



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 878 (Cy.83)

2006 No. 878 (W.83)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**IECHYD Y CYHOEDD,
CYMRU**

**PUBLIC HEALTH,
WALES**

Rheoliadau Deddf Safonau Gofal
2000 a Deddf Plant 1989 (Dileu
Ffioedd) (Cymru) 2006

The Care Standards Act 2000 and
the Children Act 1989 (Abolition
of Fees) (Wales) Regulations 2006

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn dileu'r holl ofynion o dan Ddeddf Safonau Gofal 2000 a Deddf Plant 1989 i ffioedd gael eu talu am gofrestru gyda Chynulliad Cenedlaethol Cymru ("y Cynulliad"). Maent yn dileu hefyd y gofyniad i ffioedd blynyddol gael eu talu am arolygiadau gan y Cynulliad o wasanaethau mabwysiadu a maethu awdurdodau lleol o dan Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymdeithasol a Safonau) 2003, ac arolygiadau o ysgolion a cholegau byrddio o dan Ddeddf Plant 1989. Mae'r Rheoliadau hyn hefyd yn dileu methiant gan ddarparwyr o ran talu ffioedd fel sail dros ddileu cofrestru.

These Regulations abolish all requirements under the Care Standards Act 2000, and the Children Act 1989 for fees to be paid in respect of registration with the National Assembly for Wales ("the Assembly"). They also abolish the requirement for annual fees to be paid in respect of inspections by the Assembly of local authority adoption and fostering services under the Health and Social Care (Community Health and Services) Act 2003, and of boarding schools and colleges under the Children Act 1989. These Regulations also abolish, as a ground for cancellation of registration, the non payment of fees by providers.

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WALES****Rheoliadau Deddf Safonau Gofal
2000 a Deddf Plant 1989 (Dileu
Ffioedd) (Cymru) 2006****The Care Standards Act 2000 and
the Children Act 1989 (Abolition
of Fees) (Wales) Regulations 2006***Wedi'u gwneud**21 Mawrth 2006**Made**21 March 2006**Yn dod i rym**1 Ebrill 2006**Coming into force**1 April 2006*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 12(2), 15(3), 16(3), 22(7) a 118(5) i (7) o Ddeddf Safonau Gofal 2000(1) ac adrannau 79F, 87D, 104(4) o Ddeddf Plant 1989 a pharagraff 7 o Atodlen 9A iddi(2) ac adran 94(6) o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003(3), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 12(2), 15(3), 16(3), 22(7) and 118(5) to (7) of the Care Standards Act 2000(1) and sections 79F, 87D, 104(4) and paragraph 7 of Schedule 9A to, the Children Act 1989(2) and s94 (6) of the Health and Social Care (Community Health and Standards) Act 2003(3) hereby makes the following Regulations:

- (1) 2000 p.14. Mae'r pwerau wedi'u rhoi i'r "appropriate Minister": gweler y diffiniad o "regulations" yn adran 121(1) o Ddeddf 2000. Ystyr "appropriate Minister", o ran Cymru, yw "the Assembly"; ystyr "the Assembly" yw Cynulliad Cenedlaethol Cymru: gweler adran 5(1)(b) o Ddeddf 2000. Gweler adran 121(1) o Ddeddf 2000 i gael y diffiniad o "prescribed". Yn rhinwedd O.S. 2004/1756 (Cy. 188), mae'r pwerau sydd wedi'u cynnwys yn Rhan II o Ddeddf 2000 yn arferadwy mewn perthynas â chynlluniau lleoli oedolion.
- (2) 1989 p.41. Gweler adran 79B o Ddeddf 1989 i gael y diffiniad o "regulations" ac adran 105 i gael y diffiniad o "prescribed". Mae'r pŵer o dan adran 87D wedi'i roi i'r Ysgrifennydd Gwladol. Yn rhinwedd Erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), y cofnod ynglŷn â Deddf 1989 yn Atodlen 1 i'r Gorchymyn hwnnw ac adran 120(2) o Ddeddf Safonau Gofal 2000, mae swyddogaeth yr Ysgrifennydd Gwladol o dan adran 87D o Ddeddf 1989 yn arferadwy gan Gynulliad Cenedlaethol Cymru o ran Cymru.
- (3) Diddymwyd y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru mewn perthynas ag adran 51 o Ddeddf Safonau Gofal 2000 gan Ran 2 o Atodlen 14 i Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 ac a ddisodlwyd gan adran 94 o Ddeddf 2003.

- (1) 2000 c.14. The powers are conferred upon the "appropriate Minister": see the definition of "regulations" in section 121(1) of the 2000 Act. The "appropriate Minister" means, in relation to Wales, "the Assembly"; "the Assembly" means the National Assembly for Wales: see section 5(b) of the 2000 Act. See section 121(1) of the 2000 Act for the definition of "prescribed". By virtue of S.I. 2004/1756 (W. 188), the powers contained in Part II of the 2000 Act are exercisable in relation to adult placement schemes.
- (2) 1989 c.41. See section 79B of the 1989 Act for the definition of "regulations" and section 105 for the definition of "prescribed". The power under section 87D is conferred upon the Secretary of State. By virtue of Article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the entry in respect of the 1989 Act in Schedule 1 to that Order and section 120(2) of the Care Standards Act 2000, the function of the Secretary of State under section 87D of the 1989 Act, is exercisable by the National Assembly for Wales in relation to Wales.
- (3) The powers conferred on the National Assembly for Wales in relation to section 51 of the Care Standards Act 2000 were repealed by part 2 Schedule 14 of the Health and Social Care (Community Health and Standards) Act 2003 and replaced by section 94 of the 2003 Act.

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Safonau Gofal 2000 a Deddf Plant 1989 (Dileu Ffioedd) (Cymru) 2006 a deuant i rym ar 1 Ebrill 2006.

(2) Yn y Rheoliadau hyn-

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

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Safonau Gofal 2000; ac

ystyr "Deddf 2003" ("*the 2003 Act*") yw Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003.

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

Dirymu

2. Dirymir drwy hyn y canlynol-

- (a) Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002(1);
- (b) rheoliad 35 o Reoliadau Cynlluniau Lleoli Oedolion (Cymru) 2004(2);
- (c) rheoliad 34 o Reoliadau Asiantaethau Gofal Cartref (Cymru) 2004(3);
- (ch) rheoliad 28 o Reoliadau Asiantaethau Nyrsys (Cymru) 2003(4);
- (dd) rheoliad 51 o Reoliadau Gwasanaethau Maethu (Cymru) 2003(5);
- (e) rheoliad 33 o Reoliadau Canolfannau Preswyl i Deuluoedd (Cymru) 2003(6);
- (f) rheoliad 6 o Reoliadau Arolygu Ysgolion a Cholegau Preswyl (Pwerau a Ffioedd) (Cymru) 2002(7);
- (ff) rheoliad 4 o Reoliadau Deddf Plant 1989 a Deddf Safonau Gofal 2000 (Rheoliadau Amrywiol) (Diwygio) (Cymru) (Rhif 2) 2002(8).
- (g) rheoliad 14(a) o Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(9).

Citation, commencement, interpretation and application

1.-(1) The title of these Regulations is the Care Standards Act 2000 and the Children Act 1989 (Abolition of Fees) (Wales) Regulations 2006 and they come into force on 1 April 2006.

(2) In these Regulations-

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989; and

"the 2000 Act" ("*Deddf 2000*") means the Care Standards Act 2000;

"the 2003 Act" ("*Deddf 2003*") means the Health and Social Care (Community Health and Standards Act) 2003.

(3) These Regulations apply in relation to Wales.

Revocations

2. The following are hereby revoked-

- (a) the Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002(1);
- (b) regulation 35 of the Adult Placement Schemes (Wales) Regulations 2004(2);
- (c) regulation 34 of the Domiciliary Care Agencies (Wales) Regulations 2004(3);
- (d) regulation 28 of the Nurses Agencies (Wales) Regulations 2003(4);
- (e) regulation 51 of the Fostering Services (Wales) Regulations 2003(5);
- (f) regulation 33 of the Residential Family Centres (Wales) Regulations 2003(6);
- (g) regulation 6 of the Inspection of Boarding Schools and Colleges (Powers and Fees) (Wales) Regulations 2002(7);
- (h) regulation 4 of the Children Act 1989 and the Care Standards Act 2000 (Miscellaneous Regulations) (Amendment) (Wales) (No. 2) Regulations 2002(8);
- (i) Regulation 14(a) of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002 (9);

(1) O.S. 2002/921 (Cy.109). Mae'r offerynnau diwygio perthnasol wedi'u rhestru yn nhroednodiadau (2) i (9) isod.

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

(3) O.S. 2004/219 (Cy.23).

(4) O.S. 2003/2527 (Cy.242).

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

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

(7) O.S. 2002/3161 (Cy.296).

(8) O.S. 2002/2935 (Cy.277).

(9) O.S. 2002/919 (Cy.107).

(1) S.I. 2002/921 (W.109). Relevant amending instruments are listed in footnotes (2) to (9) below.

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

(3) S.I. 2004/219 (W.23).

(4) S.I. 2003/2527 (W.242).

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

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

(7) S.I. 2002/3161 (W.296).

(8) S.I. 2002/2935 (W.277).

(9) S.I. 2002/919 (W.107).

Ffioedd rhagnodedig at ddibenion Deddf 2000

3.-(1) At ddibenion adran 12(2), 16(3), 22(7)(i) o Ddeddf 2000 (ceisiadau am gofrestru), dim yw'r ffi ragnodedig ym mhob achos.

(2) At ddibenion adran 15(3) o Ddeddf 2000 (ceisiadau gan bersonau cofrestredig), dim yw'r ffi ragnodedig ym mhob achos.

Y ffi ragnodedig at ddibenion Deddf 1989

4.-(1) At ddibenion adran 79F(1) a (2) o Ddeddf 1989 (caniatáu neu wrthod cofrestru), dim yw'r ffi ragnodedig ym mhob achos.

(2) At ddibenion paragraff 7 o Atodlen 9A i Ddeddf 1989 (ffioedd blynyddol), dim yw'r ffi ragnodedig.

Ffi benodedig at ddibenion Deddf 2003

5. At ddibenion adran 94(7) o Ddeddf 2003 (adolygiadau ac ymchwiliadau), dim yw'r ffi benodedig.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2)

21 Mawrth 2006

Llywydd y Cynulliad Cenedlaethol

Prescribed fees for the purposes of the 2000 Act

3.-(1) For the purposes of section 12(2), 16(3), 22(7)(i) of the 2000 Act (applications for registration), in all cases the prescribed fee is nil.

(2) For the purposes of section 15(3) of the 2000 Act (applications by registered persons), in all cases the prescribed fee is nil.

Prescribed fee for the purposes of the 1989 Act

4.-(1) For the purposes of sections 79F(1) and (2) of the 1989 Act (grant or refusal of registration), in all cases the prescribed fee is nil.

(2) For the purposes of paragraph 7 of Schedule 9A to the 1989 Act (annual fees) the prescribed fee is nil.

Specified fee for the purposes of the 2003 Act

5 For the purposes of section 94(7) of the 2003 Act (reviews and investigations), the specified fee is nil.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

21 March 2006

The Presiding Officer of the National Assembly

D. Elis-Thomas

(1) 1998 c.38.

(1) 1998 c.38.

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