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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2011 Rhif 1666 (Cy.190)**

**2011 No. 1666 (W.190)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

Rheoliadau Ffioedd Gofal  
Cymdeithasol (Diwygiadau  
Amrywiol) (Cymru) 2011

The Social Care Charges  
(Miscellaneous Amendments)  
(Wales) Regulations 2011

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae adran 1 o Fesur Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru) 2010 ("y Mesur") yn rhoi i awdurdodau lleol yng Nghymru bŵer disgrisiynol i osod ffi resymol ar oedolion sy'n derbyn gwasanaethau gofal cymdeithasol dibreswyl, os darperir neu os sicrhewr y gwasanaethau hynny gan awdurdod lleol ("defnyddwyr gwasanaeth"). Nid yw'n ofynnol bod awdurdod lleol yn gosod ffi am wasanaethau o'r fath, ond os gosodir ffi, mae'r Mesur yn ei gwneud yn ofynnol bod awdurdod lleol yn cydymffurfio â darpariaethau perthnasol Rheoliadau a wneir gan Weinidogion Cymru o dan y Mesur (a hefyd o dan unrhyw Reoliadau a wneir o dan adran 16 o Ddeddf Gofal Cymunedol (Rhyddhau Gohiriedig etc) 2003).

Section 1 of the Social Care Charges (Wales) Measure 2010 ("the Measure") gives local authorities in Wales a discretionary power to impose a reasonable charge upon the adult recipients of non-residential social care services where those services are provided or secured by a local authority ("service users"). Local authorities are not required to impose a charge for such services, but where a charge is imposed the Measure requires a local authority to comply with the relevant provisions of Regulations made by the Welsh Ministers under it (and also under any Regulations made under section 16 of the Community Care (Delayed Discharges etc) Act 2003).

Mae Gweinidogion Cymru wedi gwneud Rheoliadau o dan y Mesur, sef—

The Welsh Ministers have made Regulations under the Measure—

- Rheoliadau Ffioedd Gofal Cymdeithasol (Asesu Modd a Phenderfynu Ffioedd) (Cymru) 2011 (O.S. 2011/962 (Cy.136)) ("y Rheoliadau Ffioedd"); a
- Rheoliadau Ffioedd Gofal Cymdeithasol (Taliadau Uniongyrchol) (Asesu Modd a Phenderfynu ar Ad-daliad neu Gyfraniad) (Cymru) 2011 (O.S. 2011/963 (Cy.137)) ("y Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol").

- the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011 (S.I. 2011/962 (W.136)) ("the Charges Regulations"); and
- the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011 (S.I. 2011/963 (W.137)) ("the Social Care Direct Payments Regulations").

Gwnaed y Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol o dan adran 12 o'r Mesur (sy'n rhoi pŵer i Weinidogion Cymru i wneud darpariaeth sy'n cyfateb i'r ddarpariaeth ar gyfer defnyddwyr gwasanaeth (a

The Social Care Direct Payments Regulations are made under section 12 of the Measure (which gives the Welsh Ministers a power to make provision which corresponds to the provision made for service users (in

wneir yn y Mesur ac yn y Rheoliadau Ffioedd), sef bod oedolion sy'n derbyn taliadau uniongyrchol yn cael taliadau gan awdurdod lleol i sicrhau darpariaeth o wasanaethau gofal cymdeithasol dibreswyl iddynt eu hunain (yn unol â Rheoliadau Gofal Cymunedol, Gwasanaethau ar gyfer Gofalwyr a Gwasanaethau Plant (Taliadau Uniongyrchol) (Cymru) 2011 (O.S. 2011/831 (Cy.125)).

Nid yw'r Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol yn ei gwneud yn ofynnol bod awdurdod lleol yn ceisio cael unrhyw ad-daliad neu gyfraniad tuag at y gost o sicrhau'r gwasanaeth y telir y taliad uniongyrchol mewn perthynas ag ef, gan oedolyn sy'n derbyn taliad uniongyrchol. Os yw'r awdurdod lleol yn ceisio unrhyw ad-daliad neu gyfraniad, mae'n ofynnol bod yr awdurdod lleol yn cydymffurfio â darpariaethau perthnasol y Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol (ac unrhyw Rheoliadau a wneir gan Weinidogion Cymru o dan adran 16 o Ddeddf Gofal Cymunedol (Rhyddhau Gohiriedig etc) 2003).

Mae rheoliad 2 o'r Rheoliadau hyn yn gwneud diwygiadau i gywiro mân wallau drafftio a gwallau teipograffyddol yn y Rheoliadau Ffioedd.

Mae rheoliad 3 o'r Rheoliadau hyn yn gwneud diwygiadau i gywiro mân wallau drafftio a gwallau teipograffyddol yn y Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. Gan mai cywiro mân wallau drafftio a gwallau teipograffyddol yn y Rheoliadau presennol yn unig y maent, ni thybiwyd bod angen cynnal aseiad effaith rheoleiddiol o gostau a buddion tebygol cydymffurfio â'r Rheoliadau hyn.

the Measure and in the Charges Regulations) for the adult recipients of direct payments who receive payments from a local authority to secure the provision of non-residential social care services for themselves (in accordance with the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011 (S.I. 2011/831 (W.125)).

The Social Care Direct Payments Regulations do not require a local authority to seek from an adult who receives a direct payment any reimbursement or contribution towards the cost of securing the service in respect of which the direct payment is paid. Where any reimbursement or contribution is sought by a local authority, it is required to comply with the relevant provisions of the Social Care Direct Payments Regulations (and with any Regulations made by the Welsh Ministers under section 16 of the Community Care (Delayed Discharges etc) Act 2003).

Regulation 2 of these Regulations makes amendments to correct minor drafting and typographical errors in the Charges Regulations.

Regulation 3 of these Regulations makes amendments to correct minor drafting and typographical errors in the Social Care Direct Payments Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As they only correct minor drafting and typographical errors in the existing Regulations it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

**2011 Rhif 1666 (Cy.190)**

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**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

**Rheoliadau Ffioedd Gofal  
Cymdeithasol (Diwygiadau  
Amrywiol) (Cymru) 2011**

**The Social Care Charges  
(Miscellaneous Amendments)  
(Wales) Regulations 2011**

*Gwnaed* 6 Gorffennaf 2011  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 8 Gorffennaf 2011  
*Yn dod i rym* 2 Awst 2011

*Made* 6 July 2011  
*Laid before the National  
Assembly for Wales* 8 July 2011  
*Coming into force* 2 August 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 2(2), 3(1), 4(3) a (4), 5(2), 7(2), 10(4)(f), 12 a 17(2) o Fesur Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru) 2010(1), yn gwneud y Rheoliadau canlynol:

The Welsh Ministers, in exercise of the powers conferred by sections 2(2), 3(1), 4(3) and (4), 5(2), 7(2), 10(4)(f), 12 and 17(2) of the Social Care Charges (Wales) Measure 2010(1), make the following Regulations:

**Enwi, cychwyn, dehongli a chymhwyso**

**Title, commencement, interpretation and application**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ffioedd Gofal Cymdeithasol (Diwygiadau Amrywiol) (Cymru) 2011 a deuant i rym ar 2 Awst 2011.

1.—(1) The title of these Regulations is the Social Care Charges (Miscellaneous Amendments) (Wales) Regulations 2011 and they come into force on 2 August 2011.

(2) Yn y Rheoliadau hyn—

(2) In these Regulations—

ystyr "y Rheoliadau Ffioedd" ("*the Charges Regulations*") yw Rheoliadau Ffioedd Gofal Cymdeithasol (Asesu Modd a Phenderfynu Ffioedd) (Cymru) 2011(2); ac

"the Charges Regulations" ("*y Rheoliadau Ffioedd*") means the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011(2); and

ystyr "y Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol" ("*the Social Care Direct Payments Regulations*") yw Rheoliadau Ffioedd Gofal Cymdeithasol (Taliadau Uniongyrchol) (Asesu Modd a Phenderfynu ar Ad-daliad neu Gyfraniad) (Cymru) 2011(3).

"the Social Care Direct Payments Regulations" ("*y Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol*") means the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011(3).

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

(3) These Regulations apply in relation to Wales.

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(1) 2010 mccc 2 ("y Mesur"). *Gweler* adran 17 o'r Mesur am y diffiniad o "rheoliadau".

(2) O.S. 2011/962 (Cy.136).

(3) O.S. 2011/963 (Cy.137).

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(1) 2010 nawm 2 ("the Measure"). *See* section 17 of the Measure for the definition of "regulations".

(2) S.I. 2011/962 (W.136).

(3) S.I. 2011/963 (W.137).

## Diwygio'r Rheoliadau Ffioedd

2.—(1) Diwygir y Rheoliadau Ffioedd yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Yn rheoliad 2 (dehongli)—

- (a) ym mharagraffau (a) a (b) o'r diffiniad o "hawlogaeth sylfaenol" ("*basic entitlement*"), yn y testun Saesneg, yn lle "is it" rhodder "it is";
- (b) yn y diffiniad o "mewn ysgrifen" ("*in writing*"), yn y testun Cymraeg, yn lle "eiriau a ffigurau" rhodder "eiriau neu ffigurau".

(3) Ym mharagraff (1)(a) o reoliad 4 (defnyddwyr gwasanaeth na chaniateir gosod ffioedd arnynt a gwasanaethau na chaniateir gosod ffioedd mewn perthynas â hwy), yn lle "Creuzfeldt Jacob" rhodder "Creuzfeldt-Jakob".

(4) Yn rheoliad 7 (gwahoddiad i ofyn am asesiad modd), yn y testun Cymraeg—

- (a) ym mharagraff (1)(b), yn lle "gan" rhodder "y mae'n rhaid iddo";
- (b) ym mharagraff (1)(b)(iv), mewnosoder "am wasanaethau" rhwng "rhesymol" ac "y caniateir";
- (c) ym mharagraff (1)(g), yn lle "ag ef" rhodder "â hwy".

## Diwygio'r Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol

3.—(1) Diwygir y Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Ym mharagraff (1) o reoliad 2 (dehongli)—

- (a) ym mharagraffau (a) a (b) o'r diffiniad o "hawlogaeth sylfaenol" ("*basic entitlement*"), yn y testun Saesneg, yn lle "is it" rhodder "it is";
- (b) yn y diffiniad o "cyfleuster ymweliadau cartref" ("*home visiting facility*"), yn y testun Cymraeg, yn lle "chartref neu breswylfa" rhodder "phreswylfa";
- (c) yn y diffiniad o "mewn ysgrifen" ("*in writing*"), yn y testun Cymraeg, yn lle "eiriau a ffigurau" rhodder "eiriau neu ffigurau";
- (ch) yn y diffiniad o "defnyddiwr gwasanaeth" ("*service user*"), yn y testun Cymraeg, ar ôl "ddarperir" mewnosoder "neu a sicrheir".

(3) Ym mharagraff (1)(a) o reoliad 4 (personau a gwasanaethau na chaniateir gwneud ad-daliad neu gyfraniad yn ofynnol ganddynt), yn lle "Creuzfeldt Jacob" rhodder "Creuzfeldt-Jakob".

(4) Yn rheoliad 7 (gwahoddiad i ofyn am asesiad modd), yn y testun Cymraeg—

## Amendment of the Charges Regulations

2.—(1) The Charges Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (interpretation)—

- (a) in paragraphs (a) and (b) of the definition of "basic entitlement" ("*hawlogaeth sylfaenol*"), in the English text, for "is it" substitute "it is";
- (b) in the definition of "in writing" ("*mewn ysgrifen*"), in the Welsh text, for "eiriau a ffigurau" substitute "eiriau neu ffigurau".

(3) In paragraph (1)(a) of regulation 4 (service users upon whom and services in respect of which a charge must not be imposed), for "Creuzfeldt Jacob" substitute "Creuzfeldt-Jakob".

(4) In regulation 7 (invitation to request a means assessment), in the Welsh text—

- (a) in paragraph (1)(b), for "gan" substitute "y mae'n rhaid iddo";
- (b) in paragraph (1)(b)(iv), insert "am wasanaethau" between "rhesymol" and "y caniateir";
- (c) in paragraph (1)(g), for "ag ef" substitute "â hwy".

## Amendment of the Social Care Direct Payments Regulations

3.—(1) The Social Care Direct Payments Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)—

- (a) in paragraphs (a) and (b) of the definition of "basic entitlement" ("*hawlogaeth sylfaenol*"), in the English text, for "is it" substitute "it is";
- (b) the definition of "home visiting facility" ("*cyfleuster ymweliadau cartref*"), in the Welsh text, for "chartref neu breswylfa" substitute "phreswylfa";
- (c) in the definition of "in writing" ("*mewn ysgrifen*"), in the Welsh text, for "eiriau a ffigurau" substitute "eiriau neu ffigurau";
- (d) in the definition of "service user" ("*defnyddiwr gwasanaeth*"), in the Welsh text, after "ddarperir" insert "neu a sicrheir".

(3) In paragraph (1)(a) of regulation 4 (persons and services in respect of which reimbursement or contribution must not be required), for "Creuzfeldt Jacob" substitute "Creuzfeldt-Jakob".

(4) In regulation 7 (invitation to request a means assessment), in the Welsh text—

- (a) ym mharagraff (4)(b), yn lle "gan" rhodder "y mae'n rhaid iddo";
- (b) ym mharagraff (4)(d), yn lle "is-baragraff (dd)" rhodder "is-baragraff (ch)";
- (c) ym mharagraff (4)(ff), yn lle "ag ef" rhodder "â hwy".

- (a) in paragraph (4)(b), for "gan" substitute " y mae'n rhaid iddo";
- (b) in paragraph (4)(d), for "is-baragraff (dd)" substitute "is-baragraff (ch)";
- (c) in paragraph (4)(ff), for "ag ef" substitute "â hwy".

*Gwenda Thomas*

Y Dirprwy Weinidog Plant a Gwasanaethau Cymdeithasol o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

Deputy Minister for Children and Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers

6 Gorffennaf 2011

6 July 2011

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