



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 195 (Cy. 44)

2018 No. 195 (W. 44)

**GOFAL CYMDEITHASOL,
CYMRU A LLOEGR**

**SOCIAL CARE, ENGLAND
AND WALES**

Rheoliadau Deddf Rheoleiddio ac
Arolygu Gofal Cymdeithasol
(Cymru) 2016 (Diwygiadau
Canlyniadol) 2018

The Regulation and Inspection of
Social Care (Wales) Act 2016
(Consequential Amendments)
Regulations 2018

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan adran 186 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") sy'n galluogi Gweinidogion Cymru i wneud diwygiadau canlyniadol i ddeddfwriaeth sylfaenol pan fo'n briodol at ddibenion y Ddeddf.

Mae'r Rheoliadau yn ymdrin â diwygiadau canlyniadol i ddeddfwriaeth sylfaenol sy'n codi o gychwyn y darpariaethau yn Rhan 1 o'r Ddeddf sy'n ymwneud â rheoleiddio cartrefi gofal, gwasanaethau llety diogel, gwasanaethau canolfannau preswyl i deuluoedd a gwasanaethau cymorth cartref yng Nghymru. Mae'r rhain yn enghreifftiau o'r hyn y mae'r Ddeddf yn cyfeirio ato fel "gwasanaethau rheoleiddiedig".

Mae pob un o'r rhain yn wasanaethau sydd wedi eu rheoleiddio o dan Ran 2 o Ddeddf Safonau Gofal 2000 ("Deddf 2000"). Mae llawer o'r diwygiadau felly yn rhoi cyfeiriadau at y math priodol o "gwasanaeth rheoleiddiedig" o dan y Ddeddf yn lle cyfeiriadau at un o'r mathau o sefydliad neu asiantaeth a oedd wedi eu rheoleiddio o dan Ddeddf 2000.

Mae'r Rheoliadau hefyd yn cynnwys un diwygiad a wneir o dan adran 198 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("Deddf 2014"). Mae rheoliad 52 yn diwygio adran 86 o Ddeddf 2014 i ddileu geiriad sy'n awgrymu bod angen i lety sy'n cael ei ddarparu, ei gyfarparu neu ei gynnal gan Weinidogion Cymru ar gyfer plant sy'n derbyn gofal fod o angenrheidrwydd yn gartref plant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act") which enables Welsh Ministers to make consequential amendments to primary legislation where it is appropriate for the purposes of the Act.

The Regulations deal with consequential amendments to primary legislation arising from the commencement of the provisions in Part 1 of the Act which relate to the regulation of care homes, secure accommodation services, residential family centre services and domiciliary support services in Wales. These are examples of what the Act refers to as "regulated services".

All these are services which have been regulated under Part 2 of the Care Standards Act 2000 ("the 2000 Act"). Many of the amendments therefore replace references to one of the sorts of establishment or agency which were regulated under the 2000 Act and replace them with references to the appropriate sort of "regulated service" under the Act.

The Regulations also contain one amendment which is made under section 198 of the Social Services and Well-being (Wales) Act 2014 ("the 2014 Act"). Regulation 52 amends section 86 of the 2014 Act to remove wording which implies that accommodation provided, equipped or maintained by the Welsh Ministers for looked after children need necessarily be a children's home.

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

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.

2018 Rhif 195 (Cy. 44)

**GOFAL CYMDEITHASOL,
CYMRU A LLOEGR**

**Rheoliadau Deddf Rheoleiddio ac
Arolygu Gofal Cymdeithasol
(Cymru) 2016 (Diwygiadau
Canlyniadol) 2018**

Gwnaed 15 Chwefror 2018

Yn dod i rym yn unol ag erthygl 2

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adran 186 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1) ac adran 198 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(2).

Gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru o dan adran 186(4) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ac adran 196(6) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ac fe'i cymeradwywyd ganddo drwy benderfyniad.

Enwi

1. Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol) 2018.

Cychwyn

2.—(1) Daw'r Rheoliadau hyn i rym ar 2 Ebrill 2018 yn ddarostyngedig i baragraffau (2) i (4).

2018 No. 195 (W. 44)

**SOCIAL CARE, ENGLAND
AND WALES**

**The Regulation and Inspection of
Social Care (Wales) Act 2016
(Consequential Amendments)
Regulations 2018**

Made 15 February 2018

Coming into force in accordance with article 2

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016(1) and section 198 of the Social Services and Well-being (Wales) Act 2014(2).

A draft of these Regulations was laid before the National Assembly for Wales under section 186(4) of the Regulation and Inspection of Social Care (Wales) Act 2016 and section 196(6) of the Social Services and Well-being (Wales) Act 2014 and has been approved by a resolution of the National Assembly for Wales.

Title

1. The title of these Regulations is the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018.

Commencement

2.—(1) These Regulations come into force on 2 April 2018 subject to paragraphs (2) to (4).

(1) 2016 decc 2.
(2) 2014 decc 4.

(1) 2016 anaw 2.
(2) 2014 anaw 4.

(2) Daw rheoliad 19 i rym ar y diwrnod y daw adran 14 o Ddeddf Gofal Cymunedol (Rhyddhau Gohiriedig etc.) 2003(1) i rym.

(3) Daw rheoliad 46 i rym ar y diwrnod y daw paragraff 3 o Atodlen 3 i Ddeddf Mewnffudo 2014(2) i rym mewn perthynas â mangreoddd yng Nghymru.

(4) Daw rheoliad 56 i rym ar y diwrnod y daw paragraff 4 o Atodlen 2 i Ddeddf Rhentu Cartrefi (Cymru) 2016(3) i rym.

Diwygiadau i ddeddfwriaeth sylfaenol

Deddf Iechyd Meddwl 1983 (p. 20)

3. Mae Deddf Iechyd Meddwl 1983 wedi ei diwygio fel a ganlyn.

4. Yn adran 119(3)(4)—

- (a) hepgorer “or” ar ddiwedd paragraff (a);
- (b) ar ddiwedd paragraff (b) mewnosoder “; or
- (c) premises at which—
 - (i) a care home service,
 - (ii) a secure accommodation service, or
 - (iii) a residential family centre service, within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided by a person registered under Part 1 of that Act.”

5. Yn adran 120(9)(5)—

- (a) hepgorer “or” ar ddiwedd paragraff (a);
- (b) ar ddiwedd paragraff (b) mewnosoder “; or
- (c) premises at which—
 - (i) a care home service,
 - (ii) a secure accommodation service, or
 - (iii) a residential family centre service, within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided by a person registered under Part 1 of that Act.”

(2) Regulation 19 comes into force on the day on which section 14 of the Community Care (Delayed Discharges etc.) Act 2003(1) comes into force.

(3) Regulation 46 comes into force on the day on which paragraph 3 of Schedule 3 to the Immigration Act 2014(2) comes into force in relation to premises located in Wales.

(4) Regulation 56 comes into force on the day on which paragraph 4 of Schedule 2 to the Renting Homes (Wales) Act 2016(3) comes into force.

Amendments to primary legislation

Mental Health Act 1983 (c. 20)

3. The Mental Health Act 1983 is amended as follows.

4. In section 119(3)(4)—

- (a) omit “or” at the end of paragraph (a);
- (b) at the end of paragraph (b) insert “; or
- “(c) premises at which—
 - (i) a care home service,
 - (ii) a secure accommodation service, or
 - (iii) a residential family centre service, within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided by a person registered under Part 1 of that Act.”

5. In section 120(9)(5)—

- (a) omit “or” at the end of paragraph (a);
- (b) at the end of paragraph (b) insert “; or
- (c) premises at which—
 - (i) a care home service,
 - (ii) a secure accommodation service, or
 - (iii) a residential family centre service, within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided by a person registered under Part 1 of that Act.”

(1) 2003 p. 5.

(2) 2014 p. 22.

(3) 2016 dccc 1.

(4) Amnewidiwyd adran 119(3) gan erthygl 5(1) a (4)(b) o O.S. 2010/813.

(5) Amnewidiwyd adran 120 gan adran 52(5) o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14) a pharagraffau 1 ac 8 o Atodlen 3 iddi.

(1) 2003 c. 5.

(2) 2014 c. 22.

(3) 2016 anaw 1.

(4) Section 119(3) was substituted by S.I. 2010/813, article 5(1) and (4)(b).

(5) Section 120 was substituted by the Health and Social Care Act 2008 (c. 14), section 52(5), Schedule 3, paragraphs 1 and 8.

6. Yn adran 145(1)(1), yn lle'r diffiniad o "care home" rhodder—

““care home”—

- (a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and
- (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”.

Deddf Personau Anabl (Gwasanaethau, Ymgynghori a Chynrychioli) 1986 (p. 33)

7.—(1) Mae adran 2(5)(2) o Ddeddf Personau Anabl (Gwasanaethau, Ymgynghori a Chynrychioli) 1986 wedi ei diwygio fel a ganlyn.

(2) Ar ddechrau paragraff (d) mewnosoder “in England,”.

(3) Ar ôl paragraff (d) mewnosoder—

“(da) in Wales, in premises at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over, or”.

Deddf Plant 1989 (p. 41)

8. Mae Deddf Plant 1989 wedi ei diwygio fel a ganlyn.

9. Yn is-adran 22C(6)(c)(3), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

10. Yn adran 59(1)(aa)(4), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

6. In section 145(1)(1), for the definition of “care home” substitute—

““care home”—

- (a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and
- (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”.

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

7.—(1) Section 2(5)(2) of the Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

(2) At the beginning of paragraph (d) insert “in England,”.

(3) After paragraph (d) insert—

“(da) in Wales, in premises at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over, or”.

Children Act 1989 (c. 41)

8. The Children Act 1989 is amended as follows.

9. In section 22C(6)(c)(3), after “Care Standards Act 2000” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

10. In section 59(1)(aa)(4), after “Care Standards Act 2000” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

(1) Mewnosodwyd y diffiniad o “care home” yn adran 145 gan baragraff 9(10)(a) o Atodlen 4 i Ddeddf Safonau Gofal 2000 (p. 14).

(2) Yn is-adran (5), ym mharagraff (d) mewnosodwyd y geiriau “a care home within the meaning of the Care Standards Act 2000” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 11o Atodlen 4 iddi.

(3) Rhoddwyd adran 22C, ynghyd ag adrannau 22A, 22B a 22D i 22F, yn lle adran 23 fel y'i deddfwyd yn wreiddiol, gan adran 8(1) o Ddeddf Plant a Phobl Ifanc 2008 (p. 23).

(4) Mewnosodwyd paragraff (aa) gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14 o Atodlen 4 iddi, ac fe'i diwygiwyd gan adran 8(2) o Ddeddf Plant a Phobl Ifanc 2008 a pharagraff 2(1) a (2) o Atodlen 1 iddi.

(1) Definition of “care home” in section 145 was inserted by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 9(10)(a).

(2) In subsection (5), in paragraph (d) the words “a care home within the meaning of the Care Standards Act 2000” were inserted by the Care Standards Act 2000, section 116, Schedule 4, paragraph 11.

(3) Section 22C, together with sections 22A, 22B and 22D to 22F, were substituted for section 23 as originally enacted, by the Children and Young Persons Act 2008 (c. 23), section 8(1).

(4) Paragraph (aa) was inserted by the Care Standards Act 2000 section 116 and Schedule 4, paragraph 14 and was amended by the Children and Young Persons Act 2008, section 8(2) and Schedule 1, paragraph 2(1) and (2).

11. Yn adran 63(12)(1)—

- (a) yn lle “without being treated” rhodder “without being treated—
(a)”;
- (b) ar ôl “children’s home” mewnosoder “and,
(b) for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016, as providing a care home service within the meaning of Part 1 of that Act”.

12. Yn adran 105(1)—

- (a) yn lle’r diffiniad o “care home”(2) rhodder—
““care home”—
(a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and
(b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;
- (b) yn lle’r diffiniad o “children’s home”(3) rhodder—
““children’s home”—
(a) has the same meaning as it has for the purposes of the Care Standards Act 2000 in respect of a children’s home in England (see section 1 of that Act); and
(b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;”;
- (c) yn y diffiniad o “private children’s home”(4), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

11. In section 63(12)(1)—

- (a) for “without being treated” substitute “without being treated—
(a)”;
- (b) after “children’s home” insert “and,
(b) for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016, as providing a care home service within the meaning of Part 1 of that Act”.

12. In section 105(1)—

- (a) for the definition of “care home”(2) substitute—
““care home”—
(a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and
(b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;
- (b) for the definition of “children’s home”(3) substitute—
““children’s home”—
(a) has the same meaning as it has for the purposes of the Care Standards Act 2000 in respect of a children’s home in England (see section 1 of that Act); and
(b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;”;
- (c) in the definition of “private children’s home”(4), after “Care Standards Act 2000” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

(1) Yn is-adran (12), mewnosodwyd y geiriau “, for the purposes of this Act and the Care Standards Act 2000,” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) ac (11)(c) o Atodlen 4 iddi.
(2) Mewnosodwyd y diffiniad o “care home” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (23)(a)(ii) o Atodlen 4 iddi.
(3) Amnewidiwyd y diffiniad o “children’s home” gan adran 8(2) o Ddeddf Plant a Phobl Ifanc 2008 a pharagraff 3(1) a (3) o Atodlen 1 iddi.
(4) Mewnosodwyd y diffiniad o “private children’s home” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (23)(a)(vii) o Atodlen 4 iddi.

(1) In subsection (12), the words “, for the purposes of this Act and the Care Standards Act 2000,” were inserted by the Care Standards Act 2000, section 116, Schedule 4, paragraph 14(1) and (11)(c).
(2) The definition of “care home” was inserted by the Care Standards Act 2000, section 116, Schedule 4, paragraph 14(1) and (23)(a)(ii).
(3) The definition of “children’s home” was substituted by the Children and Young Persons Act 2008, section 8(2), Schedule 1, paragraph 3(1) and (3).
(4) The definition of “private children’s home” was inserted by the Care Standards Act 2000, section 116, Schedule 4, paragraph 14(1) and (23)(a)(vii).

13. Yn Atodlen 7 (effaith mynd dros y terfyn maethu)—

- (a) ar ddechrau paragraff 5(1) mewnosoder—
“(A1) This paragraph applies to a person fostering in England.”;
- (b) ar ôl paragraff 5 mewnosoder—
“**5A.**—(1) This paragraph applies to a person (P) fostering in Wales.
(2) Sub-paragraph (3) applies where—
 - (a) P exceeds the usual fostering limit and is not exempted under paragraph 4;
 - (b) P is exempted under paragraph 4 and exceeds the usual fostering limit by fostering a child not named in the exemption.
(3) Where this paragraph applies, P is not to be treated as fostering and is to be treated for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016 as providing a care home service.
(4) But sub-paragraph (3) does not apply if the children fostered are all siblings in respect of each other.”

14. Yn Atodlen 8, ym mharagraff 9(1)(2), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

Deddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990 (p. 19)

15. Yn adran 48(1A)(3) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990, ym mharagraff (b), ar ôl “2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

Deddf y Diwydiant Dŵr 1991 (p. 56)

16.—(1) Mae Atodlen 4A(4) i Ddeddf y Diwydiant Dŵr 1991 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 8(2)(5)—

13. In Schedule 7 (effect of exceeding fostering limit)—

- (a) at the beginning of paragraph 5(1) insert—
“(A1) This paragraph applies to a person fostering in England.”;
- (b) after paragraph 5, insert—
“**5A.**—(1) This paragraph applies to a person (P) fostering in Wales.
(2) Sub-paragraph (3) applies where—
 - (a) P exceeds the usual fostering limit and is not exempted under paragraph 4;
 - (b) P is exempted under paragraph 4 and exceeds the usual fostering limit by fostering a child not named in the exemption.
(3) Where this paragraph applies, P is not to be treated as fostering and is to be treated for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016 as providing a care home service.
(4) But sub-paragraph (3) does not apply if the children fostered are all siblings in respect of each other.”

14. In Schedule 8, in paragraph 9(1)(2), after “Care Standards Act 2000” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

National Health Service and Community Care Act 1990 (c. 19)

15. In section 48(1A)(3) of the National Health Service and Community Care Act 1990, in paragraph (b) after “2000” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

Water Industry Act 1991 (c. 56)

16.—(1) Schedule 4A(4) to the Water Industry Act 1991 is amended as follows.

(2) In paragraph 8(2)(5)—

-
- (1) Diwygiwyd paragraff 5(1) o Atodlen 7 gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (26) o Atodlen 4 iddi.
 - (2) Diwygiwyd paragraff 9(1) gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (27)(b) o Atodlen 4 iddi, ac adran 8(2) o Ddeddf Plant a Phobl Ifanc 2008 a pharagraff 6 o Atodlen 1 iddi.
 - (3) Mewnosodwyd is-adran (1A) gan erthygl 8(b) o O.S. 2010/813.
 - (4) Mewnosodwyd Atodlen 4A gan adran 1(2) o Ddeddf y Diwydiant Dŵr 1999 (p. 9) ac Atodlen 1 iddi.
 - (5) Amnewidiwyd paragraff 8 gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 18 o Atodlen 4 iddi.

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- (1) Paragraph 5(1) of Schedule 7 was amended by the Care Standards Act 2000, section 116, Schedule 4, paragraph 14(1) and (26).
 - (2) Paragraph 9(1) was amended by the Care Standards Act 2000, section 116, Schedule 4, paragraph 14(1) and (27)(b), and Children and Young Persons Act 2008 section 8(2), Schedule 1, paragraph 6.
 - (3) Subsection (1A) was inserted by S.I. 2010/813, article 8(b).
 - (4) Schedule 4A was inserted by the Water Industry Act 1999 (c. 9), section 1(2) and Schedule 1.
 - (5) Paragraph 8 was substituted by the Care Standards Act 2000, section 116, Schedule 4, paragraph 18.

- (a) ym mharagraff (a), ar ôl “care home” mewnosoder “in England”;
 - (b) ar ôl paragraff (a) mewnosoder—
 - “(aa) premises in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), is provided;”;
 - (c) ym mharagraff (d)(i) hepgorer “; and”;
 - (d) hepgorer paragraff (d)(ii).
- (3) Ym mharagraff 9(1), ar ôl “children’s home” mewnosoder “in England”.

Deddf Cyllid Llywodraeth Leol 1992 (p. 14)

- 17.—(1) Yn Atodlen 1 i Ddeddf Cyllid Llywodraeth Leol 1992, mae’r diffiniad o “care home” ym mharagraff 7(2)(2) wedi ei ddiwygio fel a ganlyn.
- (2) Ym mharagraff (a), ar ôl “care home” mewnosoder “in England”.
 - (3) Ar ôl paragraff (a) mewnosoder—
 - “(aa) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care Act (Wales) 2016 (anaw 2), is provided wholly or mainly to adults; or”.
 - (4) Ar ddiwedd y diffiniad o “care home” mewnosoder yn eiriau i gloi—
 - “and in paragraphs (aa) and (b) “adult” means a person aged 18 or over;”.

Deddf Addysg 2002 (p. 32)

18. Yn adran 168(2) o Ddeddf Addysg 2002, yn lle paragraff (a) rhodder—
- “(a) require the provision of such information as is required for the purposes of determining whether the school is—
 - (i) a children’s home in England (within the meaning of the Care Standards Act 2000), or

- (a) in paragraph (a), after “care home” insert “in England”;
 - (b) after paragraph (a), insert—
 - “(aa) premises in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), is provided;”;
 - (c) in paragraph (d)(i) omit “; and”;
 - (d) omit paragraph (d)(ii).
- (3) In paragraph 9(1) after “children’s home” insert “in England”.

Local Government Finance Act 1992 (c. 14)

- 17.—(1) In Schedule 1 to the Local Government Finance Act 1992, the definition of “care home” in paragraph 7(2)(2) is amended as follows.
- (2) In paragraph (a), after “care home” insert “in England”.
 - (3) After paragraph (a), insert—
 - “(aa) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care Act (Wales) 2016 (anaw 2), is provided wholly or mainly to adults; or”.
 - (4) At the end of the definition of “care home” insert as closing words—
 - “and in paragraphs (aa) and (b) “adult” means a person aged 18 or over;”.

Education Act 2002 (c. 32)

18. In section 168(2) of the Education Act 2002, for paragraph (a) substitute—
- “(a) require the provision of such information as is required for the purposes of determining whether the school is—
 - (i) a children’s home in England (within the meaning of the Care Standards Act 2000), or

(1) Amnewidiwyd paragraff 9 gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 18 o Atodlen 4 iddi.
 (2) Mewnosodwyd is-baragraff (2) gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 20(c) o Atodlen 4 iddi.

(1) Paragraph 9 was substituted by the Care Standards Act 2000, section 116, Schedule 4, paragraph 18.
 (2) Sub-paragraph (2) was substituted by the Care Standards Act 2000, section 116, Schedule 4, paragraph 20(c).

- (ii) a provider of a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016);”.

- (ii) a provider of a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016);”.

Deddf Gofal Cymunedol (Rhyddhau Gohiriedig etc.) 2003 (p. 5)

19. Yn adran 14(3) o Ddeddf Gofal Cymunedol (Rhyddhau Gohiriedig etc.) 2003, yn lle’r diffiniad o “care home” rhodder—

““care home”—

- (a) has the same meaning as in the Care Standards Act 2000 (c. 14) in respect of a care home in England, and
- (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over; and”.

Deddf Troseddau Rhywiol 2003 (p. 42)

20. Mae Deddf Troseddau Rhywiol 2003 wedi ei diwygio fel a ganlyn.

21. Yn adran 21(4)(1), ar ôl paragraff (f) mewnosoder—

“(g) a place in Wales at which a care home service is provided;”.

22. Yn adran 22(5)—

- (a) yn y diffiniad o “care home”, ar ôl “establishment” mewnosoder “in England”;
- (b) yn y lle priodol mewnosoder—
““care home service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”;
- (c) yn y diffiniad o “children’s home” hepgorer “and Wales”;
- (d) yn y diffiniad o “community home”, ar ôl “has” mewnosoder “, in relation to England”;
- (e) yn y diffiniad o “voluntary home” hepgorer “and Wales”.

Community Care (Delayed Discharges etc.) Act 2003 (c. 5)

19. In section 14(3) of the Community Care (Delayed Discharges etc.) Act 2003, for the definition of “care home” substitute—

““care home”—

- (a) has the same meaning as in the Care Standards Act 2000 (c. 14) in respect of a care home in England, and
- (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over; and”.

Sexual Offences Act 2003 (c. 42)

20. The Sexual Offences Act 2003 is amended as follows.

21. In section 21(4)(1), after paragraph (f) insert—

“(g) a place in Wales at which a care home service is provided;”.

22. In section 22(5)—

- (a) in the definition of “care home” after “establishment” insert “in England”;
- (b) in the appropriate place insert—
““care home service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”;
- (c) in the definition of “children’s home” omit “and Wales”;
- (d) in the definition of “community home” after “has” insert “, in relation to England”;
- (e) in the definition of “voluntary home”, omit “and Wales”.

(1) Diwygiwyd adran 21 gan baragraff 15 o Atodlen 1 i Ddeddf Plant a Phobl Ifanc 2008, a chan O.S. 2008/1779. Mae diwygiadau eraill nad ydynt yn berthnasol.

(1) Section 21 was amended by the Children and Young Persons Act 2008, Schedule 1, paragraph 15 and by S.I. 2008/1779. There are other amendments which are not relevant.

23. Yn adran 42—

- (a) yn is-adran (2)(a), yn lle “or children’s home” rhodder “, children’s home, or premises in Wales at which a secure accommodation service is provided”;
- (b) yn is-adran (2)(b)—
 - (i) hepgorer “in the home”;
 - (ii) ar ôl “of employment” mewnosoder “in the home or the premises”;
- (c) yn is-adran (5)—
 - (i) yn lle’r diffiniad o “care home” rhodder—
““care home” means—
 - (a) an establishment in England which is a care home for the purposes of the Care Standards Act 2000 (c. 14); and
 - (b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;
 - (ii) yn lle’r diffiniad o “children’s home”, rhodder—
““children’s home”—
 - (a) has the meaning given by section 1 of the Care Standards Act 2000 in relation to a children’s home in England, and
 - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons under the age of 18;”;
 - (iii) yn y lle priodol mewnosoder—
““secure accommodation service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”.

Deddf Cyfiawnder Troseddol 2003 (p. 44)

24.—(1) Mae adran 207 o Ddeddf Cyfiawnder Troseddol 2003 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (2)(a)(1) hepgorer “within the meaning of the Care Standards Act 2000 (c. 14)”.

(3) Ar ôl is-adran (4A)(2) mewnosoder—

(1) Diwygiwyd is-adran (2)(a) gan erthygl 14(a)(i) o Orchymyn Deddf Iechyd a Gofal Cymdeithasol 2008 (Diwygiadau Canlyniadol Rhif 2) 2010/813.

(2) Mewnosodwyd is-adran (4A) gan erthygl 14(b) o O.S. 2010/813.

23. In section 42—

- (a) in subsection (2)(a) for “or children’s home” substitute “, children’s home, or premises in Wales at which a secure accommodation service is provided”;
- (b) in subsection (2)(b)—
 - (i) omit “in the home”;
 - (ii) after “of employment” insert “in the home or the premises”;
- (c) in subsection (5)—
 - (i) for the definition of “care home” substitute—
““care home” means—
 - (a) an establishment in England which is a care home for the purposes of the Care Standards Act 2000 (c. 14); and
 - (b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;
 - (ii) for the definition of “children’s home”, substitute—
““children’s home”—
 - (a) has the meaning given by section 1 of the Care Standards Act 2000 in relation to a children’s home in England, and
 - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons under the age of 18;”;
 - (iii) in the appropriate place insert—
““secure accommodation service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”.

Criminal Justice Act 2003 (c. 44)

24.—(1) Section 207 of the Criminal Justice Act 2003 is amended as follows.

(2) In subsection (2)(a)(1) omit “within the meaning of the Care Standards Act 2000 (c. 14)”.

(3) After subsection (4A)(2) insert—

(1) Subsection (2)(a) was amended by the Health and Social Care Act 2008 (Consequential Amendments No. 2) Order 2010/813, article 14(a)(i).

(2) Subsection (4A) was inserted by S.I. 2010/813, article 14(b).

“(4B) In subsection (2), “care home” means—

- (a) a care home in England within the meaning of the Care Standards Act 2000 (c. 14);
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided.”

Deddf Taliadau ar Sail Oedran 2004 (p. 10)

25.—(1) Mae adran 8(1) o Ddeddf Taliadau ar Sail Oedran 2004 wedi ei diwygio fel a ganlyn.

(2) Yn y diffiniad o “care home”—

- (a) ym mharagraff (a)—
 - (i) hepgorer “and Wales”;
 - (ii) ar ôl “Care Standards Act 2000 (c. 14),” hepgorer “and”;
- (b) ar ôl paragraff (a) mewnosoder—

“(aa) in relation to Wales, means a place at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over, and”.

Deddf Treth Incwm (Incwm Masnachu ac Incwm Arall) 2005 (p. 5)

26. Yn adran 726 o Ddeddf Treth Incwm (Incwm Masnachu ac Incwm Arall) 2005, yn lle is-adran (2A)(1) rhodder—

“(2A) A person meets the care registration requirement in relation to care provided in Wales if the person is registered under—

- (a) Part 2 of the Care Standards Act 2000, or
- (b) Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2),

in respect of the provision of the care.”

Deddf Galluedd Meddyliol 2005 (p. 9)

27. Mae Deddf Galluedd Meddyliol 2005 wedi ei diwygio fel a ganlyn.

“(4B) In subsection (2), “care home” means—

- (a) a care home in England within the meaning of the Care Standards Act 2000 (c. 14);
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided.”

Age-Related Payments Act 2004 (c. 10)

25.—(1) Section 8(1) of the Age-Related Payments Act 2004 is amended as follows.

(2) In the definition of “care home”—

- (a) in paragraph (a)—
 - (i) omit “and Wales”;
 - (ii) after “Care Standards Act 2000 (c. 14),” omit “and”;
- (b) after paragraph (a) insert—

“(aa) in relation to Wales, means a place at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over, and”.

Income Tax (Trading and Other Income) Act 2005 (c. 5)

26. In section 726 of the Income Tax (Trading and Other Income) Act 2005, for subsection (2A)(1) substitute—

“(2A) A person meets the care registration requirement in relation to care provided in Wales if the person is registered under—

- (a) Part 2 of the Care Standards Act 2000, or
- (b) Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2),

in respect of the provision of the care.”

Mental Capacity Act 2005 (c. 9)

27. The Mental Capacity Act 2005 is amended as follows.

(1) Mewnosodwyd is-adran (2A) gan erthygl 16 o O.S. 2010/813.

(1) Subsection (2A) was inserted by S.I. 2010/813, article 16.

28. Yn adran 35(6)(b)(iii)(1), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

29. Yn adran 38, yn lle is-adran (6) rhodder—

“(6) “Care home” means—

- (a) a care home in England within the meaning given in section 3 of the Care Standards Act 2000 (c. 14), and
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over.”

30. Yn adran 49(7)(c)(2), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

31. Yn adran 58(5)(c)(3), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

32. Yn adran 61(5)(c)(4), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

33. Yn Atodlen A1(5)—

- (a) ym mharagraff 131(c)(6), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”;

(b) yn lle paragraff 178 rhodder—

“**178.** “Care home” means—

28. In section 35(6)(b)(iii)(1), for “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” substitute “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

29. In section 38, for subsection (6) substitute—

“(6) “Care home” means—

- (a) a care home in England within the meaning given in section 3 of the Care Standards Act 2000 (c. 14), and
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over.”

30. In section 49(7)(c)(2), for “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” substitute “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

31. In section 58(5)(c)(3), for “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” substitute “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

32. In section 61(5)(c)(4), for “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” substitute “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

33. In Schedule A1(5)—

- (a) in paragraph 131(c)(6), for “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” substitute “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”;

(b) for paragraph 178 substitute—

“**178.** “Care home” means—

(1) Diwygiwyd adran 35(6)(b)(iii) gan erthygl 17(1) a (2) o O.S. 2010/813.

(2) Diwygiwyd adran 49(7)(c) gan erthygl 17(1) a (4) o O.S. 2010/813.

(3) Diwygiwyd adran 58(5)(c) gan erthygl 17(1) a (5) o O.S. 2010/813.

(4) Diwygiwyd adran 61(5)(c) gan erthygl 17(1) a (6) o O.S. 2010/813.

(5) Mewnosodwyd Atodlen A1 gan adran 50(5) o Ddeddf Iechyd Meddwl 2007 (p. 12) ac Atodlen 7 iddi.

(6) Diwygiwyd paragraff 131(c) o Atodlen A1 gan erthygl 17(1) a (7)(a) o O.S. 2010/813.

(1) Section 35(6)(b)(iii) was amended by S.I. 2010/813, article 17(1) and (2).

(2) Section 49(7)(c) was amended by S.I. 2010/813, article 17(1) and (4).

(3) Section 58(5)(c) was amended by S.I. 2010/813, article 17(1) and (5).

(4) Section 61(5)(c) was amended by S.I. 2010/813, article 17(1) and (6).

(5) Schedule A1 was inserted by section 50(5) and Schedule 7 of the Mental Health Act 2007 (c. 12).

(6) Paragraph 131(c) of Schedule A1 was amended by S.I. 2010/813, article 17(1) and (7)(a).

- (a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over.”;
- (c) ym mharagraff 179(b)(1), yn lle “Part 2 of the Care Standards Act 2000 in respect of the care home” rhodder “under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of the care home”.

- (a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over.”;
- (c) in paragraph 179(b)(1), for “Part 2 of the Care Standards Act 2000 in respect of the care home” substitute “under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of the care home”.

Deddf Diogelu Grwpiau Hyglwyf 2006 (p. 47)

34. Mae Deddf Diogelu Grwpiau Hyglwyf 2006 wedi ei diwygio fel a ganlyn.

35. Yn adran 45(7)—

- (a) ar ôl paragraff (c) mewnosoder—
 - “(ca) the Welsh Ministers in respect of their functions under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”;
- (b) yn lle paragraff (e)(2) rhodder—
 - “(e) the Welsh Ministers in respect of their functions under Chapter 4 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 and Part 8 of the Social Services and Well-being (Wales) Act 2014 (anaw 4);”.

36. Yn Rhan 1 o Atodlen 4, ym mharagraff 1—

- (a) yn is-baragraff (11)(a)(3), ar ôl “agency” mewnosoder “, service provider”;
- (b) yn is-baragraff (12)—
 - (i) yn y llinell agoriadol, ar ôl “agency” mewnosoder “, service provider”;
 - (ii) ar ddiwedd paragraff (b) hepgorer “or”;

Safeguarding Vulnerable Groups Act 2006 (c. 47)

34. The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

35. In section 45(7)—

- (a) after paragraph (c) insert—
 - “(ca) the Welsh Ministers in respect of their functions under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”;
- (b) for paragraph (e)(2) substitute—
 - “(e) the Welsh Ministers in respect of their functions under Chapter 4 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 and Part 8 of the Social Services and Well-being (Wales) Act 2014 (anaw 4);”.

36. In Part 1 of Schedule 4, in paragraph 1—

- (a) in sub-paragraph (11)(a)(3), after “agency” insert “, service provider”;
- (b) in sub-paragraph (12)—
 - (i) in the opening line, after “agency” insert “, service provider”;
 - (ii) at the end of paragraph (b) omit “or”;

(1) Amnewidiwyd paragraff 179 o Atodlen A1 gan erthygl 17(7)(b)(iii) o O.S. 2010/813.

(2) Diwygiwyd paragraff (e) gan erthyglau 1(1) a 30(b) o O.S. 2009/2610, ac adran 95 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14) a pharagraff 91(c) o Atodlen 5 iddi.

(3) Amnewidiwyd is-baragraff (11) gan erthyglau 2 a 3(1) a (4) o O.S. 2010/1154.

(1) Paragraph 179 of Schedule A1 was substituted by S.I. 2010/813, article 17(7)(b)(iii).

(2) Paragraph (e) was amended by S.I. 2009/2610, articles 1(1) and 30(b) and Health and Social Care Act 2008 (c. 14), section 95, Schedule 5, paragraph 91(c).

(3) Sub-paragraph (11) was substituted by S.I. 2010/1154, articles 2 and 3(1) and (4).

- (iii) ar ôl paragraff (b) mewnosoder—
“(ba) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”.

37. Yn Rhan 1 o Atodlen 4, ym mharagraff 3(1)—

- (a) ar ôl paragraff (d) mewnosoder—
“(da) premises in Wales at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided;”;
- (b) ym mharagraff (e), ar ôl “children’s home” mewnosoder “in England”;
- (c) ar ôl paragraff (e) mewnosoder—
“(ea) premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;”.

38. Yn Rhan 2 o Atodlen 4, ym mharagraff 7(7)(1), ar ôl paragraff (d) mewnosoder—

- “(da) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”.

Deddf Comisiynydd Pobl Hŷn (Cymru) 2006 (p. 30)

39.—(1) Mae adran 26 o Ddeddf Comisiynydd Pobl Hŷn (Cymru) 2006 wedi ei diwygio fel a ganlyn.

(2) Yn lle is-adran (2) rhodder—

- “(2) “Regulated services in Wales” means—
- (a) regulated services within the meaning of section 2 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);
- (b) services provided in Wales by an establishment or agency required to register under Part 2 of the Care Standards Act 2000 (c. 14) to provide the service.”

(3) Hepgorer is-adrannau (3) a (4).

- (iii) after paragraph (b) insert—
“(ba) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”.

37. In Part 1 of Schedule 4, in paragraph 3(1)—

- (a) after paragraph (d) insert—
“(da) premises in Wales at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided;”;
- (b) in paragraph (e), after “children’s home” insert “in England”;
- (c) after paragraph (e) insert—
“(ea) premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;”.

38. In Part 2 of Schedule 4, in paragraph 7(7)(1), after paragraph (d) insert—

- “(da) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”.

Commissioner for Older People (Wales) Act 2006 (c. 30)

39.—(1) Section 26 of the Commissioner for Older People (Wales) Act 2006 is amended as follows.

(2) For subsection (2) substitute—

- “(2) “Regulated services in Wales” means—
- (a) regulated services within the meaning of section 2 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);
- (b) services provided in Wales by an establishment or agency required to register under Part 2 of the Care Standards Act 2000 (c. 14) to provide the service.”

(3) Omit subsections (3) and (4).

(1) Diwygiwyd paragraff 7 o Atodlen 4 gan erthyglau 6 a 7(1) a (3) o O.S. 2010/1154.

(1) Paragraph 7 of Schedule 4 was amended by S.I. 2010/1154, articles 6 and 7(1) and (3).

Deddf Cyfiawnder Troseddol a Mewnfudo 2008 (p. 4)

40. Yn Atodlen 1 i Ddeddf Cyfiawnder Troseddol a Mewnfudo 2008, ym mharagraff 20(2), yn lle paragraff (a)(1) rhodder—

- “(a) treatment as a resident patient in—
- (i) a care home in England within the meaning of the Care Standards Act 2000 (c. 14),
 - (ii) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)) is provided,
 - (iii) an independent hospital, or
 - (iv) a hospital within the meaning of the Mental Health Act 1983 (c. 20), but not in hospital premises where high security psychiatric services within the meaning of that Act are provided;”.

Deddf Iechyd a Gofal Cymdeithasol 2008 (p. 14)

41.—(1) Mae adran 17(3) o Ddeddf Iechyd a Gofal Cymdeithasol 2008 wedi ei diwygio fel a ganlyn.

- (2) Ar ddiwedd paragraff (c) hepgorer “and”.
- (3) Ar ôl paragraff (c) mewnosoder—

“(ca) an offence under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) or specified in regulations made under section 45 or 46 of that Act, and”.

Mesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2)

42. Yn adran 19(7) o Fesur Teithio gan Ddysgwyr (Cymru) 2008, yn lle paragraff (a) rhodder—

- “(a) ystyr “cartref plant” yw mangre lle y mae—
- (i) gwasanaeth cartref gofal yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i blant neu bobl ifanc; neu

Criminal Justice and Immigration Act 2008 (c. 4)

40. In Schedule 1 to the Criminal Justice and Immigration Act 2008, in paragraph 20(2), for paragraph (a)(1) substitute—

- “(a) treatment as a resident patient in—
- (i) a care home in England within the meaning of the Care Standards Act 2000 (c. 14),
 - (ii) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)) is provided,
 - (iii) an independent hospital, or
 - (iv) a hospital within the meaning of the Mental Health Act 1983 (c. 20), but not in hospital premises where high security psychiatric services within the meaning of that Act are provided;”.

Health and Social Care Act 2008 (c. 14)

41.—(1) Section 17(3) of the Health and Social Care Act 2008 is amended as follows.

- (2) At the end of paragraph (c) omit “and”.
- (3) After paragraph (c) insert—

“(ca) an offence under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) or specified in regulations made under section 45 or 46 of that Act, and”.

Learner Travel (Wales) Measure 2008 (nawm 2)

42. In section 19(7) of the Learner Travel (Wales) Measure 2008, for paragraph (a) substitute—

- “(a) “children’s home” means premises at which—
- (i) a care home service is provided wholly or mainly to children or young persons; or

(1) Diwygiwyd paragraff 20(2)(a) o Atodlen 1 gan erthygl 20(a)(i) a (ii) o O.S. 2010/813.

(1) Paragraph 20(2)(a) of Schedule 1 was amended by S.I. 2010/813, article 20(a)(i) and (ii).

(ii) gwasanaeth llety diogel yn cael ei ddarparu;

ac yn y paragraff hwn mae i “gwasanaeth cartref gofal” a “gwasanaeth llety diogel” yr ystyr a roddir yn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2);”.

(ii) a secure accommodation service is provided;

and in this paragraph “care home service” and “secure accommodation service” have the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”.

Mesur y Gymraeg (Cymru) 2011 (mccc 1)

43. Yn Atodlen 6 i Fesur y Gymraeg (Cymru) 2011, yng Ngholofn 1, yn lle “Cyngor Gofal Cymru (“*The Care Council for Wales*”)” rhodder “Gofal Cymdeithasol Cymru (“*Social Care Wales*”)”.

Welsh Language (Wales) Measure 2011 (nawm 1)

43. In Schedule 6 to the Welsh Language (Wales) Measure 2011, in Column 1, for “The Care Council for Wales (“*Cyngor Gofal Cymru*”)” substitute “Social Care Wales (“*Gofal Cymdeithasol Cymru*”)”.

Mesur Diogelwch Tân Domestig (Cymru) 2011 (mccc 3)

44.—(1) Mae adran 6 o Fesur Diogelwch Tân Domestig (Cymru) 2011 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1), yn y diffiniad o “preswylfa”—

(a) yn lle paragraff (c) rhodder—

“(c) man yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i bersonau sy’n 18 oed neu’n hŷn;”;

(b) ym mharagraff (e), yn is-baragraff (vi) hepgorer “neu”;

(c) ar ôl paragraff (e) mewnosoder—

“(ea) mangre lle y mae gwasanaeth llety diogel o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn cael ei ddarparu, neu;”;

(d) yn lle paragraff (f)(1) rhodder—

“(f) man lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i blant, ond nid—

(i) sefydliad yn y sector addysg bellach fel y’i diffinnir gan adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992;

Domestic Fire Safety (Wales) Measure 2011 (nawm 3)

44.—(1) Section 6 of the Domestic Fire Safety (Wales) Measure 2011 is amended as follows.

(2) In subsection (1), in the definition of “residence”—

(a) for paragraff (c) substitute—

“(c) place in Wales at which a care home service within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;

(b) in paragraff (e), in sub-paragraff (vi) omit “or”;

(c) after paragraff (e) insert—

“(ea) premises at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided, or;”;

(d) for paragraff (f)(1), substitute—

“(f) place at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children, but not—

(i) an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992;

(1) Mewnosodwyd paragraff (f) gan erthygl 2(1) a (3)(b) o O.S. 2013/2723.

(1) Paragraph (f) was inserted by S.I. 2013/2723, article 2(1) and (3)(b).

- (ii) man lle y mae llety yn cael ei ddarparu at ddibenion—
 - (aa) gwyliau;
 - (bb) gweithgaredd hamdden, adloniant, chwaraeon, diwylliannol neu addysgol;
 oni bai bod plentyn yn cael ei letya yno am fwy nag 28 o ddiwrnodau mewn unrhyw gyfnod o 12 mis; a”.

(3) Ar ôl is-adran (1) mewnosoder—

“(1A) Yn is-adran (1), ystyr “plentyn” yw person sydd o dan 18 oed.”

Deddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwr 2012 (p. 10)

45. Yn adran 102 o Ddeddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwr 2012, yn lle is-adran (11) rhodder—

“(11) In this Chapter “secure children’s home” means—

- (a) accommodation which is provided in a children’s home in England, within the meaning of the Care Standards Act 2000—
 - (i) which provides accommodation for the purposes of restricting liberty, and
 - (ii) in respect of which a person is registered under Part 2 of that Act;
- (b) accommodation in Wales in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) to provide a secure accommodation service within the meaning of Part 1 of that Act.”

Deddf Mewnfudo 2014 (p. 22)

46. Yn Atodlen 3 i Ddeddf Mewnfudo 2014, mae paragraff 3(2) wedi ei ddiwygio fel a ganlyn—

- (a) ym mharagraff (a)—
 - (i) hepgorer “in relation to England and Wales”;
 - (ii) ar ôl “an establishment” mewnosoder “in England”;

- (ii) a place at which accommodation is provided for the purposes of—
 - (aa) a holiday;
 - (bb) a leisure, recreational, sporting, cultural or educational activity;
 unless a child is accommodated there for more than 28 days in any 12 month period; and”.

(3) After subsection (1) insert—

“(1A) In subsection (1), “child” means a person under the age of 18.”

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

45. In section 102 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, for subsection (11) substitute—

“(11) In this Chapter “secure children’s home” means—

- (a) accommodation which is provided in a children’s home in England, within the meaning of the Care Standards Act 2000—
 - (i) which provides accommodation for the purposes of restricting liberty, and
 - (ii) in respect of which a person is registered under Part 2 of that Act;
- (b) accommodation in Wales in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) to provide a secure accommodation service within the meaning of Part 1 of that Act.”

Immigration Act 2014 (c. 22)

46. In Schedule 3 to the Immigration Act 2014, paragraph 3(2) is amended as follows—

- (a) in paragraph (a)—
 - (i) omit “in relation to England and Wales”;
 - (ii) after “an establishment” insert “in England”;

- (b) ar ôl paragraff (a) mewnosoder—
 “(aa) premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over;”.

Deddf Gofal 2014 (p. 23)

47. Mae Deddf Gofal 2014 wedi ei diwygio fel a ganlyn.

48. Yn lle adran 8(3) rhodder—

- “(3) “Care home”—
 (a) has the meaning given by section 3 of the Care Standards Act 2000 in respect of a care home in England; and
 (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over.”

49. Yn adran 50—

- (a) yn is-adran (1)—
 (i) yng ngeiriau agoriadol yr is-adran, ar ôl “establishment or agency” mewnosoder “or registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service”;
 (ii) ym mharagraff (a), ar ôl “agency” mewnosoder “or regulated service”;
- (b) yn is-adran (2)—
 (i) yng ngeiriau agoriadol yr is-adran, ar ôl “establishment or agency” mewnosoder “or registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service”;
 (ii) ym mharagraff (a), ar ôl “agency” mewnosoder “or regulated service”;
- (c) ar ôl is-adran (7) mewnosoder—
 “(8) In this section “regulated service” has the meaning given by section 2 of the Regulation and Inspection of Social Care (Wales) Act 2016.
 ”

- (b) after paragraph (a) insert—
 “(aa) premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over;”.

Care Act 2014 (c. 23)

47. The Care Act 2014 is amended as follows.

48. For section 8(3) substitute—

- “(3) “Care home”—
 (a) has the meaning given by section 3 of the Care Standards Act 2000 in respect of a care home in England; and
 (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over.”

49. In section 50—

- (a) in subsection (1)—
 (i) in the opening words of the subsection, after “establishment or agency” insert “or registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service”;
 (ii) in paragraph (a), after “agency” insert “or regulated service”;
- (b) in subsection (2)—
 (i) in the opening words of the subsection, after “establishment or agency” insert “or registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service”;
 (ii) in paragraph (a), after “agency” insert “or regulated service”;
- (c) after subsection (7) insert—
 “(8) In this section “regulated service” has the meaning given by section 2 of the Regulation and Inspection of Social Care (Wales) Act 2016.
 ”

50. Yn adran 67(9)(c), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

51. Yn adran 73(1)(b), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)

52. Yn adran 86(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, ac ym mhennawd yr adran honno, hepgorer “plant”.

Deddf Tai (Cymru) 2014 (dccc 7)

53. Yn adran 70(3) o Ddeddf Tai (Cymru) 2014, yn lle’r diffiniad o “cartref gofal” rhodder—

“O ran “cartref gofal” (“*care home*”)—

- (a) mae iddo’r un ystyr ag a roddir i “care home” yn Neddf Safonau Gofal 2000 mewn cysylltiad â chartref gofal yn Lloegr, a
- (b) ei ystyr yw man yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn cael ei ddarparu;”.

Deddf Cyfiawnder Troseddol a’r Llysoedd 2015 (p. 2)

54.—(1) Mae Atodlen 4 i Ddeddf Cyfiawnder Troseddol a’r Llysoedd 2015 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 1(1), ar ôl paragraff (c) mewnosoder—

“(ca) health care provided at a place in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide—

- (i) a care home service wholly or mainly to children, or
- (ii) a residential family centre service;

”.

(1) Amnewidiwyd adran 86 gan reoliadau 294 a 301 o O.S. 2016/413 (Cy. 131).

(3) Ym mharagraff 4, yn y lle priodol mewnosoder—

““care home service” has the meaning given in paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016;”;

a
““residential family centre service” has the meaning given in paragraph 3 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016.”

Deddf Gwrthderfysgaeth a Diogelwch 2015 (p. 6)

55.—(1) Mae Rhan 1 o Atodlen 7 i Ddeddf Gwrthderfysgaeth a Diogelwch 2015 wedi ei diwygio fel a ganlyn.

(2) O dan y pennawd “Education, child care etc.”, ar ôl “Registered Holiday Schemes for Disabled Children (England) Regulations 2013 (S.I. 2013/1394)” mewnosoder—

“A person registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) in respect of—

- (a) a care home service provided wholly or mainly to persons under the age of 18, or
- (b) a residential family centre service,

each of which have the same meaning as in Schedule 1 to that Act.”

Deddf Rhentu Cartrefi (Cymru) 2016 (dccc 1)

56. Yn Rhan 2 o Atodlen 2 i Ddeddf Rhentu Cartrefi (Cymru) 2016, yn lle paragraff 4(b) ac (c) rhodder—

- “(b) ysbyty annibynnol, yn yr ystyr sydd i “independent hospital” yn Neddf Safonau Gofal 2000 (p. 14) (gweler adran 2 o’r Ddeddf honno),
- (c) man lle y mae gwasanaeth cartref gofal o fewn ystyr paragraff 1 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i bersonau sy’n 18 oed neu’n hŷn,
- (d) man lle y mae gwasanaeth canolfan breswyl i deuluoedd o fewn ystyr paragraff 3 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu, neu

- (e) man y mae person wedi ei gofrestru o dan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 mewn cysylltiad ag ef i ddarparu—
 - (i) gwasanaeth llety diogel o fewn ystyr paragraff 2 o Atodlen 1 i'r Ddeddf honno, neu
 - (ii) gwasanaeth cartref gofal o fewn ystyr paragraff 1 o Atodlen 1 i'r Ddeddf honno i bersonau sy'n gyfan gwbl neu'n bennaf o dan 18 oed.”

Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2)

57. Mae Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 wedi ei diwygio fel a ganlyn.

58. Yn Atodlen 1—

- (a) ym mharagraff 1(4), ar ôl “gwasanaeth cartref gofal”, mewnosoder “oni bai bod paragraff 5A o Atodlen 7 i Ddeddf Plant 1989 yn gymwys (trin maethu fel gwasanaeth cartref gofal pan eir dros y terfyn maethu)”;
- (b) ym mharagraff 4(a) ar ôl “y Ddeddf honno” mewnosoder—

“(ond gweler adran 2(4) o Ddeddf Mabwysiadu a Phlant 2002 (p. 38) (dim cais i gofrestru i gael ei wneud o dan Ran 1 o'r Ddeddf hon os yw cymdeithas fabwysiadu yn gorff anghorfforedig))”.

59. Yn Rhan 1 o Atodlen 3, yn lle paragraff 36 rhodder—

“36. Yn adran 197(1) (diffiniadau)—

- (a) yn lle'r diffiniad o “cartref gofal” rhodder—
 - “o ran “cartref gofal” (*“care home”*)—
 - (a) mae iddo yr un ystyr â “care home” yn Neddf Safonau Gofal 2000 mewn cysylltiad â chartref gofal yn Lloegr; a
 - (b) ei ystyr yw man yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu'n gyfan gwbl neu'n bennaf i oedolion;”;

(b) yn lle'r diffiniad o "cartref plant", rhodder—

"ystyr "cartref plant" ("*children's home*") yw—

- (a) cartref plant yn Lloegr o fewn ystyr Deddf Safonau Gofal 2000 y mae person wedi ei gofrestru o dan Ran 2 o'r Ddeddf honno mewn cysylltiad ag ef; a
- (b) mangre yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu'n gyfan gwbl neu'n bennaf i blant gan berson sydd wedi ei gofrestru o dan Ran 1 o'r Ddeddf honno;".

Huw Irranca-Davies

Y Gweinidog Gofal Cymdeithasol a Phlant, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
15 Chwefror 2018