



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2008 Rhif 2943 (Cy.260)

2008 No. 2943 (W.260)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Deddf Plant 1989
(Cyfarwyddiadau ac Amodau
Gweithgareddau Cyswllt: Cymorth
Ariannol) (Cymru) 2008

The Children Act 1989 (Contact
Activity Directions and Conditions:
Financial Assistance) (Wales)
Regulations 2008

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 sy'n galluogi talu cymorth ariannol mewn perthynas ag unigolyn y rhoddwyd gorchymyn neu gyfarwyddyd iddo i ymgymryd â gweithgaredd sy'n hybu cyswllt rhyngddo a'i blentyn os yw'r plentyn yn preswyllo fel arfer yng Nghymru ("unigolyn cymwys") (rheoliad 3(1)).

These Regulations make provision enabling financial assistance to be paid in respect of an individual ordered or directed to undertake an activity that promotes contact with their child where the child is ordinarily resident in Wales ("qualifying individual") (regulation 3(1)).

Er mwyn bod yn gymwys i gael y cyfryw gymorth rhaid i unigolyn fod wedi ei ddyfarnu'n gymwys yn ariannol i gael gwasanaethau a ariennir mewn perthynas ag achosion teuluol a rhaid i'r unigolyn fod wedi cael tystysgrif a ddyroddwyd o dan y Cod Ariannu a gymeradwywyd o dan adran 9 o Ddeddf Mynediad at Gyfiawnder 1999(1) mewn perthynas â'r achos teuluol pan fu i'r llys wneud y cyfarwyddyd gweithgaredd cyswllt neu osod yr amod gweithgaredd cyswllt. Os nad dyna'r achos bydd angen i unigolyn brofi ei fod yn debygol o ddioddef caledi ariannol os bydd yn rhaid iddo dalu'r tâl neu'r ffi ar gyfer y gweithgaredd cyswllt (rheoliad 3(2)).

To be eligible for such assistance it must have been determined that the individual is financially eligible for funded services in relation to family proceedings and the individual must have a certificate issued under the Funding Code approved under section 9 of the Access to Justice Act 1999(1) in relation to the family proceedings in which the court made the contact activity direction or imposed the contact activity condition. Where that is not the case an individual will need to establish he or she is likely to suffer financial hardship if he or she has to pay the charge or fee for the contact activity (regulation 3(2)).

Mae rheoliad 3(2) hefyd yn darparu mai dim ond os darperir y gweithgaredd cyswllt gan ddarparwydd a gymeradwyir y caniateir rhoi cymorth. Mae darparwydd a gymeradwyir wedi ei gymeradwyo gan Weinidogion Cymru neu gan yr Ysgrifennydd Gwladol dros Blant, Ysgolion a Theuluoedd.

Regulation 3(2) further provides that assistance may only be given if the contact activity is provided by an approved provider. An approved provider is approved by the Welsh Ministers or the Secretary of State for Children, Schools and Families.

Mae rheoliad 4 yn caniatáu talu taliadau cymorth ariannol yn uniongyrchol i'r darparwydd a gymeradwyir.

Regulation 4 allows the payments of financial assistance to be made directly to the approved provider.

(1) 1999 p.22.

(1) 1999 c.22.

2008 Rhif 2943 (Cy.260)

**PLANT A PHOBL IFANC,
CYMRU**

**Rheoliadau Deddf Plant 1989
(Cyfarwyddiadau ac Amodau
Gweithgareddau Cyswllt: Cymorth
Ariannol) (Cymru) 2008**

Gwnaed 13 Tachwedd 2008

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 14 Tachwedd 2008

Yn dod i rym 8 Rhagfyr 2008

Mae Gweinidogion Cymru yn gwneud y rheoliadau hyn drwy arfer y pwerau a roddwyd gan adrannau 11F(3), (6) a (7) a 104(4) o Ddeddf Plant 1989(1).

Enwi, cychwyn a chymhwysu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Plant 1989 (Cyfarwyddiadau ac Amodau Gweithgareddau Cyswllt: Cymorth Ariannol) (Cymru) 2008 a deuant i rym ar 8 Rhagfyr 2008.

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

Dehongli

2. Yn y Rheoliadau hyn—

mae i "achosion teuluol" yr ystyr sydd i "family proceedings" yn y Rheoliadau Ariannol;

mae i "amod gweithgaredd cyswllt" yr ystyr sydd i "contact activity condition" yn adran 11C(2) o'r Ddeddf;

mae i "cyfarwyddyd gweithgaredd cyswllt" yr ystyr sydd i "contact activity direction" yn adran 11A(3) o'r Ddeddf;

(1) 1989 p.41. Mewnosodwyd adran 11F gan Ddeddf Plant a Mabwysiadu 2006 (p.20). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 11F (3), (6) a (7) a 104(4) i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a chan baragraffau 30 a 32 o Atodlen 11 iddi.

2008 No. 2943 (W.260)

**CHILDREN AND YOUNG
PERSONS, WALES**

**The Children Act 1989 (Contact
Activity Directions and Conditions:
Financial Assistance) (Wales)
Regulations 2008**

Made 13 November 2008

*Laid before the National
Assembly for Wales* 14 November 2008

Coming into force 8 December 2008

The Welsh Ministers make these regulations in exercise of the powers conferred by sections 11F(3), (6) and (7) and 104(4) of the Children Act 1989(1).

Title, commencement and application

1.—(1) The title of these Regulations is the Children Act 1989 (Contact Activity Directions and Conditions: Financial Assistance) (Wales) Regulations 2008 and they come into force on 8 December 2008.

(2) These Regulations apply in relation to Wales

Interpretation

2. In these Regulations—

"the Act" ("*y Ddeddf*") means the Children Act 1989;

"approved provider" ("*darparwydd a gymeradwyir*") means a person who is for the time being approved—

(a) where the contact activity is provided in Wales, by the Welsh Ministers, or

(b) where the contact activity is provided in England, by the Secretary of State for Children, Schools and Families,

(1) 1989 c.41. Section 11F inserted by the Children and Adoption Act 2006 (c.20). Functions of the National Assembly for Wales under sections 11F (3), (6) and (7) and 104(4) were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006.

ystyr "darparrydd a gymeradwyir" ("*approved provider*") yw person a gymeradwyir am y tro—

- (a) gan Weinidogion Cymru, pan fo'r gweithgaredd cyswllt yn cael ei ddarparu yng Nghymru, neu
- (b) gan yr Ysgrifennydd Gwladol dros Blant, Ysgolion a Theuluoedd, pan fo'r gweithgaredd cyswllt yn cael ei ddarparu yn Lloegr,

yn ddarparrydd gweithgareddau cyswllt;

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

mae i "gwasanaethau a ariennir" yr ystyr sydd i "funded services" yn y Rheoliadau Ariannol;

ystyr "gweithgaredd cyswllt" ("*contact activity*") yw gweithgaredd sy'n hybu cyswllt â phlentyn ac y mae cyfarwyddyd gweithgaredd cyswllt neu amod gweithgaredd cyswllt yn ei wneud yn ofynnol;

ystyr "Rheoliadau Ariannol" ("*Financial Regulations*") yw Rheoliadau Gwasanaeth Cyfreithiol Cymunedol (Ariannol) 2000(1);

mae i "tystysgrif" yr ystyr sydd i "certificate" yn y Rheoliadau Ariannol;

ystyr "unigolyn cymwys" ("*qualifying individual*") yw unigolyn sy'n dod o fewn adran 11F(4) o'r Ddeddf.

Cymorth Ariannol

3.—(1) Yn ddarostyngedig i baragraffau (2) a (3), caiff Gweinidogion Cymru wneud taliadau i gynorthwyo unigolyn cymwys i dalu tâl neu ffi mewn cysylltiad â gweithgaredd cyswllt.

(2) Ni chaniateir gwneud taliadau o dan baragraff (1) oni bai—

- (a) bod adnoddau ariannol yr unigolyn cymwys fel a ganlyn, sef—
 - (i) yn sgil dyfarnu yn unol â'r Rheoliadau Ariannol bod yr unigolyn yn gymwys yn ariannol i gael gwasanaethau a ariennir mewn perthynas ag achosion teuluol, bod tystysgrif wedi ei dyroddi i'r unigolyn mewn perthynas â'r achos teuluol y gwnaed neu y gorfodwyd ganddo y cyfarwyddyd gweithgaredd cyswllt neu'r amod gweithgaredd cyswllt, a'i gwnâi'n ofynnol i'r unigolyn gymryd rhan yn y gweithgaredd cyswllt; neu

as a provider of contact activities;

"certificate" has the same meaning as in the Financial Regulations;

"contact activity" ("*gweithgaredd cyswllt*") means an activity that promotes contact with a child which is required by a contact activity direction or contact activity condition;

"contact activity condition" has the same meaning as in section 11C (2) of the Act;

"contact activity direction" has the same meaning as in section 11A(3) of the Act;

"family proceedings" has the same meaning as in the Financial Regulations;

"Financial Regulations" ("*Rheoliadau Ariannol*") means the Community Legal Service (Financial) Regulations 2000(1);

"funded services" has the same meaning as in the Financial Regulations;

"qualifying individual" means an individual who falls within section 11F(4) of the Act.

Financial Assistance

3.—(1) Subject to paragraphs (2) and (3), the Welsh Ministers may make payments to assist a qualifying individual in paying a charge or fee in respect of a contact activity.

(2) Payments shall not be made under paragraph (1) unless—

- (a) the qualifying individual's financial resources are such that—
 - (i) following a determination in accordance with the Financial Regulations that the individual is financially eligible for funded services in relation to family proceedings, the individual has been issued with a certificate in relation to the family proceedings in which the contact activity direction or condition, which required the individual to take part in the contact activity, was made or imposed; or

(1) O.S. 2000/516; fel y'i diwygiwyd gan O.S. 2001/2997, 2001/3663, 2001/3929, 2002/709, 2003/650, 2005/589, 2005/1097, 2005/1793, 2006/2363, 2007/906, 2007/2442, 2008/658 a 2008/1879.

(1) S.I. 2000/516; as amended by S.I. 2001/2997, 2001/3663, 2001/3929, 2002/709, 2003/650, 2005/589, 2005/1097, 2005/1793, 2006/2363, 2007/906, 2007/2442, 2008/658 and 2008/1879.

(ii) os nad yw'r unigolyn yn bodloni'r amod yn is-baragraff (a)(i), bod Gweinidogion Cymru'n fodlon bod yr unigolyn yn debygol o ddioddef caledi ariannol os yw'n ofynnol iddo dalu'r tâl neu'r ffi; a

(b) bod y gweithgaredd cyswllt yn cael ei ddarparu gan ddarparwydd a gymeradwyir.

4. Caniateir gwneud taliadau o dan reoliad 3 yn uniongyrchol i'r darparwydd a gymeradwyir.

(ii) where the individual does not satisfy the condition in sub-paragraph (a)(i), the Welsh Ministers are satisfied that the individual, if required to pay the charge or fee, is likely to suffer financial hardship; and

(b) the contact activity is provided by an approved provider.

4. Payments under regulation 3 may be made directly to the approved provider.

Gwenda Thomas

O dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

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

13 Tachwedd 2008

13 November 2008

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£4.00

W396/12/08

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