



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1499 (Cy. 171)

2015 No. 1499 (W. 171)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Gofal a Chymorth
(Preswylfa Arferol) (Llety
Penodedig) (Cymru) 2015

The Care and Support (Ordinary
Residence) (Specified
Accommodation) (Wales)
Regulations 2015

NODYN ESBONIADOL

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

Mae adran 194 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf") yn gwneud darpariaeth ar gyfer cadarnhau preswylfa arferol person. Mae adran 194(1) yn gwneud darpariaeth ynghylch preswylfa arferol oedolyn mewn achos pan fo'n byw mewn llety o fath penodedig.

Pan fo gan oedolyn anghenion am ofal a chymorth na ellir eu diwallu ond drwy fyw mewn llety o fath penodedig a'i fod yn byw mewn llety o fath penodedig yng Nghymru, mae'r oedolyn i'w drin (yn rhinwedd adran 194(1) o'r Ddeddf) fel un sy'n preswyllo fel arfer yn yr ardal lle'r oedd yn preswyllo fel arfer yn union cyn iddo ddechrau byw yn y math penodedig o lety. Os oedd yr oedolyn heb breswylfa sefydlog yn union cyn iddo ddechrau byw mewn llety o fath penodedig, mae'r oedolyn i'w drin fel un sy'n preswyllo fel arfer yn yr ardal lle'r oedd yn bresennol bryd hynny.

Mae'r Rheoliadau hyn yn darparu bod llety cartref gofal yn llety o fath penodedig at ddibenion adran 194(1) o'r Ddeddf.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 194 of the Social Services and Well-being (Wales) Act 2014 ("the Act") makes provision for establishing a person's ordinary residence. Section 194(1) makes provision about an adult's ordinary residence in a case where an adult is living in accommodation of a specified type.

Where an adult has needs for care and support which can be met only by living in accommodation of a specified type and is living in accommodation of a specified type in Wales, the adult is to be treated (by virtue of section 194(1) of the Act) as ordinarily resident in the area in which the adult was ordinarily resident immediately before the adult began to live in the specified type of accommodation. If the adult was of no settled residence immediately before beginning to live in a specified type of accommodation, the adult is treated as ordinarily resident in the area in which the adult was present at the time.

These Regulations provide that care home accommodation is accommodation of a specified type for the purposes of section 194(1) of the Act.

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Gwnaed 7 Gorffennaf 2015

Made 7 July 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 10 Gorffennaf 2015

*Laid before the National Assembly for
Wales* 10 July 2015

Yn dod i rym 6 Ebrill 2016

Coming into force 6 April 2016

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 194(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by section 194(1) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations:

Enwi, cychwyn, cymhwyso a dehongli

Title, commencement, application and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal a Chymorth (Preswylfa Arferol) (Llety Penodedig) (Cymru) 2015.

1.—(1) The title of these Regulations is the Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 2015.

(2) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2016 ac maent yn gymwys o ran Cymru.

(2) These Regulations come into force on 6 April 2016 and apply to Wales.

(3) Yn y Rheoliadau hyn—

(3) In these Regulations—

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

ystyr “llety cartref gofal” (“*care home accommodation*”) yw llety mewn cartref gofal o fewn yr ystyr a roddir i “*care home*” gan adran 3 o Ddeddf Safonau Gofal 2000(2).

“care home accommodation” (“*llety cartref gofal*”) means accommodation in a care home within the meaning given by section 3 of the Care Standards Act 2000(2).

(1) 2014 dccc 4.

(2) 2000 p. 14; diwygiwyd adran 3 gan Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14), adran 95 a pharagraff 4 o Atodlen 5.

(1) 2014 anaw. 4.

(2) 2000 c. 14; section 3 was amended by the Health and Social Care Act 2008 (c. 14), section 95 and paragraph 4 of Schedule 5.

Mathau penodedig o lety

2.—(1) At ddibenion adran 194(1) o'r Ddeddf (preswylfa arferol), mae llety cartref gofal yn llety o fath penodedig.

Specified types of accommodation

2.—(1) For the purposes of section 194(1) of the Act (ordinary residence), care home accommodation is accommodation of a specified type.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

7 Gorffennaf 2015

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

7 July 2015

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