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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2016 Rhif 96 (Cy. 45)**

**2016 No. 96 (W. 45)**

**PLANT A PHOBL IFANC,  
CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

Gorchymyn Eithriadau Gwarchod  
Plant a Gofal Dydd (Cymru)  
(Diwygio) 2016

The Child Minding and Day Care  
Exceptions (Wales) (Amendment)  
Order 2016

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae Rhan 2 o Fesur Plant a Theuluoedd (Cymru) 2010 yn galluogi Gweinidogion Cymru i bennu drwy Orchymyn eithriadau i'r hyn a olygir wrth "gwarchod plant" a "gofal dydd i blant".

Mae'r Gorchymyn hwn wedi ei wneud o dan adran 19(4) a (5) o'r Mesur. Mae'n diwygio Gorchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) 2010 ("Gorchymyn 2010") i estyn yr amgylchiadau pan fydd person, y byddai ei weithgarwch fel arall yn dod o fewn y diffiniad o "gwarchod plant" neu "gofal dydd i blant", wedi ei eithrio o'r diffiniad hwnnw ac felly nad yw'n ofynnol iddo gofrestru.

Mae erthyglau 3 a 4 o'r Gorchymyn hwn yn gwneud diwygiadau canlyniadol i erthyglau 2 ac 8 o Orchymyn 2010.

Mae erthygl 5 o'r Gorchymyn hwn yn eithrio darpariaeth gwasanaeth ieuencid i bobl ifanc sydd wedi cyrraedd un ar ddeg oed o'r gofyniad i gofrestru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth Gellir cael copi oddi wrth y Grŵp Addysg a Gwasanaethau Cyhoeddus, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Part 2 of the Children and Families (Wales) Measure 2010 enables the Welsh Ministers to specify by Order, exceptions to what constitutes "child minding" and "day care for children".

This Order is made under section 19(4) and (5) of the Measure. It amends the Child Minding and Day Care Exceptions (Wales) Order 2010 ("the 2010 Order") to extend the circumstances in which a person whose activity would otherwise fall within the definition of "child minding" or "day care for children" is excepted from it and who is not therefore required to register.

Articles 3 and 4 of this Order make consequential amendments to articles 2 and 8 of the 2010 Order.

Article 5 of this Order excludes youth service provision for young persons who have attained the age of eleven from the requirement to register.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Education and Public Services Group, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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**Gorchymyn Eithriadau Gwarchod  
Plant a Gofal Dydd (Cymru)  
(Diwygio) 2016**

*Gwnaed* 27 Ionawr 2016  
*Yn dod i rym* 1 Ebrill 2016

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adran 19(4) a (5) o Fesur Plant a Theuluoedd (Cymru) 2010(1).

Yn unol ag adran 74(5) o Fesur Plant a Theuluoedd (Cymru) 2010, gosodwyd drafft o'r Gorchymyn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad cyn iddo gael ei wneud.

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) (Diwygio) 2016.

(2) Daw'r Gorchymyn hwn i rym ar 1 Ebrill 2016.

(3) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

**Diwygio Gorchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) 2010**

2. Mae Gorchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) 2010(2) ("Gorchymyn 2010") wedi ei ddiwygio yn unol ag erthyglau 3 i 5 o'r Gorchymyn hwn.

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(1) 2010 mccc 1.  
(2) O.S. 2010/2839 (Cy. 233).

**2016 No. 96 (W. 45)**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**The Child Minding and Day Care  
Exceptions (Wales) (Amendment)  
Order 2016**

*Made* 27 January 2016  
*Coming into force* 1 April 2016

The Welsh Ministers make the following Order in exercise of the powers conferred upon them by section 19(4) and (5) of the Children and Families (Wales) Measure 2010(1).

A draft of this Order has been laid before, and approved by resolution of, the National Assembly for Wales before being made, in accordance with section 74(5) of the Children and Families (Wales) Measure 2010.

**Title, commencement and application**

1.—(1) The title of this Order is the Child Minding and Day Care Exceptions (Wales) (Amendment) Order 2016.

(2) This Order comes into force on 1 April 2016.

(3) This Order applies in relation to Wales.

**Amendments to the Child Minding and Day Care Exceptions (Wales) Order 2010**

2. The Child Minding and Day Care Exceptions (Wales) Order 2010(2) ("the 2010 Order") is amended in accordance with articles 3 to 5 of this Order.

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(1) 2010 nawm 1.  
(2) S.I 2010/2839 (W. 233).

3. Yn erthygl 2 o Orchymyn 2010—

- (a) yn lle “o dan wyth oed” rhodder “o dan ddeuddeng oed”;
- (b) yn lle “yn yr erthyglau canlynol, 3 i 7.” rhodder “yn erthyglau 3 i 7 ac 16 o’r Gorchymyn hwn.”.

4. Yn erthygl 8 o Orchymyn 2010—

- (a) yn lle “o dan wyth oed” rhodder “o dan ddeuddeng oed”;
- (b) yn lle “yn yr erthyglau canlynol, 9 i 15” rhodder “yn erthyglau 9 i 16 o’r Gorchymyn hwn.”.

5.—(1) Ar ôl erthygl 15 o Orchymyn 2010 mewnosoder—

“16.—(1) Nid yw person yn darparu gwasanaeth gwarchod plant neu ofal dydd os ac i’r graddau—

- (a) mai dim ond darparu gwasanaeth ieuencid i bobl ifanc sydd wedi cyrraedd un ar ddeg oed y mae’r person; a
- (b) bod unrhyw ofal a ddarperir yn digwydd yn achlysurol mewn cysylltiad â darparu’r gwasanaeth ieuencid hwnnw.”.

(2) Yn yr erthygl hon ystyr “gwasanaeth ieuencid” (“*youth service*”) yw gweithgaredd o fath a restrir ym mharagraff (3).

(3) At ddibenion paragraff (2), y mathau o weithgaredd yw’r rhai—

- (a) sy’n annog, yn galluogi neu’n cynorthwyo pobl ifanc sydd wedi cyrraedd un ar ddeg oed i gymryd rhan yn effeithiol:
  - (i) mewn gweithgareddau hamdden;
  - (ii) mewn addysg a hyfforddiant;
  - (iii) ym mywyd eu cymunedau; a
- (b) pan na fo’n ofynnol i’r person ifanc dalu am gymryd rhan mewn gweithgaredd o’r fath neu pan fo’n ofynnol iddo dalu swm nominal yn unig am wneud hynny.”.

3. In article 2 of the 2010 Order—

- (a) for “under the age of eight” substitute “under the age of twelve”;
- (b) for “in the following articles 3 to 7.” substitute “in articles 3 to 7 and 16 of this Order.”.

4. In article 8 of the 2010 Order—

- (a) for “under the age of eight” substitute “under the age of twelve”;
- (b) for “in the following articles 9 to 15” substitute “in articles 9 to 16 of this Order.”.

5.—(1) After article 15 of the 2010 Order insert—

“16.—(1) A person does not provide child minding or day care if and to the extent that—

- (a) the person solely provides a youth service for young persons who have attained the age of eleven; and
- (b) any care provided is incidental to the provision of that youth service.”.

(2) In this article “youth service” (“*gwasanaeth ieuencid*”) means an activity of a type listed in paragraph (3).

(3) For the purposes of paragraph (2), the type of activity are those—

- (a) that encourage, enable or assist young persons who have attained the age of 11 to participate effectively in:
  - (i) leisure and recreational activities;
  - (ii) education and training;
  - (iii) the life of their communities; and
- (b) where no payment or a nominal payment only is required from young persons to participate in such activity.”.

*Lesley Griffiths*

Y Gweinidog Cymunedau a Threchi Tlodi, un o Weinidogion Cymru

27 Ionawr 2016

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Minister for Communities and Tackling Poverty, one of the Welsh Ministers

27 January 2016

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