



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 1329 (Cy.112) (C.81)

2010 No. 1329 (W.112) (C.81)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Gorchymyn Deddf Plant a Phobl
Ifanc 2008 (Cychwyn Rhif 4)
(Cymru) 2010

The Children and Young Persons
Act 2008 (Commencement No. 4)
(Wales) Order 2010

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Y Gorchymyn hwn yw'r pedwerydd Gorchymyn Cychwyn a wnaed gan Weinidogion Cymru o dan Ddeddf Plant a Phobl Ifanc 2008 ("y Ddeddf"), sy'n dod â darpariaethau penodedig o'r Ddeddf i rym o ran Cymru.

This Order is the fourth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 ("the Act"), which brings specified provisions of the Act into force in relation to Wales.

Daw erthygl 2 o'r Gorchymyn â'r canlynol i rym ar 26 Ebrill 2010:

Article 2 of the Order brings into force on 26 April 2010 the following:

- mae erthygl 2(a) a (b) yn dod â darpariaethau i rym sy'n diwygio pwerau gwneud rheoliadau'r awdurdod cenedlaethol priodol (Gweinidogion Cymru o ran Cymru) yn Neddf Plant 1989 ("Deddf 1989") ynghylch lletya a chynnal a chadw plant sy'n derbyn gofal;
- mae erthygl 2(c) i (d) yn dod â darpariaethau i rym sy'n galluogi'r awdurdod cenedlaethol priodol i wneud rheoliadau mewn perthynas â phenodiad a swyddogaethau swyddogion adolygu annibynnol (is-baragraff (c)), ymweliadau gan gynrychiolwyr yr awdurdod lleol â phlant sy'n derbyn gofal (is-baragraff (ch)) ac ymwelwyr annibynnol ar gyfer plant sy'n derbyn gofal gan awdurdod lleol (is-baragraff (d));
- mae erthygl 2(dd) yn dod ag adran 20(3) o'r Ddeddf i rym, sy'n darparu i'r awdurdod cenedlaethol priodol wneud rheoliadau sy'n ei gwneud yn ofynnol i gorff llywodraethu ysgol a gynhelir ddynodi aelod o staff â chyfrifoldeb dros hybu cyflawniadau addysgol disgyblion sy'n derbyn gofal gan awdurdod lleol mewn ysgol;

- article 2(a) and (b) brings into force provisions which amend the regulation-making powers of the appropriate national authority (the Welsh Ministers in relation to Wales) in the Children Act 1989 ("the 1989 Act") in respect of accommodation and maintenance of looked after children;
- article 2(c) to (e) brings into force provisions to enable the appropriate national authority to make regulations in respect of the appointment and functions of independent reviewing officers (sub-paragraph (c)), visits by representatives of the local authority to looked after children (sub-paragraph (d)) and independent visitors for children looked after by a local authority (sub-paragraph (e));
- article 2(f) brings into force section 20(3) of the Act, which provides for the appropriate national authority to make regulations requiring the governing body of a maintained school to designate a member of staff as having responsibility for promoting the educational achievement of pupils at a school who are looked after by a local authority;

- mae erthygl 2(e) yn dod â darpariaethau i rym sy'n galluogi'r awdurdod cenedlaethol priodol i wneud rheoliadau ynghylch hawliau i daliad o dan adran 23C(5B) o Ddeddf 1989;
- mae erthygl 2(f) yn dod â darpariaethau i rym sy'n galluogi'r awdurdod cenedlaethol priodol i wneud rheoliadau ynghylch yr asesiadau sy'n ofynnol at ddibenion cynnig cymorth pellach i bobl sy'n gadael gofal o dan adrannau 23B(3) neu 23CA o Ddeddf 1989;
- mae erthygl 2(ff) yn dod ag adran 23(1) o'r Ddeddf i rym, sy'n diwygio'r pŵer gwneud rheoliadau yn adran 28D(1) o Ddeddf 1989 fel y bydd rheoliadau o dan yr adran honno yn gallu ei gwneud yn ofynnol penodi cynghorydd personol i bobl ifanc benodol sydd o dan 25 oed;
- Mae erthygl 2(g) yn dod â darpariaethau i rym sy'n galluogi'r awdurdod cenedlaethol priodol i wneud rheoliadau mewn perthynas â dyletswyddau'r awdurdod lleol sy'n ymwneud â seibiannau i ofalwyr plant anabl;
- mae erthygl 2(ng) i (i) yn dod ag adrannau 27 i 29 o'r Ddeddf i rym. Mae'r adrannau hyn yn diwygio Deddf Safonau Gofal 2000 i roi pwerau a dyletswyddau ychwanegol i'r awdurdod cofrestru ynghylch safonau mewn sefyllfaoedd o ofal cymdeithasol i blant;
- mae erthygl 2(j) yn dod ag adran 33 o'r Ddeddf i rym, sy'n gwneud darpariaeth ynghylch ymchwil a datganiadau gwybodaeth o dan Ddeddf 1989.
- article 2(g) brings into force provisions to enable the appropriate national authority to make regulations in relation to entitlements to payment in respect of higher education under section 23C(5B) of the 1989 Act;
- article 2(h) brings into force provisions to enable the appropriate national authority to make regulations relating to the assessments required for the purposes of offering further assistance to care leavers under sections 23B(3) or 23CA of the 1989 Act;
- article 2(i) brings into force section 23(1) of the Act, which amends the regulation-making power in section 28D(1) of the 1989 Act so that regulations under that section will be able to require the appointment of a personal adviser for certain young persons who are under the age of 25;
- article 2(j) brings into force provisions to enable the appropriate national authority to make regulations in respect of the local authority's duties relating to breaks for carers of disabled children;
- article 2(k) to (m) brings into force sections 27 to 29 of the Act. These sections amend the Care Standards Act 2000 to confer additional powers and duties upon the registration authority in relation to standards in social care settings for children;
- article 2(n) brings into force section 33 of the Act, which makes provision in relation to research and returns of information under the 1989 Act.

NODYN AM Y GORCHMYNION CYCHWYN BLAENOROL

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

Daethpwyd â'r darpariaethau a ganlyn o Ddeddf Plant a Phobl Ifanc 2008 ("y Ddeddf") i rym o ran Cymru drwy orchymynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>O.S. Rhif</i>
Adran 8 (yn rhannol) ac Atodlen 2	31 Mawrth 2010	2010/749 (Cy.77) (C.51)
Adran 30	6 Ebrill 2009	2009/728 (Cy.64) (C.47)

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Children and Young Persons Act 2008 ("the Act") have been brought into force in relation to Wales by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8 (partially) and Schedule 2	31 March 2010	2010/749 (W.77) (C.51)
Section 30	6 April 2009	2009/728 (W.64) (C.47)

Adran 34	31 Mawrth 2010	2010/749 (Cy.77) (C.51)	Section 34	31 March 2010	2010/749 (W.77) (C.51)
Adran 35	6 Ebrill 2009	2009/728 (Cy.64) (C.47)	Section 35	6 April 2009	2009/728 (W.64) (C.47)
Adran 36	1 Medi 2009	2009/1921 (Cy.175) (C.91)	Section 36	1 September 2009	2009/1921 (W.175) (C.91)
Adran 37	1 Medi 2009	2009/1921 (Cy.175) (C.91)	Section 37	1 September 2009	2009/1921 (W.175) (C.91)
Adran 38	1 Medi 2009	2009/1921 (Cy.175) (C.91)	Section 38	1 September 2009	2009/1921 (W.175) (C.91)
Adran 42 ac Atodlen 4 (yn rhannol)	6 Ebrill 2009	2009/728 (Cy.64) (C.47)	Section 42 and Schedule 4 (partially)	6 April 2009	2009/728 (W.64) (C.47)
Adran 42 ac Atodlen 4 (yn rhannol)	1 Medi 2009	2009/1921 (Cy.175) (C.91)	Section 42 and Schedule 4 (partially)	1 September 2009	2009/1921 (W.175) (C.91)
Adran 42 ac Atodlen 4 (yn rhannol)	31 Mawrth 2010	2010/749 (Cy.77) (C.51)	Section 42 and Schedule 4 (partially)	31 March 2010	2010/749 (W.77) (C.51)

Daethpwyd â'r darpariaethau a ganlyn i rym o ran Cymru a Lloegr drwy orchymynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

The following provisions have been brought into force in relation to England and Wales by commencement order made before the date of this Order:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>O.S. Rhif</i>
Adran 18 (yn rhannol)	1 Ionawr 2010	2009/3354 (C.154)
Adran 31	1 Ebrill 2009	2009/268 (C.11)
Adran 32	1 Ebrill 2009	2009/268 (C.11)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 18 (partially)	1 January 2010	2009/3354 (C.154)
Section 31	1 April 2009	2009/268 (C.11)
Section 32	1 April 2009	2009/268 (C.11)

Daethpwyd ag amrywiol ddarpariaethau o'r Ddeddf i rym o ran Lloegr gan yr Offerynnau Statudol a ganlyn:

- O.S. 2009/323 (C.15)
- O.S. 2009/2273 (C.99)

Gweler hefyd adran 44(1) a (2) o'r Ddeddf am y darpariaethau a ddaeth i rym ar 13 Tachwedd 2008 (dyddiad Cydsyniad Brenhinol).

Various provisions of the Act have been brought into force in relation to England by the following Statutory Instruments:

- S.I. 2009/323 (C.15)
- S.I. 2009/2273 (C.99)

See also section 44(1) and (2) of the Act for the provisions that came into force on 13 November 2008 (date of Royal Assent).

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**PLANT A PHOBL IFANC,
CYMRU**

**Gorchymyn Deddf Plant a Phobl
Ifanc 2008 (Cychwyn Rhif 4)
(Cymru) 2010**

Gwnaed

21 Ebrill 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 44(3) a (5) o Ddeddf Plant a Phobl Ifanc 2008(1), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 4) (Cymru) 2010.

(2) Yn y Gorchymyn hwn, oni ddywedir fel arall, mae cyfeiriadau at adrannau ac Atodlenni yn gyfeiriadau at adrannau o Ddeddf Plant a Phobl Ifanc 2008 ac Atodlenni iddi.

Y diwrnod penodedig

2. 26 Ebrill 2010 yw'r diwrnod penodedig i'r darpariaethau canlynol ddod i rym o ran Cymru—

- (a) adran 8(1) (darparu llety a chynnal a chadw i blant sy'n derbyn gofal gan awdurdod lleol) i'r graddau y mae'n mewnosod yn Neddf 1989(2)—
 - (i) adran 22C(11), a
 - (ii) adran 22F;
- (b) adran 8(2) ac Atodlen 1 i'r graddau y maent yn ymwneud â pharagraff 4 o'r Atodlen honno;
- (c) adran 10(1) (swyddogion adolygu annibynnol) i'r graddau y mae'n mewnosod yn Neddf 1989, yn unig at ddibenion galluogi gwneud rheoliadau—
 - (i) adran 25A(4), a

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**CHILDREN AND YOUNG
PERSONS, WALES**

**The Children and Young Persons
Act 2008 (Commencement No. 4)
(Wales) Order 2010**

Made

21 April 2010

The Welsh Ministers, in exercise of the powers conferred by section 44(3) and (5) of the Children and Young Persons Act 2008(1), make the following Order:

Title and interpretation

1.–(1) The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010.

(2) In this Order unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the Children and Young Persons Act 2008.

Appointed day

2. 26 April 2010 is the appointed day for the coming into force of the following provisions in relation to Wales—

- (a) section 8(1) (provision of accommodation and maintenance for children who are looked after by a local authority) in so far as it inserts into the 1989 Act(2)—
 - (i) section 22C(11), and
 - (ii) section 22F;
- (b) section 8(2) and Schedule 1 in so far as they relate to paragraph 4 of that Schedule;
- (c) section 10(1) (independent reviewing officers) in so far as it inserts into the 1989 Act, for the purposes only of enabling regulations to be made—
 - (i) section 25A(4), and

(1) 2008 p.23 ("y Ddeddf").

(2) Diffinnir "the 1989 Act" yn adran 41 o'r Ddeddf i olygu Deddf Plant 1989 (p.41).

(1) 2008 c.23 ("the Act").

(2) "the 1989 Act" is defined in section 41 of the Act as meaning the Children Act 1989 (c.41).

- (ii) adran 25B(1)(b) a (d) a (2)(a);
- (ch) adran 15 (dyletswydd awdurdod lleol i sicrhau ymweliadau â phlant sy'n derbyn gofal ac eraill) i'r graddau y mae'n mewnosod yn Neddf 1989—
 - (i) yn unig at ddibenion galluogi gwneud rheoliadau, adran 23ZA(3)(a), a
 - (ii) adran 23ZA(4);
- (d) adran 16(1) (ymwelwyr annibynnol ar gyfer plant sy'n derbyn gofal gan awdurdod lleol) i'r graddau y mae'n mewnosod yn Neddf 1989—
 - (i) yn unig at ddibenion galluogi gwneud rheoliadau, adran 23ZB(1)(a), a
 - (ii) adran 23ZB(9);
- (dd) adran 20(3) (aelod o staff dynodedig ar gyfer disgyblion sy'n derbyn gofal gan awdurdod lleol mewn ysgol);
- (e) adran 21(2) (hawl i daliad mewn perthynas ag addysg bellach) i'r graddau y mae'n mewnosod is-adran (5B) yn adran 23C o Ddeddf 1989(1);
- (f) adran 22(3) a (5) (cymorth i ganlyn addysg neu hyfforddiant) i'r graddau y maent yn mewnosod adran 23E(1B) ac (1C) yn Neddf 1989;
- (ff) adran 23(1) (estyn yr hawl i gael cynghorydd personol ac i gael cymorth mewn cysylltiad ag addysg neu hyfforddiant);
- (g) adran 25(4) (seibiant oddi wrth ofalu am blant anabl) i'r graddau y mae'n mewnosod, yn unig at ddibenion galluogi gwneud rheoliadau, is-baragraff (2) ym mharagraff 6 o Atodlen 2 i Ddeddf 1989;
- (ng) adran 27 (hysbysiad yn cyfyngu ar lety mewn sefydliadau penodol);
- (h) adran 28 (apelau etc. ynghylch hysbysiadau o dan adran 22B o Ddeddf 2000(2));
- (i) adran 29 (rhoi hysbysiad o faterion sy'n ymwneud â phersonau sy'n rhedeg neu'n rheoli cartrefi plant etc.) i'r graddau y mae'n mewnosod, yn unig at ddibenion galluogi gwneud rheoliadau, adran 30A(3) a (4) yn Neddf 2000;
- (j) adran 33 (ymchwil etc. i faterion sy'n gysylltiedig â swyddogaethau statudol penodol).

- (ii) section 25B(1)(b) and (d) and (2)(a);
- (d) section 15 (duty of local authority to ensure visits to looked after children and others) in so far as it inserts into the 1989 Act—
 - (i) for the purposes only of enabling regulations to be made, section 23ZA(3)(a), and
 - (ii) section 23ZA(4);
- (e) section 16(1) (independent visitors for children looked after by a local authority) in so far as it inserts into the 1989 Act—
 - (i) for the purposes only of enabling regulations to be made, section 23ZB(1)(a), and
 - (ii) section 23ZB(9);
- (f) section 20(3) (designated member of staff at school for pupils looked after by a local authority);
- (g) section 21(2) (entitlement to payment in respect of higher education) in so far as it inserts sub-section (5B) into section 23C of the 1989 Act(1);
- (h) section 22(3) and (5) (assistance to pursue education or training) in so far as they insert section 23E(1B) and (1C) into the 1989 Act;
- (i) section 23(1) (extension of entitlements to personal adviser and to assistance in connection with education or training);
- (j) Section 25(4) (breaks from caring for disabled children) in so far as it inserts, for the purposes only of enabling regulations to be made, sub-paragraph (2) into paragraph 6 of Schedule 2 to the 1989 Act;
- (k) section 27 (notice restricting accommodation at certain establishments);
- (l) section 28 (appeals etc. in relation to notices under section 22B of the 2000 Act(2));
- (m) section 29 (notification of matters relating to persons carrying on or managing children's homes etc.) in so far as it inserts, for the purposes only of enabling regulations to be made, section 30A(3) and (4) into the 2000 Act;
- (n) section 33 (research etc. into matters connected with certain statutory functions).

(1) Mewnosodwyd adran 23C o Ddeddf Plant 1989 gan adran 2 o Ddeddf Plant (Ymadael â Gofal) 2000 (p.35).

(2) Diffinnir "the 2000 Act" yn adran 41 o'r Ddeddf i olygu Deddf Safonau Gofal 2000 (p.14).

(1) Section 23C of the Children Act 1989 was inserted by section 2 of the Children (Leaving Care) Act 2000 (c.35).

(2) "the 2000 Act" is defined in section 41 of the Act as meaning the Care Standards Act 2000 (c.14).

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol, un o Weinidogion Cymru

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

21 Ebrill 2010

21 April 2010

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