



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1465 (Cy. 159)

2015 No. 1465 (W. 159)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Gorchmynion
Amddiffyn a Chynorthwyo
Oedolion (Swyddog Awdurdodedig)
(Cymru) 2015**

**The Adult Protection and Support
Orders (Authorised Officer)
(Wales) Regulations 2015**

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 wedi eu gwneud o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ac maent yn ymwneud â pherson a awdurdodir gan awdurdod lleol i wneud cais am orchymyn amddiffyn a chynorthwyo oedolyn o dan adran 127 o'r Ddeddf honno.

These Regulations are made under the Social Services and Well-being (Wales) Act 2014 and relate to a person authorised by a local authority to apply for an adult protection and support order under section 127 of that Act.

Mae rheoliad 3(1) yn darparu, ac eithrio o dan yr amgylchiadau a nodir ym mharagraffau (2) a (3), na chaiff awdurdod lleol awdurdodi neb ond person a chanddo brofiad perthnasol, sydd wedi cwblhau hyfforddiant priodol ac sy'n swyddog i'r awdurdod lleol hwnnw.

Regulation 3(1) provides that, except in the circumstances set out in paragraphs (2) and (3), a local authority must only authorise a person who has relevant experience, has completed appropriate training and is an officer of that local authority.

Pan na fo hynny'n ymarferol, mae rheoliad 3(2) yn darparu ar gyfer awdurdodi person a chanddo brofiad perthnasol, sydd wedi cwblhau hyfforddiant priodol ac sy'n swyddog i awdurdod lleol o fewn ardal bwrdd diogelu benodol, neu yn niffyg hynny, i awdurdod lleol yng Nghymru.

Where that is not practicable regulation 3(2) provides for a person to be authorised who has relevant experience, has completed appropriate training and who is an officer of a local authority within a certain safeguarding board area, or failing that, of a local authority in Wales.

O dan amgylchiadau pan na fo'n ymarferol i swyddog a ddisgrifir ym mharagraffau (1) neu (2) weithredu, mae rheoliad 3(3) yn caniatáu i awdurdod lleol awdurdodi swyddog i'r awdurdod lleol hwnnw a chanddo brofiad perthnasol.

In circumstances where it is not practicable for an officer described in paragraphs (1) or (2) to act, regulation 3(3) allows a local authority to authorise an officer of that local authority who has relevant experience.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi drwy gysylltu â'r Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained by contacting the Department for Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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The Adult Protection and Support
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(Wales) Regulations 2015

Gwnaed 1 Gorffennaf 2015

Made 1 July 2015

Yn dod i rym 6 Ebrill 2016

Coming into force 6 April 2016

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 127(9) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Rheoliadau canlynol.

The Welsh Ministers, in exercise of the powers conferred by section 127(9) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations.

Cafodd drafft o'r Rheoliadau hyn ei osod gerbron Cynulliad Cenedlaethol Cymru o dan adran 196(6) o'r Ddeddf honno a'i gymeradwyo drwy benderfyniad Cynulliad Cenedlaethol Cymru.

A draft of these Regulations was laid before the National Assembly for Wales under section 196(6) of that Act and has been approved by a resolution of the National Assembly for Wales.

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gorchmynion Amddiffyn a Chynorthwyo Oedolion (Swyddog Awdurdodedig) (Cymru) 2015.

1.—(1) The title of these Regulations is the Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015.

(2) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2016.

(2) These Regulations come into force on 6 April 2016.

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

(3) These Regulations apply in relation to Wales.

Dehongli

Interpretation

2. Yn y Rheoliadau hyn—

2. In these Regulations—

ystyr “awdurdod awdurdodi” (“*authorising authority*”) yw'r awdurdod lleol sy'n awdurdodi'r swyddog awdurdodedig;

“appropriate training” (“*hyfforddiant priodol*”) means training which is provided or arranged by the Welsh Ministers or an authorising authority

(1) 2014 dccc 4.

(1) 2014 anaw 4.

ystyr “hyfforddiant priodol” (“*appropriate training*”) yw hyfforddiant a ddarperir neu a drefnir gan Weinidogion Cymru neu awdurdod awdurdodi a fydd yn galluogi person i ymgymryd â swyddogaethau swyddog awdurdodedig o dan adran 127 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

ystyr “profiad perthnasol” (“*relevant experience*”) yw bod yr awdurdod penodi wedi ei fodloni bod gan y person y profiad sy’n ofynnol o weithio o fewn maes gofal cymdeithasol gydag oedolion sy’n wynebu risg, neu y gallent fod yn wynebu risg;

ystyr “swyddog” (“*officer*”) yw swyddog a benodir o dan adran 112 o Ddeddf Llywodraeth Leol 1972.

Cyfyngiadau ar bwy a gaiff fod yn swyddog awdurdodedig

3.—(1) Yn ddarostyngedig i baragraffau (2) a (3), ni chaiff awdurdod lleol awdurdodi neb ond person sydd wedi cwblhau hyfforddiant priodol ac sy’n swyddog i’r awdurdod awdurdodi i wneud cais am orchymyn amddiffyn a chynorthwyo oedolyn.

(2) Yn ddarostyngedig i baragraff (3), mewn achos penodol pan na fo’n ymarferol i swyddog sy’n bodloni paragraff (1) weithredu, ni chaiff awdurdod lleol awdurdodi neb ond person a chanddo brofiad perthnasol, sydd wedi cwblhau hyfforddiant priodol ac sydd—

- (a) yn swyddog i awdurdod lleol o fewn yr un ardal Bwrdd Diogelu(1) â’r awdurdod awdurdodi, neu
- (b) pan na fo’n ymarferol i swyddog a ddisgrifiwyd yn is-baragraff (a) weithredu, yn swyddog i unrhyw awdurdod lleol yng Nghymru.

(3) Mewn achos penodol pan na fo’n ymarferol i swyddog sy’n bodloni paragraff (1) neu (2) weithredu, ni chaiff awdurdod lleol awdurdodi neb ond person sy’n swyddog i’r awdurdod awdurdodi.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

1 Gorffennaf 2015

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(1) Mae adran 142 o’r Ddeddf yn diffinio “ardal Bwrdd Diogelu” fel ardal a nodir mewn rheoliadau o dan adran 134(1) o’r Ddeddf (gweler y Rheoliadau Byrddau Diogelu (Cyffredinol) (Cymru) 2015 S.I. 2015/1357 (W. 131)).

which will enable a person to undertake the functions of an authorised officer under section 127 of the Social Services and Well-being (Wales) Act 2014;

“authorising authority” (“*awdurdod awdurdodi*”) means the local authority which authorises the authorised officer;

“officer” (“*swyddog*”) means an officer appointed under section 112 of the Local Government Act 1972;

“relevant experience” (“*profiad perthnasol*”) means the appointing authority is satisfied that the person has the required experience of working within the field of social care with adults who are, or may be, at risk.

Restrictions on who may be authorised officer

3.—(1) Subject to paragraphs (2) and (3), a local authority must only authorise a person to apply for an adult protection and support order who has completed appropriate training and is an officer of the authorising authority.

(2) Subject to paragraph (3), in a particular case where it is not practicable for an officer who satisfies paragraph (1) to act, a local authority must only authorise a person who has relevant experience, has completed appropriate training and is—

- (a) an officer of a local authority within the same Safeguarding Board area(1) as the authorising authority, or
- (b) where it is not practicable for an officer described in sub-paragraph (a) to act, an officer of any local authority in Wales.

(3) In a particular case where it is not practicable for an officer who satisfies paragraph (1) or (2) to act, a local authority must only authorise a person who is an officer of the authorising authority.

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

1 July 2015

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(1) Section 142 of the Act defines “Safeguarding Board area” as an area set out in regulations under section 134(1) of the Act (see the Safeguarding Boards (General) (Wales) Regulations 2015, S.I. 2015/1357 (W. 131)).

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£4.25

W2355/07/15

ON

ISBN 978-0-348-11134-7



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