



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 398 (Cy.44)

2007 No. 398 (W.44)

**COMISIYNYDD POBL HŶN
CYMRU, CYMRU**

**COMMISSIONER FOR OLDER
PEOPLE IN WALES, WALES**

Rheoliadau Comisiynydd Pobl Hŷn
Cymru 2007

The Commissioner for Older
People in Wales Regulations 2007

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 gwneud darpariaeth mewn perthynas â swyddogaethau Comisiynydd Pobl Hŷn Cymru ("y Comisiynydd") a sefydlwyd o dan Ddeddf Comisiynydd Pobl Hŷn Cymru 2006 ("y Ddeddf").

These Regulations make provision in relation to the functions of the Commissioner for Older People in Wales ("the Commissioner") established under the Commissioner for Older People (Wales) Act 2006 ("the Act").

Mae Rhan I o'r Rheoliadau'n cynnwys darpariaethau dehongli.

Part I of the Regulations contains interpretation provisions.

Mae Rhan II yn ymwneud â rôl y Comisiynydd yn adolygu trefniadau eiriolaeth, cwynion a chwythu'r chwiban. Mae'n rhagnodi'r math o gyngor a threfniadau cymorth y caiff y Comisiynydd eu hadolygu fel rhan o'i bŵer i adolygu trefniadau eiriolaeth (rheoliad 3). Mae hefyd yn rhoi pŵer i'r Comisiynydd i'w gwneud yn ofynnol i gael gwybodaeth oddi wrth bersonau rhagnodedig at ddibenion penodol (rheoliad 4).

Part II concerns the role of the Commissioner in reviewing advocacy, complaints and whistle-blowing arrangements. It prescribes the kind of advice and support arrangements that the Commissioner may review as part of his or her power to review advocacy arrangements (regulation 3). It also confers power on the Commissioner to require information from prescribed persons for certain purposes (regulation 4).

Mae Rhan III yn rhoi pŵer i'r Comisiynydd ddarparu cymorth ariannol a chymorth arall i bobl hŷn yng Nghymru, yn rhagnodi'r achosion a'r gweithdrefnau pan ganiateir rhoi cymorth o'r fath mewn cysylltiad â hwy (rheoliad 5) ac yn darparu amodau y caniateir eu gosod mewn cysylltiad â rhoi cymorth (rheoliad 6).

Part III confers power on the Commissioner to provide financial and other assistance to older people in Wales, prescribes the proceedings and procedures in relation to which such assistance may be given (regulation 5) and provides for conditions which may be imposed in connection with the provision of assistance (regulation 6).

Mae Rhan IV yn rhoi swyddogaethau i'r Comisiynydd ynghylch archwilio achosion personau penodol sydd neu sydd wedi bod yn bobl hŷn yng Nghymru (rheoliad 7). Mae'n pennu'r mathau o achos a all gael eu harchwilio (rheoliad 8) ac o dan ba amgylchiadau y gall archwilio gael ei wneud (rheoliad 9). Mae hefyd yn gwneud darpariaeth ar

Part IV confers functions on the Commissioner concerning the examination of cases of particular persons who are or have been older people in Wales (regulation 7). It specifies the types of case which may be examined (regulation 8) and the circumstances in which an examination may be made (regulation 9). It also makes provision for the conduct of an examination

gyfer cynnal archwiliad (rheoliad 10), rhoi gwybodaeth i'r Comisiynydd mewn cysylltiad ag archwiliad (rheoliad 11), a phresenoldeb tystion gerbron y Comisiynydd (rheoliad 12).

Mae Rhan V yn gwneud darpariaeth bellach ar gyfer y trefniadau ynghylch perthynas y Comisiynydd â phobl hŷn yng Nghymru (rheoliad 13).

Mae Rhan VI yn gwneud darpariaeth ar gyfer adroddiadau penodol a chamau i'w cymryd i'w rhoi ar waith (rheoliadau 14 a 15), ynghylch adroddiadau i'r Cynulliad (rheoliad 16) ac ynghylch cyhoeddi adroddiadau (rheoliad 17).

Mae Rhan VII yn cynnwys darpariaethau amrywiol ynghylch cyfnod y flwyddyn ariannol gychwynnol a'r blynyddoedd ariannol canlynol (rheoliad 18); ynghylch y modd y rhoddir gwybodaeth (rheoliad 19); ynghylch talu treuliau a lwfansau mewn perthynas â rhoi gwybodaeth (rheoliad 20).

(regulation 10), the provision of information to the Commissioner in connection with an examination (regulation 11), and the attendance of witnesses before the Commissioner (regulation 12).

Part V makes further provision for the arrangements relating to the Commissioner's relationship with older people in Wales (regulation 13).

Part VI makes provision for specific reports and action to follow them up (regulations 14 and 15), as to reports to the Assembly (regulation 16) and as to publication of reports (regulation 17).

Part VII contains miscellaneous provisions as to the period of the initial and succeeding financial years (regulation 18), the way in which information is produced (regulation 19), and the payment of expenses and allowances in relation to the production of information (regulation 20).

2007 Rhif 398 (Cy.44)**2007 No. 398 (W.44)****COMISIYNYDD POBL HYN
CYMRU, CYMRU****COMMISSIONER FOR OLDER
PEOPLE IN WALES, WALES****Rheoliadau Comisiynydd Pobl Hyn
Cymru 2007****The Commissioner for Older
People in Wales Regulations 2007**

Wedi'u gwneud 14 Chwefror 2007
Yn dod i rym 16 Chwefror 2007

Made 14 February 2007
Coming into force 16 February 2007

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pŵer a roddwyd iddo gan adrannau 5(4)(b) a 6(5), 8(1), (3) a (5), 10(1), (4), (5) a (9), 14(1), 15(1) a (3) o Ddeddf Comisiynydd Pobl Hŷn (Cymru) 2006 a pharagraffau 8 a 22 o Atodlen 1 iddi.

The National Assembly for Wales makes the following Regulations in exercise of the power conferred upon it by sections 5(4)(b) and 6(5), 8(1), (3) and (5), 10(1), (4), (5) and (9), 14(1), 15(1) and (3) of, and paragraph 8 and 22 of Schedule 1 to, the Commissioner for Older People (Wales) Act 2006.

RHAN I**PART I**

Cyffredinol

General

Enwi, cychwyn a dehongli**Title, commencement and interpretation**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Comisiynydd Pobl Hŷn Cymru 2007 a deuant i rym ar 16 Chwefror 2007.

1.-(1) The title of these Regulations is the Commissioner for Older People in Wales Regulations 2007 and they come into force on 16 February 2007.

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

(2) These Regulations apply in relation to Wales.

2.-(1) Yn y Rheoliadau hyn -

2.-(1) In these Regulations -

ystyr "y Comisiynydd" ("*the Commissioner*") yw Comisiynydd Pobl Hŷn Cymru;

"the Act" ("*y Ddeddf*") means the Commissioner for Older People (Wales) Act 2006(1);

ystyr "y Cynulliad" ("*the Assembly*") yw Cynulliad Cenedlaethol Cymru;

"arrangements in relation to advocacy, complaints or whistle-blowing" ("*trefniadau mewn perthynas ag eiriolaeth, cwynion neu chwythu'r chwiban*") means arrangements falling within subsections (4), (5) and (6) of section 5 of the Act as the case may be;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Comisiynydd Pobl Hŷn (Cymru) 2006(1);

"the Assembly" ("*y Cynulliad*") means the National Assembly for Wales;

ystyr "y Prif Weinidog" ("*the First Minister*") yw'r person a benodir o dro i dro yn Brif Weinidog Cymru o dan adran 46(1) o Ddeddf Llywodraeth Cymru 2006;

"the Commissioner" ("*y Comisiynydd*") means the Commissioner for Older People in Wales;

ystyr "trefniadau mewn perthynas ag eiriolaeth, cwynion neu chwythu'r chwiban" ("*arrangements*")

in relation to advocacy, complaints or whistle-blowing") yw trefniadau sy'n dod o fewn is-adrannau (4), (5) a (6) o adran 5 o'r Ddeddf yn ôl y digwydd;

(2) Yn y Rheoliadau hyn mae cyfeiriad -

- (a) at reoliad â rhif yn gyfeiriad at y rheoliad yn y Rheoliadau hyn sy'n dwyn y rhif hwnnw;
- (b) mewn rheoliad at baragraff â rhif, yn gyfeiriad at y paragraff yn y rheoliad hwnnw sy'n dwyn y rhif hwnnw;
- (c) mewn paragraff at is-baragraff â llythyren neu rif, yn gyfeiriad at yr is-baragraff yn y paragraff hwnnw sy'n dwyn y llythyren honno neu'r rhif hwnnw.

RHAN II

Adolygiad o'r Trefniadau

Cyngor a chymorth a ragnodir

3. Dyma'r math o gyngor a chymorth a ragnodir at ddibenion adran 5(4)(b) o'r Ddeddf -

- (a) rhoi cyngor a chymorth i bobl hŷn berthnasol yng Nghymru, er mwyn eu galluogi a'u cynorthwyo i fynegi eu barn a'u dymuniadau ar lafar neu drwy ddefnyddio unrhyw ddull arall o gyfathrebu, a
- (b) rhoi cyngor (gan gynnwys gwybodaeth) i bobl hŷn berthnasol ynghylch eu hawliau a'u lles.

Rhoi gwybodaeth gan bersonau rhagnodedig

4.-(1) Caiff y Comisiynydd ei gwneud yn ofynnol i unrhyw berson y mae paragraff (2) yn gymwys iddo roi gwybodaeth i'r Comisiynydd, wedi'i chofnodi ar unrhyw ffurf, y mae'r Comisiynydd o'r farn ei bod yn angenrheidiol neu'n hwylus ei chael at ddibenion -

- (a) adolygu trefniadau mewn perthynas ag eiriolaeth, cwynion neu chwythu'r chwiban,
- (b) asesu effaith methiant unrhyw berson i wneud trefniadau o'r fath yn unol ag adran 5(3) o'r Ddeddf, ac
- (c) penderfynu a gydymffurfiwyd ag argymhelliad a wnaed mewn adroddiad yn dilyn adolygiad o'r cyfryw drefniadau.

(2) Dyma'r personau y cyfeirir atynt ym mharagraff (1) -

- (a) o ran darparu gwasanaethau rheoledig yng Nghymru, darparwyr neu gyn-ddarparwyr gwasanaethau o'r fath, cyflogeion neu gyn-gyflogeion darparwyr neu gyn-ddarparwyr o'r fath, personau sy'n gweithio neu a fu'n gweithio i ddarparwyr neu gyn-ddarparwyr o'r

"the First Minister" ("*y Prif Weinidog*") means the person appointed from time to time as the First Minister for Wales under section 46(1) of the Government of Wales Act 2006;

(2) In these Regulations, a reference -

- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

PART II

Review of Arrangements

Prescribed advice and support

3. The kind of advice and support prescribed for the purposes of section 5(4)(b) of the Act is -

- (a) the provision of advice and support to relevant older people in Wales which is intended to enable and assist them to express their views and wishes orally or using any other means of communication, and
- (b) the provision of advice (including information) to relevant older people about their rights and welfare.

Provision of information by prescribed persons

4.-(1) The Commissioner may require a person to whom paragraph (2) applies to provide to the Commissioner information, recorded in any form, which the Commissioner considers it necessary or expedient to have for the purposes of -

- (a) reviewing arrangements in relation to advocacy, complaints or whistle-blowing,
- (b) assessing the effect of the failure of any person to make such arrangements pursuant to section 5(3) of the Act, and
- (c) determining whether a recommendation made in a report following a review of such arrangements has been complied with.

(2) The persons referred to in paragraph (1) are -

- (a) in relation to the provision of regulated services in Wales, the providers or former providers of such services, employees or former employees of such providers or former providers, persons who work or worked for such providers or former providers in a

fath yn wirfoddol, ac aelodau a chyflogeion a chyn-aelodau a chyn-gyflogeion y Cynulliad;

- (b) aelodau (gan gynnwys aelodau etholedig), cyfarwyddwyr, gweithredwyr, swyddogion a chyflogeion person perthnasol, cyn-aelodau, cyn-gyfarwyddwyr, cyn-weithredwyr, cyn-swyddogion a chyn-gyflogeion person perthnasol a phersonau sy'n gweithio neu sydd wedi gweithio i berson perthnasol yn wirfoddol;
- (c) derbynnydd neu reolwr eiddo person sydd neu sydd wedi bod yn berson perthnasol neu berson sy'n darparu neu sydd wedi darparu'r gwasanaethau a ddisgrifir yn is-baragraff (a), ei ddatodwr neu ei ddatodwr dros dro neu ei ymddiriedolwr mewn methdaliad, yn ôl y digwydd.

(3) At ddibenion is-baragraffau (2)(b) ac (c) ystyr "person perthnasol" yw'r Cynulliad, unrhyw berson a grybwyllir yn Atodlen 3 i'r Ddeddf sy'n darparu gwasanaethau i berson hŷn yng Nghymru neu ar ei gyfer neu berson sy'n darparu'r cyfryw wasanaethau ar ran y person hwnnw neu o dan drefniant â'r person hwnnw.

RHAN III

Rhoi cymorth

Rhoi cymorth mewn achosion

5.-(1) Caiff y Comisiynydd, yn ddarostyngedig i baragraffau (3) a (4), roi cymorth i berson hŷn yng Nghymru -

- (a) wrth wneud cwyn neu sylwadau i neu mewn perthynas ag unrhyw berson y cyfeirir ato yn adrannau 8(1)(a) i (d) o'r Ddeddf, a
- (b) mewn perthynas ag achosion a ragnodir ym mharagraff (2) pan fydd yr achosion, ym marn resymol y Comisiynydd, yn ymwneud â materion sy'n gymwys neu'n berthnasol yn fwy cyffredinol i fuddiannau pobl hŷn yng Nghymru nag yn yr achos penodol o dan sylw.

(2) Mae'r achosion a ragnodir at ddibenion adran 8(1)(e) o'r Ddeddf yn achosion sy'n ymwneud â'r canlynol -

- (a) darparu gwasanaethau rheoledig i berson hŷn yng Nghymru neu mewn perthynas ag ef;
- (b) darparu gwasanaethau i berson hŷn yng Nghymru neu mewn perthynas ag ef gan unrhyw berson a grybwyllir yn Atodlen 3 i'r Ddeddf neu unrhyw berson sy'n darparu gwasanaethau ar ran y person hwnnw neu o dan drefniant ag ef; neu

voluntary capacity, and members and employees and former members and employees of the Assembly;

- (b) members (including elected members), directors, executives, officers and employees of a relevant person, former members, directors, executives, officers and employees of a relevant person and persons who work or worked for a relevant person in a voluntary capacity;
- (c) the receiver or manager of the property, the liquidator or provisional liquidator or the trustee in bankruptcy, as the case may be, of a person who is or has been a relevant person or who provides or provided services described in sub-paragraph (a).

(3) For the purposes of sub-paragraphs (2)(b) and (c) "relevant person" means the Assembly, any person mentioned in Schedule 3 to the Act providing services to or in respect of an older person in Wales or a person providing such services on behalf of or under arrangements with that person.

PART III

Provision of Assistance

Provision of assistance in proceedings

5.-(1) The Commissioner may, subject to paragraphs (3) and (4), provide assistance to an older person in Wales -

- (a) in making a complaint or representation to or in respect of any person referred to in sections 8(1)(a) to (d) of the Act, and
- (b) in relation to proceedings prescribed in paragraph (2) where, in the reasonable opinion of the Commissioner, the proceedings relate to matters which have a more general application or relevance to the interests of older people in Wales than in the particular proceedings concerned.

(2) The proceedings prescribed for the purposes of section 8(1)(e) of the Act are proceedings which concern -

- (a) the provision to or in respect of an older person in Wales of regulated services in Wales;
- (b) the provision of services to or in respect of an older person in Wales by any person mentioned in Schedule 3 to the Act or any person providing services on behalf of or under arrangements with that person; or

- (c) yr effaith a geir ar berson hŷn yng Nghymru wrth arfer neu arfer arfaethedig unrhyw swyddogaeth gan y Cynulliad neu berson a grybwyllir yn Atodlen 2 i'r Ddeddf.

(3) Wrth benderfynu a ddylid rhoi cymorth, caiff y Comisiynydd gymryd i ystyriaeth y cymorth ariannol a'r cymorth arall sydd ar gael i'r person hŷn yng Nghymru mewn perthynas â'r achosion, y gŵyn neu'r sylwadau o dan sylw, gan gynnwys cymorth o dan Ddeddf Mynediad at Gyfiawnder 1999.

(4) Nid yw'r rheoliad hwn yn effeithio ar y gyfraith a'r arferion ynghylch pwy gaiff gynrychioli person mewn perthynas ag unrhyw achos.

Amodau

6.-(1) Os bydd y Comisiynydd yn penderfynu darparu cymorth ariannol i berson hŷn yng Nghymru yn unol â rheoliad 5 gellir darparu'r cymorth yn ddarostyngedig i'r naill neu'r llall o'r amodau a bennir ym mharagraff (2) neu'n ddarostyngedig i'r ddau.

(2) Dyma'r amodau -

- (a) y caiff y Comisiynydd adennill cost resymol rhoi'r cymorth o unrhyw symiau o delir gan bartïon eraill at y diben hwnnw yn yr achos o dan sylw;
- (b) nad yw'r cymorth a roddir yn dyblygu cymorth sydd wedi'i roi neu a all gael ei roi o dan unrhyw ddeddfiad.

(3) At ddibenion paragraff (2)(a) nid yw'n berthnasol a yw'r symiau a delir gan bartïon eraill yn daladwy yn rhinwedd penderfyniad gan lys neu dribiwnlys, cytundeb a wnaed er mwyn osgoi achos neu er mwyn dod ag achos i ben, neu fel arall.

RHAN IV

Archwilio achosion

Archwiliadau

7. Yn ddarostyngedig i'r paragraffau canlynol yn y Rhan hon caiff y Comisiynydd archwilio achosion personau penodol sydd neu sydd wedi bod yn bobl hŷn yng Nghymru.

Achosion sy'n destun archwilio

8. Yn ddarostyngedig i reoliad 9, caiff y Comisiynydd archwilio achosion personau penodol sydd neu sydd wedi bod yn bobl hŷn yng Nghymru -

- (a) y mae gwasanaethau rheoledig yn cael neu wedi cael eu darparu iddynt neu mewn perthynas â hwy;

- (c) the effect on an older person in Wales of the exercise or proposed exercise of any function of the Assembly or a person mentioned in Schedule 2 to the Act.

(3) In deciding whether to provide assistance the Commissioner may take account of the financial and other assistance available to the older person in Wales in relation to the proceedings, complaint or representation concerned including assistance under the Access to Justice Act 1999.

(4) This regulation does not affect the law and practice as to who may represent a person in relation to any proceedings.

Conditions

6.-(1) Where the Commissioner decides to provide financial assistance to an older person in Wales pursuant to regulation 5 the assistance may be provided subject to either or both of the conditions specified in paragraph (2).

(2) The conditions are that -

- (a) the Commissioner may recover the reasonable cost of providing the assistance from any sums paid by other parties for this purpose in the proceedings concerned;
- (b) the assistance provided does not duplicate assistance which has been or may be provided under any enactment.

(3) For the purposes of paragraph (2)(a) it is immaterial whether the sums paid by other parties are payable by virtue of a decision of a court or tribunal, an agreement reached to avoid proceedings or to bring them to an end, or otherwise.

PART IV

Examination of Cases

Examinations

7. Subject to the following paragraphs in this Part the Commissioner may examine the cases of particular persons who are or who have been older people in Wales.

Cases subject to examination

8. Subject to regulation 9, the Commissioner may examine cases of particular persons who are or have been older people in Wales -

- (a) to or in respect of whom regulated services in Wales are being or have been provided;

- (b) y mae gwasanaethau yn cael neu wedi cael eu darparu iddynt neu mewn perthynas â hwy gan unrhyw un o'r personau a grybwyllir yn Atodlen 3 i'r Ddeddf neu bersonau sy'n darparu gwasanaethau o'r fath ar ran unrhyw un o'r personau hynny neu o dan drefniant â hwy; neu
- (c) sydd fel arfer yn preswyllo yng Nghymru ac y mae arfer, neu'r bwriad i arfer, unrhyw swyddogaeth sydd gan y Cynulliad neu sydd gan unrhyw berson a grybwyllir yn Atodlen 2 i'r Ddeddf yn effeithio arnynt neu wedi effeithio arnynt,

os yw'r achosion yn ymwneud â materion ynglŷn â darparu gwasanaethau o'r fath neu ag effaith arfer y swyddogaethau hynny ar y person a enwyd.

Yr amgylchiadau lle gellir gwneud archwiliad

9. Dim ond achos person penodol sydd neu sydd wedi bod yn berson hŷn yng Nghymru y caiff y Comisiynydd archwilio -

- (a) os bydd sylwadau wedi'u gwneud i'r Comisiynydd gan y person o dan sylw, neu os nad yw'r person o dan sylw am unrhyw reswm yn gallu gwneud sylwadau o'r fath, os gwneir y sylwadau i'r Comisiynydd ar ran y person dan sylw gan berson sy'n ymddangos i'r Comisiynydd ei fod yn berson priodol i weithredu ar ran y person o dan sylw;
- (b) os yw'r Comisiynydd o'r farn bod y sylwadau'n codi cwestiwn o egwyddor sy'n gymwys neu'n berthnasol yn fwy cyffredinol i fuddiannau pobl hŷn yng Nghymru nag yn yr achos penodol o dan sylw; ac
- (c) os yw'r Comisiynydd wedi cymryd i ystyriaeth a yw'r materion sydd o dan sylw yn yr achos wedi cael neu yn cael eu hystyried yn ffurfiol mewn unrhyw fodd gan bersonau eraill ac os nad ydynt, a ydynt, ym marn y Comisiynydd, yn fwy addas i gael eu hystyried gan bersonau eraill.

Y weithdrefn ar gyfer cynnal archwiliad

10.-(1) Os yw'r Comisiynydd yn penderfynu cynnal archwiliad rhaid iddo -

- (a) llunio cylch gwaith yr archwiliad;
- (b) anfon y cylch gwaith at y person a gyflwynodd sylwadau mewn perthynas â'r achos yn unol â pharagraff (a) o reoliad 9;
- (c) anfon hysbysiad ysgrifenedig o'r archwiliad arfaethedig a chopïau o'r cylch gwaith at y person ("y person sy'n cael ei archwilio") y mae ei waith wrth ddarparu gwasanaethau neu wrth arfer swyddogaethau i gael ei archwilio;

- (b) to or in respect of whom services are being or have been provided by any of the persons mentioned in Schedule 3 to the Act or persons providing such services on behalf of or under arrangements with any of those persons; or
- (c) who are ordinarily resident in Wales and who are being or have been affected by the exercise or proposed exercise of any function of the Assembly or a person mentioned in Schedule 2 to the Act,

where the cases relate to issues concerning the provision of such services or the effect on the said person of the exercise of such functions.

Circumstances in which an examination may be made

9. The Commissioner may only examine the case of a particular person who is or has been an older person in Wales where -

- (a) a representation is made to the Commissioner by the person concerned, or if the person concerned is unable for any reason to make such a representation, where a representation is made to the Commissioner on behalf of the person concerned by a person who appears to the Commissioner to be an appropriate person to act on behalf of the person concerned;
- (b) the Commissioner considers that the representation raises a question of principle which has a more general application or relevance to the interests of older people in Wales than in the particular case concerned; and
- (c) the Commissioner has taken into account whether the issues involved in the case have been or are being formally considered in any way by other persons and if they have not or are not whether, in the Commissioner's opinion, they are more suitable for consideration by other persons.

Procedure for conducting an examination

10.-(1) Where the Commissioner decides to conduct an examination he or she must-

- (a) produce terms of reference of the examination;
- (b) send the terms of reference to the person who made a representation in relation to the case in accordance with paragraph (a) of regulation 9;
- (c) send written notice of the proposed examination and copies of the terms of reference to the person in respect of whose provision of services or the exercise of whose functions is to be examined ("the person being examined");

(ch) rhoi cyfle i'r person sy'n cael ei archwilio, ac os yw ef yn dymuno hynny, i'w gynrychiolydd, gyflwyno sylwadau mewn ysgrifen neu yn bersonol mewn perthynas â'r materion sy'n cael eu harchwilio.

(2) Os yw'r Comisiynydd yn penderfynu peidio â chynnal archwiliad rhaid iddo baratoi datganiad o'r rhesymau am y penderfyniad hwnnw ac anfon copiâu ohono -

(a) at y person a gyflwynodd sylwadau mewn perthynas â'r achos yn unol â pharagraff (a) o reoliad 9, a

(b) at unrhyw bersonau eraill y mae'r Comisiynydd o'r farn ei bod yn briodol eu hanfon atynt.

Rhoi gwybodaeth mewn cysylltiad ag archwiliad

11.-(1) Wrth gynnal archwiliad caiff y Comisiynydd ei gwneud yn ofynnol bod person y mae paragraff (3) yn gymwys iddo yn rhoi unrhyw wybodaeth sy'n ymddangos i'r Comisiynydd ei bod yn angenrheidiol at ddibenion -

(a) yr archwiliad, a

(b) penderfynu a gydymffurfiwyd ag argymhelliad a wnaed mewn adroddiad yn dilyn archwiliad o achos.

(2) Wrth gynnal archwiliad caiff y Comisiynydd ei gwneud yn ofynnol bod unrhyw berson y mae angen iddo roi gwybodaeth o dan baragraff (1) neu berson arall a gall fod yn atebol am y cyfryw wybodaeth, yn rhoi esboniad, neu gymorth i'r Comisiynydd o ran, -

(a) unrhyw faterion sy'n destun yr archwiliad, neu

(b) unrhyw wybodaeth a ddarperir o dan baragraff (1).

(3) Dyma'r personau y mae'r paragraff hwn yn gymwys iddynt -

(a) mewn perthynas â darparu gwasanaethau rheoledig yng Nghymru, darparwyr neu gyn-ddarparwyr gwasanaethau o'r fath, cyflogeion neu gyn-gyflogeion darparwyr neu gyn-ddarparwyr o'r fath, personau sy'n gweithio neu sydd wedi gweithio i ddarparwyr neu gyn-ddarparwyr o'r fath yn wirfoddol, ac aelodau a chyflogeion a chyn-aelodau a chyn-gyflogeion y Cynulliad;

(b) aelodau (gan gynnwys aelodau etholedig), cyfarwyddwyr, gweithredwyr, swyddogion a chyflogeion person perthnasol, cyn-aelodau, cyn-gyfarwyddwyr, cyn-weithredwyr, cyn-swyddogion a chyn-gyflogeion person perthnasol a phersonau sy'n gweithio neu sydd wedi gweithio i berson perthnasol yn wirfoddol;

(d) afford to the person being examined, and if he or she so desires, his or her representative, an opportunity to make representations in writing or in person in relation to the matters being examined.

(2) Where the Commissioner decides not to conduct an examination he or she must prepare a statement of reasons for that decision and must send copies of it to -

(a) the person who made the representation in relation to the case in accordance with paragraph (a) of regulation 9, and

(b) such other persons as the Commissioner considers appropriate.

Provision of information in connection with an examination

11.-(1) In conducting an examination the Commissioner may require a person to whom paragraph (3) applies to provide any information which appears to the Commissioner to be necessary for the purposes of -

(a) the examination, and

(b) determining whether a recommendation made in a report following an examination of a case has been complied with.

(2) In conducting an examination the Commissioner may require any person from whom information is required under paragraph (1) or such other person as may be accountable for the said information, to provide the Commissioner with an explanation of, or assistance in relation to, -

(a) any matters which are the subject of the examination, or

(b) any information provided under paragraph (1).

(3) The persons to whom this paragraph applies are -

(a) in relation to the provision of regulated services in Wales, the providers or former providers of such services, employees or former employees of such providers or former providers and persons who work or worked for such providers or former providers in a voluntary capacity and members and employees and former members and employees of the Assembly;

(b) members (including elected members), directors, executives, officers and employees of a relevant person, former members, directors, executives, officers and employees of a relevant person and persons who work or worked for a relevant person in a voluntary capacity;

- (c) derbynnydd neu reolwr eiddo person sydd neu sydd wedi bod yn berson perthnasol neu berson sy'n darparu neu sydd wedi darparu'r gwasanaethau a ddisgrifir ym mharagraff (a), ei ddatodwr neu ei ddatodwr dros dro neu ei ymddiriedolwr mewn methdaliad, yn ôl y digwydd.

(4) At ddibenion is-baragraffau 3(b) a (c) ystyr "person perthnasol" yw'r Cynulliad, unrhyw berson a grybwyllir yn Atodlen 2 i'r Ddeddf, unrhyw berson arall sy'n arfer swyddogaeth gan y Cynulliad neu unrhyw berson a grybwyllir yn y cyfryw Atodlen 2, neu unrhyw berson sy'n darparu gwasanaethau i bobl hŷn neu ar gyfer pobl hŷn yng Nghymru ar ran unrhyw berson a grybwyllir yn Atodlen 3 i'r Ddeddf neu o dan drefniant ag ef.

Presenoldeb tystion

12.-(1) Caiff y Comisiynydd, os bernir ei bod yn angenrheidiol at ddibenion archwiliad, ei gwneud yn ofynnol i berson y mae paragraff (2) yn gymwys iddo fod yn bresennol yn bersonol gerbron y Comisiynydd i roi gwybodaeth, esboniad neu gymorth.

(2) Y personau y mae'r paragraff hwn yn berthnasol iddynt yw personau y mae'n ofynnol iddynt -

- (a) rhoi gwybodaeth o dan baragraff (1) o reoliad 11, neu
- (b) rhoi esboniad neu gymorth o dan baragraff (2) o reoliad 11.

(3) Dim ond os rhoddwyd i berson hysbysiad ysgrifenedig rhesymol o ddyddiad arfaethedig ei bresenoldeb a'r wybodaeth, yr esboniad neu'r cymorth y mae ar y Comisiynydd eu hangen y caiff y Comisiynydd ei gwneud yn ofynnol i'r person hwnnw fod yn bresennol yn bersonol mewn unrhyw le yn unol â pharagraff (1).

(4) Mewn cysylltiad â phresenoldeb personol o'r fath, caiff y Comisiynydd, yn ddarostyngedig i adran 10(7) ac (8) o'r Ddeddf, ddyroddi gwysion tystio a gweinyddu llwon neu gadarnhadau a chaiff ganiatáu i berson gael ei gynrychioli gerbron y Comisiynydd.

- (c) the receiver or manager of the property, the liquidator or provisional liquidator or the trustee in bankruptcy, as the case may be, of a person who is or has been a relevant person or who provides or provided services described in paragraph (a).

(4) for the purposes of sub-paragraphs 3(b) and (c) "relevant person" means the Assembly, any person mentioned in Schedule 2 to the Act, any other person exercising a function of the Assembly or of any person mentioned in the said Schedule 2, or any person providing services to or in respect of older people in Wales on behalf of or under arrangements with any person mentioned in Schedule 3 to the Act.

Attendance of witnesses

12.-(1) The Commissioner may, if it is considered necessary for the purposes of an examination, require a person to whom paragraph (2) applies to attend before the Commissioner in person to provide information, explanation or assistance.

(2) The persons to whom this paragraph applies are persons who are required -

- (a) to provide information under paragraph (1) of regulation 11, or
- (b) to provide an explanation or assistance under paragraph (2) of regulation 11.

(3) The Commissioner may only require a person to attend in person at any place in accordance with paragraph (1) if reasonable written notice of the proposed date of attendance and the information, explanation or assistance required by the Commissioner has been given to that person.

(4) In connection with such attendance in person, the Commissioner may, subject to section 10(7) and (8) of the Act, issue witness summonses and administer oaths or affirmations and may permit a person to be represented before the Commissioner.

RHAN V

Swyddogaethau pellach

Y berthynas â phobl hŷn yng Nghymru

13.-(1) Rhaid i'r Comisiynydd gymryd camau rhesymol i sicrhau -

- (a) bod pobl hŷn yng Nghymru yn cael gwybod am fodolaeth ac am swyddogaethau swyddfa'r Comisiynydd;

PART V

Further Functions

Relationship with older people in Wales

13.-(1) The Commissioner must take reasonable steps to ensure that -

- (a) older people in Wales are made aware of the existence and functions of the Commissioner's office;

- (b) bod pobl hŷn yng Nghymru yn cael gwybod am leoliad swyddfa neu swyddfeydd y Comisiynydd ac ym mha ffyrdd y gallant gyfathrebu â'r Comisiynydd a'i staff;
- (c) bod pobl hŷn o'r fath yn cael eu hannog i gyfathrebu â'r Comisiynydd a'i staff;
- (ch) bod barn pobl hŷn o'r fath ynghylch sut y dylai'r Comisiynydd arfer ei swyddogaethau ac ynghylch cynnwys rhaglen waith flynyddol y Comisiynydd yn cael ei cheisio; a
- (d) bod y Comisiynydd a'i staff yn trefnu eu bod ar gael i bobl hŷn o'r fath yn ardal y bobl hŷn.

(2) Wrth arfer y swyddogaethau a nodir ym mharagraff (1) rhaid i'r Comisiynydd roi sylw i'r hyn yw anghenion ac amgylchiadau bobl hŷn o'r fath yn ei farn resymol ef.

- (b) older people in Wales are made aware of the location of the Commissioner's office or offices and the ways in which they may communicate with the Commissioner and his or her staff;
- (c) such older people are encouraged to communicate with the Commissioner and his or her staff;
- (d) the views of such older people are sought as to how the Commissioner should exercise his or her functions and as to the content of the Commissioner's annual work programme; and
- (e) the Commissioner and his or her staff make themselves available to such older people in the older persons' locality.

(2) In exercising the functions set out in paragraph (1) the Commissioner must have regard to what he or she reasonably considers to be the needs and circumstances of such older people.

RHAN VI

Adroddiadau

Adroddiadau

14.-(1) Pan ddaw archwiliad a gynhelir yn unol â Rhan IV o'r Rheoliadau hyn i ben, rhaid i'r Comisiynydd lunio adroddiad ar ei ganfyddiadau.

(2) Pan ddaw adolygiad ar gyflawni swyddogaethau yn unol ag adran 3 o'r Ddeddf neu adolygiad ar drefniadau yn unol ag adran 5 o'r Ddeddf i ben, caiff y Comisiynydd lunio adroddiad ar ei ganfyddiadau.

(3) Os bydd y Comisiynydd a Chomisiynydd Plant Cymru yn cyflawni eu priod swyddogaethau o dan y Ddeddf a Deddf Safonau Gofal 2000 ynghylch yr un mater caiff y Comisiynydd lunio adroddiad ar y cyd â Chomisiynydd Plant Cymru.

(4) Rhaid i adroddiad a lunnir o dan baragraff (1), (2) neu (3) nodi -

- (a) canfyddiadau a chasgliadau'r Comisiynydd; a
- (b) unrhyw argymhellion a wneir gan y Comisiynydd.

(5) Rhaid i'r Comisiynydd anfon copi o'i adroddiad-

- (a) at y Prif Weinidog;
- (b) i lyfrgelloedd y Cynulliad a dau Dŷ'r Senedd;

PART VI

Reports

Reports

14.-(1) Following the conclusion of an examination undertaken pursuant to Part IV of these Regulations, the Commissioner must prepare a report on his or her findings.

(2) Following the conclusion of a review of discharge of functions pursuant to section 3 of the Act or a review of arrangements pursuant to section 5 of the Act the Commissioner may prepare a report on his or her findings.

(3) Where the Commissioner and the Children's Commissioner for Wales discharge their respective functions under the Act and the Care Standards Act 2000 in relation to the same matter, the Commissioner may make a joint report with the Children's Commissioner for Wales.

(4) A report made under paragraph (1), (2) or (3) must set out -

- (a) the findings and conclusions of the Commissioner; and
- (b) any recommendations made by the Commissioner.

(5) The Commissioner must send a copy of his or her report to -

- (a) the First Minister;
- (b) the libraries of the Assembly and of the Houses of Parliament;

- (c) yn achos adroddiad a lunnir o dan baragraff (1), at y person a gyflwynodd sylwadau i'r Comisiynydd yn unol â rheoliad 9; a
- (ch) yn achos adroddiad a lunnir o dan baragraff (1), (2) neu (3), at y person neu'r personau -
 - (i) y mae ei waith wrth ddarparu gwasanaethau neu ei waith wrth arfer swyddogaethau wedi'i archwilio;
 - (ii) y mae ei drefniadau mewn perthynas ag eiriolaeth, cwynion neu chwythu'r chwiban wedi'u hadolygu;
 - (iii) a grybwyllir yn yr adroddiad.

- (c) in the case of a report made under paragraph (1), to the person who made a representation to the Commissioner in accordance with regulation 9; and
- (d) in the case of a report made under paragraph (1), (2) or (3), to the person or persons -
 - (i) whose provision of services, or the exercise of whose functions, have been examined;
 - (ii) whose arrangements in relation to advocacy, complaints or whistle-blowing have been reviewed;
 - (iii) who are mentioned in the report.

Camau pellach yn sgil adroddiad

15.-(1) Os yw'r Comisiynydd wedi llunio adroddiad ar ôl iddo archwilio achos yn unol ag adran 10 o'r Ddeddf neu adolygiad o'r trefniadau yn unol ag adran 5 o'r Ddeddf sy'n cynnwys argymhelliad mewn perthynas â darparpwydd gwasanaethau rheoledig yng Nghymru, y Cynulliad neu berson a grybwyllir yn Atodlen 2 i'r Ddeddf, caiff y Comisiynydd ei gwneud yn ofynnol mewn ysgrifen i'r person y gwneir yr argymhelliad mewn perthynas ag ef roi'r wybodaeth berthnasol i'r Comisiynydd o fewn y fath gyfnod rhesymol ag y caiff y Comisiynydd ei bennu ond sut bynnag dim hwyrach na 3 mis ar ôl y dyddiad yr anfonir copi o'r adroddiad at y person hwnnw.

(2) Os yw'r Comisiynydd wedi llunio adroddiad ar ôl adolygu cyflawni swyddogaethau yn unol ag adran 3 o'r Ddeddf sy'n cynnwys argymhelliad mewn perthynas â pherson a grybwyllir ym mharagraff (1) o'r rheoliad hwn, caiff y Comisiynydd ofyn mewn ysgrifen i'r person y gwneir yr argymhelliad mewn perthynas ag ef roi'r wybodaeth berthnasol i'r Comisiynydd o fewn y fath gyfnod rhesymol ag y caiff y Comisiynydd ei bennu ond sut bynnag dim hwyrach na 3 mis ar ôl y dyddiad yr anfonir copi o'r adroddiad at y person hwnnw.

(3) At ddibenion paragraffau (1) a (2) ystyr "yr wybodaeth berthnasol" yw y fath wybodaeth, esboniad neu gymorth i alluogi'r Comisiynydd i benderfynu a yw'r person o dan sylw wedi cydymffurfio â'r argymhelliad neu a fydd yn cydymffurfio ag ef, neu esboniad ar y rheswm dros beidio â chymryd camau o'r fath neu dros beidio â bwriadu eu cymryd.

(4) Pan wneir gofyniad o dan baragraff (1) neu gais o dan baragraff (2) rhaid iddo gynnwys datganiad y gall methiant i ymateb o fewn yr amser a bennir o dan y paragraff perthnasol gael ei gyhoeddi mewn unrhyw fodd y mae'r Comisiynydd yn credu ei fod yn briodol.

(5) Os yw'r Comisiynydd yn credu'n rhesymol, pan gaiff yr wybodaeth berthnasol, nad yw'r camau a gymerwyd neu y bwriedir eu cymryd er mwyn

Further action following a report

15.-(1) Where the Commissioner has made a report following the examination of a case pursuant to section 10 of the Act or the review of arrangements pursuant to section 5 of the Act which contains a recommendation in respect of a provider of regulated services in Wales, the Assembly, or a person mentioned in Schedule 2 to the Act, the Commissioner may require the person in writing in respect of whom the recommendation is made to provide the Commissioner with the relevant information in such reasonable period as the Commissioner may specify but in any event no later than 3 months of the date on which the person is sent a copy of the report.

(2) Where the Commissioner has made a report following a review of discharge of functions pursuant to section 3 of the Act which contains a recommendation in respect of a person mentioned in paragraph (1) of this regulation, the Commissioner may request the person in writing in respect of whom the recommendation is made to provide the Commissioner with the relevant information in such reasonable period as the Commissioner may specify but in any event no later than 3 months of the date on which the person is sent a copy of the report.

(3) For the purposes of paragraphs (1) and (2) "the relevant information" means such information, explanation or assistance as to enable the Commissioner to determine whether the person concerned has complied with the recommendation or will be so complying, or an explanation of the reason for no such action having been taken or not being intended to be taken.

(4) Where a requirement is made under paragraph (1) or a request is made under paragraph (2) it must include a statement that failure to respond within the time specified under the relevant paragraph may be published in such manner as the Commissioner considers appropriate.

(5) If the Commissioner reasonably considers, upon receipt of the relevant information, that the action taken or proposed to be taken to comply with the

cydymffurfio â'r argymhelliad neu nad yw'r rheswm am beidio â chymryd camau o'r fath neu am beidio â bwriadu eu cymryd, yn ddigonol, caiff y Comisiynydd anfon hysbysiad ysgrifenedig at y person o dan sylw yn nodi'r diffygion, sef hysbysiad y mae angen ymateb iddo o fewn un mis o ddyddiad ei anfon.

(6) Os na chaiff y Comisiynydd ymateb o fewn 1 mis i ddyddiad anfon yr hysbysiad ysgrifenedig o dan baragraff (5) neu os yw'n anfodlon ar yr ymateb, caiff y Comisiynydd anfon hysbysiad atodol sy'n mynnu ymateb atodol o fewn 1 mis o ddyddiad ei anfon.

(7) Rhaid i'r hysbysiad atodol gynnwys datganiad y gall methiant i roi'r hyn sy'n ymateb atodol boddhaol ym marn y Comisiynydd, neu fethiant i ymateb o gwbl, gael ei gyhoeddi mewn unrhyw fodd y mae'r Comisiynydd yn credu ei fod yn briodol.

(8) Rhaid i'r Comisiynydd gadw cofrestr yn cynnwys manylion -

- (a) argymhellion a geir mewn adroddiadau a lunnir o dan reoliad 14, a
- (b) canlyniadau camau pellach a gymerir yn unol â pharagraffau (1), (2), (5) a (6) o'r rheoliad hwn.

(9) Rhaid i unrhyw gofrestr a gedwir o dan baragraff (8) fod yn agored i'w harchwilio gan unrhyw berson ar bob adeg resymol yn swyddfeydd y Comisiynydd a chaiff y Comisiynydd wneud trefniadau i gopïau o'r gofrestr fod ar gael i'w harchwilio mewn unrhyw fan arall neu fannau eraill neu drwy unrhyw fodd arall y mae'n credu eu bod yn briodol.

(10) Rhaid i'r Comisiynydd gyhoeddi'r trefniadau archwilio a enwyd mewn ffordd a fydd yn dod â hwy i sylw personau y mae'n debyg, ym marn resymol y Comisiynydd, y bydd ganddynt ddiddordeb.

Adroddiadau i'r Cynulliad

16.-(1) Caiff y Comisiynydd wneud adroddiad i'r Cynulliad mewn cysylltiad ag arfer unrhyw un o'i swyddogaethau cyffredinol yn unol ag adran 2 o'r Ddeddf.

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r Comisiynydd lunio adroddiad blynyddol i'r Cynulliad, y mae'n rhaid iddo gynnwys -

- (a) crynodeb o'r camau a gymerwyd wrth arfer swyddogaethau'r Comisiynydd o dan y Ddeddf yn ystod y flwyddyn ariannol flaenorol, gan gynnwys crynodeb o'r adroddiadau a gyhoeddwyd yn ystod y cyfnod hwnnw ac o unrhyw sylwadau y gall y Comisiynydd fod wedi'u gwneud yn ystod y cyfnod hwnnw yn unol ag adran 2(3) o'r Ddeddf, gan gynnwys unrhyw sylwadau a wnaed ynghylch ystod neu effeithiolrwydd pŵerau'r Comisiynydd;

recommendation or that the reason for no such action being taken or not being proposed to be taken is inadequate, the Commissioner may send to the person concerned a written notice setting out the inadequacies which requires a response within 1 month of the date of sending.

(6) Where the Commissioner receives no response within 1 month of the date of sending the written notice under paragraph (5), or is dissatisfied with the response, the Commissioner may send a supplementary notice which requires a supplementary response within 1 month of the date of sending.

(7) The supplementary notice must include a statement that failure to provide what the Commissioner reasonably considers to be a satisfactory supplementary response, or a response at all, may be published in such manner as the Commissioner considers appropriate.

(8) The Commissioner must maintain a register containing details of -

- (a) recommendations contained in reports made under regulation 14, and
- (b) the results of further action taken in accordance with paragraphs (1), (2), (5) and (6) of this regulation.

(9) Any register maintained under paragraph (8) must be open to inspection by any person at all reasonable times at the offices of the Commissioner and the Commissioner may make arrangements for copies of the register to be available for inspection in such other place or places or by such other means as he or she considers appropriate.

(10) The Commissioner must publish the said inspection arrangements in such a way as to bring them to the attention of persons who are, in the reasonable opinion of the Commissioner, likely to be interested.

Reports to the Assembly

16.-(1) The Commissioner may make a report to the Assembly in connection with the exercise of any of his or her general functions pursuant to section 2 of the Act.

(2) Subject to paragraph (3), the Commissioner must make an annual report to the Assembly which must contain -

- (a) a summary of the action taken in the exercise of the Commissioner's functions under the Act during the previous financial year including a summary of the reports issued during that period and of such representations as the Commissioner may have made during that period pursuant to section 2(3) of the Act, including any representations made as to the range or effectiveness of the Commissioner's powers;

- (b) crynodeb o'r cwynion a wnaed yn unol â gweithdrefn gwyno'r Comisiynydd a sefydlwyd yn unol ag adran 20 o'r Ddeddf a'r camau a gymrwyd gan y Comisiynydd wrth ymateb i'r cwynion hŷn;
- (c) adolygiad o faterion sy'n berthnasol i fuddiannau pobl hyn yng Nghymru; a
- (ch) crynodeb o raglen waith y Comisiynydd ar gyfer y flwyddyn ariannol y llunnir yr adroddiad ar ei chyfer ac o gynigion y Comisiynydd ar gyfer rhaglen waith ar gyfer y flwyddyn ariannol sy'n dilyn.

(3) Rhaid i'r adroddiad cyntaf y cyfeirir ato ym mharagraff (2) gael ei lunio yn 2008.

(4) Yn ddarostyngedig i baragraff (3), rhaid i'r Comisiynydd, erbyn 1 Hydref bob blwyddyn fan bellaf, anfon copi o'r adroddiadau y cyfeirir atynt ym mharagraff (1), (2) a (3) -

- (a) at y Prif Weinidog; a
- (b) i lyfrgelloedd y Cynulliad a dau Dŷ'r Senedd.

Cyhoeddi adroddiadau

17.-(1) Rhaid i'r Comisiynydd sicrhau, cyn belled ag y bo'n rhesymol ymarferol, bod yr adroddiadau a lunnir o dan reoliadau 14 ac 16 ar gael mewn fformatau sydd yn hygyrch i bobl hŷn.

(2) Rhaid i'r Comisiynydd drefnu bod copiâu o adroddiadau a lunnir o dan reoliadau 14 ac 16 ar gael i'w harchwilio yn swyddfa'r Comisiynydd ar bob adeg resymol ac mewn unrhyw fannau eraill neu drwy unrhyw gyfrwng arall, gan gynnwys drwy gyfrwng electronig, y mae'r Comisiynydd yn credu eu bod yn briodol.

(3) Rhaid i'r Comisiynydd gyhoeddi'r trefniadau archwilio a enwyd mewn ffordd a fydd yn dod â hwy i sylw personau y mae'n debyg, ym marn resymol y Comisiynydd, y bydd ganddynt ddiddordeb ynddynt.

RHAN VII

Amrywiol

Blynyddoedd ariannol

18.-(1) At ddibenion paragraff 22 o Atodlen 1 i'r Ddeddf pennir y cyfnodau canlynol -

- (d) mewn perthynas â'r flwyddyn ariannol gyntaf, y cyfnod o 1 Ebrill 2007 tan 31 Mawrth 2008;
- (e) mewn perthynas â phob blwyddyn ariannol ddilynol, y cyfnod o 1 Ebrill tan 31 Mawrth.

- (b) a summary of the complaints made in accordance with the Commissioner's complaints procedure established pursuant to section 20 of the Act and of the action taken by the Commissioner in response to these complaints;
- (c) a review of issues relevant to the interests of older people in Wales; and
- (d) a summary of the Commissioner's work programme for the financial year in which the report is made and of the Commissioner's proposals for a work programme for the following financial year.

(3) The first report referred to in paragraph (2) must be made in 2008.

(4) Subject to paragraph (3), the Commissioner must, no later than 1st October in each year, send a copy of the report referred to in paragraph (1), (2) and (3) to -

- (a) the First Minister; and
- (b) the libraries of the Assembly and of the Houses of Parliament.

Publication of reports

17.-(1) The Commissioner must ensure, so far as is reasonably practicable, that reports made under regulations 14 and 16 are available in formats which are accessible to older people.

(2) The Commissioner must arrange for copies of reports made under regulations 14 and 16 to be available for inspection at the Commissioner's office at all reasonable times and at such other places or by such other means, including by electronic means, as the Commissioner considers appropriate.

(3) The Commissioner must publish the said inspection arrangements in such a way as to bring them to the attention of persons who are, in the reasonable opinion of the Commissioner, likely to be interested.

PART VII

Miscellaneous

Financial years

18.-(1) For the purposes of paragraph 22 of Schedule 1 to the Act the following periods are specified -

- (a) in relation to the first financial year, the period from 1 April 2007 to 31 March 2008
- (b) in relation to each subsequent financial year, the period from 1 April to 31 March.

Gwybodaeth

19. Os yw gwybodaeth y mae'n ofynnol iddi gael ei rhoi o dan baragraff (1) o reoliad 4, paragraff (1) o reoliad 11 neu baragraff (1) o reoliad 15 yn wybodaeth sy'n cael ei chadw drwy gyfrwng cyfrifiadur neu ar unrhyw ffurf arall, caiff y Comisiynydd ei gwneud yn ofynnol i unrhyw berson sydd â gofal y cyfrifiadur neu'r ddyfais arall sy'n cadw'r wybodaeth honno, neu sydd fel arall yn ymwneud â'u gweithredu, drefnu bod yr wybodaeth ar gael, neu gyflwyno'r wybodaeth, ar ffurf weladwy a darllenadwy.

20. Os yw person yn rhoi gwybodaeth i'r Comisiynydd yn unol â pharagraff (1) o reoliad 11 neu'n bresennol gerbron y Comisiynydd yn unol â rheoliad 12, caiff y Comisiynydd dalu i'r person hwnnw, os yw'n credu bod hynny'n briodol -

- (a) symiau mewn perthynas â threuliau a dynnwyd yn briodol gan y person, a
- (b) lwfansau yn iawndal am iddo golli ei amser,

yn unol ag unrhyw raddfeydd ac o dan unrhyw amodau y caiff y Comisiynydd eu pennu.

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

14 Chwefror 2007

Llywydd y Cynulliad Cenedlaethol

Information

19. Where information required to be provided under paragraph (1) of regulation 4, paragraph (1) of regulation 11 or paragraph (1) of regulation 15 consists of information held by means of a computer or in any other form, the Commissioner may require any person having charge of, or otherwise concerned with the operation of, the computer or other device holding that information to make the information available, or produce the information, in a visible and legible form.

20. Where a person provides information to the Commissioner pursuant to paragraph (1) of regulation 11 or attends before the Commissioner pursuant to regulation 12, the Commissioner may, if he or she thinks fit, pay to that person -

- (a) sums in respect of expenses properly incurred by the person, and
- (b) allowances by way of compensation for the loss of their time,

in accordance with such scales, and subject to such conditions, as may be determined by the Commissioner.

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

14 February 2007

D. Elis-Thomas

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

OFFERYNNAU STATUDOL

2007 Rhif 398 (Cy.44)

**COMISIYNYDD POBL HYN
CYMRU, CYMRU**

Rheoliadau Comisiynydd Pobl Hyn
Cymru 2007

STATUTORY INSTRUMENTS

2007 No. 398 (W.44)

**COMMISSIONER FOR OLDER
PEOPLE IN WALES, WALES**

The Commissioner for Older
People in Wales Regulations 2007

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