 c.21)) provides that "caution" includes a reprimand or warning within the meaning of section 65 of the Crime and Disorder Act 1998.

(2) Gwnaed unrhyw un o'r gorchmynion neu benderfyniadau eraill a bennir yn Atodlen 1—

- (a) mewn perthynas â P;
- (b) sy'n rhwystro P rhag cael ei gofrestru mewn perthynas ag unrhyw gyfleuster lle y gofelir am blant neu rhag cyfranogi mewn rheoli, neu rhag ymwneud rywfodd arall â darparu unrhyw gyfleuster o'r fath; neu
- (c) mewn perthynas â phlentyn a fu yng ngofal P.

(3) Gwnaed gorchymyn mewn perthynas â P o dan adran 104 o Ddeddf Tramgwyddau Rhywiol 2003(1).

(4) Mae P wedi ei gael wedi cyflawni tramgwydd yn erbyn plentyn o fewn ystyr "offence against a child" yn adran 26(1) o Ddeddf 2000.

(5) Mae P—

- (a) wedi ei gael wedi cyflawni unrhyw dramgwydd a bennir ym mharagraff 1 o Atodlen 2 neu dramgwydd sy'n berthynol i dramgwydd o'r fath; neu
- (b) yn dod o fewn paragraff 2 o'r Atodlen honno,

er gwaethaf y ffaith bod y tramgwyddau statudol yn yr Atodlen honno wedi eu diddymu.

(6) Mae P wedi ei gael wedi cyflawni unrhyw dramgwydd ac eithrio tramgwydd y cyfeirir ato ym mharagraff (4) neu (5), a oedd yn ymwneud ag anaf corfforol i blentyn neu farwolaeth plentyn.

(7) Mae P wedi ei gael wedi cyflawni unrhyw dramgwydd a bennir yn Atodlen 3 neu dramgwydd sy'n berthynol i dramgwydd o'r fath.

(8) Mae P wedi—

- (a) ei gael wedi cyflawni unrhyw dramgwydd, a gyflawnwyd yn erbyn person sy'n 18 mlwydd oed neu'n hŷn ac a grybwyllir ym mharagraff 2 o Atodlen 4 i Ddeddf 2000, neu dramgwydd sy'n berthynol i dramgwydd o'r fath; neu
- (b) wedi ei gyhuddo o unrhyw dramgwydd, a gyflawnwyd yn erbyn person sy'n 18 mlwydd oed neu'n hŷn, a grybwyllir ym mharagraff 2 o Atodlen 4 i Ddeddf 2000, neu dramgwydd sy'n berthynol i dramgwydd o'r fath, ac y gosodwyd gorchymyn perthnasol mewn perthynas ag ef gan lys uwch.

(9) Ni fydd P wedi ei anghymhwysu dan baragraffau (1) i (8) mewn perthynas ag unrhyw orchymyn, penderfyniad neu gollfarn—

- (a) os yw P wedi apelio'n llwyddiannus yn erbyn y gorchymyn, penderfyniad neu gollfarn;
- (b) os yw rhybudd mewn perthynas â'r tramgwydd hwnnw wedi ei dynnu'n ôl neu ei roi o'r neilltu;
- (c) os yw cyfarwyddyd a seiliwyd yn gyfan gwbl neu'n rhannol ar y tramgwydd wedi ei ddirymu; neu

(2) Any of the orders or other determinations specified in Schedule 1 has been made—

- (a) with respect to P;
- (b) which prevents P from being registered in relation to any facility in which children are looked after or from being involved in the management of or otherwise concerned with the provision of any such facility; or
- (c) with respect to a child who has been in P's care.

(3) An order has been made with respect to P under section 104 of the Sexual Offences Act 2003(1).

(4) P has been found to have committed an offence against a child within the meaning of section 26(1) of the 2000 Act.

(5) P—

- (a) has been found to have committed any offence specified in paragraph 1 of Schedule 2 or an offence that is related to such an offence; or
- (b) falls within paragraph 2 of that Schedule,

despite the fact that the statutory offences in that Schedule have been repealed.

(6) P has been found to have committed any offence other than an offence referred to in paragraph (4) or (5) involving bodily injury to, or death of, a child.

(7) P has been found to have committed any offence specified in Schedule 3 or an offence that is related to such an offence.

(8) P has been—

- (a) found to have committed any offence, committed against a person aged 18 or over, mentioned in paragraph 2 of Schedule 4 to the 2000 Act or an offence that is related to such an offence; or
- (b) charged with any offence, committed against a person aged 18 or over, mentioned in paragraph 2 of Schedule 4 to the 2000 Act or an offence that is related to such an offence in respect of which a relevant order has been imposed by a senior court.

(9) P shall not be disqualified under paragraphs (1) to (8) in respect of any order, determination or offence if—

- (a) P has successfully appealed against the order, determination or conviction;
- (b) a caution in respect of that offence has been withdrawn or set aside;
- (c) a direction based wholly or in part on the offence has been revoked; or

(1) 2003 p.42.

(1) 2003 c.42.

(ch) os gwnaed gorchymyn o dan adran 12 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000(1) yn rhyddhau P yn ddiamod neu'n amodol o'r tramgwydd hwnnw.

(d) an order has been made under section 12 of the Powers of Criminal Courts (Sentencing) Act 2000(1) discharging P absolutely or conditionally in respect of that offence.

Tramgwyddau tramor

4.–(1) Yn ddarostyngedig i reoliad 9, bydd person ("P") wedi ei anghymhwyso os ceir bod P wedi cyflawni gweithred–

- (a) a oedd yn dramgwydd o dan y gyfraith a oedd mewn grym mewn gwlad y tu allan i'r Deyrnas Unedig; a
- (b) a fyddai wedi bod yn dramgwydd a wnâi'n ofynnol anghymhwyso rhag cofrestru o dan y Rheoliadau hyn, pe bai'r weithred wedi ei chyflawni mewn unrhyw ran o'r Deyrnas Unedig.

(2) Ym mharagraff (1) ceir bod P "wedi cyflawni gweithred a oedd yn dramgwydd" os, o dan y gyfraith a oedd mewn grym mewn gwlad y tu allan i'r Deyrnas Unedig–

- (a) collfarnwyd P am dramgwydd (pa un a gosbwyd P am y tramgwydd ai peidio);
- (b) rhybuddiwyd P mewn perthynas â thramgwydd;
- (c) gwnaeth llys, sy'n arfer awdurdodaeth o dan y gyfraith honno, mewn perthynas â thramgwydd, ganfyddiad sy'n gyfwerth â chanfod P yn ddieuog oherwydd gorffwylledd; neu
- (ch) os gwnaeth llys o'r fath, mewn perthynas â thramgwydd, ganfyddiad sy'n gyfwerth â chanfod bod P yn anabl ac wedi cyflawni'r weithred y'i cyhuddwyd ohoni.

(3) Ni fydd person wedi ei anghymhwyso o dan baragraff (1) mewn perthynas ag unrhyw ganfyddiad os, o dan y gyfraith sydd mewn grym yn y wlad dan sylw, gwrthdrowyd y cyfryw ganfyddiad.

(4) Mae gweithred sy'n gosbadwy o dan y gyfraith sydd mewn grym mewn gwlad y tu allan i'r Deyrnas Unedig yn gyfystyr â thramgwydd o dan y gyfraith honno at ddibenion y rheoliad hwn, sut bynnag y disgrifir y weithred yn y gyfraith honno.

Rhestr y Ddeddf Amddiffyn Plant

5. Mae person sydd wedi ei gynnwys yn y rhestr a gedwir o dan adran 1 o Ddeddf Diogelu Plant 1999(2) (rhestr o'r rhai a ystyrir gan yr Ysgrifennydd Gwladol yn anaddas i weithio gyda phlant) wedi ei anghymhwyso.

Overseas offences

4.–(1) Subject to regulation 9, a person ("P") is disqualified if P has been found to have done an act which–

- (a) constituted an offence under the law in force in a country outside the United Kingdom; and
- (b) would constitute an offence requiring disqualification from registration under these Regulations if it had been done in any part of the United Kingdom.

(2) In paragraph (1) P has been "found to have done an act which constituted an offence" if, under the law in force in a country outside the United Kingdom–

- (a) P has been convicted of an offence (whether or not P has been punished for it);
- (b) P has been cautioned in respect of an offence;
- (c) a court exercising jurisdiction under that law has made in respect of an offence a finding equivalent to a finding that P is not guilty by reason of insanity; or
- (d) such a court has made in respect of an offence a finding equivalent to a finding that P is under a disability and did the act charged against P.

(3) A person shall not be disqualified under paragraph (1) in respect of any finding if, under the law in force in the country concerned, such finding has been reversed.

(4) An act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law for the purposes of this regulation however it is described in that law.

Protection of Children Act list

5. A person who is included in the list kept under section 1 of the Protection of Children Act 1999(2) (list of those considered by the Secretary of State unsuitable to work with children) is disqualified.

(1) 2000 p.6.

(2) 1999 p.14.

(1) 2000 c.6.

(2) 1999 c.14.

Cyfarwyddyd mewn perthynas â chyflogi athrawon etc

6.–(1) Yn ddarostyngedig i reoliad 9, mae person ("P") wedi ei anghymhwyso os yw unrhyw un o ddarpariaethau canlynol y rheoliad hwn yn gymwys i P.

(2) Mae P yn destun cyfarwyddyd.

(3) Mae enw P ar unrhyw restr a gedwir at ddibenion rheoliadau a wnaed o dan erthygl 70(2)(e) neu 88A(1) a (2)(b) o Orchymyn Addysg a Llyfrgelloedd (Gogledd Iwerddon) 1986(1).

Personau a waharddwyd o weithgarwch a reoleiddir mewn perthynas â phlant

7. Mae person a waharddwyd o weithgarwch a reoleiddir mewn perthynas â phlant o fewn yr ystyr a roddir i "regulated activity relating to children" yn adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(2) wedi ei anghymhwyso.

Personau sy'n byw neu'n gweithio mewn mangre lle mae person sydd wedi ei anghymhwyso yn byw

8. Yn ddarostyngedig i reoliad 9, mae person sy'n byw–

- (a) ar yr un aelwyd â pherson arall sydd wedi ei anghymhwyso rhag cofrestru; neu
- (b) ar aelwyd lle y cyflogir unrhyw berson arall o'r fath,

wedi ei anghymhwyso.

Hepgoriadau

9.–(1) Yn ddarostyngedig i baragraff (2), pe bai person ("P") wedi ei anghymhwyso yn rhinwedd rheoliad 3, 4, 6(1) a 6(3) neu 8, ond wedi datgelu i Weinidogion Cymru y ffeithiau a fyddai wedi peri, fel arall, iddo gael ei anghymhwyso, a Gweinidogion Cymru wedi rhoi eu cydsyniad ysgrifenedig, a heb dynnu'r cydsyniad hwnnw yn ôl, yna rhaid peidio ag ystyried bod y person hwnnw, oherwydd y ffeithiau a ddatgelwyd felly, wedi ei anghymhwyso at ddibenion y Rheoliadau hyn.

(2) Mewn perthynas â pherson a fyddai wedi ei anghymhwyso yn rhinwedd rheoliad 3(4), ni fydd y rheoliad hwn yn gymwys pan fo llys wedi gwneud gorchymyn o dan adran 28(4), 29(4) neu 29A(2) o Ddeddf 2000.

(3) Nid yw person wedi ei anghymhwyso os yw'r person hwnnw, cyn 1 Ebrill 2002–

(1) O.S. 1986/594 (G.I.3). Amnewidiwyd erthygl 70(2)(e) gan erthygl 8 o Orchymyn Addysg (Gogledd Iwerddon) 1987 (O.S. 1987/167) (G.I.2). Diwygiwyd Gorchymyn 1986 gan erthygl 15 o Orchymyn Amddiffyn Plant ac Oedolion Hyglwyf (Gogledd Iwerddon) 2003 (O.S. 2003/417) (G.I.4).

(2) 2006 p.47.

Direction in relation to the employment of teachers etc

6.–(1) Subject to regulation 9, a person ("P") is disqualified if any of the following provisions of this regulation apply to P.

(2) P is subject to a direction.

(3) P's name is on any list kept for the purposes of regulations made under article 70(2)(e) or 88A(1) and (2)(b) of the Education and Libraries (Northern Ireland) Order 1986(1).

Persons barred from regulated activity relating to children

7. 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(2) is disqualified.

Persons living or working on premises where a disqualified person lives

8. Subject to regulation 9, a person who lives–

- (a) in the same household as another person who is disqualified from registration; or
- (b) in a household in which any such person is employed,

is disqualified.

Waivers

9.–(1) Subject to paragraph (2), where a person ("P") would be disqualified by virtue of regulation 3, 4, 6(1) and 6(3) or 8 but has disclosed to the Welsh Ministers the facts which would otherwise cause P to be disqualified, and the Welsh Ministers have given written consent and have not withdrawn that consent, then the person is not, by reason of the facts so disclosed, to be regarded as disqualified for the purposes of these Regulations.

(2) In relation to a person who would be disqualified by virtue of regulation 3(4), this regulation shall not apply where a court has made an order under section 28(4), 29(4) or 29A(2) of the 2000 Act.

(3) A person is not disqualified if, prior to 1 April 2002, the person–

(1) S.I. 1986/594 (N.I.3). Article 70(2)(e) was substituted by article 8 of the Education (Northern Ireland) Order 1987 (S.I. 1987/167) (N.I.2). The 1986 Order was amended by article 15 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (S.I. 2003/417) (N.I.4).

(2) 2006 c.47.

- (a) wedi datgelu'r ffeithiau, i awdurdod lleol priodol o dan baragraff 2 o Atodlen 9 i'r Ddeddf, a fyddai wedi anghymhwyso'r person o dan y Rheoliadau hyn; a
- (b) wedi cael cydsyniad ysgrifenedig yr awdurdod lleol hwnnw.

Penderfyniad rhagnodedig

10. At ddibenion adran 79M(1)(c) o'r Ddeddf (apelau i'r Tribiwnlys), mae penderfyniad mewn perthynas ag anghymhwyso person rhag cofrestru i warchod plant neu ddarparu gofal dydd o dan Atodlen 9A o'r Ddeddf yn benderfyniad rhagnodedig.

Dyletswydd i ddatgelu

11.-(1) Rhaid i berson sydd wedi ei gofrestru o dan Ran 10A o'r Ddeddf ("person cofrestredig") ddarparu'r wybodaeth ganlynol i Weinidogion Cymru—

- (a) manylion unrhyw orchymyn, penderfyniad, collfarn neu sail arall dros anghymhwyso rhag cofrestru, a wnaed neu sy'n gymwys mewn perthynas â pherson a restrir ym mharagraff (2), sy'n peri bod y person hwnnw wedi ei anghymhwyso o dan y Rheoliadau hyn;
- (b) y dyddiad pan wnaed y gorchymyn, penderfyniad neu gollfarn, neu pan ddigwyddodd unrhyw sail arall dros anghymhwyso;
- (c) y corff neu'r llys a wnaeth y gorchymyn, penderfyniad neu gollfarn a'r ddeddfryd a osodwyd os gosodwyd un;
- (ch) mewn perthynas â gorchymyn neu gollfarn, copi o'r gorchymyn perthnasol neu orchymyn llys, wedi ei ardystio gan y corff neu'r llys a'i dyroddodd.

(2) Y personau y mae'n rhaid darparu'r wybodaeth y cyfeirir ati ym mharagraff (1) mewn perthynas â hwy yw—

- (a) y person cofrestredig; a
- (b) unrhyw berson sy'n byw ar yr un aelwyd â'r person cofrestredig, neu a gyflogir ar yr aelwyd honno.

(3) Rhaid darparu'r wybodaeth y cyfeirir ati ym mharagraff (1) i Weinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol, ond beth bynnag o fewn 14 diwrnod ar ôl yr adeg y daeth y person cofrestredig yn ymwybodol o'r wybodaeth honno, neu y dylai yn rhesymol fod wedi bod yn ymwybodol ohoni pe bai'r person cofrestredig wedi gwneud ymholiadau rhesymol.

(4) Mae person sydd, heb esgus rhesymol, yn methu â chydymffurfio â gofynion y rheoliad hwn yn euog o dramgwydd.

(5) Mae person a geir yn euog o dramgwydd o dan y

- (a) disclosed the facts to an appropriate local authority under paragraph 2 of Schedule 9 to the Act which would disqualify the person under these Regulations; and
- (b) obtained the written consent of that local authority.

Prescribed determination

10. For the purposes of section 79M(1)(c) of the Act (appeals to the Tribunal), a determination in relation to the disqualification of a person for registration for child minding or providing day care under Schedule 9A of the Act is a prescribed determination.

Duty of disclosure

11.-(1) A person who is registered under Part 10A of the Act ("registered person") must provide the following information to the Welsh Ministers—

- (a) details of any order, determination, conviction or other ground for disqualification from registration made or applying in relation to a person listed in paragraph (2) which results in that person being disqualified from registration under these Regulations;
- (b) the date when the order, determination or conviction was made or when any other ground for disqualification from registration arose;
- (c) the body or court by which the order, determination or conviction was made and the sentence, if any, imposed;
- (d) in relation to an order or conviction, a copy of the relevant order or court order certified by the issuing body or court.

(2) The persons in respect of whom the information referred to in paragraph (1) must be provided are—

- (a) the registered person; and
- (b) any person who lives in the same household as the registered person or who is employed in that household.

(3) The information referred to in paragraph (1) must be provided to the Welsh Ministers as soon as reasonably practicable, but in any event within 14 days of the time when the registered person became aware of that information or ought reasonably to have become aware of it if the registered person had made reasonable enquiries.

(4) A person who without reasonable excuse fails to comply with the requirements of this regulation is guilty of an offence.

(5) A person found guilty of an offence under this

rheoliad hwn yn atebol, ar gollfarn ddiannod, i ddirwy na fydd yn fwy na lefel 5 ar y raddfa safonol.

Diwygio Rheoliadau Datgymhwysio rhag Gofalu am Blant (Cymru) 2004

12.–(1) Diwygir Rheoliadau Datgymhwysio rhag Gofalu am Blant (Cymru) 2004(1) fel a ganlyn.

(2) Hepgorer rheoliadau 5 i 8.

regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Amendment of the Disqualification from Caring for Children (Wales) Regulations 2004

12.–(1) The Disqualification from Caring for Children (Wales) Regulations 2004(1) are amended as follows.

(2) Omit regulations 5 to 8.

Huw Lewis

Y Dirprwy Weinidog dros Blant o dan awdurdod y Gweinidog dros Blant, Ysgolion a Dysgu Gydol Oes, un o Weinidogion Cymru

Deputy Minister for Children under authority of the Minister for Children, Schools and Lifelong Learning, one of the Welsh Ministers

28 Mehefin 2010

28 June 2010

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

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

GORCHMYNION ETC MEWN
PERTHYNAS Â GOFAL PLANT

1. Gorchymyn o dan adran 31(1)(a) o'r Ddeddf (gorchymyn gofal).
2. Gorchymyn o dan adran 31(1)(b) o'r Ddeddf (gorchymyn goruchwyllo).
3. Gorchymyn o dan erthygl 50(1)(a) o Orchymyn Plant (Gogledd Iwerddon) 1995(1) (gorchymyn gofal).
4. Gorchymyn o dan adran 3(3) o Gyfraith Plant a Phobl Ifanc (Guernsey) 1967(2) (gorchymyn person cymwys neu orchymyn gofal arbennig).
5. Gorchymyn a wneir yn dilyn cais fel a ganiateir o dan adran 48(3) o Gyfraith Plant (Guernsey ac Alderney) 2009(3) (gorchymyn rhianta cymunedol).
6. Gorchymyn o dan adran 31(1)(a) o Ddeddf Plant a Phobl Ifanc 2001(4) (Deddf Tynwald).
7. Gorchymyn neu benderfyniad a bennir yn Atodlen 4 i Gyfraith Plant (Jersey) 2002(5).
8. Unrhyw orchymyn y byddid wedi ei ystyried yn orchymyn gofal yn rhinwedd paragraff 15 o Atodlen 14 i'r Ddeddf (darpariaethau trosiannol ar gyfer plant mewn gofal gorfodol) pe bai wedi bod mewn grym yn union cyn y diwrnod y daeth Rhan 4 o'r Ddeddf i rym(6).
9. Gorchymyn goruchwyllo sy'n gosod gofyniad preswyllo o dan baragraff 5 o Atodlen 6 i Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000 neu adran 12AA o Ddeddf Plant a Phobl Ifanc 1969 (gofyniad i fyw mewn llety awdurdod lleol)(7).

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- (1) O.S. 1995/755 (G.I.2).
- (2) Gorchymynion y Cyfrin Gyngor Cyfrol XXI t.34. Diwygiwyd adran 3 gan Gyfraith Plant a Phobl Ifanc (Diwygio) (Guernsey) 1971, Cyfrol XXIII t.3 a chan Gyfraith Llys Ieuencid (Guernsey) 1989, Cyfrol XXXI t.326.
- (3) Gorchymyn y Cyfrin Gyngor Rhif XIV 2009.
- (4) 2001 p.20 (Ynys Manaw).
- (5) Cyfraith Jersey 50/2002.
- (6) Daeth Rhan 4 o Ddeddf 1989 i rym ar 14 Hydref 1991.
- (7) 1969 p.54. Mewn sodwyd adran 12AA gan Ddeddf 1989 ac fe'i diddymwyd gan Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000.

ORDERS ETC RELATING TO THE CARE
OF CHILDREN

1. An order under section 31(1)(a) of the Act (care order).
2. An order under section 31(1)(b) of the Act (supervision order).
3. An order under article 50(1)(a) of the Children (Northern Ireland) Order 1995(1) (care order).
4. An order under section 3(3) of the Children and Young Persons (Guernsey) Law 1967(2) (fit person order or special care order).
5. An order made further to an application as permitted under section 48(3) of the Children (Guernsey and Alderney) Law 2009(3) (community parenting order).
6. An order under section 31(1)(a) of the Children and Young Persons Act 2001(4) (an Act of Tynwald).
7. An order or determination specified in Schedule 4 to the Children (Jersey) Law 2002(5).
8. Any order that would have been deemed to be a care order by virtue of paragraph 15 of Schedule 14 to the Act (transitional provisions for children in compulsory care) had it been in force immediately before the day on which Part 4 of the Act came into force(6).
9. A supervision order which imposes a residence requirement under paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000 or section 12AA of the Children and Young Persons Act 1969 (requirement to live in local authority accommodation)(7).

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- (1) S.I. 1995/755 (N.I.2).
- (2) Orders in Council Volume XXI p.34. Section 3 was amended by the Children and Young Persons (Amendment) (Guernsey) Law 1971, Volume XXIII p.3 and by the Juvenile Court (Guernsey) Law 1989, Volume XXXI p.326.
- (3) Order in Council No. XIV of 2009.
- (4) 2001 c. 20 (Isle of Man).
- (5) Jersey Law 50/2002.
- (6) Part 4 of the 1989 Act came into force on 14 October 1991.
- (7) 1969 c. 54. Section 12AA was inserted by the 1989 Act and was repealed by the Powers of Criminal Courts (Sentencing) Act 2000.

10. Gorchymyn person cymwys, gorchymyn hawliau rhiant neu orchymyn ysgol hyfforddi o dan Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(1).

11. Gorchymyn amddiffyn plant o dan adran 57 o Ddeddf Plant (Yr Alban) 1995(2).

12. Gorchymyn gwahardd o dan adran 76 o Ddeddf Plant (Yr Alban) 1995(3).

13. Gorchymyn goruchwylio sy'n gosod gofyniad preswyllo o dan baragraff 5 o Atodlen 9 i Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald) (gofyniad i fyw mewn llety a ddarperir gan yr Adran Iechyd a Nawdd Cymdeithasol).

14. Gorchymyn, a wneir ar unrhyw adeg, sy'n gosod gofyniad goruchwylio mewn perthynas â phlentyn er mwyn symud y plentyn hwnnw o ofal P, o dan—

- (a) adran 44 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(4); neu
- (b) adran 70 o Ddeddf Plant (Yr Alban) 1995(5).

15. Gorchymyn, a wneir ar unrhyw adeg, sy'n breinio hawliau a phwerau P mewn perthynas â phlentyn mewn awdurdod lleol yn yr Alban—

- (a) o dan adran 16 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(6); neu
- (b) yn unol â gorchymyn cyfrifoldebau rhiant o dan adran 86 o Ddeddf Plant (Yr Alban) 1995(7).

16. Mewn perthynas â chofrestru cartref i blant—

- (a) gwrthod cais gan P i gofrestru o dan adran 13 o Ddeddf Safonau Gofal 2000(8);
- (b) diddymu cofrestriad P o dan adran 14 neu 20(1) o Ddeddf Safonau Gofal 2000;
- (c) diddymu cofrestriad unrhyw berson o dan adran 14 neu 20(1) o Ddeddf Safonau Gofal 2000 mewn perthynas â chartref plant y bu P yn ymwneud â'i reoli neu y bu gan P fuddiant ariannol ynddo; neu

10. A fit person order, a parental rights order or a training school order under the Children and Young Persons Act (Northern Ireland) 1968(1).

11. A child protection order under section 57 of the Children (Scotland) Act 1995(2).

12. An exclusion order under section 76 of the Children (Scotland) Act 1995(3).

13. A supervision order which imposes a residence requirement under paragraph 5 of Schedule 9 to the Children and Young Persons Act 2001 (an Act of Tynwald) (requirement to live in accommodation provided by the Department of Health and Social Security).

14. An order made at any time imposing a supervision requirement with respect to a child so as to remove that child from P's care, under—

- (a) section 44 of the Social Work (Scotland) Act 1968(4); or
- (b) section 70 of the Children (Scotland) Act 1995(5).

15. An order made at any time vesting P's rights and powers with respect to a child in a local authority in Scotland—

- (a) under section 16 of the Social Work (Scotland) Act 1968(6); or
- (b) pursuant to a parental responsibilities order under section 86 of the Children (Scotland) Act 1995(7).

16. In relation to registration of a children's home—

- (a) a refusal of P's application for registration under section 13 of the Care Standards Act 2000(8);
- (b) cancellation of P's registration under section 14 or 20(1) of the Care Standards Act 2000;
- (c) cancellation of the registration of any person under section 14 or 20(1) of the Care Standards Act 2000 in relation to a children's home which P has been concerned in the management of, or had any financial interest in; or

(1) 1968 p.34 (G.I.). Diddymwyd y darpariaethau mewn perthynas â'r gorchymynion hyn gan Orchymyn Plant (Gogledd Iwerddon) 1995 a Gorchymyn Cyfiawnder Troseddol (Plant) (Gogledd Iwerddon) 1998 (O.S.1998/1504) (G.I.9).

(2) 1995 p.36.

(3) Diddymwyd adran 76 (yn rhannol) gan O.S.A. 2003/583.

(4) 1968 p.49. Diddymwyd adran 44 gan Ddeddf Plant (Yr Alban) 1995.

(5) Diwygiwyd adran 70 gan adrannau 135 ac 136 o Ddeddf Ymddygiad Gwrthgymdeithasol etc. (Yr Alban) 2004 (dsa 8).

(6) Diddymwyd adran 16 gan Ddeddf Plant (Yr Alban) 1995.

(7) Diwygiwyd adran 86 gan baragraffau 83 ac 84 o Atodlen 3 i Ddeddf Mabwysiadu a Phlant 2002 (p.38).

(8) 2000 p.14.

(1) 1968 c. 34 (N.I.). The provisions relating to these orders were repealed by the Children (Northern Ireland) Order 1995 and the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504) (N.I.9).

(2) 1995 c. 36.

(3) Section 76 was repealed (in part) by S.S.I. 2003/583.

(4) 1968 c. 49. Section 44 was repealed by the Children (Scotland) Act 1995.

(5) Section 70 was amended by sections 135 and 136 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8).

(6) Section 16 was repealed by the Children (Scotland) Act 1995.

(7) Section 86 was amended by paragraphs 83 and 84 of Schedule 3 to the Adoption and Children Act 2002 (c. 38).

(8) 2000 c.14.

(ch) gwrthod cais gan P i gofrestru neu ddi-ddymu cofrestriad P o dan Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Ansawdd, Gwella a Rheoleiddio) (Gogledd Iwerddon) 2003(1).

17. Gwrthod, ar unrhyw adeg, cais gan P i gofrestru mewn perthynas â chartref gwirfoddol neu gartref plant, neu ddi-ddymu cofrestriad cartref gwirfoddol neu gartref plant a fu'n cael ei redeg gan P, neu y bu P rywffodd arall yn ymwneud â'i reoli, neu y bu gan P fuddiant ariannol ynddo, o dan, yn ôl fel y digwydd—

- (a) paragraff 1 o Atodlen 5 i'r Ddeddf(2);
- (b) paragraff 1 neu 4 o Atodlen 6 i'r Ddeddf;
- (c) adran 127 o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(3);
- (ch) erthygl 80, 82, 96 neu 98 o Orchymyn Plant (Gogledd Iwerddon) 1995;
- (d) Rhan 1 o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001(4) (gwasanaethau cartrefi gofal); neu
- (dd) paragraff 2 neu 4 o Atodlen 2 i Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald).

18. Gwaharddiad a osodwyd ar unrhyw adeg o dan—

- (a) adran 69 o Ddeddf 1989, adran 10 o Ddeddf Plant Maeth 1980(5) neu adran 4 o Ddeddf Plant 1958 (pŵer i wahardd maethu preifat)(6);
- (b) erthygl 110 o Orchymyn Plant (Gogledd Iwerddon) 1995 (pŵer i wahardd maethu preifat);
- (c) adran 10 o Ddeddf Plant Maeth (Yr Alban) 1984 (pŵer i wahardd cadw plant maeth)(7); neu
- (ch) adran 59 o Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald) (pŵer i wahardd neu osod cyfyngiadau ar faethu preifat).

19. Hysbysiad ysgrifenedig a roddir gan Fwrdd Iechyd a Gwasanaethau Cymdeithasol o dan adran 1(3) o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968 (atal caniatâd i berson ymgymryd â gofalu am y plentyn a'i gynnal).

(1) O.S. 2003/431 (G.I.9).

(2) Diddymwyd y ddarpariaeth hon a'r rheini a grybwyllir ym mharagraff (b) yn effeithiol o 1 Ebrill 2002 ymlaen gan Ddeddf Safonau Gofal 2000.

(3) Diddymwyd yr adran hon gan Orchymyn Plant (Gogledd Iwerddon) 1995.

(4) 2001 dsa 8.

(5) 1980 p.6. Diddymwyd Deddf Plant Maeth 1980 gan Ddeddf 1989.

(6) 1958 p.65. Diddymwyd adran 4 gan Ddeddf Plant Maeth 1980.

(7) 1984 p.56.

(d) refusal of P's application for registration or cancellation of P's registration under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(1).

17. Refusal at any time of P's application for registration in relation to a voluntary home or a children's home, or cancellation of the registration of a voluntary home or children's home which was carried on by P or which P was otherwise concerned with the management of, or had any financial interest in, under, as the case may be—

- (a) paragraph 1 of Schedule 5 to the Act(2);
- (b) paragraph 1 or 4 of Schedule 6 to the Act;
- (c) section 127 of the Children and Young Persons Act (Northern Ireland) 1968(3);
- (d) article 80, 82, 96 or 98 of the Children (Northern Ireland) Order 1995;
- (e) Part 1 of the Regulation of Care (Scotland) Act 2001(4) (care home services); or
- (f) paragraph 2 or 4 of Schedule 2 to the Children and Young Persons Act 2001 (an Act of Tynwald).

18. A prohibition imposed at any time under—

- (a) section 69 of the 1989 Act, section 10 of the Foster Children Act 1980(5) or section 4 of the Children Act 1958 (power to prohibit private fostering)(6);
- (b) article 110 of the Children (Northern Ireland) Order 1995 (power to prohibit private fostering);
- (c) section 10 of the Foster Children (Scotland) Act 1984 (power to prohibit the keeping of foster children)(7);or
- (d) section 59 of the Children and Young Persons Act 2001 (an Act of Tynwald) (power to prohibit or impose restrictions upon private fostering).

19. A notice in writing given by a Health and Social Services Board under section 1(3) of the Children and Young Persons Act (Northern Ireland) 1968 (withholding consent to the care and maintenance of the child being undertaken by a person).

(1) S.I. 2003/431 (N.I.9).

(2) This provision, and those mentioned in paragraph (b) were repealed by the Care Standards Act 2000 with effect from 1 April 2002.

(3) This section was repealed by the Children (Northern Ireland) Order 1995.

(4) 2001 asp 8.

(5) 1980 c. 6. The Foster Children Act 1980 was repealed by the 1989 Act.

(6) 1958 c. 65. Section 4 was repealed by the Foster Children Act 1980.

(7) 1984 c.56 .

20. Gwrthod, ar unrhyw adeg, cofrestriad mewn perthynas â darparu meithrinfeydd, gofal dydd, gwarchod plant neu ddarpariaeth gofal plant arall, anghymhwyso rhag cofrestru felly, neu ddiddymu unrhyw gofrestriad o'r fath o dan—

- (a) adran 1 neu adran 5 o Ddeddf Rheoleiddio Meithrinfeydd a Gwarchodwyr Plant 1948(1);
- (b) Rhan 10 neu Ran 10A o'r Ddeddf(2);
- (c) Pennod 2, 3 neu 4 o Ran 3 o Ddeddf Gofal Plant 2006(3);
- (ch) Rhan XI o Orchymyn Plant (Gogledd Iwerddon) 1995;
- (d) adran 11(5) neu adran 15 o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968;
- (dd) Rhan 1 o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001;
- (e) adran 1 o Ddeddf Rheoleiddio Meithrinfeydd a Gwarchodwyr Plant 1974 (Deddf Tynwald);
- (f) adran 65 neu 66 o Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald), neu Atodlen 7 i'r Ddeddf honno; neu
- (ff) Rhan III o Gyfraith Amddiffyn Plant (Guernsey) 1972(4).

21. Anghymhwyso rhag gweithio gyda phlant ar unrhyw adeg o dan Ddeddf Amddiffyn Plant (Yr Alban) 2003(5).

22. Gwrthod, ar unrhyw adeg, cais gan P i gofrestru, neu ddiddymu cofrestriad P o dan adran 62 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968 (cofrestru sefydliadau preswyl ac eraill)(6).

23. Gwrthod, ar unrhyw adeg, cais gan P i gofrestru fel darparwr asiantaeth gofal plant o dan adran 7 o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001 neu ddiddymu unrhyw gofrestriad o'r fath o dan adran 12 neu 18 o'r Ddeddf honno.

20. Refusal at any time of registration in respect of the provision of nurseries, day care, child minding or other provision of childcare, disqualification from such registration or cancellation of any such registration under—

- (a) section 1 or section 5 of the Nurseries and Child-Minders Regulation Act 1948(1);
- (b) Part 10 or Part 10A of the Act(2);
- (c) Chapter 2, 3 or 4 of Part 3 of the Childcare Act 2006(3);
- (d) Part XI of the Children (Northern Ireland) Order 1995;
- (e) section 11(5) or section 15 of the Children and Young Persons Act (Northern Ireland) 1968;
- (f) Part 1 of the Regulation of Care (Scotland) Act 2001;
- (g) section 1 of the Nurseries and Child Minders Regulation Act 1974 (an Act of Tynwald);
- (h) section 65 or 66 of, or Schedule 7 to, the Children and Young Persons Act 2001 (an Act of Tynwald); or
- (i) Part III of the Child Protection (Guernsey) Law 1972(4).

21. Disqualification from working with children at any time under the Protection of Children (Scotland) Act 2003(5).

22. Refusal at any time of P's application for registration or cancellation of P's registration under section 62 of the Social Work (Scotland) Act 1968 (registration of residential and other establishments)(6).

23. Refusal at any time of P's application for registration as a provider of a child care agency under section 7 of the Regulation of Care (Scotland) Act 2001 or cancellation of any such registration under section 12 or 18 of that Act.

(1) 1948 p.53. Diddymwyd y Ddeddf honno gan Ddeddf 1989.

(2) Peidiodd Rhan 10 o Ddeddf Plant 1989 â bod yn gymwys i Loegr yn 2001. Mewnosodwyd Rhan 10A gan Ddeddf Safonau Gofal 2000, a pheidiodd â bod yn gymwys i Loegr ar 1 Medi 2008. Diddymwyd Rhan 10 o ran yr Alban gan Atodlen 4 i Ddeddf Rheoleiddio Gofal (Yr Alban) 2001 (dsa 8) yn effeithiol o 1 Ebrill 2002 ymlaen.

(3) 2006 p.21.

(4) Gorchymynion y Cyfrin Gyngor Cyfrol XXIII t.238 fel y'i diwygiwyd gan Gyfraith Plant a Phobl Ifanc (Diwygio) (Guernsey) 2000, Gorchymyn y Cyfrin Gyngor Rhif III 2001.

(5) 2003 dsa 5.

(6) Diddymwyd adran 62 gan baragraff 1 o Atodlen 4 i Ddeddf Rheoleiddio Gofal (Yr Alban) 2001.

(1) 1948 c.53 . That Act was repealed by the 1989 Act.

(2) Part 10 of the Children Act 1989 ceased to apply to England in 2001. Part 10A was inserted by the Care Standards Act 2000 and ceased to apply in England on 1 September 2008. Part 10 was repealed in relation to Scotland by Schedule 4 to the Regulation of Care (Scotland) Act 2001 (asp 8) with effect from 1 April 2002.

(3) 2006 c.21.

(4) Orders in Council Volume XXIII p.238 as amended by the Children and Young Persons (Amendment) (Guernsey) Law 2000, Order in Council No. III of 2001.

(5) 2003 asp 5.

(6) Section 62 was repealed by paragraph 1 of Schedule 4 to the Regulation of Care (Scotland) Act 2001.

24. Cynnwys enw P, ar unrhyw adeg, ar restr o bersonau anaddas i weithio gyda phlant o dan erthygl 3 o Orchymyn Amddiffyn Plant ac Oedolion Hyglwyf (Gogledd Iwerddon) 2003(1), neu anghymhwysio rhag gweithio gyda phlant o dan Bennod II o Ran II o'r Gorchymyn hwnnw.

ATODLEN 2

Rheoliad 3(5)

Tramgwyddau Statudol a Ddiddymwyd

1.–(1) Tramgwydd o dan unrhyw un o'r adrannau canlynol o Ddeddf Tramgwyddau Rhywiol 1956(2)–

- (a) adran 1 (treisio)(3);
- (b) adran 2 neu 3 (caffael benyw drwy fygythiadau neu haeriadau anwir);
- (c) adran 4 (gweini cyffuriau i gael neu hwyluso cyfathrach rywiol);
- (ch) adran 5 (cyfathrach rywiol gyda geneth o dan 13);
- (d) adran 6 (cyfathrach rywiol gyda geneth o dan 16)(4);
- (dd) adran 14 neu 15 (ymosod yn anwedus);
- (e) adran 16 (ymosod gyda bwriad o gyflawni sodomiaeth);
- (f) adran 17 (cipio benyw drwy rym neu er mwyn ei heiddo);
- (ff) adran 19 neu 20 (cipio geneth o dan 18 neu 16);
- (g) adran 24 (cadw benyw yn gaeth mewn puteindy neu fangre arall);
- (ng) adran 25 neu 26 (caniatáu i eneth o dan 13, neu rhwng 13 ac 16, ddefnyddio mangre ar gyfer cyfathrach rywiol)(5);
- (h) adran 28 (peri neu annog puteinio geneth o dan 16 oed, neu gyfathrach rywiol gyda hi, neu ymosod yn anwedus arni).

(1) O.S. 2003/417 (G.I.4).

(2) 1956 p. 69.

(3) Amnewidiwyd adran 1 gan adran 142 o Ddeddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p.33) ("Deddf 1994") ac fe'i diddymwyd gan baragraff 11 o Atodlen 6 i Ddeddf Tramgwyddau Rhywiol 2003 (p.42) ("Deddf 2003"). Diddymwyd yn ogystal adrannau 2 i 6, 14 i 17, 19, 20, 24 i 26 a 28 gan y ddarpariaeth hon o Ddeddf 2003.

(4) Diddymwyd adran 6 yn rhannol gan Atodlen 2 i Ddeddf Cyfraith Droseddol 1967 (p.58) ac yn gyfan gwbl gan Ddeddf 2003.

(5) Diddymwyd adran 26 yn rhannol gan adran 10 o Ddeddf Cyfraith Droseddol 1967 ac Atodlen 2 i'r Ddeddf honno, ac yn gyfan gwbl gan Ddeddf 2003.

24. Inclusion of P's name at any time on a list of persons unsuitable to work with children under article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(1) or disqualification from working with children under Chapter II of Part II of that Order.

SCHEDULE 2

Regulation 3(5)

Repealed Statutory Offences

1.–(1) An offence under any of the following sections of the Sexual Offences Act 1956(2)–

- (a) section 1 (rape)(3);
- (b) section 2 or 3 (procurement of woman by threats or false pretences);
- (c) section 4 (administering drugs to obtain or facilitate intercourse);
- (d) section 5 (intercourse with a girl under 13);
- (e) section 6 (intercourse with a girl under 16)(4);
- (f) section 14 or 15 (indecent assault);
- (g) section 16 (assault with intent to commit buggery);
- (h) section 17 (abduction of women by force or for the sake of her property);
- (i) section 19 or 20 (abduction of girl under 18 or 16);
- (j) section 24 (detention of woman in brothel or other premises);
- (k) section 25 or 26 (permitting girl under 13, or between 13 and 16, to use premises for intercourse)(5);
- (l) section 28 (causing or encouraging prostitution of, intercourse with or indecent assault on, girl under 16).

(1) S.I. 2003/417 (N.I.4).

(2) 1956 c. 69.

(3) Section 1 was substituted by section 142 of the Criminal Justice and Public Order Act 1994 (c. 33) ("the 1994 Act") and repealed by paragraph 11 of Schedule 6 to the Sexual Offences Act 2003 (c. 42) ("the 2003 Act"). Sections 2 to 6, 14 to 17, 19, 20, 24 to 26 and 28 were also repealed by this provision of the 2003 Act.

(4) Section 6 was repealed in part by Schedule 2 to the Criminal Law Act 1967 (c. 58) and in full by the 2003 Act.

(5) Section 26 was repealed in part by section 10 of, and Schedule 2 to, the Criminal Law Act 1967 and in full by the 2003 Act.

(2) Tramgwydd o dan adran 1 o Ddeddf Anwedduster gyda Phlant 1960 (ymddygiad anweddus tuag at blentyn ifanc)(1).

(3) Tramgwydd o dan adran 54 o Ddeddf Cyfraith Droseddol 1977 (annog geneth o dan 16 i gyflawni llogach)(2).

(4) Tramgwydd o dan adran 3 o Ddeddf Tramgwyddau Rhywiol (Diwygio) 2000 (camfanteisio ar ymddiriedaeth)(3).

(5) Tramgwydd o dan adran 70 o Ddeddf 1989, adran 16 o Ddeddf Plant Maeth 1980 neu adran 14 o Ddeddf Plant 1958 (tramgwyddau mewn perthynas â maethu preifat)(4).

(6) Tramgwydd o dan adran 63(10) o Ddeddf 1989, paragraff 1(5) o Atodlen 5, neu baragraff 2(3) o Atodlen 6 i'r Ddeddf honno (tramgwyddau mewn perthynas â chartrefi gwirfoddol a chartrefi plant)(5).

2. Mae P yn dod o fewn y paragraff hwn os ceir bod P wedi cyflawni tramgwydd o dan unrhyw un o'r darpariaethau canlynol, yn erbyn plentyn neu'n ymwneud â phlentyn—

- (a) adran 7 o Ddeddf Tramgwyddau Rhywiol 1956 (cyfathrach rywiol â pherson diffygiol);
- (b) adran 9 o'r Ddeddf honno (caffael person diffygiol);
- (c) adran 10 o'r Ddeddf honno (llogach gan ddyn);
- (ch) adran 11 o'r Ddeddf honno (llogach gan fenyw);
- (d) adran 12 o'r Ddeddf honno (sodomiaeth)(6) ac eithrio pan oedd y parti arall yn y weithred o sodomiaeth yn 16 oed neu'n hŷn ac wedi cydsynio i'r weithred;
- (dd) adran 13 o'r Ddeddf honno (anwedduster rhwng dynion)(7) ac eithrio pan oedd y parti arall yn y weithred o anwedduster garw yn 16 oed neu'n hŷn ac wedi cydsynio i'r weithred;
- (e) adran 21 o'r Ddeddf honno (cipio person diffygiol oddi ar riant neu warcheidwad);

(2) An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child)(1).

(3) An offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to incest)(2).

(4) An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust)(3).

(5) An offence under section 70 of the 1989 Act, section 16 of the Foster Children Act 1980 or section 14 of the Children Act 1958 (offences relating to private fostering)(4).

(6) An offence under section 63(10) of, paragraph 1(5) of Schedule 5 to, or paragraph 2(3) of Schedule 6 to, the 1989 Act (offences relating to voluntary homes and children's homes)(5).

2. P falls within this paragraph if P has been found to have committed an offence under any of the following provisions committed against or involving a child—

- (a) section 7 of the Sexual Offences Act 1956 (intercourse with defective);
- (b) section 9 of that Act (procurement of defective);
- (c) section 10 of that Act (incest by a man);
- (d) section 11 of that Act (incest by a woman);
- (e) section 12 of that Act (buggery)(6) except if the other party to the act of buggery was aged 16 or over and consented to the act;
- (f) section 13 of that Act (indecent between men)(7) except if the other party to the act of gross indecency was aged 16 or over and consented to the act;
- (g) section 21 of that Act (abduction of defective from parent or guardian);

(1) 1960 p.33. Diwygiwyd adran 1 gan adran 39 o Ddeddf 2000 ac fe'i diddymwyd gan Ddeddf 2003.

(2) 1977 p.45. Diddymwyd adran 54 gan Ddeddf 2003.

(3) 2000 p. 44. Mae adran 3 yn ymestyn i'r Alban a Gogledd Iwerddon (gweler adran 7(2) a (4)) ond fe'i diddymwyd mewn perthynas â Chymru a Lloegr a Gogledd Iwerddon gan Ddeddf 2003.

(4) Diddymwyd adran 14 gan Ddeddf Plant Maeth 1980.

(5) Diddymwyd pob un o'r darpariaethau hyn gan Ddeddf Safonau Gofal 2000 (p.14).

(6) Diwygiwyd adran 12 gan adran 143 o Ddeddf 1994 ac adrannau 1 a 2 i Ddeddf Tramgwyddau Rhywiol (Diwygio) 2000 (p.44) ac fe'i diddymwyd gan Ddeddf 2003.

(7) Diwygiwyd adran 13 gan adran 2 o Ddeddf Tramgwyddau Rhywiol (Diwygio) 2000 ac fe'i diddymwyd gan Ddeddf 2003.

(1) 1960 c. 33. Section 1 was amended by section 39 of the 2000 Act and repealed by the 2003 Act.

(2) 1977 c. 45. Section 54 was repealed by the 2003 Act.

(3) 2000 c. 44. Section 3 extends to Scotland and Northern Ireland (see section 7(2) and (4)) but was repealed in relation to England and Wales and Northern Ireland by the 2003 Act.

(4) Section 14 was repealed by the Foster Children Act 1980.

(5) Each of these provisions was repealed by the Care Standards Act 2000 (c. 14).

(6) Section 12 was amended by section 143 of the 1994 Act and sections 1 and 2 of the Sexual Offences (Amendment) Act 2000 (c. 44) and repealed by the 2003 Act.

(7) Section 13 was amended by section 2 of the Sexual Offences (Amendment) Act 2000 and repealed by the 2003 Act.

- (f) adran 22 o'r Ddeddf honno (peri puteinio benywod);
- (ff) adran 23 o'r Ddeddf honno (caffael geneth o dan 21);
- (g) adran 27 o'r Ddeddf honno (caniatáu i berson diffygiol ddefnyddio mangre ar gyfer cyfathrach rywiol);
- (ng) adran 29 o'r Ddeddf honno (peri neu annog puteinio person diffygiol);
- (h) adran 30 o'r Ddeddf honno (dyn yn byw ar enillion puteindra);
- (i) adran 31 o'r Ddeddf honno (benyw yn arfer rheolaeth ar butain);
- (j) adran 128 o Ddeddf Iechyd Meddwl 1959 (cyfathrach rywiol â chleifion)(1);
- (l) adran 4 o Ddeddf Tramgwyddau Rhywiol 1967 (caffael eraill i gyflawni gweithredoedd cyfunrywiol)(2);
- (ll) adran 5 o'r Ddeddf honno (byw ar enillion puteindra gwryw);
- (m) adran 9(1)(a) o Ddeddf Lladrata 1968 (bwrgleriaeth); neu
- (n) tramgwydd sy'n berthynol i dramgwydd a bennir yn is-baragraffau (a) i (m).

- (h) section 22 of that Act (causing prostitution of women);
- (i) section 23 of that Act (procurement of girl under 21);
- (j) section 27 of that Act (permitting defective to use premises for intercourse);
- (k) section 29 of that Act (causing or encouraging prostitution of defective);
- (l) section 30 of that Act (man living on earnings of prostitution);
- (m) section 31 of that Act (woman exercising control over prostitute);
- (n) section 128 of the Mental Health Act 1959 (sexual intercourse with patients)(1);
- (o) section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts)(2);
- (p) section 5 of that Act (living on earnings of male prostitution);
- (q) section 9(1)(a) of the Theft Act 1968 (burglary); or
- (r) an offence that is related to an offence specified in sub-paragraphs (a) to (q).

ATODLEN 3

SCHEDULE 3

Rheoliad 3(7)

Regulation 3(7)

TRAMGWYDDAU PENODEDIG

SPECIFIED OFFENCES

Tramgwyddau yng Nghymru a Lloegr

1.–(1) Tramgwydd o dan adran 49 neu 50(9) o'r Ddeddf (tramgwyddau mewn perthynas â chipio plentyn mewn gofal).

(2) Tramgwydd o dan adran 79C, 79D, 79E neu 79F o'r Ddeddf (tramgwyddau mewn perthynas â gwarchod plant neu ofal dydd).

(3) Tramgwydd o dan unrhyw un o ddarpariaethau canlynol Deddf Tramgwyddau Rhywiol 2003–

- (a) adran 62 neu 63 (cyflawni tramgwydd neu dresmasu gyda bwriad o gyflawni tramgwydd rhywiol);
- (b) adran 64 neu 65 (rhyw gyda pherthynas sy'n oedolyn);
- (c) adran 69 (cyfathrach rywiol ag anifail); neu

Offences in England and Wales

1.–(1) An offence under section 49 or 50(9) of the Act (offences relating to the abduction of a child in care).

(2) An offence under section 79C, 79D, 79E or 79F of the Act (offences relating to child minding or day care).

(3) An offence under any of the following provisions of the Sexual Offences Act 2003–

- (a) section 62 or 63 (committing an offence or trespassing with intent to commit a sexual offence);
- (b) section 64 or 65 (sex with an adult relative);
- (c) section 69 (intercourse with an animal); or

(1) 1959 p.72; diwygiwyd adran 128 gan adran 1(4) o Ddeddf Tramgwyddau Rhywiol 1967 (p.60) a chan ddarpariaethau eraill, gan gynnwys paragraff 2 o Atodlen 4 i Ddeddf Safonau Gofal 2000, ac fe'i diddymwyd gan Ddeddf 2003.

(2) 1967 p.60; diddymwyd adrannau 4 a 5 gan Ddeddf 2003.

(1) 1959 c. 72; section 128 was amended by section 1(4) of the Sexual Offences Act 1967 (c. 60) and by other provisions including paragraph 2 of Schedule 4 to the Care Standards Act 2000, and was repealed by the 2003 Act.

(2) 1967 c. 60; sections 4 and 5 were repealed by the 2003 Act.

(ch) adran 70 (treiddio'n rhywiol i gorff marw).

(4) Tramgwydd mewn perthynas â chartref plant, o dan neu yn rhinwedd unrhyw un o ddarpariaethau canlynol Ddeddf Safonau Gofal 2000—

- (a) adran 11(1) (methu â chofrestru);
- (b) adran 24 (methu â chydymffurfio ag amodau);
- (c) adran 25 (mynd yn groes i reoliadau);
- (ch) adran 26 (disgrifiadau ffug o sefydliadau ac asiantaethau); neu
- (d) adran 27 (datganiadau ffug mewn ceisiadau).

Tramgwyddau yn yr Alban

2.—(1) Tramgwydd o dreisio.

(2) Tramgwydd a bennir yn Atodlen 1 i Ddeddf Gweithdrefn Droseddol (Yr Alban) 1995(1).

(3) Y tramgwydd cyfraith gyffredin plagiwm (lladrata plentyn sydd o dan oed aeddfedrwydd).

(4) Tramgwydd o dan adran 52 neu 52A o Ddeddf Llywodraeth Ddinesig (Yr Alban) 1982 (tramgwyddau mewn perthynas â ffotograffau anwedus o blant)(2).

(5) Tramgwydd o dan adran 3 o Ddeddf Tramgwyddau Rhywiol (Diwygio) 2000 (camfanteisio ar ymddiriedaeth)(3).

(6) Tramgwydd o dan unrhyw un o'r canlynol—

- (a) adran 81, 83 neu 89 o Ddeddf Plant (Yr Alban) 1995 neu adran 17(8) neu 71 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968 (tramgwyddau llochesu)(4);
- (b) adran 6 o Ddeddf Cipio Plant 1984 (cymryd neu anfon plentyn allan o'r Deyrnas Unedig)(5); neu
- (c) adran 15 o Ddeddf Plant Maeth (Yr Alban) 1984 (tramgwyddau mewn perthynas â maethu preifat).

(d) section 70 (sexual penetration of a corpse).

(4) An offence in relation to a children's home under or by virtue of any of the following provisions of the Care Standards Act 2000—

- (a) section 11(1) (failure to register);
- (b) section 24 (failure to comply with conditions);
- (c) section 25 (contravention of regulations);
- (d) section 26 (false descriptions of establishments and agencies); or
- (e) section 27 (false statements in applications).

Offences in Scotland

2.—(1) An offence of rape.

(2) An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995(1).

(3) The common law offence of plagiwm (theft of a child below the age of puberty).

(4) An offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 (offences relating to indecent photographs of children)(2).

(5) An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust)(3).

(6) An offence under any of the following—

- (a) section 81, 83 or 89 of the Children (Scotland) Act 1995 or section 17(8) or 71 of the Social Work (Scotland) Act 1968 (harbouring offences)(4);
- (b) section 6 of the Child Abduction Act 1984 (taking or sending child out of United Kingdom)(5); or
- (c) section 15 of the Foster Children (Scotland) Act 1984 (offences relating to private fostering).

(1) 1995 p.46.

(2) 1982 p.45. Diwygiwyd adran 52 gan adran 84 o Ddeddf 1994, Atodlen 4 i Ddeddf Gweithdrefn Droseddol (Darpariaethau Canlyniadol) (Yr Alban) 1995 (p.40) ac adran 19 o Ddeddf Cyfiawnder Troseddol (Yr Alban) 2003 (dsa 7). Mewnsoodwyd adran 52A gan adran 161 o Ddeddf Cyfiawnder Troseddol 1988 (p.33) ac fe'i diwygiwyd gan adran 19 o Ddeddf Cyfiawnder Troseddol (Yr Alban) 2003. Diwygiwyd adrannau 52 a 52A gan adran 16 o Ddeddf Amddiffyn Plant ac Atal Tramgwyddau Rhywiol (Yr Alban) 2005 (dsa 9).

(3) 2000 p. 44; diwygiwyd adran 3 mewn perthynas â'r Alban gan baragraff 62 o Ran 4 o Atodlen 28 i Ddeddf Partneriaeth Sifil 2004 (p.33).

(4) Diddymwyd adrannau 17(8) a 71 o Ddeddf 1968 gan Ddeddf Plant (Yr Alban) 1995.

(5) 1984 p.37; diwygiwyd adran 6 mewn perthynas â'r Alban gan baragraff 34(c) o Atodlen 4 i Ddeddf Plant (Yr Alban) 1995.

(1) 1995 c. 46.

(2) 1982 c. 45. Section 52 was amended by section 84 of the 1994 Act, Schedule 4 of the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40) and section 19 of the Criminal Justice (Scotland) Act 2003 (asp 7). Section 52A was inserted by section 161 of the Criminal Justice Act 1988 (c. 33) and was amended by section 19 of the Criminal Justice (Scotland) Act 2003. Both sections 52 and 52A were amended by section 16 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9).

(3) 2000 c. 44; section 3 was amended in relation to Scotland by paragraph 62 of Part 4 of Schedule 28 to the Civil Partnership Act 2004 (c. 33).

(4) Sections 17(8) and 71 of the 1968 Act were repealed by the Children (Scotland) Act 1995.

(5) 1984 c. 37; section 6 was amended in relation to Scotland by paragraph 34(c) of Schedule 4 to the Children (Scotland) Act 1995.

(7) Tramgwydd o dan neu yn rhinwedd adran 60(3), 61(3) neu 62(6) o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968 (tramgwyddau mewn perthynas â sefydliadau preswyl ac eraill)(1).

(8) Tramgwydd mewn perthynas â gwasanaeth cartref gofal, gwarchod plant neu ofal dydd i blant o dan neu yn rhinwedd unrhyw un o ddarpariaethau canlynol Deddf Rheoleiddio Gofal (Yr Alban) 2001(2)–

- (a) adran 21 (tramgwyddau mewn perthynas â chofrestru);
- (b) adran 22 (datganiadau ffug mewn ceisiadau); neu
- (c) adran 29(10) (tramgwyddau o dan reoliadau).

Tramgwyddau yng Ngogledd Iwerddon

3.–(1) Tramgwydd o dreisio.

(2) Tramgwydd o dan adran 66, 69 neu 70 o Ddeddf Tramgwyddau Rhywiol 2003.

(3) Tramgwydd o dan erthygl 70, 73 neu 74 o Orchymyn Tramgwyddau Rhywiol (Gogledd Iwerddon) 2008(3).

(4) Tramgwydd a bennir yn Atodlen 1 i Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968.

(5) Tramgwydd o dan erthygl 3 o Orchymyn Amddiffyn Plant (Gogledd Iwerddon) 1978 (ffotograffau anwedus)(4).

(6) Tramgwydd yn groes i erthygl 9 o Orchymyn Cyfiawnder Troseddol (Gogledd Iwerddon) 1980 (annog geneth o dan 16 i gael cyfathrach rywiol losgachol)(5).

(7) Tramgwydd yn groes i erthygl 15 o Orchymyn Cyfiawnder Troseddol (Tystiolaeth etc) (Gogledd Iwerddon) 1988 (meddu ar ffotograffau anwedus o blant)(6).

(8) Tramgwydd o dan adrannau 16 i 19 o Ddeddf Tramgwyddau Rhywiol 2003 (camfanteisio ar safle o ymddiriedaeth).

(1) Diddymwyd adrannau 60 i 68 gan Atodlen 4 i Ddeddf Rheoleiddio Gofal (Yr Alban) 2001 (dsa 8) yn effeithiol o 1 Ebrill 2002 ymlaen (O.S.A. 2002/162).

(2) 2001 dsa 8.

(3) O.S. 2008/1769 (G.I.2).

(4) O.S. 1978/1047 (G.I.17). Diwygiwyd erthygl 3 gan adran 84(10) o Ddeddf 1994, adran 41(2) o Ddeddf 2000 a pharagraff 8 o Atodlen 1 i Orchymyn Cyfiawnder Troseddol (Gogledd Iwerddon) 2003 (O.S. 2003/1247) (G.I.13).

(5) O.S.1980/704 (G.I.6).

(6) O.S.1988/1847 (G.I.17). Diwygiwyd erthygl 15 gan adrannau 84(11) ac 86(2) o Ddeddf 1994 ac adran 41(4) o Ddeddf 2000.

(7) An offence under or by virtue of section 60(3), 61(3) or 62(6) of the Social Work (Scotland) Act 1968 (offences relating to residential and other establishments)(1).

(8) An offence in relation to a care home service, child minding or day care of children, under or by virtue of any of the following provisions of the Regulation of Care (Scotland) Act 2001(2)–

- (a) section 21 (offences in relation to registration);
- (b) section 22 (false statements in applications); or
- (c) section 29(10) (offences under regulations).

Offences in Northern Ireland

3.–(1) An offence of rape.

(2) An offence under section 66, 69 or 70 of the Sexual Offences Act 2003.

(3) An offence under article 70, 73 or 74 of the Sexual Offences (Northern Ireland) Order 2008(3).

(4) An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968.

(5) An offence under article 3 of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs)(4).

(6) An offence contrary to article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse)(5).

(7) An offence contrary to article 15 of the Criminal Justice (Evidence etc) (Northern Ireland) Order 1988 (possession of indecent photographs of children)(6).

(8) An offence under sections 16 to 19 of the Sexual Offences Act 2003 (abuse of position of trust).

(1) Sections 60 to 68 were repealed by Schedule 4 to the Regulation of Care (Scotland) Act 2001 (asp 8) with effect from 1 April 2002 (S.S.I. 2002/162).

(2) 2001 asp 8.

(3) S.I. 2008/1769 (N.I. 2).

(4) S.I.1978/1047 (N.I.17). Article 3 was amended by section 84(10) of the 1994 Act, section 41(2) of the 2000 Act and Schedule 1, paragraph 8 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247) (N.I.13).

(5) S.I.1980/704 (N.I.6).

(6) S.I.1988/1847 (N.I.17). Article 15 was amended by sections 84(11) and 86(2) of the 1994 Act and section 41(4) of the 2000 Act.

(9) Tramgwydd o dan Ran 3 o Orchymyn Tramgwyddau Rhywiol (Gogledd Iwerddon) 2008 (tramgwyddau rhywiol yn erbyn plant).

(10) Tramgwydd o dan unrhyw un o'r canlynol—

- (a) erthygl 68 neu 69(9) o Orchymyn Plant (Gogledd Iwerddon) 1995 (tramgwyddau mewn perthynas â chipio plentyn mewn gofal);
- (b) erthygl 132 o Orchymyn Plant (Gogledd Iwerddon) 1995, neu adran 14 o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968 (tramgwyddau mewn perthynas â gwarchod plant a gofal dydd)(1);
- (c) erthygl 117 o Orchymyn Plant (Gogledd Iwerddon) 1995, neu adran 9(1) o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968 (tramgwyddau mewn perthynas â maethu preifat); neu
- (ch) erthygl 79(3), 81(4), 95(3) neu 97(4) o Orchymyn Plant (Gogledd Iwerddon) 1995, neu adran 127(5) neu 129(3) o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968 (tramgwyddau mewn perthynas â chartrefi gwirfoddol a chartrefi plant).

Tramgwyddau yn Jersey

4. Tramgwydd yn groes i—

- (a) Rhan 7 o Gyfraith Plant (Jersey) 1969(2);
- (b) Atodlen 4 i Gyfraith Plant (Jersey) 2002(3); neu
- (c) Cyfraith Gofal Dydd i Blant (Jersey) 2002(4).

Tramgwyddau yn Guernsey

5. Tramgwydd yn groes i—

- (a) y 'Loi pour la Punition d'Inceste' (Cyfraith ar gyfer Cosbi Llosgach) 1909(5);
- (b) y 'Loi relative à la protection des Femmes et des Filles Mineures' (Cyfraith ar gyfer Amddiffyn Benywod a Genethod Ifanc) 1914(6);
- (c) y 'Loi relative à la Sodomie' (Cyfraith mewn perthynas â Sodomiaeth) 1929(7);
- (ch) erthygl 7, 9, 10, 11 neu 12, adran 1 o erthygl 41 neu adran 1, 2, 3 neu 4 o erthygl 51 o'r 'Loi

(9) An offence under Part 3 of the Sexual Offences (Northern Ireland) Order 2008 (sexual offences against children).

(10) An offence under any of the following—

- (a) article 68 or 69(9) of the Children (Northern Ireland) Order 1995 (offences relating to the abduction of a child in care);
- (b) article 132 of the Children (Northern Ireland) Order 1995, or section 14 of the Children and Young Persons Act (Northern Ireland) 1968 (offences relating to child minding and day care)(1);
- (c) article 117 of the Children (Northern Ireland) Order 1995, or section 9(1) of the Children and Young Persons Act (Northern Ireland) 1968 (offences relating to private fostering); or
- (d) article 79(3), 81(4), 95(3) or 97(4) of the Children (Northern Ireland) Order 1995, or section 127(5) or 129(3) of the Children and Young Persons Act (Northern Ireland) 1968 (offences relating to voluntary homes and children's homes).

Offences in Jersey

4. An offence contrary to—

- (a) Part 7 of the Children (Jersey) Law 1969(2);
- (b) Schedule 4 to the Children (Jersey) Law 2002(3); or
- (c) The Day Care of Children (Jersey) Law 2002(4).

Offences in Guernsey

5. An offence contrary to—

- (a) the 'Loi pour la Punition d'Inceste' (Law for the Punishment of Incest) 1909(5);
- (b) the 'Loi relative à la protection des Femmes et des Filles Mineures' (Law for the Protection of Women and Young Girls) 1914(6);
- (c) the 'Loi relative à la Sodomie' (Law relating to Sodomy) 1929(7);
- (d) article 7, 9, 10, 11 or 12, section 1 of article 41 or section 1, 2, 3 or 4 of article 51 of the 'Loi

(1) Diddymwyd yr adran hon a'r adrannau o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968 y cyfeirir atynt ym mharagraffau (10)(c) ac (ch), gan Orchymyn Plant (Gogledd Iwerddon) 1995.

(2) Cyfraith Jersey 16/1969.

(3) Cyfraith Jersey 50/2002.

(4) Cyfraith Jersey 51/2002.

(5) Gorchmynion y Cyfrin Gyngor Cyfrol IV t.288.

(6) Gorchmynion y Cyfrin Gyngor Cyfrol V t.74.

(7) Gorchmynion y Cyfrin Gyngor Cyfrol VIII t. 273.

(1) This section and the sections of the Children and Young Persons Act (Northern Ireland) 1968 referred to in paragraphs (10)(c) and (d) were repealed by the Children (Northern Ireland) Order 1995.

(2) Jersey Law 16/1969.

(3) Jersey Law 50/2002.

(4) Jersey Law 51/2002.

(5) Orders in Council Volume IV p.288.

(6) Orders in Council Volume V p.74.

(7) Orders in Council Volume VIII p. 273.

ayant rapport à la Protection des Enfants et des Jeunes Personnes' (Cyfraith mewn perthynas ag Amddiffyn Plant a Phobl Ifanc) 1917(1);

(d) Cyfraith Plant a Phobl Ifanc (Guernsey) 1967;

(dd) Cyfraith Amddiffyn Plant (Beiliaeth Guernsey) 1985(2).

Tramgwyddau yn Ynys Manaw

6. Tramgwydd a bennir yn Atodlen 8 i Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald).

Tramgwyddau eraill

7.–(1) Tramgwydd yn groes i adran 170 o Ddeddf Rheoli Tollau Tramor a Chartref 1979(3) mewn perthynas â nwyddau y gwaherddir eu mewnfario o dan adran 42 o Ddeddf Cydgrynhoi Tollau 1876(4) (gwaharddiadau a chyfyngiadau) pan fo'r nwyddau gwaharddedig yn cynnwys ffotograffau anwedus o blentyn.

(2) Tramgwydd yn rhinwedd–

(a) adran 72 o Ddeddf Tramgwyddau Rhywiol 2003 (tramgwyddau y tu allan i'r Deyrnas Unedig); neu

(b) adran 16B o Ddeddf Cyfraith Droseddol (Cydgrynhoi) (Yr Alban) 1995 (cyflawni tramgwyddau rhywiol penodol y tu allan i'r Deyrnas Unedig)(5).

(3) Tramgwydd yn groes i adran 32(3) o Ddeddf Plant a Phobl Ifanc 1969 (caethiwo absenolwyr)(6).

ayant rapport à la Protection des Enfants et des Jeunes Personnes' (Law relating to the Protection of Children and Young Persons) 1917(1);

(e) the Children and Young Persons (Guernsey) Law 1967;

(f) the Protection of Children (Bailiwick of Guernsey) Law 1985(2).

Offences in the Isle of Man

6. An offence specified in Schedule 8 to the Children and Young Persons Act 2001 (an Act of Tynwald).

Other Offences

7.–(1) An offence contrary to section 170 of the Customs and Excise Management Act 1979(3) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876(4) (prohibitions and restrictions) where the prohibited goods included indecent photographs of a child.

(2) An offence by virtue of–

(a) section 72 of the Sexual Offences Act 2003 (offences outside the United Kingdom); or

(b) section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995 (commission of certain sexual offences outside the United Kingdom)(5).

(3) An offence contrary to section 32(3) of the Children and Young Persons Act 1969 (detention of absentees)(6).

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(1) Gorchmynion y Cyfrin Gyngor Cyfrol V t. 342 fel y'i diwygiwyd gan y Loi Supplémentaire à la Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes 1937, Gorchmynion y Cyfrin Gyngor Cyfrol XI t.116 a Chyfraith Amddiffyn Plant a Phobl Ifanc (Diwygio) 1955, Gorchmynion y Cyfrin Gyngor Cyfrol XVI t.277.

(2) Gorchmynion y Cyfrin Gyngor Cyfrol XXIX t.103 fel y'i diwygiwyd gan Gyfraith Gweinyddu Cyfiawnder (Beiliaeth Guernsey) 1991, Gorchmynion y Cyfrin Gyngor Cyfrol XXXIII t.49, Cyfraith Tystiolaeth Droseddol a Darpariaethau Amrywiol (Beiliaeth Guernsey) 2002, Gorchmynion y Cyfrin Gyngor Rhif I 2003 a Chyfraith Cyfiawnder Troseddol (Darpariaethau Amrywiol) (Beiliaeth Guernsey) 2006, Gorchmynion y Cyfrin Gyngor Rhif XIII 2006.

(3) 1979 p.2.

(4) 1876 p.36.

(5) 1995 p.39.

(6) 1969 p.54.

(1) Orders in Council Volume V p. 342 as amended by Loi Supplémentaire à la Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes 1937, Orders in Council Volume XI p.116 and The Protection of Children and Young Persons (Amendment) Law 1955, Orders in Council Volume XVI p. 277.

(2) Orders in Council Volume XXIX p. 103 as amended by The Administration of Justice (Bailiwick of Guernsey) Law 1991, Orders in Council Volume XXXIII p. 49, the Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law 2002, Order in Council No. I of 2003 and the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006, Order in Council No. XIII of 2006.

(3) 1979 c. 2.

(4) 1876 c. 36.

(5) 1995 c. 39.

(6) 1969 c. 54.

OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 1703 (Cy.163)

**GOFAL CYMDEITHASOL,
CYMRU**

**PLANT A PHOBL IFANC,
CYMRU**

Rheoliadau Gwarchod Plant a
Gofal Dydd (Anghymhwysu)
(Cymru) 2010

WELSH STATUTORY
INSTRUMENTS

2010 No. 1703 (W.163)

**SOCIAL CARE,
WALES**

**CHILDREN AND YOUNG
PERSONS, WALES**

The Child Minding and Day Care
(Disqualification) (Wales)
Regulations 2010