



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 1667 (Cy.191)

2011 No. 1667 (W.191)

**GWASANAETHAU
CYMDEITHASOL, CYMRU**

**SOCIAL SERVICES,
WALES**

Rheoliadau Gofal Cymunedol,
Gwasanaethau ar gyfer Gofalwyr a
Gwasanaethau Plant (Taliadau
Uniongyrchol) (Cymru) (Diwygio)
2011

The Community Care, Services for
Carers and Children's Services
(Direct Payments) (Wales)
(Amendment) Regulations 2011

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Yr oedd Rheoliadau Gofal Cymunedol, Gwasanaethau ar gyfer Gofalwyr a Gwasanaethau Plant (Taliadau Uniongyrchol) (Cymru) 2011 (O.S. 2011/831 (Cy.125)) ("y prif Reoliadau") wedi dirymu a disodli Rheoliadau Gofal Cymunedol, Gwasanaethau ar gyfer Gofalwyr a Gwasanaethau Plant (Taliadau Uniongyrchol) (Cymru) 2004 (O.S. 2004/1748 (Cy.185)).

The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011 (S.I. 2011/831 (W.125)) ("the principal Regulations") revoked and replaced the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004 (S.I. 2004/1748 (W.185)).

Mae'r prif Reoliadau yn darparu ar gyfer gwneud taliadau uniongyrchol er mwyn i berson sicrhau darpariaeth o rai gwasanaethau gofal cymdeithasol y byddid yn eu darparu o dan y deddfiadau gofal cymunedol a grybwyllir yn adran 46(3) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (cynlluniau awdurdod lleol ar gyfer gwasanaethau gofal cymunedol), i ofalwyr o dan adran 2 o Ddeddf Gofalwyr a Phlant Anabl 2000 (gwasanaethau ar gyfer gofalwyr), neu wasanaethau o dan adran 17 o Ddeddf Plant 1989 (darparu gwasanaethau i blant mewn angen, eu teuluoedd ac eraill).

The principal Regulations make provision for the making of direct payments in respect of a person securing the provision of certain social care services which would be provided under the community care enactments mentioned in section 46(3) of the National Health Service and Community Care Act 1990 (local authority plans for community care services), to carers under section 2 of the Carers and Disabled Children Act 2000 (services for carers), or services under section 17 of the Children Act 1989 (provision of services for children in need, their families and others).

Mae rheoliadau 3 i 10 o'r Rheoliadau hyn yn gwneud diwygiadau i gywiro mân wallau drafftio a gwallau teipograffyddol yn y testun Cymraeg a gwneud un diwygiad canlyniadol i destun Saesneg y prif Reoliadau.

Regulations 3 to 10 of these Regulations make amendments to correct minor drafting and typographical errors in the Welsh text and make one consequential amendment to the English text of the principal Regulations.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. Gan mai cywiro mân

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

wallau drafftio a gwallau teipograffyddol yn y prif Reoliadau yn unig y maent, ni thybiwyd bod angen cynnal asesiad effaith rheoleiddiol o gostau a buddion tebygol cydymffurfio â'r Rheoliadau hyn.

minor drafting and typographical errors in the principal 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 1667 (Cy.191)

**GWASANAETHAU
CYMDEITHASOL, CYMRU**

**Rheoliadau Gofal Cymunedol,
Gwasanaethau ar gyfer Gofalwyr a
Gwasanaethau Plant (Taliadau
Uniongyrchol) (Cymru) (Diwygio)
2011**

Gwnaed 6 Gorffennaf 2011

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 8 Gorffennaf 2011

Yn dod i rym 2 Awst 2011

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 57(1), (1A), (3), (5B), (5C), (6), (7) a (7B) a 64(4A), (6) ac (8) o Ddeddf Iechyd a Gofal Cymdeithasol 2001(1) ac adrannau 17A(1), (3) a (4) a 104(4) a 104A o Ddeddf Plant 1989(2).

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal Cymunedol, Gwasanaethau ar gyfer Gofalwyr a Gwasanaethau Plant (Taliadau Uniongyrchol) (Cymru) (Diwygio) 2011 a deuant i rym ar 2 Awst 2011.

-
- (1) Ddeddf Iechyd a Gofal Cymdeithasol 2001 (p.15) ("Deddf 2001"). Cafodd adran 57 o Ddeddf 2001 ei diwygio gan adran 146 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p.14) ("Deddf 2008"). Mewnosodwyd adrannau 57(1A), (5B) a (5C) o Ddeddf 2001 gan adran 146(2) a (6) o Ddeddf 2008 a mewnosodwyd adran 57(7B) gan adran 16 o Fesur Codi Ffioedd am Wasanaethau Cymdeithasol (Cymru) 2010 (mccc 2). *Gweler* adran 57(8) o Ddeddf 2001 am y diffiniad o "prescribed" ac adran 66 am y diffiniadau o "regulations" a "the relevant authority". Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan Ddeddf 2001 i Weindogion Cymru yn unol â pharagraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).
- (2) Ddeddf Plant 1989 (p.41) ("Deddf 1989"). Amnewidiwyd adran 17A o Ddeddf 1989 gan adran 58 o Ddeddf 2001, ac fe'i diwygiwyd gan baragraff 3 o Atodlen 3 i Deddf Plant a Phobl Ifanc 2008 (p.23) ("DPPHl"). Cafodd adran 104 o Ddeddf 1989 ei diwygio gan baragraff 25 o Atodlen 3 i DPPHl a mewnosodwyd adran 104A o Ddeddf 1989 gan baragraff 26 o Atodlen 3 i DPPHl. *Gweler* adran 17A(6) o Ddeddf 1989 am y diffiniad o "prescribed" ac adran 30A (fel y'i mewnosodwyd gan baragraff 22 o Atodlen 3 i DPPHl) am y diffiniad o "appropriate national authority".

2011 No. 1667 (W.191)

**SOCIAL SERVICES,
WALES**

**The Community Care, Services for
Carers and Children's Services
(Direct Payments) (Wales)
(Amendment) Regulations 2011**

Made 6 July 2011

*Laid before the National
Assembly for Wales* 8 July 2011

Coming into force 2 August 2011

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 57(1), (1A), (3), (5B), (5C), (6), (7) and (7B) and 64(4A), (6) and (8) of the Health and Social Care Act 2001(1) and sections 17A(1), (3) and (4) and 104(4) and 104A of the Children Act 1989(2).

**Title, commencement, interpretation and
application**

1.—(1) The title of these Regulations is the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) (Amendment) Regulations 2011 and they come into force on 2 August 2011.

-
- (1) The Health and Social Care Act 2001 (c.15) ("the 2001 Act"). Section 57 of the 2001 Act was amended by section 146 of the Health and Social Care Act 2008 (c.14) ("the 2008 Act"). Sections 57(1A), (5B) and (5C) of the 2001 Act were inserted by section 146(2) and (6) of the 2008 Act and section 57(7B) was inserted by section 16 of the Social Care Charges (Wales) Measure 2010 (nawm 2). *See* section 57(8) of the 2001 Act for the definition of "prescribed" and section 66 for the definitions of "regulations" and "the relevant authority". The functions of the National Assembly for Wales under the 2001 Act were transferred to the Welsh Ministers in accordance with paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
- (2) The Children Act 1989 (c.41) ("the 1989 Act"). Section 17A of the 1989 Act was substituted by section 58 of the 2001 Act, and amended by paragraph 3 of Schedule 3 to the Children and Young Persons Act 2008 (c.23) ("the CYPA"). Section 104 of the 1989 Act was amended by paragraph 25 of Schedule 3 to the CYPA and section 104A of the 1989 Act was inserted by paragraph 26 of Schedule 3 to the CYPA. *See* section 17A(6) of the 1989 Act for the definition of "prescribed" and section 30A (as inserted by paragraph 22 of Schedule 3 to the CYPA) for the definition of "appropriate national authority".

(2) Yn y Rheoliadau hyn ystyr "y prif Reoliadau" (*"the principal Regulations"*) yw Rheoliadau Gofal Cymunedol, Gwasanaethau ar gyfer Gofalwyr a Gwasanaethau Plant (Taliadau Uniongyrchol) (Cymru) 2011(1).

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

Diwygio'r nodyn esboniadol i'r prif Reoliadau

2. Yn y nodyn esboniadol i reoliad 7 o'r prif Reoliadau, yn y testun Cymraeg, yn lle "gweithredu ar ran person" rhodder "bod yn ddirprwywr i berson".

Diwygio rheoliad 7 o'r prif Reoliadau

3.—(1) Mae rheoliad 7 o'r prif Reoliadau (pwerau a ragnodir ar gyfer lladmeryddion) wedi cael ei ddiwygio yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Yn y testun Cymraeg—

- (a) yn y pennawd, yn lle "lladmeryddion" rhodder "dirprwywr", a
- (b) yn lle "lladmerydd" rhodder "dirprwywr".

(3) Yn y testun Saesneg yn lle "*lladmerydd*" rhodder "*dirprwywr*".

Diwygio rheoliad 9 o'r prif Reoliadau

4.—(1) Mae rheoliad 9 o'r prif Reoliadau (taliadau uniongyrchol o dan adran 57(1A) o Ddeddf 2001), wedi cael ei ddiwygio yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Ym mharagraff (2)(a)(iii), yn y testun Cymraeg, yn lle "ladmerydd" rhodder "ddirprwywr".

(3) Ym mharagraff (4)(a), yn y testun Cymraeg, hepgorer "neu adran 17A(1) o Ddeddf 1989".

Diwygio rheoliad 10 o'r prif Reoliadau

5. Yn rheoliad 10 o'r prif Reoliadau (swm a thalu taliadau uniongyrchol o dan adran 57(1) o Ddeddf 2001 neu adran 17A(1) o Ddeddf 1989), ym mharagraff (2) yn y testun Cymraeg—

- (a) yn lle "P" pan fo'n ymddangos am y tro cyntaf, rhodder "y person rhagnodedig", a
- (b) yn lle "P" pan fo'n ymddangos am yr eildro, rhodder "'r person rhagnodedig".

(2) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011(1).

(3) These Regulations apply in relation to Wales.

Amendment of the explanatory note to the principal Regulations

2. In the explanatory note to regulation 7 of the principal Regulations, in the Welsh text, for "gweithredu ar ran person" substitute "bod yn ddirprwywr i berson".

Amendment of regulation 7 of the principal Regulations

3.—(1) Regulation 7 of the principal Regulations (prescribed powers for surrogates) is amended in accordance with the following paragraphs of this regulation.

(2) In the Welsh text—

- (a) in the heading, for "lladmeryddion" substitute "dirprwywr", and
- (b) for "lladmerydd" substitute "dirprwywr".

(3) In the English text, for "*lladmerydd*" substitute "*dirprwywr*".

Amendment of regulation 9 of the principal Regulations

4.—(1) Regulation 9 of the principal Regulations (direct payments under section 57(1A) of the 2001 Act) is amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2)(a)(iii), in the Welsh text, for "ladmerydd" substitute "ddirprwywr".

(3) In paragraph (4)(a), in the Welsh text, omit "neu adran 17A(1) o Ddeddf 1989".

Amendment of regulation 10 of the principal Regulations

5. In regulation 10 of the principal Regulations (amount and payment of direct payments under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act), in paragraph (2), in the Welsh text—

- (a) for "P", in the first place it appears, substitute "y person rhagnodedig", and
- (b) for "P", in the second place it appears, substitute "'r person rhagnodedig".

(1) O.S. 2011/831 (Cy.125).

(1) S.I. 2011/831 (W.125).

Diwygio rheoliad 11 o'r prif Reoliadau

6. Yn rheoliad 11 o'r prif Reoliadau (swm a thalu taliadau uniongyrchol o dan adran 57(1A) o Ddeddf 2001), ym mharagraff (6), yn y testun Cymraeg—

- (a) mewnosoder "y" rhwng "wneud" a "taliad", a
- (b) yn lle "uniongyrchol o dan adran 57(1A) o Ddeddf 2001 er mwyn i'r person rhagnodedig" rhodder "y cyfeirir ato ym mharagraff (1) mewn cysylltiad â'r person sy'n".

Diwygio rheoliad 12 o'r prif Reoliadau

7.—(1) Mae rheoliad 12 o'r prif Reoliadau (amodau mewn perthynas â thaliadau uniongyrchol o dan adran 57(1) o Ddeddf 2001 neu adran 17A(1) o Ddeddf 1989), wedi cael ei ddiwygio yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Ym mharagraff (2)(c), yn y testun Cymraeg, mewnosoder "sy'n byw ar yr un aelwyd â'r person rhagnodedig ac" rhwng "person" a "sy'n".

(3) Ym mharagraff (5), yn y testun Cymraeg, mewnosoder "amodau" rhwng "yr" ac "y cyfeirir".

Diwygio rheoliad 13 o'r prif Reoliadau

8. Yn rheoliad 13 o'r prif Reoliadau (amodau mewn perthynas â thaliadau uniongyrchol o dan adran 57(1A) o Ddeddf 2001), ym mharagraff (3)(c), yn y testun Cymraeg, mewnosoder "byw ar yr un aelwyd â P ac sy'n" rhwng "person sy'n" a "dwyn".

Diwygio rheoliad 17 o'r prif Reoliadau

9.—(1) Mae rheoliad 17 o'r prif Reoliadau (adolygu) wedi ei ddiwygio yn unol â pharagraff canlynol y rheoliad hwn.

- (2) Ym mharagraff (2), yn y testun Cymraeg—
 - (a) yn lle "nad yw" rhodder "bod", a
 - (b) yn lle "o" rhodder "o'r" rhwng "adran 57(5A)" a "Ddeddf honno".

Diwygio rheoliad 19 o'r prif Reoliadau

10.—(1) Mae rheoliad 19 o'r prif Reoliadau (terfynu taliadau uniongyrchol o dan adran 57(1A) o Ddeddf 2001), wedi ei ddiwygio yn unol â'r paragraff canlynol o'r rheoliad hwn.

- (2) Ym mharagraff (6), yn y testun Cymraeg—
 - (a) mewnosoder "uniongyrchol" rhwng "daliadau" ac "a wneir",

Amendment of regulation 11 of the principal Regulations

6. In regulation 11 of the principal Regulations (amount and payment of direct payments under section 57(1A) of the 2001 Act), in paragraph (6), in the Welsh text—

- (a) insert "y" between "wneud" and "taliad", and
- (b) for "uniongyrchol o dan adran 57(1A) o Ddeddf 2001 er mwyn i'r person rhagnodedig" substitute "y cyfeirir ato ym mharagraff (1) mewn cysylltiad â'r person sy'n".

Amendment of regulation 12 of the principal Regulations

7.—(1) Regulation 12 of the principal Regulations (conditions in respect of direct payments under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act) is amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2)(c), in the Welsh text, insert "sy'n byw ar yr un aelwyd â'r person rhagnodedig ac" between "person" and "sy'n".

(3) In paragraph (5), in the Welsh text, insert "amodau" between "yr" and "y cyfeirir".

Amendment of regulation 13 of the principal Regulations

8. In regulation 13 of the principal Regulations (conditions in respect of direct payments under section 57(1A) of the 2001 Act), in paragraph (3)(c), in the Welsh text, insert "byw ar yr un aelwyd â P ac sy'n" between "person sy'n" and "dwyn".

Amendment of regulation 17 of the principal Regulations

9.—(1) Regulation 17 of the principal Regulations (review) is amended in accordance with the following paragraph of this regulation.

- (2) In paragraph (2), in the Welsh text—
 - (a) for "nad yw" substitute "bod", and
 - (b) for "o", between "adran 57(5A)" and "Ddeddf honno", substitute "o'r".

Amendment of regulation 19 of the principal Regulations

10.—(1) Regulation 19 of the principal Regulations (termination of direct payments under section 57(1A) of the 2001 Act) is amended in accordance with the following paragraph of this regulation.

- (2) In paragraph (6), in the Welsh text—
 - (a) insert "uniongyrchol" between "daliadau" and "a wneir",

- (b) yn is-baragraff (a), mewnosoder "buddiolwr" rhwng "os yw'r" ac "yn berson", ac
(c) yn is-baragraff (c), hepgorer "is met".

- (b) in sub-paragraph (a), insert "buddiolwr" between "os yw'r" and "yn berson", and
(c) in sub-paragraph (c), omit "is met".

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

©© Hawlfraint y Goron 2011

© Crown copyright 2011

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

OFFERYNNAU STATUDOL
CYMRU

2011 Rhif 1667 (Cy.191)

**GWASANAETHAU
CYMDEITHASOL, CYMRU**

Rheoliadau Gofal Cymunedol,
Gwasanaethau ar gyfer Gofalwyr a
Gwasanaethau Plant (Taliadau
Uniongyrchol) (Cymru) (Diwygio)
2011

WELSH STATUTORY
INSTRUMENTS

2011 No. 1667 (W.191)

**SOCIAL SERVICES,
WALES**

The Community Care, Services for
Carers and Children's Services
(Direct Payments) (Wales)
(Amendment) Regulations 2011