



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 412 (Cy. 130) (C. 21)

2016 No. 412 (W. 130) (C. 21)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Gorchymyn Deddf Gwasanaethau
Cymdeithasol a Llesiant (Cymru)
2014 (Cychwyn Rhif 3, Arbedion a
Darpariaethau Trosiannol) 2016

The Social Services and Well-being
(Wales) Act 2014 (Commencement
No. 3, Savings and Transitional
Provisions) Order 2016

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Order)

Dyma'r trydydd Gorchymyn Cychwyn a wnaed gan Weinidogion Cymru o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf").

Mae erthygl 2 yn dwyn i rym ddarpariaethau'r Ddeddf, i'r graddau nad ydynt eisoes mewn grym, ar 6 Ebrill 2016.

Mae erthygl 3 yn cyflwyno'r Atodlenni, sy'n gwneud arbedion a darpariaethau trosiannol.

This is the third Commencement Order made by the Welsh Ministers under the Social Services and Well-being (Wales) Act 2014 ("the Act").

Article 2 brings the provisions of the Act into force, to the extent that they are not already in force, on 6 April 2016.

Article 3 introduces the Schedules, which make savings and transitional provisions.

**NODYN AM Y GORCHMYNION CYCHWYN
CYNHARACH**

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

Mae'r darpariaethau a ganlyn o'r Ddeddf hon wedi eu dwyn i rym drwy Orchmynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

| <i>Y Ddarpariaeth</i> | <i>Y Dyddiad Cychwyn</i> | <i>Rhif O.S.</i> |
|-----------------------|--------------------------|------------------------------|
| Adran 132 | 21 Hydref 2015 | 2015/1744 (Cy. 240) (C. 107) |
| Adran 133 | 21 Hydref 2015 | 2015/1744 (Cy. 240) (C. 107) |
| Adran 170 | 1 Tachwedd 2014 | 2014/2718 (Cy. 274) (C. 118) |
| Adran 179 | 1 Tachwedd 2014 | 2014/2718 (Cy. 274) (C. 118) |
| Adran 180 | 1 Tachwedd 2014 | 2014/2718 (Cy. 274) (C. 118) |
| Atodlen 3 | 1 Tachwedd 2014 | 2014/2718 (Cy. 274) (C. 118) |

Gweler hefyd adran 199(1) o'r Ddeddf ar gyfer y darpariaethau a ddaeth i rym ar 2 Mai 2014 (y diwrnod ar ôl dyddiad y Cydsyniad Brenhinol).

**NOTE AS TO EARLIER COMMENCEMENT
ORDERS**

(This note is not part of the Order)

The following provisions of this Act have been brought into force by Commencement Orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------|-----------------------------|-----------------------------|
| Section 132 | 21 October 2015 | 2015/1744 (W. 240) (C. 107) |
| Section 133 | 21 October 2015 | 2015/1744 (W. 240) (C. 107) |
| Section 170 | 1 November 2014 | 2014/2718 (W. 274) (C. 118) |
| Section 179 | 1 November 2014 | 2014/2718 (W. 274) (C. 118) |
| Section 180 | 1 November 2014 | 2014/2718 (W. 274) (C. 118) |
| Schedule 3 | 1 November 2014 | 2014/2718 (W. 274) (C. 118) |

See also section 199(1) of the Act for provisions that came into force on 2 May 2014 (the day after the date of Royal Assent).

2016 Rhif 412 (Cy. 130) (C. 21)

**GOFAL CYMDEITHASOL,
CYMRU**

Gorchymyn Deddf Gwasanaethau
Cymdeithasol a Llesiant (Cymru)
2014 (Cychwyn Rhif 3, Arbedion a
Darpariaethau Trosiannol) 2016

Gwnaed

19 Mawrth 2016

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 199(2) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Cychwyn Rhif 3, Arbedion a Darpariaethau Trosiannol) 2016.

(2) Yn y Gorchymyn hwn, ystyr "y Ddeddf" yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014.

Y darpariaethau sy'n dod i rym ar 6 Ebrill 2016

2. Y diwrnod penodedig i'r darpariaethau o'r Ddeddf ddod i rym, i'r graddau nad ydynt eisoes mewn grym, yw 6 Ebrill 2016.

Arbedion a darpariaethau trosiannol

3. Mae'r Atodlenni (sy'n cynnwys arbedion a darpariaethau trosiannol) yn cael effaith.

4. Oni nodir fel arall, nid oes dim byd a wneir yn yr Atodlenni yn effeithio ar weithredu adrannau 16, 17 a 23 o Ddeddf Dehongli 1978(2).

(1) 2014 dccc 4.
(2) 1978 p. 30.

2016 No. 412 (W. 130) (C. 21)

SOCIAL CARE, WALES

The Social Services and Well-being
(Wales) Act 2014 (Commencement
No. 3, Savings and Transitional
Provisions) Order 2016

Made

19 March 2016

The Welsh Ministers, in exercise of the powers conferred by section 199(2) of the Social Services and Well-being (Wales) Act 2014(1), make the following Order:

Title and Interpretation

1.—(1) The title of this Order is the Social Services and Well-being (Wales) Act 2014 (Commencement No. 3, Savings and Transitional Provisions) Order 2016.

(2) In this Order "the Act" means the Social Services and Well-being (Wales) Act 2014.

Provisions coming into force on 6 April 2016

2. The appointed day for the coming into force of the provisions of the Act, to the extent they are not already in force, is 6 April 2016.

Savings and transitional provisions

3. The Schedules (which contain savings and transitional provisions) have effect.

4. Unless otherwise specified, anything done in the Schedules does not affect the operation of sections 16, 17 and 23 of the Interpretation Act 1978(2).

(1) 2014 anaw 4.
(2) 1978 c. 30.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
19 Mawrth 2016

Minister for Health and Social Services, one of the
Welsh Ministers
19 March 2016

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Arbedion a darpariaeth drosiannol ac eithrio mewn perthynas â phlant sy'n derbyn gofal a phlant sy'n cael eu lletya

Dehongli

1. Yn yr Atodlen hon—

ystyr “Deddf 1948” (“*the 1948 Act*”) yw Deddf Cymorth Gwladol 1948(1);

ystyr “Deddf 2001” (“*the 2001 Act*”) yw Deddf Iechyd a Gofal Cymdeithasol 2001(2);

ystyr “dyddiad perthnasol” (“*relevant date*”) yw, mewn perthynas â pherson, y dyddiad y mae'r Ddeddf yn gymwys i'r person hwnnw yn rhinwedd paragraff 2.

Darpariaeth drosiannol mewn cysylltiad â phersonau sy'n cael gwasanaethau

2.—(1) Er gwaethaf cychwyn darpariaethau'r Ddeddf gan erthygl 2 o'r Gorchymyn hwn, nid yw'r Ddeddf yn gymwys yn achos person y mae, yn union cyn i ddarpariaethau'r Ddeddf ddod i rym—

- (a) cymorth neu wasanaethau yn cael eu darparu iddo neu mewn perthynas ag ef,
- (b) taliadau tuag at gost cymorth neu wasanaethau yn cael eu gwneud iddo neu mewn perthynas ag ef.

(2) At ddibenion y paragraff hwn, mae darparu cymorth neu wasanaethau yn cynnwys darparu cynhorthwy o dan adran 17(6) o Ddeddf Plant 1989.

(3) Ond bydd y Ddeddf yn gymwys mewn cysylltiad ag achos y person hwnnw o'r adeg pan fo'r awdurdod lleol wedi cwblhau adolygiad o achos y person hwnnw yn unol ag is-baragraff (3) neu (4).

(4) Rhaid i awdurdod lleol sy'n darparu cymorth neu wasanaethau neu sy'n gwneud taliadau i oedolyn y mae is-baragraff (1) yn gymwys iddo gwblhau adolygiad o achos yr oedolyn cyn 1 Ebrill 2017.

(5) Rhaid i awdurdod lleol sy'n darparu cymorth neu wasanaethau neu sy'n gwneud taliadau i blentyn y mae is-baragraff (1) yn gymwys iddo gwblhau adolygiad o achos y plentyn cyn 1 Hydref 2016.

(1) 1948 p. 29.
(2) 2001 p. 15.

Savings and transitional provision other than in relation to looked after and accommodated children

Interpretation

1. In this Schedule—

“the 1948 Act” (“*Deddf 1948*”) means the National Assistance Act 1948(1);

“the 2001 Act” (“*Deddf 2001*”) means the Health and Social Care Act 2001(2);

“relevant date” (“*dyddiad perthnasol*”) means, in relation to a person, the date on which the Act applies to that person by virtue of paragraph 2.

Transitional provision in respect of persons in receipt of services

2.—(1) Notwithstanding the commencement of the provisions of the Act by article 2 of this Order, the Act does not apply in the case of a person to whom, or in relation to whom, immediately before the coming into force of the provisions of the Act—

- (a) support or services are being provided,
- (b) payments towards the cost of support or services are being made.

(2) For the purposes of this paragraph, the provision of support or services includes the provision of assistance under section 17(6) of the Children Act 1989.

(3) But the Act will apply in respect of that person's case from the time the local authority has completed a review of that person's case in accordance with sub-paragraph (3) or (4).

(4) A local authority providing support or services or making payments to an adult to whom sub-paragraph (1) applies must complete a review of the adult's case before 1 April 2017.

(5) A local authority providing support or services or making payments to a child to whom sub-paragraph (1) applies must complete a review of the child's case before 1 October 2016.

(1) 1948 c. 29.
(2) 2001 c. 15.

(6) Os yw awdurdod lleol yn methu â chydymffurfio ag is-baragraff (3), mae'r Ddeddf yn gymwys yn achos yr oedolyn hwnnw o 1 Ebrill 2017 ymlaen.

(7) Os yw awdurdod lleol yn methu â chydymffurfio ag is-baragraff (4), mae'r Ddeddf yn gymwys yn achos y plentyn hwnnw o 1 Hydref 2016 ymlaen.

(8) Mewn cysylltiad â pherson y mae is-baragraff (5) neu (6) yn gymwys iddo, mae'r person i gael ei drin fel—

- (a) un y mae arno anghenion am ofal a chymorth neu gymorth sy'n bodloni'r meini prawf cymhwysra o dan adran 32(4) o'r Ddeddf neu y mae'r awdurdod lleol fel arall o dan ddyletswydd i'w diwallu yn dilyn penderfyniad o dan adran 32(1)(b);
- (b) un sydd â'r hawl i gael yr anghenion hynny wedi eu diwallu o dan y Ddeddf; ac
- (c) un sydd wedi cydymffurfio ag unrhyw ofynion yn y Ddeddf neu odani i alluogi'r person i gael yr anghenion hynny wedi eu diwallu,

hyd nes bod yr awdurdod lleol wedi cwblhau adolygiad yn achos y person hwnnw.

(9) Mae awdurdod lleol wedi cwblhau adolygiad yn achos person—

- (a) pan ddaw i'r casgliad nad oes ar y person anghenion am ofal a chymorth neu am gymorth (yn ôl y digwydd) yn unol â'r Ddeddf;
- (b) ar ôl dod i'r casgliad bod ar y person anghenion o'r fath a'i fod yn mynd i ddiwallu rhai neu bob un o'r anghenion hynny, pan yw'n dechrau gwneud hynny; neu
- (c) pan ddaw i'r casgliad, ar ôl dod i'r casgliad bod ar y person anghenion o'r fath, nad yw'n mynd i ddiwallu unrhyw un o'r anghenion hynny (pa un ai oherwydd nad yw'r anghenion hynny yn bodloni'r meini prawf cymhwysra neu am ryw reswm arall).

Darpariaeth drosiannol mewn perthynas â chofrestrau o bobl â nam ar eu golwg

3. Mae oedolyn sydd wedi ei gofrestru fel un sy'n ddall neu sy'n rhannol ddall mewn cofrestr a gynhelir gan awdurdod lleol yng Nghymru neu ar ei ran o dan adran 29 o Ddeddf 1948 (gwasanaethau lles) yn union cyn i ddarpariaethau'r Ddeddf ddod i rym i gael ei drin ar y dyddiad hwnnw neu ar ôl hynny fel, yn eu trefn, berson sydd â nam difrifol ar ei olwg neu berson sydd â nam ar ei olwg yn y gofrestr a gynhelir gan yr awdurdod lleol hwnnw neu ar ei ran o dan adran 18 o'r Ddeddf (cofrestrau o bobl â nam ar eu golwg, pobl â nam ar eu clyw a phobl anabl eraill).

(6) If a local authority fails to comply with sub-paragraph (3), the Act applies in that adult's case with effect from 1 April 2017.

(7) If a local authority fails to comply with sub-paragraph (4), the Act applies in that child's case with effect from 1 October 2016.

(8) In respect of a person to whom sub-paragraph (5) or (6) applies, the person is to be treated as—

- (a) having needs for care and support or support which meet the eligibility criteria under section 32(4) of the Act or which the local authority is otherwise under a duty to meet following a determination under section 32(1)(b);
- (b) being entitled to have those needs met under the Act; and
- (c) having complied with any requirements in or under the Act to enable the person to have those needs met,

until the local authority has completed a review in that person's case.

(9) A local authority has completed a review in a person's case when—

- (a) they conclude that the person does not have needs for care and support or for support (as the case may be) in accordance with the Act;
- (b) having concluded that the person has such needs and that they are going to meet some or all of them, they begin to do so; or
- (c) having concluded that the person has such needs, they conclude that they are not going to meet any of those needs (whether because those needs do not meet the eligibility criteria or for some other reason).

Transitional provision in relation to sight registers

3. An adult who is registered as blind or partially sighted in a register maintained by or on behalf of a local authority in Wales under section 29 of the 1948 Act (welfare services) immediately before the coming into force of the provisions of the Act is to be treated on or after that date as being registered as, respectively, severely sight impaired or sight impaired in the register maintained by or on behalf of that local authority under section 18 of the Act (registers of sight-impaired, hearing-impaired and other disabled people).

Addasiadau trosiannol mewn cysylltiad â thaliadau gohiriedig

4. Pan fo cytundeb ar daliad gohiriedig o dan adran 55 o Ddeddf 2001 (pŵer i awdurdodau lleol i gymryd pridiannau ar dir yn lle cyfraniadau) mewn grym mewn cysylltiad â pherson nad yw'r Ddeddf yn gymwys iddo yn rhinwedd paragraff 2, mae'r cytundeb ar daliad gohiriedig o dan adran 55 o Ddeddf 2001 i barhau i fod yn gymwys ar y telerau a'r amodau a oedd yn ymwneud ag ef yn union cyn i'r Ddeddf ddod i rym, ac eithrio o'r dyddiad perthnasol mewn perthynas â'r person o dan sylw, rhaid darllen cyfeiriadau yn y cytundeb hwnnw at—

- (a) llety a ddarperir o dan Ran 3 o Ddeddf 1948 fel rhai sy'n cynnwys llety a ddarperir gan awdurdod lleol o dan adran 35 neu 36 (dyletswydd neu bŵer i ddiwallu anghenion gofal a chymorth oedolyn) o'r Ddeddf (gan gynnwys unrhyw beth a ddarperir mewn cysylltiad â'r llety hwnnw), a
- (b) cyfraniadau perthnasol fel rhai sy'n cynnwys y swm sy'n ddyledus i'r awdurdod lleol gan y person o dan adran 59 o'r Ddeddf neu, yn ôl y digwydd, yn unol â rheoliadau o dan adran 57(2) o'r Ddeddf.

Darpariaeth drosiannol mewn perthynas â phenodi cyfarwyddwyr gwasanaethau cymdeithasol

5.—(1) Mae cyfarwyddwr gwasanaethau cymdeithasol sydd wedi cael ei benodi gan awdurdod lleol o dan adran 6 o Ddeddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970 ac sydd yn y swydd yn union cyn i'r Ddeddf ddod i rym i gael ei drin fel pe bai wedi ei benodi o dan adran 144(1) o'r Ddeddf.

(2) Nid yw adran 144(2) o'r Ddeddf yn gymwys i benodiad y mae is-baragraff (1) yn gymwys iddo.

Darpariaeth drosiannol sy'n ymwneud â phreswylfa arferol person

6. Mae unrhyw oedolyn sydd, yn union cyn y dyddiad perthnasol mewn perthynas â'r oedolyn hwnnw, yn cael ei ystyried fel pe bai'n preswyllo fel arfer mewn ardal awdurdod lleol yn rhinwedd adran 24(5) neu (6) o Ddeddf 1948 (awdurdod sy'n atebol am ddarparu llety) i gael ei drin, ar y dyddiad hwnnw, fel pe bai'n preswyllo fel arfer yn yr ardal honno at ddibenion y Ddeddf.

Transitional modifications in respect of deferred payments

4. Where a deferred payment agreement under section 55 of the 2001 Act (power for local authorities to take charges on land instead of contributions) is in force in respect of a person to whom, by virtue of paragraph 2, the Act does not apply, the deferred payment agreement under section 55 of the 2001 Act is to continue to apply on the terms and conditions which pertained to it immediately before the coming into force of the Act, save that from the relevant date in relation to the person concerned, references in that agreement to—

- (a) accommodation provided under Part 3 of the 1948 Act must be read as including accommodation provided by a local authority under section 35 or 36 (duty or power to meet care and support needs of an adult) of the Act (including anything provided in connection with that accommodation), and
- (b) relevant contributions must be read as including the amount due from the person to the local authority under section 59 of the Act or, as the case may be, in accordance with regulations under section 57(2) of the Act.

Transitional provision in relation to the appointment of directors of social services

5.—(1) A director of social services who has been appointed by a local authority under section 6 of the Local Authority Social Services Act 1970 and who is in post immediately before the coming into force of the Act is to be treated as having been appointed under section 144(1) of the Act.

(2) Section 144(2) of the Act does not apply to an appointment to which subparagraph (1) applies.

Transitional provision relating to where a person's ordinary residence is

6. Any adult who, immediately before the relevant date in relation to that adult, is deemed to be ordinarily resident in a local authority's area by virtue of section 24(5) or (6) of the 1948 Act (authority liable for provision of accommodation) is, on that date, to be treated as ordinarily resident in that area for the purposes of the Act.

Arbedion a darpariaethau trosiannol
mewn perthynas â phlant sy'n derbyn
gofal a phlant sy'n cael eu lletya

Dehongli

1.—(1) Yn yr Atodlen hon—

ystyr “Deddf 1989” (“*the 1989 Act*”) yw Deddf Plant 1989(1);

ystyr “diwrnod perthnasol” (“*relevant day*”) yw 6 Ebrill 2016;

ystyr “Rheoliadau 2015” (“*the 2015 Regulations*”) yw Rheoliadau Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Diwygiadau Canlyniadol) 2015;

ystyr “rhiant maeth awdurdod lleol” yw rhiant maeth awdurdod lleol o fewn yr ystyr a roddir i “local authority foster parent” yn adran 105 o Ddeddf 1989.

(2) Mae i gyfeiriadau at blentyn sy'n derbyn gofal gan awdurdod lleol o dan Ran 3 o Ddeddf 1989 ac Atodlen 2 iddi yr un ystyr ag sydd iddynt yn rhinwedd adran 22 o Ddeddf 1989.

(3) Mae i gyfeiriadau at blentyn sy'n derbyn gofal gan awdurdod lleol o dan Ran 6 o'r Ddeddf yr un ystyr ag sydd iddynt yn adran 74 o'r Ddeddf.

(4) Mae i gyfeiriadau at blentyn sydd mewn gofal yr un ystyr ag sydd iddynt yn y diffiniad o “care order” yn adran 105 o Ddeddf 1989.

Darpariaeth drosiannol mewn perthynas â phlant sydd yng ngofal awdurdod lleol o dan adran 31 o Ddeddf 1989

2.—(1) Mae'r is-baragraff hwn yn gymwys pan fo plentyn yng ngofal awdurdod lleol yn rhinwedd gorchymyn o dan adran 31 o Ddeddf 1989.

(2) Pan oedd awdurdod lleol yn union cyn y diwrnod perthnasol wedi gwneud trefniadau, yn unol â Rhan 3 o Ddeddf 1989 ac Atodlen 2 iddi, i'r plentyn fyw—

- (a) gyda pherson sy'n rhiant i'r plentyn,
- (b) gyda pherson nad yw'n rhiant i'r plentyn ond sydd â chyfrifoldeb rhiant dros y plentyn,
- (c) gyda rhiant maeth awdurdod lleol,
- (d) mewn cartref plant,

(1) 1989 p. 41.

Savings and transitional provisions in
relation to looked after and
accommodated children

Interpretation

1.—(1) In this Schedule—

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989(1);

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2015;

“local authority foster parent” means a local authority foster parent within the meaning given in section 105 of the 1989 Act;

“relevant day” (“*diwrnod perthnasol*”) means 6 April 2016.

(2) References to a child who is looked after by a local authority under Part 3 of and Schedule 2 to the 1989 Act have the same meaning as they have by virtue of section 22 of the 1989 Act.

(3) References to a child who is looked after by a local authority under Part 6 of the Act have the same meaning as they have in section 74 of the Act.

(4) References to a child who is in care have the same meaning as they have in the definition of “care order” in section 105 of the 1989 Act.

Transitional provision in relation to children in the care of a local authority under section 31 of the 1989 Act

2.—(1) This sub-paragraph applies where a child is in the care of a local authority by virtue of an order under section 31 of the 1989 Act.

(2) Where immediately before the relevant day a local authority had, in accordance with Part 3 of and Schedule 2 to the 1989 Act, made arrangements for the child to live—

- (a) with a person who is a parent of the child,
- (b) with a person who is not a parent of the child but who has parental responsibility for the child,
- (c) with a local authority foster parent,
- (d) in a children's home,

(1) 1989 c. 41.

- (e) mewn llety diogel o fewn ystyr “secure accommodation” yn adran 25 o Ddeddf 1989, neu
- (f) mewn unrhyw lety arall a drefnir gan yr awdurdod lleol nad yw'n dod o fewn y disgrifiad ym mharagraffau (a) i (e),

ar y diwrnod hwnnw ac ar ôl hynny mae Rhan 6 o'r Ddeddf yn gymwys fel pe bai'r trefniadau wedi eu gwneud yn unol â'r Rhan honno.

Darpariaeth drosiannol mewn perthynas â phlant sy'n cael llety o dan adran 20 o Ddeddf 1989

3.—(1) Mae'r is-baragraff hwn yn gymwys pan fo plentyn yn union cyn y diwrnod perthnasol yn derbyn gofal gan awdurdod lleol ac yn cael llety gan yr awdurdod hwnnw o dan adran 20 o Ddeddf 1989.

(2) Bydd plentyn y mae is-baragraff (1) yn gymwys iddo yn cael ei drin, ar y diwrnod perthnasol ac ar ôl hynny, at ddibenion y Ddeddf fel plentyn sy'n derbyn gofal gan awdurdod lleol o dan Ran 6 o'r Ddeddf ac sy'n cael llety gan yr awdurdod hwnnw o dan adran 76 o'r Ddeddf (ond bydd yn peidio â chael ei drin felly ar ôl iddo beidio â chael llety o dan adran 76).

(3) Pan oedd awdurdod lleol yn union cyn y diwrnod perthnasol wedi gwneud trefniadau i blentyn y mae is-baragraff (1) yn gymwys iddo fyw—

- (a) gyda pherson sy'n rhiant i'r plentyn,
- (b) gyda pherson nad yw'n rhiant i'r plentyn ond sydd â chyfrifoldeb rhiant dros y plentyn,
- (c) gyda rhiant maeth awdurdod lleol,
- (d) mewn cartref plant,
- (e) mewn llety diogel o fewn ystyr “secure accommodation” yn adran 25 o Ddeddf 1989, neu
- (f) mewn unrhyw lety arall a drefnir gan yr awdurdod lleol nad yw'n dod o fewn y disgrifiad ym mharagraffau (a) i (e),

ar y diwrnod hwnnw ac ar ôl hynny mae Rhan 6 o'r Ddeddf yn gymwys fel pe bai'r trefniadau hynny wedi eu gwneud yn unol â'r Rhan honno.

Darpariaeth drosiannol mewn perthynas â phlant sy'n derbyn gofal

4. Wrth gyfrifo, at ddibenion adran 104(2) o'r Ddeddf, y cyfnod y mae plentyn wedi bod yn derbyn gofal gan awdurdod lleol neu awdurdod lleol yn Lloegr, mae unrhyw ran o'r cyfnod hwnnw sy'n bodloni'r amodau a bennir yn y diffiniad o “person ifanc categori 1” yn adran 104(2) o'r Ddeddf sy'n digwydd cyn y diwrnod perthnasol i gael ei chynnwys.

- (e) in secure accommodation within the meaning of section 25 of the 1989 Act, or

- (f) in any other accommodation arranged by the local authority which does not fall within the description in paragraphs (a) to (e),

on and after that day Part 6 of the Act applies as if the arrangements were made in accordance with that Part.

Transitional provision in relation to children provided with accommodation under section 20 of the 1989 Act

3.—(1) This sub-paragraph applies where, immediately before the relevant day a child is looked after by a local authority and is being provided with accommodation by that authority under section 20 of the 1989 Act.

(2) A child to whom sub-paragraph (1) applies will, on and after the relevant day, be treated for the purposes of the Act as a child who is looked after by a local authority under Part 6 of the Act and who is provided with accommodation by that authority under section 76 of the Act (but will cease to be so treated once he or she ceases to be provided with accommodation under section 76).

(3) Where, immediately before the relevant day, a local authority had made arrangements for a child to whom sub-paragraph (1) applies to live—

- (a) with a person who is a parent of the child,
- (b) with a person who is not a parent of the child but who has parental responsibility for the child,
- (c) with a local authority foster parent,
- (d) in a children's home,
- (e) in secure accommodation within the meaning of section 25 of the 1989 Act, or
- (f) in any other accommodation arranged by the local authority which does not fall within the description in paragraphs (a) to (e),

on and after that day Part 6 of the Act applies as if those arrangements were made in accordance with that Part.

Transitional provision in relation to looked after children

4. When calculating, for the purposes of section 104(2) of the Act, the period of time for which a child has been looked after by a local authority or a local authority in England, any part of that period which fulfils the conditions specified in the definition of “category 1 young person” in section 104(2) of the Act which falls before the relevant day is to be included.

Darpariaeth drosiannol mewn perthynas â phlant y mae adran 24(1B) o Ddeddf 1989 yn gymwys iddynt

5.—(1) Wrth gyfrifo, at ddibenion adran 104(2) o'r Ddeddf, y cyfnod y mae plentyn 16 oed neu drosodd wedi bod yn derbyn gofal, wedi ei letya neu ei faethu, mae unrhyw gyfnod sy'n digwydd cyn y diwrnod perthnasol i gael ei gynnwys.

(2) Yn y paragraff hwn mae i "yn derbyn gofal, wedi ei letya neu ei faethu" yr ystyr a bennir yn adran 104(3) o'r Ddeddf.

Darpariaeth drosiannol mewn perthynas â seibiannau byr

6.—(1) Ar y diwrnod perthnasol ac ar ôl hynny wrth gyfrifo'r cyfnod y mae plentyn wedi ei leoli gan awdurdod lleol mewn llety sy'n gyfystyr â seibiant byr, mae unrhyw gyfnod, yn y 12 mis yn union cyn y diwrnod perthnasol, y mae'r plentyn wedi ei dreulio mewn trefniant sy'n gyfystyr â lleoliad tymor byr i gael ei gyfrif.

(2) Yn y paragraff hwn—

ystyr "lleoliad tymor byr" ("*short-term placement*") yw lleoliad tymor byr o fewn ystyr rheoliad 14 o Reoliadau Lleoli Plant (Cymru) 2007(1) (cymhwyso'r rheoliadau i leoliadau tymor byr);

ystyr "seibiant byr" ("*short break*") yw seibiant byr o fewn ystyr rheoliad 62 o Reoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015(2) (cymhwyso'r rheoliadau hyn, gydag addasiadau, i seibiannau byr).

Darpariaeth drosiannol mewn perthynas â phenderfyniadau i wrthod cyswllt â phlentyn mewn gofal

7. Bydd unrhyw benderfyniad a wneir gan awdurdod lleol yn unol ag adran 22(3)(a) o Ddeddf 1989 i wrthod cyswllt â phlentyn sydd yng ngofal yr awdurdod lleol, y byddai fel arall yn ofynnol iddo ei ganiatáu yn unol ag adran 34(1) o Ddeddf 1989, ar y diwrnod perthnasol ac ar ôl hynny yn cael ei drin fe pe bai'r penderfyniad wedi ei wneud yn unol ag adran 78(1)(a) o'r Ddeddf.

Darpariaeth drosiannol mewn perthynas ag adolygu achosion

8.—(1) Pan fo plentyn, yn union cyn y diwrnod perthnasol—

(a) yn derbyn gofal gan awdurdod lleol, neu

Transitional provision in relation to children to whom section 24(1B) of the 1989 Act applies

5.—(1) When calculating, for the purposes of section 104(2) of the Act, the period during which a child aged 16 or over has been looked after, accommodated or fostered, any period which falls before the relevant day is to be included.

(2) In this paragraph "looked after, accommodated or fostered" has the meaning specified in section 104(3) of the Act.

Transitional provision in relation to short breaks

6.—(1) On and after the relevant day when calculating the period of time in which a child has been placed by a local authority in accommodation which constitutes a short break any time, in the 12 months immediately preceding the relevant day, which the child has spent in an arrangement which constitutes a short-term placement is to be counted.

(2) In this paragraph—

"short break" ("*seibiant byr*") means a short break within the meaning of regulation 62 of the Care Planning, Placement and Case Review (Wales) Regulations 2015(1) (application of these regulations with modifications to short breaks);

"short-term placement" ("*lleoliad tymor byr*") means a short-term placement within the meaning of regulation 14 of the Placement of Children (Wales) Regulations 2007(2) (application of regulations to short-term placements).

Transitional provision in relation to decisions to refuse contact with a child in care

7. Any decision taken by a local authority in accordance with section 22(3)(a) of the 1989 Act to refuse contact with a child who is in the care of the local authority, that it would otherwise be required to allow in accordance with section 34(1) of the 1989 Act, will on and after the relevant day be treated as if the decision had been made in accordance with section 78(1)(a) of the Act.

Transitional provision in relation to the review of cases

8.—(1) Where immediately before the relevant day a child is—

(a) looked after by a local authority, or

(1) O.S. 2007/310 (Cy. 27).
(2) O.S. 2015/1818 (Cy. 261).

(1) S.I. 2015/1818 (W. 261).
(2) S.I. 2007/310 (W. 27).

- (b) wedi ei leoli gan awdurdod lleol mewn lleoliad tymor byr, ac
- (c) yn y naill achos neu'r llall, ni fu adolygiad cyntaf o achos y plentyn, neu nid yw'r adolygiad cyntaf wedi ei gyflawni yn unol â rheoliadau a wneir o dan adran 26 o Ddeddf 1989(1),

rhaid adolygu achos y plentyn hwnnw heb fod yn hwyrach nag 20 diwrnod gwaith o'r diwrnod perthnasol a rhaid i unrhyw adolygiadau dilynol ddigwydd yn unol â rheoliadau a wneir o dan adran 102 o'r Ddeddf(2).

(2) Pan fo plentyn yn union cyn y diwrnod perthnasol yn derbyn gofal gan awdurdod lleol a bod adolygiad o'i achos wedi cael ei gynnal cyn y diwrnod hwnnw ac nad oes adolygiad pellach i fod i gael ei gyflawni yn unol â rheoliadau a wneir o dan adran 26 o Ddeddf 1989 tan ar ôl y diwrnod perthnasol, rhaid cynnal yr adolygiad nesaf o'r achos—

- (a) pan oedd yr adolygiad yn adolygiad cyntaf, o fewn 3 mis i ddyddiad yr adolygiad hwnnw; neu
- (b) pan oedd yr adolygiad diwethaf yn ail adolygiad neu'n adolygiad dilynol, 6 mis ar ôl dyddiad yr adolygiad hwnnw; ac

yn y naill achos neu'r llall rhaid cynnal adolygiadau dilynol yn unol â rheoliadau a wneir o dan adran 102 o'r Ddeddf.

(3) Pan fo plentyn yn union cyn y diwrnod perthnasol wedi ei leoli mewn lleoliad tymor byr a bod adolygiad o achos y plentyn wedi cael ei gynnal cyn y diwrnod hwnnw ac nad oes adolygiad pellach i fod i gael ei gyflawni yn unol â rheoliadau a wneir o dan adran 26 o Ddeddf 1989 tan ar ôl y diwrnod perthnasol, rhaid cynnal yr adolygiad nesaf o achos y plentyn—

- (a) pan oedd yr adolygiad yn adolygiad cyntaf, o fewn 6 mis i ddyddiad yr adolygiad hwnnw; neu
- (b) pan oedd yr adolygiad diwethaf yn ail adolygiad neu'n adolygiad dilynol, 6 mis ar ôl dyddiad yr adolygiad hwnnw; ac

yn y naill achos neu'r llall rhaid cynnal adolygiadau dilynol yn unol â rheoliadau a wneir o dan adran 102 o'r Ddeddf.

- (b) placed by a local authority in a short-term placement, and
- (c) in either case, there has not been a first review of the child's case, or the first review is overdue in accordance with regulations made under section 26 of the 1989 Act(1),

that child's case must be reviewed not later than 20 working days from the relevant day and any subsequent reviews must take place in accordance with regulations made under section 102 of the Act(2).

(2) Where immediately before the relevant day a child is looked after by a local authority and there has been a review of their case before that day and no further review is due in accordance with regulations made under section 26 of the 1989 Act until after the relevant day, the next review of the case must be carried out—

- (a) where the review was a first review, within 3 months from the date of the that review; or
- (b) where the last review was a second or subsequent review, 6 months from the date of that review; and

in either case subsequent reviews must be carried out in accordance with regulations made under section 102 of the Act.

(3) Where immediately before the relevant day a child is placed in a short-term placement and there has been a review of the child's case before that day and no further review is due in accordance with regulations made under section 26 of the 1989 Act until after the relevant day, the next review of the child case must be carried out—

- (a) where the review was a first review, within 6 months from the date of that review; or
- (b) where the last review was a second or subsequent review, 6 months from the date of that review; and

in either case subsequent reviews must be carried out in accordance with regulations made under section 102 of the Act.

(1) *Gweler Rheoliadau Adolygu Achosion Plant (Cymru) 2007 (O.S. 2007/307 (Cy. 26)).*

(2) *Gweler Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015 (O.S. 2015/1818 (Cy. 261)).*

(1) *See the Review of Children's Cases (Wales) Regulations 2007 (S.I. 2007/307 (W. 26)).*

(2) *See the Care Planning, Placement and Case Review (Wales) Regulations 2015 (S.I. 2015/1818 (W. 261)).*

Darpariaeth drosiannol mewn perthynas â swyddogion adolygu annibynnol ar gyfer plant sy'n derbyn gofal

9. Pan fo person ar y diwrnod perthnasol wedi cael ei benodi'n swyddog adolygu annibynnol yn unol â rheoliadau a wneir o dan adran 26 o Ddeddf 1989(1) ar gyfer plentyn sy'n derbyn gofal gan awdurdod lleol yn unol â Rhan 3 o'r Ddeddf honno, ar y diwrnod hwnnw ac ar ôl hynny ystyrir bod y person wedi ei benodi'n swyddog adolygu annibynnol y plentyn hwnnw yn unol â rheoliadau a wneir o dan adran 99 o'r Ddeddf(2).

Darpariaeth drosiannol mewn perthynas ag ymwelwyr annibynnol ar gyfer plant sy'n derbyn gofal

10. Pan fo person ar y diwrnod perthnasol wedi cael ei benodi'n ymwelydd annibynnol yn unol â rheoliadau a wneir o dan baragraff 17 o Atodlen 2 i Ddeddf 1989(3) ar gyfer plentyn sy'n derbyn gofal gan awdurdod lleol yn unol â Rhan 3 o'r Ddeddf honno, ar y diwrnod hwnnw ac ar ôl hynny ystyrir bod y person wedi ei benodi'n ymwelydd annibynnol y plentyn hwnnw yn unol â rheoliadau a wneir o dan adran 98 o'r Ddeddf(4).

Darpariaeth drosiannol mewn perthynas â hawlogaeth ar gyfer plant a fu gynt yn derbyn gofal

11.—(1) Mae'r is-baragraff hwn yn gymwys i berson y mae ganddo hawlogaeth yn union cyn y diwrnod perthnasol i gael cyngor, cynhorthwy a chymorth oddi wrth awdurdod lleol o dan Ran 3 o Ddeddf 1989 ac Atodlen 2 iddi yn rhinwedd bod yn berson a fu, ond nid yw bellach, yn blentyn a fu'n derbyn gofal.

(2) Ar y diwrnod perthnasol ac ar ôl hynny mae gan berson y mae is-baragraff (1) yn gymwys iddo hawlogaeth i gael cyngor a chymorth arall sy'n briodol i'w amgylchiadau yn unol â'r ddarpariaeth a wneir yn adrannau 103 i 118 o'r Ddeddf.

Transitional provision in relation to independent reviewing officers for looked after children

9. Where on the relevant day a person has been appointed as an independent reviewing officer in accordance with regulations made under section 26 of the 1989 Act(1) for a child who is looked after by a local authority in accordance with Part 3 of that Act, on and after that day the person is deemed to be appointed as the independent reviewing officer for that child in accordance with regulations made under section 99 of the Act(2).

Transitional provision in relation to independent visitors for looked after children

10. Where on the relevant day a person has been appointed as an independent visitor in accordance with regulations made under paragraph 17 of Schedule 2 to the 1989 Act(3) for a child who is looked after by a local authority in accordance with Part 3 of that Act, on and after that day the person is deemed to be appointed as an independent visitor for that child in accordance with regulations made under section 98 of the Act(4).

Transitional provision in relation to entitlement for former looked after children

11.—(1) This sub-paragraph applies to a person who is immediately before the relevant day entitled to receive advice, assistance and support from a local authority under Part 3 of and Schedule 2 to the 1989 Act by virtue of their being a person who was, but is no longer, a looked after child.

(2) On and after the relevant day a person to whom sub-paragraph (1) applies is entitled to receive advice and other support that is appropriate to their circumstances in accordance with the provision made in sections 103 to 118 of the Act.

(1) *Gweler* Rheoliadau Adolygu Achosion Plant (Cymru) 2007.

(2) *Gweler* Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015 (O.S. 2015/1818 (Cy. 261)).

(3) *Gweler* Rheoliadau Diffinio Ymwelwyr Annibynnol (Plant) 1991 (O.S. 1991/892).

(4) *Gweler* Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015.

(1) *See* the Review of Children's Cases (Wales) Regulations 2007.

(2) *See* the Care Planning, Placement and Case Review (Wales) Regulations 2015 (S.I. 2015/1818 (W. 261)).

(3) *See* the Definition of Independent Visitors (Children) Regulations 1991 (S.I. 1991/892).

(4) *See* the Care Planning, Placement and Case Review (Wales) Regulations 2015.

Darpariaeth drosiannol mewn perthynas â threfniadau byw pan fydda i'n barod

12.—(1) Mae'r is-baragraff hwn yn gymwys pan fo gan gyn-blentyn perthnasol yn union cyn y diwrnod perthnasol drefniant byw pan fydda i'n barod a wneir yn unol â Rhan 3 o Ddeddf 1989 ac Atodlen 2 iddi.

(2) Pan fo is-baragraff (1) yn gymwys bydd y trefniant byw pan fydda i'n barod yn cael ei ystyried ar y diwrnod perthnasol ac ar ôl hynny yn drefniant byw ôl-18 a wneir mewn perthynas â pherson ifanc categori 3 yn unol â Rhan 6 o'r Ddeddf.

(3) Yn y paragraff hwn—

mae i "cyn-blentyn perthnasol" yr ystyr a roddir i "former relevant child" yn adran 23C(1) o Ddeddf 1989;

mae i "cyn-riant maeth" a "trefniant byw ôl-18" yr ystyron a roddir yn adran 108 o'r Ddeddf;

ystyr "person ifanc categori 3" ("*category 3 young person*") yw person ifanc categori 3 o fewn ystyr adran 104 o'r Ddeddf;

ystyr "trefniant byw pan fydda i'n barod" ("*when I'm ready living arrangement*") yw trefniant byw a therfyn amser iddo a hwylusir gan awdurdod lleol pan fo cyn-blentyn perthnasol yn parhau i fyw gyda ei gyn-riant maeth ar ôl i'r cyn-blentyn perthnasol beidio â derbyn gofal gan yr awdurdod lleol.

Arbediad a darpariaeth drosiannol mewn perthynas â gorchmynion ac achosion o dan Ran 3 o Ddeddf 1989 ac Atodlen 2 iddi

13.—(1) Nid yw cychwyn Rhan 6 o'r Ddeddf ac Atodlen 1 iddi a'r ddarpariaeth a wneir gan reoliadau 57 a 107 o Reoliadau 2015 yn effeithio ar—

- (a) unrhyw weithred a wneir, unrhyw hysbysiad a anfonir, unrhyw gais a wneir, neu unrhyw benderfyniad a wneir;
- (b) unrhyw ofynion neu gyfyngiadau o ran amser;
- (c) unrhyw achosion cyfreithiol sydd wedi cychwyn; neu
- (d) unrhyw orchymyn a wneir gan lys,

o dan unrhyw ddarpariaeth yn Rhan 3 o Ddeddf 1989 ac Atodlen 2 iddi neu mewn perthynas ag unrhyw ddarpariaeth o'r fath.

Transitional provision in relation to when I'm ready living arrangements

12.—(1) This sub-paragraph applies where immediately before the relevant day a former relevant child has a when I'm ready living arrangement which is made in accordance with Part 3 of and Schedule 2 to the 1989 Act.

(2) Where sub-paragraph (1) applies the when I'm ready living arrangement will on and after the relevant day be deemed to be a post-18 living arrangement made in relation to a category 3 young person in accordance with Part 6 of the Act.

(3) In this paragraph—

"category 3 young person" ("*person ifanc categori 3*") means a category 3 young person within the meaning of section 104 of the Act;

"former relevant child" has the meaning set out in section 23C(1) of the 1989 Act;

"former foster parent" and "post-18 living arrangement" have the meanings given in section 108 of the Act;

"when I'm ready living arrangement" ("*trefniant byw pan fydda i'n barod*") means a time limited living arrangement facilitated by a local authority in which a former relevant child remains living with his or her former foster parent after the former relevant child ceases to be looked after by the local authority.

Saving and transitional provision in relation to orders and proceedings under Part 3 of and Schedule 2 to the 1989 Act

13.—(1) The commencement of Part 6 of and Schedule 1 to the Act and the provision made by regulations 57 and 107 of the 2015 Regulations do not affect—

- (a) any act done, any notice sent, any application made, or any decision taken;
- (b) any requirements or limitations of time;
- (c) any legal proceedings commenced; or
- (d) any order made by a court,

under or in relation to any provision in Part 3 of and Schedule 2 to the 1989 Act.

(2) At ddibenion y paragraff hwn mae unrhyw gyfeiriad at orchymyn gan y llys i gael ei ddehongli fel pe bai'n cynnwys gorchymyn a wneir ar ôl y diwrnod perthnasol mewn achosion a oedd yn yr arfaeth cyn y diwrnod hwnnw.

(3) Pan fo person wedi apelio i lys o dan achosion yn Rhan 3 o Ddeddf 1989 neu Atodlen 2 iddi neu mewn perthynas ag achosion o'r fath nad ydynt wedi eu penderfynu'n derfynol yn union cyn y diwrnod perthnasol, er gwaethaf cychwyn Rhan 6 o'r Ddeddf ac Atodlen 1 iddi a'r ddarpariaeth a wneir gan reoliadau 57 a 107 o Reoliadau 2015 mae'r apel i gael ei phenderfynu yn unol â Rhan 3 o Ddeddf 1989 ac Atodlen 2 iddi a chaniateir i unrhyw rywmedïau neu gosbau gael eu gorfodi neu eu gosod mewn perthynas â gweithredoedd a wneir o dan y darpariaethau hynny, neu mewn perthynas â hwy, neu yn groes iddynt.

(2) For the purposes of this paragraph any reference to an order of the court is to be interpreted as including an order made after the relevant day in proceedings which were pending before that day.

(3) Where a person has appealed to a court under or in relation to proceedings in Part 3 of or Schedule 2 to the 1989 Act which have not been finally disposed of immediately before the relevant day, notwithstanding the commencement of Part 6 of and Schedule 1 to the Act and the provision made by regulations 57 and 107 of the 2015 Regulations the appeal is to be determined in accordance with Part 3 of and Schedule 2 to the 1989 Act and any remedies or penalties may be enforced or imposed in relation to acts done under, or in relation to, or in contravention of those provisions.

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Gorchymyn Deddf Gwasanaethau
Cymdeithasol a Llesiant (Cymru)
2014 (Cychwyn Rhif 3, Arbedion a
Darpariaethau Trosiannol) 2016

2016 No. 412 (W. 130) (C. 21)

SOCIAL CARE, WALES

The Social Services and Well-being
(Wales) Act 2014 (Commencement
No. 3, Savings and Transitional
Provisions) Order 2016

£6.00

W2660/03/16

ON

ISBN 978-0-348-11308-2



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