



OFFERYNNAU STATUDOL
CYMRU

2011 Rhif 949 (Cy.135) (C.37)

**PLANT A PHOBL IFANC,
CYMRU**

Gorchymyn Deddf Plant a Phobl
Ifanc 2008 (Cychwyn Rhif 6)
(Cymru) 2011

NODYN ESBONIADOL

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

Y Gorchymyn hwn yw'r chweched Gorchymyn Cychwyn a wnaed gan Weinidogion Cymru o dan Ddeddf Plant a Phobl Ifanc 2008 (p.23) ("Deddf 2008") sy'n dod â darpariaethau penodedig yn Neddf 2008 i rym o ran Cymru.

Mae erthygl 2(1) o'r Gorchymyn hwn yn darparu mai 28 Mawrth 2011 yw'r diwrnod penodedig i'r darpariaethau yn y Ddeddf a restrir isod ddod i rym o ran Cymru—

mae erthygl 2(1)(a) yn cychwyn adran 15 o'r Ddeddf (dyletswydd awdurdod lleol i sicrhau ymweliadau â phlant sy'n derbyn gofal ac eraill), i'r graddau nad yw eisoes mewn grym; yna caiff Gweinidogion Cymru ei gwneud yn ofynnol i awdurdodau lleol yng Nghymru sicrhau bod cynrychiolydd o'r awdurdod yn ymweld â phlant sy'n derbyn gofal, a phlant eraill a all fod wedi derbyn gofal yn y gorffennol, mewn amgylchiadau rhagnodedig;

mae erthygl 2(1)(b) yn cychwyn adran 19 o'r Ddeddf (cymorth i blant sy'n cael eu lletya), a fydd yn estyn rhwymedigaethau awdurdodau lleol yng Nghymru i ddarparu cymorth i blant sy'n cael eu lletya (sy'n cael eu diffinio drwy gyfeirio at adrannau 85 ac 86 o Ddeddf Plant 1989);

mae erthygl 2(1)(c) yn cychwyn adran 29 o'r Ddeddf (hysbysu am faterion sy'n ymwneud â phersonau sy'n rhedeg neu'n rheoli cartrefi plant etc), i'r graddau nad yw eisoes mewn grym, er mwyn mewnosod adran 30A newydd yn Neddf

WELSH STATUTORY
INSTRUMENTS

2011 No. 949 (W.135) (C.37)

**CHILDREN AND YOUNG
PERSONS, WALES**

The Children and Young Persons
Act 2008 (Commencement No. 6)
(Wales) Order 2011

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the sixth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 (c.23) ("the 2008 Act") which brings specified provisions of the 2008 Act into force in relation to Wales.

Article 2(1) of this Order provides that 28 March 2011 is the appointed day for the coming into force in relation to Wales of the provisions of the Act listed below—

article 2(1)(a) commences section 15 of the Act (duty of local authority to ensure visits to looked after children and others), in so far as it is not already in force; the Welsh Ministers may then require local authorities in Wales to ensure that a representative of the authority visits looked after children, and other children who may have formerly been looked after, in prescribed circumstances;

article 2(1)(b) commences section 19 of the Act (support for accommodated children), which will extend the obligations of local authorities in Wales to provide support for accommodated children (who are defined by reference to sections 85 and 86 of the Children Act 1989);

article 2(1)(c) commences section 29 of the Act (notification of matters relating to persons carrying on or managing children's homes etc), in so far as it is not already in force, to insert a new section 30A into the Care Standards Act 2000. This places a

Safonau Gofal 2000. Mae'r adran hon yn gosod dyletswydd ar Weinidogion Cymru i hysbysu pob awdurdod lleol yng Nghymru a Lloegr pan fo camau gorfodi penodol yn cael eu cymryd o dan Ddeddf Safonau Gofal 2000;

mae erthygl 2(1)(ch) yn cychwyn adran 42 o'r Ddeddf ac Atodlen 4 iddi (diddymiaidau) i'r graddau y maent yn ymwneud â'r canlynol—

- (i) y diddymiaidau yn adran 104 o Ddeddf Plant 1989, a
- (ii) y diddymiaidau yn adran 21 o Ddeddf Safonau Gofal 2000.

Mae erthygl 2(2) o'r Gorchymyn hwn yn darparu mai 1 Medi 2011 yw'r diwrnod penodedig i adran 20 o'r Ddeddf ddod i rym o ran Cymru (i'r graddau nad yw eisoes mewn grym). Bydd yn ofynnol i gyrff llywodraethu ysgolion a gynhelir yng Nghymru ddynodi aelod o'r staff i fod yn un sy'n gyfrifol dros hybu cyrhaeddiad addysgol plant sy'n derbyn gofal ac sy'n ddisgyblion cofrestredig yn yr ysgol (diffinnir ysgol a gynhelir ("maintained school") a disgybl cofrestredig ("registered pupil") yn eu tro yn Neddfau Addysg 2002 a 1996).

NODYN AM Y GORCHMYNION CYCHWYN BLAENOROL

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

Dygwyd darpariaethau canlynol Deddf 2008 i rym o ran Cymru gan 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(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 8(2) (yn rhannol) a pharagraff 4 o Atodlen 1	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 8(3) ac Atodlen 2	31 Mawrth 2010	2010/749 (Cy.77) (C.51)
Adran 10(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 15 (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 16(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 20(3)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)

duty on the Welsh Ministers to notify each local authority in England and Wales when certain enforcement action is taken under the Care Standards Act 2000;

article 2(1)(d) commences section 42 of and Schedule 4 (repeals) to the Act in so far as they relate to—

- (i) the repeals in section 104 of the Children Act 1989, and
- (ii) the repeals in section 21 of the Care Standards Act 2000.

Article 2(2) of this Order provides that 1 September 2011 is the appointed day for the coming into force in relation to Wales of section 20 of the Act (in so far as it is not already in force). Governing bodies of maintained schools in Wales will be required to designate a member of staff as having responsibility for promoting the educational achievement of looked after children who are registered pupils at the school (maintained school and registered pupil are respectively defined by the Education Acts of 2002 and 1996).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provision of the 2008 Act have been brought into force in relation to Wales by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 8(2) (partially) and paragraph 4 of Schedule 1	26 April 2010	2010/1329 (W.112) (C.81)
Section 8(3) and Schedule 2	31 March 2010	2010/749 (W.77) (C.51)
Section 10(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 15 (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 16(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 20(3)	26 April 2010	2010/1329 (W.112) (C.81)

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>	<i>O.S. Rhif</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Adran 21(2) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Section 21(2) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Adran 21 (i'r graddau nad yw eisoes mewn grym)	18 Mawrth 2011	2011/824 (Cy.123) (C.32)	Section 21 (in so far as it is not already in force)	18 March 2011	2011/824 (W.123) (C.32)
Adran 22(3) a (5) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Section 22(3) and (5) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Adran 23(1)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Section 23(1)	26 April 2010	2010/1329 (W.112) (C.81)
Adran 25(4) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Section 25(4) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Adran 27	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Section 27	26 April 2010	2010/1329 (W.112) (C.81)
Adran 28	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Section 28	26 April 2010	2010/1329 (W.112) (C.81)
Adran 29 (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Section 29 (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Adran 30	6 Ebrill 2009	2009/728 (Cy.64) (C.47)	Section 30	6 April 2009	2009/728 (W.64) (C.47)
Adran 33	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Section 33	26 April 2010	2010/1329 (W.112) (C.81)
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 i'r graddau y maent yn ymwneud â diddymu adran 45(a) o Ddeddf Plant 1989	6 Ebrill 2009	2009/728 (Cy.64) (C.47)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 45(a) of the Children Act 1989	6 April 2009	2009/728 (W.64) (C.47)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu adran 12(5) a (6) a diddymu'n rhannol adran	1 Medi 2009	2009/1921 (Cy.175) (C.91)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 12(5) and (6) and the repeal in part of section 91(10),	1 September 2009	2009/1921 (W.175) (C.91)

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>	<i>O.S. Rhif</i>
91(10), o Ddeddf Plant 1989		
Atodlen 4 i'r graddau y mae yn ymwneud â diddymu adran 12 o Ddeddf Mabwysiadu a Phlant 2002	31 Mawrth 2010	2010/749 (Cy.77) (C.51)

Dygwyd y darpariaethau canlynol i rym o ran Cymru a Lloegr gan Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn;

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>	<i>O.S. Rhif</i>
Adran 17	1 Ebrill 2011*	2010/2981 (C.131)
Adran 18 (yn rhannol)	1 Ionawr 2010	2009/3354 (C.154)
Adran 18 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2011*	2010/2981 (C.131)
Adran 31	1 Ebrill 2009	2009/268 (C.11)
Adran 32	1 Ebrill 2009	2009/268 (C.11)

Dygwyd amrywiol ddarpariaethau yn Neddf 2008 i rym o ran Lloegr gan y Gorchymynion Cychwyn canlynol a wnaed cyn dyddiad y Gorchymyn hwn:

- O.S. 2009/ 268 (C.11)
- O.S. 2009/323 (C.15)
- O.S. 2009/2273 (C.99)
- O.S. 2009/3354 (C.154)
- O.S. 2010/2714 (C.126)
- O.S. 2010/2981 (C.131)(1)*

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

(1) mae * yn dynodi nad yw'r Gorchymyn mewn grym ar yr adeg y gwneir y Gorchymyn hwn.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
of the Children Act 1989		
Schedule 4 in so far as it relates to the repeal relating to section 12 of the Adoption and Children Act 2002	31 March 2010	2010/749 (W.77) (C.51)

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>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 17	1 April 2011*	2010/2981 (C.131)
Section 18 (partially)	1 January 2010	2009/3354 (C.154)
Section 18 (in so far as it is not already in force)	1 April 2011*	2010/2981 (C.131)
Section 31	1 April 2009	2009/268 (C.11)
Section 32	1 April 2009	2009/268 (C.11)

Various provisions of the 2008 Act have been brought into force in relation to England by the following Commencement Orders made before the date of this Order:

- S.I. 2009/ 268 (C.11)
- S.I. 2009/323 (C.15)
- S.I. 2009/2273 (C.99)
- S.I. 2009/3354 (C.154)
- S.I. 2010/2714 (C.126)
- S.I. 2010/2981 (C.131)(1)*

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

(1) * denotes that the Order is not in force at the time of making this Order.

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**PLANT A PHOBL IFANC,
CYMRU**

**Gorchymyn Deddf Plant a Phobl
Ifanc 2008 (Cychwyn Rhif 6)
(Cymru) 2011**

Gwnaed

23 Mawrth 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 44(3) a (5) o Deddf 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 6) (Cymru) 2011.

(2) Yn y Gorchymyn hwn, ystyr "y Ddeddf" ("the Act") yw Deddf Plant a Phobl Ifanc 2008.

Diwrnodau penodedig

2.—(1) 28 Mawrth 2011 yw'r diwrnod penodedig i ddarpariaethau canlynol y Ddeddf ddod i rym o ran Cymru—

- (a) adran 15 (dyletswydd awdurdod lleol i sicrhau ymweliadau â phlant sy'n derbyn gofal ac eraill), i'r graddau nad yw eisoes mewn grym(2);
- (b) adran 19 (cymorth i blant sy'n cael eu lletya);
- (c) adran 29 (hysbysu am faterion sy'n ymwneud â phersonau sy'n rhedeg neu'n rheoli cartrefi plant etc), i'r graddau nad yw eisoes mewn grym(3); a
- (ch) adran 42 ac Atodlen 4 (diddymiadau) i'r graddau y maent yn ymwneud â'r canlynol—
 - (i) diddymu'r darpariaethau yn adran 104 o Ddeddf 1989 a bennir yn yr Atodlen honno, a

(1) 2008 p.23.

(2) Cafodd adran 15 ei chychwyn yn rhannol gan erthygl 2(ch) o Orchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 4) (Cymru) 2010 (O.S.2010/1329 (Cy.112) (C.81)) ("Gorchymyn Cychwyn Rhif 4").

(3) Cafodd adran 29 ei chychwyn yn rhannol gan erthygl 2(i) o Orchymyn Cychwyn Rhif 4.

2011 No. 949 (W.135) (C.37)

**CHILDREN AND YOUNG
PERSONS, WALES**

**The Children and Young Persons
Act 2008 (Commencement No. 6)
(Wales) Order 2011**

Made

23 March 2011

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

2.—(1) The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 6) (Wales) Order 2011.

(2) In this Order, "the Act" ("y Ddeddf") means the Children and Young Persons Act 2008.

Appointed days

3.—(1) 28 March 2011 is the appointed day for the coming into force of the following provisions of the Act in relation to Wales—

- (a) section 15 (duty of local authority to ensure visits to looked after children and others) in so far as it is not already in force(2);
- (b) section 19 (support for accommodated children);
- (c) section 29 (notification of matters relating to persons carrying on or managing children's homes etc) in so far as it is not already in force(3); and
- (d) section 42 and Schedule 4 (repeals) in so far as they relate to—
 - (i) the repeal of the provisions of section 104 of the 1989 Act specified in that Schedule, and

(1) 2008 c.23.

(2) Section 15 was commenced in part by article 2(d) The Children and Young Persons Act 2008 (Commencement No.4) (Wales) Order 2010 (S.I. 2010/1329 (W.112) (C.81)) ("the No. 4 Commencement Order").

(3) Section 29 was commenced in part by article 2(m) of the No. 4 Commencement Order.

- (ii) diddymu'r darpariaethau yn adran 21 o Ddeddf 2000(1) a bennir yn yr Atodlen honno.

(2) 1 Medi 2011 yw'r diwrnod penodedig i adran 20 o'r Ddeddf (aelod dynodedig o'r staff mewn ysgol ar gyfer plant sy'n derbyn gofal gan awdurdod lleol) ddod i rym o ran Cymru, i'r graddau nad yw eisoes mewn grym(2).

- (ii) the repeal of the provisions of section 21 of the 2000 Act(1) specified in that Schedule.

(2) 1 September 2011 is the appointed day for the coming into force of section 20 of the Act (designated member of staff at school for pupils looked after by a local authority) in relation to Wales, in so far as it is not already in force(2).

Gwenda Thomas

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

23 Mawrth2011

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

23 March 2011

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(1) Diffinnir "the 2000 Act" yn adran 41 o Ddeddf Plant a Phobl Ifanc 2008 i olygu Deddf Safonau Gofal 2000 (p.14).

(2) Cafodd adran 20 ei chychwyn yn rhannol gan erthygl 2(dd) o Orchymyn Cychwyn Rhif 4.

(1) "the 2000 Act" is defined in section 41 of the Children and Young Persons Act 2008 as meaning the Care Standards Act 2000 (c.14).

(2) Section 20 was commenced in part by article 2(f) of the No. 4 Commencement Order.

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