



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 663 (Cy.76)

2013 No. 663 (W.76)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Plant (Llety Diogel)
(Diwygio) (Cymru)
2013

The Children (Secure
Accommodation) (Amendment)
(Wales) Regulations 2013

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 diwygio Rheoliadau Plant (Llety Diogel) 1991 ("Rheoliadau 1991") ac fe'u gwneir mewn cysylltiad â'r newidiadau i'r fframwaith remánd ar gyfer plant a gyflwynwyd gan Ddeddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwyd 2012. Mae'r addasiadau i'r meini prawf sy'n gymwys i leoli plentyn a gafodd ei gadw'n gaeth gan yr heddlu o dan adran 38(6) o Ddeddf yr Heddlu a Thystiolaeth Droseddol 1984 ("PACE") wedi eu gwneud er mwyn sicrhau bod y dull o weithredu o ran lleoliadau o'r fath yn gyson â'r dull o weithredu mewn perthynas â phlant sydd wedi eu remandio i lety awdurdod lleol.

These Regulations amend the Children (Secure Accommodation) Regulations 1991 ("the 1991 Regulations") and are made in connection with changes to the remand framework for children introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The modifications to the criteria which apply to the placing of a child who was detained by the police under section 38(6) of the Police and Criminal Evidence Act 1984 ("PACE") have been made so as to align the approach to such placements with the approach taken in relation to children who are remanded to local authority accommodation.

O ganlyniad i'r diwygiadau bydd y meini prawf a osodwyd yn adran 25(1) o Ddeddf Plant 1989 bellach yn gymwys mewn perthynas â phenderfyniad gan awdurdod lleol i leoli plant o'r categorïau a ganlyn mewn llety diogel:

As a result of the amendments the criteria laid down in section 25(1) of the Children Act 1989 will now apply in relation to a decision by a local authority to place the following categories of children in secure accommodation:

- (a) plant sy'n 10 neu'n 11 oed ac sydd wedi eu cadw'n gaeth o dan adran 38(6) o PACE, a
- (b) plant sydd wedi eu remandio i lety awdurdod lleol ac sydd naill ai wedi eu cyhuddo, neu wedi eu collfarnu, o drosedd dreisgar neu rywiol neu drosedd y gellir ei chosbi yn achos oedolyn â charchar am gyfnod o 14 o flynyddoedd neu fwy, neu sydd â hanes diweddar o ddiengyd tra eu bod wedi eu remandio i lety awdurdod lleol ac sydd wedi eu cyhuddo, neu eu collfarnu, o drosedd garcharol yr honnir neu y canfyddir ei bod wedi ei chyflawni tra eu bod ar remánd.

- (a) children aged 10 or 11 who have been detained under section 38(6) of PACE, and
- (b) children remanded to local authority accommodation who are either charged with, or have been convicted of, a violent or sexual offence or an offence punishable in the case of an adult with imprisonment for a term of 14 years or more, or who have a recent history of absconding while remanded to local authority accommodation and are charged with, or convicted of, an imprisonable offence alleged or found to have been committed whilst on remand.

Bydd y meini prawf wedi eu haddasu a nodir yn rheoliad 6(2) o Reoliadau 1991 yn parhau i fod yn gymwys i blant sy'n 12 oed neu drosodd ond sydd o dan 17 oed ac sydd wedi eu cadw'n gaeth gan yr heddlu o dan adran 38(6) o PACE.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The modified criteria set out in regulation 6(2) of the 1991 Regulations will continue to apply to children who are aged 12 or over but who are under the age of 17 who have been detained by the police under section 38(6) of PACE.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2013 Rhif 663 (Cy.76)

**PLANT A PHOBL IFANC,
CYMRU**

**Rheoliadau Plant (Llety Diogel)
(Diwygio) (Cymru)
2013**

Gwnaed 19 Mawrth 2013

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 20 Mawrth 2013

Yn dod i rym 18 Ebrill 2013

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddwyd gan adran 25(7) o Ddeddf Plant 1989(1), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Plant (Llety Diogel) (Diwygio) (Cymru) 2013.

(2) Daw'r Rheoliadau hyn i rym ar 18 Ebrill 2013.

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

Diwygio rheoliad 6 o Reoliadau Plant (Llety Diogel) 1991

2. Yn rheoliad 6(1) o Reoliadau Plant (Llety Diogel) 1991(2) (plant sy'n cael eu cadw'n gaeth ac sydd wedi eu remandio y bydd adran 25 o Ddeddf Plant 1989 yn cael effaith mewn perthynas â hwy yn ddarostyngedig i addasiadau)—

- (a) yn is-baragraff (a), ar ôl "children" lle y mae'n ymddangos am y tro cyntaf, mewnosoder "aged 12 or over but under the age of 17";
- (b) ar ddiwedd is-baragraff (a) hepgorer ", and"; ac
- (c) hepgorer is-baragraff (b).

(1) Mae'r awdurdod cenedlaethol priodol y cyfeirir ato yn adran 25(7) wedi ei ddiffinio gan adran 30A o Ddeddf Plant 1989 fel Gweinidogion Cymru o ran Cymru.

(2) O.S. 1991/1505. Diwygiwyd rheoliad 6 o O.S. 1991/1505 gan O.S. 1992/2117 ac O.S. 2012/2824.

2013 No. 663 (W.76)

**CHILDREN AND YOUNG
PERSONS, WALES**

**The Children (Secure
Accommodation) (Amendment)
(Wales) Regulations 2013**

Made 19 March 2013

*Laid before the National
Assembly for Wales* 20 March 2013

Coming into force 18 April 2013

The Welsh Ministers, in exercise of the power conferred by section 25(7) of the Children Act 1989(1), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Children (Secure Accommodation) (Amendment) (Wales) Regulations 2013.

(2) These Regulations come into force on 18 April 2013.

(3) These Regulations apply in relation to Wales.

**Amendment of regulation 6 of the Children
(Secure Accommodation) Regulations 1991**

2. In regulation 6(1) of the Children (Secure Accommodation) Regulations 1991(2) (detained and remanded children to whom section 25 of the Children Act 1989 shall have effect subject to modifications)—

- (a) in sub-paragraph (a), after "children" where it first appears, insert "aged 12 or over but under the age of 17";
- (b) at the end of sub-paragraph (a) omit ", and"; and
- (c) omit sub-paragraph (b).

(1) The appropriate national authority referred to in section 25(7) is defined by section 30A of the Children Act 1989 as the Welsh Ministers in relation to Wales.

(2) S.I. 1991/1505. Regulation 6 of S.I. 1991/1505 was amended by S.I. 1992/2117 and S.I. 2012/2824.

Gwenda Thomas

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

19 Mawrth 2013

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

19 March 2013

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