



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 961 (Cy. 244)

2017 No. 961 (W. 244)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Gwasanaethau
Rheoleiddiedig (Hysbysiadau)
(Cymru) 2017**

**The Regulated Services
(Notifications) (Wales) Regulations
2017**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae adran 39(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") yn gwneud darpariaeth ynghylch yr amgylchiadau y mae'n ofynnol i Weinidogion Cymru hysbysu pob awdurdod lleol odanynt pan fydd penderfyniadau rheoleiddiol penodol wedi eu gwneud mewn cysylltiad â chofrestriad darparwr gwasanaeth.

Section 39(1) of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act") makes provision about the circumstances under which the Welsh Ministers are required to notify each local authority when certain regulatory decisions are made in respect of the registration of a service provider.

Mae adran 39(1)(g) o'r Ddeddf yn rhoi pŵer i Weinidogion Cymru i ragnodi amgylchiadau pellach y bydd y ddyletswydd i hysbysu awdurdodau lleol yn gymwys odanynt.

Section 39(1)(g) of the Act empowers the Welsh Ministers to prescribe further circumstances under which the duty to notify local authorities will apply.

Mae adran 39(2) o'r Ddeddf yn rhoi pŵer i Weinidogion Cymru i wneud rheoliadau ynghylch unrhyw wybodaeth bellach y mae'n ofynnol ei chynnwys mewn hysbysiadau o'r fath.

Section 39(2) of the Act empowers the Welsh Ministers to make regulations about any further information that is required to be contained in such notifications.

Mae rheoliad 3 yn nodi'r wybodaeth y mae'n ofynnol ei chynnwys ym mhob hysbysiad a wneir o dan adran 39(1). Mae rheoliad 4 yn nodi'r wybodaeth ychwanegol y mae'n ofynnol ei chynnwys mewn hysbysiad ynghylch canslo cofrestriad darparwr gwasanaeth. Mae rheoliad 5 yn nodi'r wybodaeth ychwanegol y mae'n ofynnol ei chynnwys mewn hysbysiad ynghylch amrywio cofrestriad darparwr gwasanaeth drwy ddileu o'r cofrestriad wasanaeth rheoleiddiedig neu fan y mae'r darparwr yn darparu gwasanaeth rheoleiddiedig ynddo, ohono neu mewn perthynas ag ef. Mae rheoliad 6 yn nodi'r wybodaeth ychwanegol y mae'n ofynnol ei chynnwys mewn hysbysiad ynghylch gwneud gorchymyn gan ynad heddwch o dan adran 23 o'r Ddeddf (canslo ar frys neu amrywio ar frys drwy ddileu gwasanaeth neu fan). Mae rheoliad 7 yn nodi'r wybodaeth ychwanegol y

Regulation 3 sets out the information that is required to be contained in all notifications made under section 39(1). Regulation 4 sets out the additional information that is required to be contained in a notification about the cancellation of the registration of a service provider. Regulation 5 sets out the additional information that is required to be contained in a notification about the variation of the registration of a service provider by removing from the registration a regulated service or a place at, from or in relation to which the provider is providing a regulated service. Regulation 6 sets out the additional information that is required to be contained in a notification about the making of an order by a justice of the peace under section 23 of the Act (urgent cancellation or variation by removing a service or place). Regulation 7 sets out the additional

mae'n ofynnol ei chynnwys mewn hysbysiad ynghylch canslo dynodiad unigolyn cyfrifol o dan adran 22 o'r Ddeddf. Mae rheoliad 8 yn nodi'r wybodaeth ychwanegol y mae'n ofynnol ei chynnwys mewn hysbysiad ynghylch achosion sy'n cael eu dwyn yn erbyn person mewn cysylltiad â throsedd o dan Ran 1 o'r Ddeddf neu reoliadau a wneir odani. Mae rheoliad 9 yn nodi'r wybodaeth ychwanegol y mae'n ofynnol ei chynnwys mewn hysbysiad ynghylch hysbysiad cosb a roddir o dan adran 52 o'r Ddeddf.

Mae rheoliad 10 yn nodi'r pethau pellach a ragnodir at ddibenion adran 39(1)(g) o'r Ddeddf. Gwneir darpariaeth ynghylch apelau a wneir gan ddarparwr gwasanaeth mewn cysylltiad â'r pethau a nodir yn adran 39(1)(a) i (d) a chanlyniad unrhyw apêl. Gwneir darpariaeth hefyd ynghylch canlyniad achosion am droseddau sy'n cael eu dwyn gan Weinidogion Cymru o dan Ran 1 o'r Ddeddf (neu a ragnodir mewn rheoliadau a wneir odani).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

information that is required to be contained in a notification about the cancellation of a designation of a responsible individual under section 22 of the Act. Regulation 8 sets out the additional information that is required to be contained in a notification about proceedings brought against a person in respect of an offence under Part 1 of the Act or regulations made under it. Regulation 9 sets out the additional information that is required to be contained in a notification about a penalty notice given under section 52 of the Act.

Regulation 10 sets out the further things prescribed for the purposes of section 39(1)(g) of the Act. Provision is made about appeals made by a service provider in respect of the things set out in section 39(1)(a) to (d) and the outcome of any appeal. Provision is also made about the outcome of proceedings for offences brought by the Welsh Ministers under Part 1 of the Act (or prescribed in regulations made under it).

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

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**The Regulated Services
(Notifications) (Wales) Regulations
2017**

Gwnaed 27 Medi 2017

Made 27 September 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 3 Hydref 2017

Laid before the National Assembly for Wales
3 October 2017

Yn dod i rym 2 Ebrill 2018

Coming into force 2 April 2018

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 39(1)(g), 39(2) a 187(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 39(1)(g), 39(2) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (1), make the following Regulations.

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Rheoleiddiedig (Hysbysiadau) (Cymru) 2017 a deuant i rym ar 2 Ebrill 2018.

1.—(1) The title of these Regulations is the Regulated Services (Notifications) (Wales) Regulations 2017 and they come into force on 2 April 2018.

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

(2) These Regulations apply in relation to Wales.

Dehongli

Interpretation

2. Yn y Rheoliadau hyn—

2. In these Regulations—

ystyr “y Ddeddf” (“*the Act*”) yw Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016;

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

mae i “y tribiwnlys” (“*the tribunal*”) yr un ystyr ag yn adran 189 o'r Ddeddf.

“the tribunal” (“*y tribiwnlys*”) has the same meaning as in section 189 of the Act.

Gwybodaeth sydd i gael ei chynnwys ym mhob hysbysiad o dan adran 39(1) o'r Ddeddf

Information to be contained in all notifications under section 39(1) of the Act

3. Rhaid i hysbysiad o dan adran 39(1) o'r Ddeddf gynnwys—

3. A notification under section 39(1) of the Act must contain—

(1) 2016 dccc 2.

(1) 2016 anaw 2.

- (a) enw'r darparwr gwasanaeth;
- (b) enw'r gwasanaeth rheoleiddiedig a'r math o wasanaeth rheoleiddiedig y mae'r hysbysiad yn ymwneud ag ef;
- (c) y man y mae'r hysbysiad yn ymwneud ag ef neu'r manau y mae'r hysbysiad yn ymwneud â hwy;
- (d) y dyddiad yr anfonir yr hysbysiad; ac
- (e) y paragraff yn adran 39(1) o'r Ddeddf neu yn rheoliad 10 yr anfonir yr hysbysiad odano.

- (a) the name of the service provider;
- (b) the name and type of regulated service to which the notification relates;
- (c) the place or places to which the notification relates;
- (d) the date on which the notification is sent; and
- (e) the paragraph of section 39(1) of the Act or of regulation 10 under which the notification is sent.

Gwybodaeth sydd i gael ei chynnwys mewn hysbysiad o dan adran 39(1)(a) o'r Ddeddf

4. Yn ychwanegol at yr wybodaeth a nodir yn rheoliad 3, rhaid i hysbysiad o dan adran 39(1)(a) o'r Ddeddf gynnwys y canlynol—

- (a) y dyddiad y cymerodd canslo cofrestriad y darparwr gwasanaeth effaith; a
- (b) naill ai—
 - (i) pan fo hysbysiad yn ymwneud â phenderfyniad i ganslo a wneir gan Weinidogion Cymru yn dilyn hysbysiad gwella a roddir o dan adran 16 o'r Ddeddf, y sail dros ganslo; neu
 - (ii) pan fo hysbysiad yn ymwneud â chanslo yn dilyn cais a wneir o dan adran 14 o'r Ddeddf, y rheswm a roddir gan y darparwr gwasanaeth dros ganslo'r cofrestriad.

Information to be contained in a notification under section 39(1)(a) of the Act

4. A notification under section 39(1)(a) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the date that the cancellation of the registration of the service provider took effect; and
- (b) either—
 - (i) where a notification relates to a decision to cancel made by the Welsh Ministers following a notice of improvement given under section 16 of the Act, the ground for cancellation; or
 - (ii) where a notification relates to a cancellation following an application made under section 14 of the Act, the reason given by the service provider for cancellation of the registration.

Gwybodaeth sydd i gael ei chynnwys mewn hysbysiad o dan adran 39(1)(b) o'r Ddeddf

5. Yn ychwanegol at yr wybodaeth a nodir yn rheoliad 3, rhaid i hysbysiad o dan adran 39(1)(b) o'r Ddeddf gynnwys y canlynol—

- (a) y dyddiad y cymerodd amrywiad cofrestriad y darparwr gwasanaeth effaith; a
- (b) naill ai—
 - (i) pan fo hysbysiad yn ymwneud â phenderfyniad i amrywio cofrestriad darparwr gwasanaeth a wneir gan Weinidogion Cymru yn dilyn hysbysiad gwella a roddir o dan adran 16 o'r Ddeddf, y sail dros amrywio; neu
 - (ii) pan fo hysbysiad yn ymwneud ag amrywio cofrestriad darparwr gwasanaeth yn dilyn cais a wneir o dan adran 11 o'r Ddeddf, y rheswm a roddir gan y darparwr gwasanaeth dros yr amrywiad.

Information to be contained in a notification under section 39(1)(b) of the Act

5. A notification under section 39(1)(b) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the date that the variation of the registration of the service provider took effect; and
- (b) either—
 - (i) where a notification relates to a decision to vary the registration of a service provider made by the Welsh Ministers following a notice of improvement given under section 16 of the Act, the ground for variation; or
 - (ii) where a notification relates to a variation of the registration of a service provider following an application made under section 11 of the Act, the reason given by the service provider for the variation.

Gwybodaeth sydd i gael ei chynnwys mewn hysbysiad o dan adran 39(1)(c) o'r Ddeddf

6. Yn ychwanegol at yr wybodaeth a nodir yn rheoliad 3, rhaid i hysbysiad o dan adran 39(1)(c) o'r Ddeddf gynnwys y canlynol—

- (a) y dyddiad y gwnaed y gorchymyn; a
- (b) y dyddiad y cymerodd y gorchymyn effaith neu y bydd y gorchymyn yn cymryd effaith, os yw'n wahanol.

Gwybodaeth sydd i gael ei chynnwys mewn hysbysiad o dan adran 39(1)(d) o'r Ddeddf

7. Yn ychwanegol at yr wybodaeth a nodir yn rheoliad 3, rhaid i hysbysiad o dan adran 39(1)(d) o'r Ddeddf gynnwys y canlynol—

- (a) enw'r unigolyn cyfrifol y mae ei ddynodiad wedi ei ganslo;
- (b) y sail dros ganslo'r dynodiad; ac
- (c) y dyddiad y cymerodd y canslo effaith, os yw'n wahanol.

Gwybodaeth sydd i gael ei chynnwys mewn hysbysiad o dan adran 39(1)(e) o'r Ddeddf

8. Yn ychwanegol at yr wybodaeth a nodir yn rheoliad 3, rhaid i hysbysiad o dan adran 39(1)(e) o'r Ddeddf gynnwys y canlynol—

- (a) enw'r person y mae achos wedi ei ddwyn yn ei erbyn;
- (b) y dyddiad y cychwynwyd yr achos;
- (c) y drosedd o dan Ran 1 o'r Ddeddf (neu a ragnodir mewn rheoliadau a wneir odani) yr honnir ei bod wedi ei chyflawni; a
- (d) dyddiad y gwrandawriad llys cyntaf, os yw'n hysbys.

Gwybodaeth sydd i gael ei chynnwys mewn hysbysiad o dan adran 39(1)(f) o'r Ddeddf

9. Yn ychwanegol at yr wybodaeth a nodir yn rheoliad 3, rhaid i hysbysiad o dan adran 39(1)(f) o'r Ddeddf gynnwys y canlynol—

- (a) enw'r person y mae hysbysiad cosb wedi ei roi iddo;
- (b) y dyddiad y dyroddwyd yr hysbysiad cosb; ac
- (c) y drosedd y mae Gweinidogion Cymru wedi eu bodloni ei bod wedi ei chyflawni.

Information to be contained in a notification under section 39(1)(c) of the Act

6. A notification under section 39(1)(c) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the date on which the order was made; and
- (b) the date on which the order took or will take effect, if different.

Information to be contained in a notification under section 39(1)(d) of the Act

7. A notification under section 39(1)(d) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the name of the responsible individual whose designation has been cancelled;
- (b) the ground upon which the designation has been cancelled; and
- (c) the date upon which the cancellation took effect, if different.

Information to be contained in a notification under section 39(1)(e) of the Act

8. A notification under section 39(1)(e) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the name of the person against whom proceedings have been brought;
- (b) the date on which proceedings were commenced;
- (c) the offence under Part 1 of the Act (or prescribed in regulations made under it) which it is alleged has been committed; and
- (d) the date of the first court hearing, if known.

Information to be contained in a notification under section 39(1)(f) of the Act

9. A notification under section 39(1)(f) of the Act must, in addition to the information set out in regulation 3, contain the following—

- (a) the name of the person who has been given a penalty notice;
- (b) the date on which the penalty notice was issued; and
- (c) the offence which the Welsh Ministers are satisfied has been committed.

Hysbysu am bethau rhagnodedig o dan adran 39(1)(g) o'r Ddeddf

10. Y pethau a ragnodir at ddiben adran 39(1)(g) o'r Ddeddf yw—

- (a) apêl gan y darparwr gwasanaeth i'r tribiwnlys yn erbyn—
 - (i) canslo cofrestrriad y darparwr gwasanaeth;
 - (ii) amrywio cofrestrriad darparwr gwasanaeth drwy ddileu gwasanaeth rheoleiddiedig neu fan y mae'r darparwr gwasanaeth yn darparu gwasanaeth rheoleiddiedig ynddo, ohono neu mewn perthynas ag ef;
 - (iii) gwneud gorchymyn gan ynad heddwch o dan adran 23 o'r Ddeddf; neu
 - (iv) canslo dynodiad unigolyn cyfrifol o dan adran 22 o'r Ddeddf;
- (b) penderfyniad y tribiwnlys mewn cysylltiad ag unrhyw apêl a wneir iddo gan ddarparwr gwasanaeth mewn cysylltiad â'r amgylchiadau a nodir ym mharagraff (a);
- (c) pan fo achos wedi ei ddwyn yn erbyn person mewn cysylltiad â throsedd o dan Ran 1 o'r Ddeddf (neu a ragnodir mewn rheoliadau a wneir odani)—
 - (i) tynnu achos yn ôl;
 - (ii) penderfyniad y llys yn yr achos;
- (iii) apêl yn erbyn penderfyniad y llys; a
- (iv) canlyniad yr apêl.

Notification of prescribed things under section 39(1)(g) of the Act

10. The things prescribed for the purpose of section 39(1)(g) of the Act are—

- (a) an appeal by the service provider to the tribunal against—
 - (i) the cancellation of the registration of the service provider;
 - (ii) the variation of the registration of a service provider by removing a regulated service or a place at, from or in relation to which the service provider is providing a regulated service;
 - (iii) the making of an order by a justice of the peace under section 23 of the Act; or
 - (iv) the cancellation of a designation of a responsible individual under section 22 of the Act;
- (b) the decision of the tribunal in respect of any appeal made to it by a service provider in respect of the circumstances set out in paragraph (a);
- (c) where proceedings have been brought against a person in respect of an offence under Part 1 of the Act (or prescribed in regulations made under it)—
 - (i) the withdrawal of proceedings;
 - (ii) the decision of the court in the proceedings;
 - (iii) an appeal against the decision of the court; and
 - (iv) the outcome of the appeal.

Rebecca Evans

Gweinidog Iechyd y Cyhoedd a Gwasanaethau
Cymdeithasol o dan awdurdod Ysgrifennydd y Cabinet
dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion
Cymru
27 Medi 2017

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Minister for Social Services and Public Health under
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27 September 2017

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