



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 772 (Cy. 146)

2019 No. 772 (W. 146)

**GOFAL CYMDEITHASOL,
CYMRU A LLOEGR**

**SOCIAL CARE, ENGLAND
AND WALES**

Rheoliadau Deddf Rheoleiddio ac
Arolygu Gofal Cymdeithasol
(Cymru) 2016 (Diwygiadau
Canlyniadol) 2019

The Regulation and Inspection of
Social Care (Wales) Act 2016
(Consequential Amendments)
Regulations 2019

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").

Mae'r Ddeddf yn cyflwyno system newydd o gofrestru gwasanaethau gofal a chymorth yng Nghymru, gan ddisodli'r un a sefydlwyd gan Ddeddf Safonau Gofal 2000 ("Deddf 2000").

Mae Rhan 1 o'r Ddeddf yn disodli'r system gofrestru ar gyfer darparwr gwasanaethau gofal cymdeithasol a nodir yn Rhannau 1 a 2 o Ddeddf 2000, sy'n cofrestru sefydliadau ac asiantaethau. Mae Deddf 2000 yn ei gwneud yn ofynnol i bob lleoliad y darperir gwasanaeth gofal cymdeithasol ynddo gael ei gofrestru ar wahân.

Mae'r Ddeddf yn gweithredu dull gwahanol sy'n seiliedig ar y gwasanaeth. Rhaid i ddarparwr gofrestru â Gweinidogion Cymru er mwyn darparu unrhyw wasanaeth gofal a chymorth sy'n wasanaeth rheoleiddiedig o dan y Ddeddf a bydd y cofrestrriad hwnnw yn cynnwys manylion pob un o'r lleoliadau y mae'r darparwr yn darparu gwasanaeth rheoleiddiedig ynddynt.

Mae'r Rheoliadau hyn yn gwneud diwygiadau canlyniadol i ddeddfwriaeth sylfaenol sy'n cyfeirio, at ddibenion amrywiol, at un o'r categorïau o sefydliad neu asiantaeth a reoleiddid o dan Ddeddf 2000 er mwyn rhoi cyfeiriadau at y "gwasanaeth rheoleiddiedig" priodol o dan y Ddeddf yn lle'r cyfeiriadau hynny.

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").

The Act introduces a new system of registration for care and support services in Wales, replacing that established by the Care Standards Act 2000 ("the 2000 Act").

Part 1 of the Act replaces the system of registration for providers of social care services set out in Parts 1 and 2 of the 2000 Act, which registers establishments and agencies. The 2000 Act requires a separate registration for each location at which a social care service is provided.

The Act takes a different approach which is service based. A provider must register with the Welsh Ministers in order to provide any care and support service which is a regulated service under the Act and that registration will contain the details of all the locations at which the provider provides a regulated service.

These Regulations make consequential amendments to primary legislation which refer for various purposes to one of the categories of establishment or agency which were regulated under the 2000 Act in order to replace such references with references to the appropriate "regulated service" under the Act.

Cychwynnwyd Rhan 1 o'r Ddeddf ar 2 Ebrill 2018 mewn perthynas â'r gwasanaethau rheoleiddiedig a ganlyn—

- (a) gwasanaethau cartrefi gofal;
- (b) gwasanaethau llety diogel;
- (c) gwasanaethau canolfannau preswyl i deuluoedd;
- (d) gwasanaethau cymorth cartref.

Ar 29 Ebrill 2019, mae Rhan 1 o'r Ddeddf wedi ei chychwyn mewn perthynas â'r gwasanaethau rheoleiddiedig sy'n weddill—

- (a) gwasanaethau mabwysiadu;
- (b) gwasanaethau maethu;
- (c) gwasanaethau lleoli oedolion;
- (d) gwasanaethau eirioli (nid yw gwasanaethau eirioli wedi eu cofrestru o dan Ddeddf 2000 ar hyn o bryd).

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.

Part 1 of the Act was commenced on 2 April 2018 in relation to the following regulated services—

- (a) care home services;
- (b) secure accommodation services;
- (c) residential family centre services;
- (d) domiciliary support services.

On 29 April 2019 Part 1 of the Act is commenced in relation to the remaining regulated services—

- (a) adoption services;
- (b) fostering services;
- (c) adult placement services;
- (d) advocacy services (advocacy services are not currently registered under the 2000 Act).

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.

2019 Rhif 772 (Cy. 146)

**GOFAL CYMDEITHASOL,
CYMRU A LLOEGR**

**Rheoliadau Deddf Rheoleiddio ac
Arolygu Gofal Cymdeithasol
(Cymru) 2016 (Diwygiadau
Canlyniadol) 2019**

Gwnaed 29 Mawrth 2019

Yn dod i rym 29 Ebrill 2019

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddir gan adran 186 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1), yn gwneud y Rheoliadau a ganlyn:

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 fe'i cymeradwywyd ganddo drwy benderfyniad.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol) 2019.

(2) Daw'r Rheoliadau hyn i rym ar 29 Ebrill 2019.

Deddf Plant 1989 (p. 41)

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

2019 No. 772 (W. 146)

**SOCIAL CARE, ENGLAND
AND WALES**

**The Regulation and Inspection of
Social Care (Wales) Act 2016
(Consequential Amendments)
Regulations 2019**

Made 29 March 2019

Coming into force 29 April 2019

The Welsh Ministers, in exercise of the power conferred by section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016(1), make the following Regulations:

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 has been approved by a resolution of the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2019.

(2) These Regulations come into force on 29 April 2019.

Children Act 1989 (c. 41)

2. The Children Act 1989 is amended as follows.

(1) 2016 dccc 2.

(1) 2016 anaw 2.

3. Yn adran 62(6)(c)(1), ar ôl “Health and Social Care Act 2008” mewnosoder “, or section 27 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

4. Yn adran 80(2)—

- (a) yn y darpariaethau a ganlyn, yn lle “Secretary of State” ym mhob lle y mae’n digwydd rhodder “Appropriate National Authority”—
 - (i) is-adran (1);
 - (ii) is-adran (2);
 - (iii) is-adran (4);
 - (iv) is-adran (7);
 - (v) is-adran (11);
- (b) yn is-adran (1)(a), ar ôl “home” mewnosoder “in England”;
- (c) yn is-adran (1)(j), ar ôl “home” mewnosoder “in England”;
- (d) yn is-adran (4), yn lle “him” yn y ddau le y mae’n digwydd rhodder “it”;
- (e) yn is-adran (4)(c), yn lle “his” rhodder “its”;
- (f) yn is-adran (5)(c), ar ôl “home” mewnosoder “in England”;
- (g) ar ôl is-adran (11) mewnosoder—

“(11A) But subsections (1), (4) and (6) do not apply if—

 - (a) the Appropriate National Authority is the Welsh Ministers; and
 - (b) the inspection relates to a private children’s home or a care home (see, instead the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)).”;
- (h) ar ôl is-adran (13) mewnosoder—

“(14) In this section “Appropriate National Authority” means—

 - (a) in relation to England, the Secretary of State; and
 - (b) in relation to Wales, the Welsh Ministers.”;
- (i) yn y pennawd, yn lle “Secretary of State” rhodder “the Appropriate National Authority”.

3. In section 62(6)(c)(1), after “Health and Social Care Act 2008” insert “, or section 27 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

4. In section 80(2)—

- (a) in the following provisions for “Secretary of State” in each place that it occurs, substitute “Appropriate National Authority”—
 - (i) subsection (1);
 - (ii) subsection (2);
 - (iii) subsection (4);
 - (iv) subsection (7);
 - (v) subsection (11);
- (b) in subsection (1)(a), after “home” insert “in England”;
- (c) in subsection (1)(j), after “home” insert “in England”;
- (d) in subsection (4), for “him” in both places it occurs substitute “it”;
- (e) in subsection (4)(c), for “his” substitute “its”;
- (f) in subsection (5)(c), after “home” insert “in England”;
- (g) after subsection (11) insert—

“(11A) But subsections (1), (4) and (6) do not apply if—

 - (a) the Appropriate National Authority is the Welsh Ministers; and
 - (b) the inspection relates to a private children’s home or a care home (see, instead the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)).”;
- (h) after subsection (13) insert—

“(14) In this section “Appropriate National Authority” means—

 - (a) in relation to England, the Secretary of State; and
 - (b) in relation to Wales, the Welsh Ministers.”;
- (i) in the heading, for “Secretary of State” substitute “the Appropriate National Authority”.

(1) Fel y’i diwygiwyd gan Ddeddf Safonau Gofal 2000 (p. 14), adran 116 ac Atodlen 4, paragraff 14(1)(a) ac O.S. 2010/813, erthygl 7(2).
(2) Yn adran 80(1)(a), mewnosodwyd y gair “private” gan Ddeddf Safonau Gofal 2000, adran 116 ac Atodlen 4, paragraff 14(16).

(1) As amended by the Care Standards Act 2000 (c. 14), section 116 and Schedule 4, paragraph 14(1)(a) and S.I. 2010/813, article 7(2).
(2) In section 80(1)(a), the word “private” was inserted by the Care Standards Act 2000, section 116 and Schedule 4, paragraph 14(16).

5. Yn adran 105(1)(1), yn y diffiniad o “children’s home”, yn lle paragraff (b) rhodder—

“(b) means a place in Wales at which—

- (i) a care home service is provided wholly or mainly to children, or
- (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);”.

Deddf y Diwydiant Dŵr 1991 (p. 56)

6. Yn Atodlen 4A(2) i Ddeddf y Diwydiant Dŵr 1991, ar ôl paragraff 9 mewnosoder—

9A. 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.”

Deddf Trethiant Enillion Trethadwy 1992 (p. 12)

7.—(1) Mae adran 225D(3) o Ddeddf Trethiant Enillion Trethadwy 1992 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1)—

- (a) ym mharagraff (a), hepgorer “and Wales”;
- (b) ar ôl paragraff (a) mewnosoder—

“(aa) in Wales, pursuant to arrangements which constitute or form part of an adult placement service;”.

(3) Yn is-adran (4), yn lle’r diffiniad o “adult placement service”(4) rhodder—

““adult placement service”—

- (a) in relation to Scotland, has the meaning given by paragraph 11 of Schedule 12 to the Public Services Reform (Scotland) Act 2010, and

5. In section 105(1)(1), in the definition of “children’s home”, for paragraph (b) substitute—

“(b) means a place in Wales at which—

- (i) a care home service is provided wholly or mainly to children, or
- (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);”.

Water Industry Act 1991 (c. 56)

6. In Schedule 4A(2) to the Water Industry Act 1991, after paragraph 9 insert—

“9A. 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.”

Taxation of Chargeable Gains Act 1992 (c. 12)

7.—(1) Section 225D(3) of the Taxation of Chargeable Gains Act 1992 is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), omit “and Wales”;
- (b) after paragraph (a) insert—

“(aa) in Wales, pursuant to arrangements which constitute or form part of an adult placement service;”.

(3) In subsection (4), for the definition of “adult placement service”(4) substitute—

“adult placement service”—

- (a) in relation to Scotland, has the meaning given by paragraph 11 of Schedule 12 to the Public Services Reform (Scotland) Act 2010, and

(1) Amnewidiwyd y diffiniad o “children’s home” gan O.S. 2018/195 (Cy. 44), rheoliad 12(b).

(2) Mewnosodwyd Atodlen 4A gan Ddeddf y Diwydiant Dŵr 1999 (p. 9), adran 1(2) ac Atodlen 1.

(3) Mewnosodwyd gan Ddeddf Cyllid (Rhif 3) 2010 (p. 33), Rhan 1, adran 16(3).

(4) Amnewidiwyd y diffiniad o “adult placement service” o ran yr Alban gan Ddeddf Cyllid (Rhif 3) 2010 (p. 33), Rhan 1, adran 16(5).

(1) The definition of “children’s home” was substituted by S.I. 2018/195 (W. 44), regulation 12(b).

(2) Schedule 4A was inserted by the Water Industry Act 1999 (c. 9), section 1(2) and Schedule 1.

(3) Inserted by the Finance (No. 3) Act 2010 (c. 33), Part 1, section 16(3).

(4) The definition of “adult placement service” in relation to Scotland was substituted by the Finance (No. 3) Act 2010 (c. 33) Part 1, section 16(5).

(b) in relation to Wales, has the meaning given by paragraph 6 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

(b) in relation to Wales, has the meaning given by paragraph 6 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

Deddf Safonau Gofal 2000 (p. 14)

8. Mae Deddf Safonau Gofal 2000 wedi ei diwygio fel a ganlyn.

9. Yn adran 22—

- (a) yn is-adran (1)(b)(ii)(1), yn lle “, (7)” hyd at y diwedd rhodder “or (7) in so far as relevant to those establishments and agencies.”;
- (b) yn is-adran (2)(e)(2), hepgorer “or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (c) yn is-adran (7)(3), hepgorer paragraff (m);
- (d) yn is-adran (8)(b)(4), hepgorer y geiriau o “and section 119” i “restricting liberty” yn y lle cyntaf y maent yn digwydd.

10. Yn adran 30ZA(3)(5)—

- (a) hepgorer “, or” yn union ar ôl paragraff (a);
- (b) hepgorer paragraff (b).

11. Yn adran 30A(2)(6)—

- (a) hepgorer “, or” yn union ar ôl paragraff (c);
- (b) hepgorer paragraff (d).

12. Yn adran 43(3)(7), hepgorer paragraff (b)(ii).

13. Yn adran 78(8)—

- (a) yn is-adran (2), ar ôl paragraff (a) mewnosoder—
“(aa) regulated services within the meaning of section 2 of the 2016 Act;”;

Care Standards Act 2000 (c. 14)

8. The Care Standards Act 2000 is amended as follows.

9. In section 22—

- (a) in subsection (1)(b)(ii)(1), for “, (7)” to the end substitute “or (7) in so far as relevant to those establishments and agencies.”;
- (b) in subsection (2)(e)(2), omit “or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (c) in subsection (7)(3), omit paragraph (m);
- (d) in subsection (8)(b)(4), omit the words from “and section 119” to “restricting liberty” in the first place they occur.

10. In section 30ZA(3)(5)—

- (a) omit “, or” immediately following paragraph (a);
- (b) omit paragraph (b).

11. In section 30A(2)(6)—

- (a) omit “, or” immediately following paragraph (c);
- (b) omit paragraph (d).

12. In section 43(3)(7), omit paragraph (b)(ii).

13. In section 78(8)—

- (a) in subsection (2), after paragraph (a) insert—
“(aa) regulated services within the meaning of section 2 of the 2016 Act;”;

(1) Amnewidiwyd adran 22(1)(a) a (b) gan Ddeddf Plant a Theuluoedd 2014 (p. 6), adran 103(1) ac amnewidiwyd paragraff (b) gan Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, adran 185 ac Atodlen 3, paragraffau 1 ac 8(a).

(2) Amnewidiwyd is-adran (2)(e) gan O.S. 2016/413 (Cy. 131), rheoliad 171(a).

(3) Mewnosodwyd is-adran (7)(m) gan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4), adran 183.

(4) Mewnosodwyd y cyfeiriad at adran 119 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 gan O.S. 2016/413 (Cy. 131), rheoliad 171(b).

(5) Mewnosodwyd adran 30ZA gan Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14), adran 95 ac Atodlen 5, paragraffau 1 a 25.

(6) Mewnosodwyd is-adran (2)(d) gan Ddeddf Iechyd a Gofal Cymdeithasol 2008, adran 95 ac Atodlen 5, paragraffau 1 a 26(4).

(7) Amnewidiwyd is-adran (3)(b) gan O.S. 2016/413 (Cy. 133), rheoliad 173.

(8) Y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) Section 22(1)(a) and (b) was substituted by the Children and Families Act 2014 (c. 6), section 103(1) and paragraph (b) was substituted by the Regulation and Inspection of Social Care (Wales) Act 2016, section 185 and Schedule 3 paragraphs 1 and 8(a).

(2) Subsection (2)(e) was substituted by S.I. 2016/413 (W. 131), regulation 171(a).

(3) Subsection (7)(m) was inserted by the Social Services and Well-being (Wales) Act 2014 (anaw 4), section 183.

(4) The reference to section 119 of the Social Services and Well-being (Wales) Act 2014 was inserted by S.I. 2016/413 (W. 131), regulation 171(b).

(5) Section 30ZA was inserted by the Health and Social Care Act 2008 (c. 14), section 95 and Schedule 5, paragraphs 1 and 25.

(6) Subsection (2)(d) was inserted by the Health and Social Care Act 2008, section 95 and Schedule 5, paragraphs 1 and 26(4).

(7) Subsection (3)(b) was substituted by S.I. 2016/413 (W. 133), regulation 173.

(8) To which there are amendments not relevant to these Regulations.

(b) yn is-adran (3), ar ôl paragraff (a) mewnosoder—

“(aa) in the case of the services mentioned in subsection (2)(aa), the person registered under section 7 of the 2016 Act in respect of the regulated service is to be treated as the provider of the services;”;

(c) ar ôl is-adran (5) mewnosoder—

“(5A) In the case of services mentioned in subsection (2)(aa), where a service is provided at, from or in relation to two or more places, the service is to be treated as a separate service in relation to each place where it is provided at, from or in relation to for the purposes of this Part.”;

(d) yn lle is-adran (8) rhodder—

“(8) In this section—

“the 2016 Act” means the Regulation and Inspection of Social Care (Wales) Act 2016; “relevant adoption functions” means the functions of local authorities in Wales under the Adoption and Children Act 2002 of making or participating in arrangements for the adoption of children or the provision of adoption support services (as defined in section 2(6) of that Act);

“relevant fostering functions” means the functions of local authorities in Wales under section 81 of the Social Services and Well-being (Wales) Act 2014 or regulations made under or by virtue of any of sections 87, 92(1)(a), (b), (d) or (e) or 93 of that Act in connection with placements with local authority foster parents.”

(b) in subsection (3), after paragraph (a) insert—

“(aa) in the case of the services mentioned in subsection (2)(aa), the person registered under section 7 of the 2016 Act in respect of the regulated service is to be treated as the provider of the services;”;

(c) after subsection (5) insert—

“(5A) In the case of services mentioned in subsection (2)(aa), where a service is provided at, from or in relation to two or more places, the service is to be treated as a separate service in relation to each place where it is provided at, from or in relation to for the purposes of this Part.”;

(d) for subsection (8) substitute—

“(8) In this section—

“the 2016 Act” means the Regulation and Inspection of Social Care (Wales) Act 2016; “relevant adoption functions” means the functions of local authorities in Wales under the Adoption and Children Act 2002 of making or participating in arrangements for the adoption of children or the provision of adoption support services (as defined in section 2(6) of that Act);

“relevant fostering functions” means the functions of local authorities in Wales under section 81 of the Social Services and Well-being (Wales) Act 2014 or regulations made under or by virtue of any of sections 87, 92(1)(a), (b), (d) or (e) or 93 of that Act in connection with placements with local authority foster parents.”

Deddf Mabwysiadu a Phlant 2002 (p. 38)

14. Mae Deddf Mabwysiadu a Phlant 2002 wedi ei diwygio fel a ganlyn.

15. Yn adran 2—

(a) yn lle is-adran (2) rhodder—

“(2) In this Act, “registered adoption society” means—

(a) in relation to England, a voluntary organisation which is an adoption society registered under Part 2 of the Care Standards Act 2000 (c. 14), or

Adoption and Children Act 2002 (c. 38)

14. The Adoption and Children Act 2002 is amended as follows.

15. In section 2—

(a) for subsection (2) substitute—

“(2) In this Act, “registered adoption society” means—

(a) in relation to England, a voluntary organisation which is an adoption society registered under Part 2 of the Care Standards Act 2000 (c. 14), or

(b) in relation to Wales, a voluntary organisation which is an adoption society registered as a provider in Wales of an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2),

but in relation to the provision of any facility of the Adoption Service, references to a registered adoption society or to an adoption agency do not include an adoption society which is not registered in respect of that facility.;

(b) yn is-adran (4), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

16. Yn adran 6, ar ôl “Care Standards Act 2000 (c. 14)” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

17. Yn adran 7(1)(b), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

18. Hepgorer adran 16(1).

19. Yn adran 63(4)—

(a) ar ddechrau paragraff (c) mewnosoder “in relation to England,”;

(b) ar ôl paragraff (c) mewnosoder—

“(d) in relation to Wales, an adoption support agency registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

20. Yn adran 98(7)(2), yn lle’r diffiniad o “registered adoption support agency” rhodder—

““registered adoption support agency” means—

(a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000 (c. 14), or

(b) in relation to Wales, a voluntary organisation which is an adoption society registered as a provider in Wales of an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2),

but in relation to the provision of any facility of the Adoption Service, references to a registered adoption society or to an adoption agency do not include an adoption society which is not registered in respect of that facility.”;

(b) in subsection (4), after “Care Standards Act 2000” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

16. In section 6, after “Care Standards Act 2000 (c. 14)” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

17. In section 7(1)(b), after “Care Standards Act 2000” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

18. Omit section 16(1).

19. In section 63(4)—

(a) at the beginning of paragraph (c) insert “in relation to England,”;

(b) after paragraph (c) insert—

“(d) in relation to Wales, an adoption support agency registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

20. In section 98(7)(2), for the definition of “registered adoption support agency” substitute—

““registered adoption support agency” means—

(a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000 (c. 14), or

(1) Mae’r diddymiad hwn yn ganlyniadol i ddiddymu adran 36A o Ddeddf Safonau Gofal 2000 ym mharagraff 12 o Atodlen 3 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016.

(2) Y mae diwygiadau iddi nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) This repeal is consequential to the repeal of section 36A of the Care Standards Act 2000 in paragraph 12 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016.

(2) To which there are amendments not relevant to these Regulations.

- (b) in relation to Wales, an adoption support agency registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”.

21. Yn adran 144(1), yn lle’r diffiniad o “registration authority” rhodder—

““registration authority” (in Part 1)—

- (a) in relation to England, has the same meaning as in the Care Standards Act 2000 (c. 14), and
(b) in relation to Wales, means the Welsh Ministers,”.

22. Yn Atodlen 2, yn lle paragraff 2(2) rhodder—

“(2) In sub-paragraph (1)(b) “registered adoption support agency” means—

- (a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000 (c. 14), or
(b) in relation to Wales, an adoption support agency registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

Deddf Troseddau Rhywiol 2003 (p. 42)

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

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

“(h) premises in Wales at which a secure accommodation service is provided,”.

25. Yn adran 22(5)(2), 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 Diogelu Grwpiau Hyglwyf 2006 (p. 47)

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

- (b) in relation to Wales, an adoption support agency registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”.

21. In section 144(1), for the definition of “registration authority” substitute—

““registration authority” (in Part 1)—

- (a) in relation to England, has the same meaning as in the Care Standards Act 2000 (c. 14), and
(b) in relation to Wales, means the Welsh Ministers,”.

22. In Schedule 2, for paragraph 2(2) substitute—

“(2) In sub-paragraph (1)(b), “registered adoption support agency” means—

- (a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000 (c. 14), or
(b) in relation to Wales, an adoption support agency registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

Sexual Offences Act 2003 (c. 42)

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

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

“(h) premises in Wales at which a secure accommodation service is provided,”.

25. In section 22(5)(2), 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;”.

Safeguarding Vulnerable Groups Act 2006 (c. 47)

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

(1) Diwygiwyd adran 21 gan Ddeddf Plant a Phobl Ifanc 2008 (p. 23), Atodlen 1, paragraff 15 a chan O.S. 2008/1779 ac O.S. 2018/195 (Cy. 44). Mae diwygiadau eraill nad ydynt yn berthnasol.

(2) Diwygiwyd is-adran (5) gan O.S. 2018/195 (Cy. 44), rheoliad 22(b). Mae diwygiadau eraill nad ydynt yn berthnasol.

(1) Section 21 was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 15 and by S.I. 2008/1779 and S.I. 2018/195 (W. 44). There are other amendments which are not relevant.

(2) Subsection (5) was amended by S.I. 2018/195 (W. 44), regulation 22(b). There are other amendments which are not relevant.

27. Yn adran 6(4)(b)(ii)(1), yn lle “section 11 of the Care Standards Act 2000” rhodder “Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

28. Yn Atodlen 7—

- (a) ym mharagraff 1(2), yng nghofnod rhif 14 o Golofn 1 o'r tabl—
 - (i) ar ôl “adult placement scheme” mewnosoder “or provides an adult placement service”;
 - (ii) ar ôl “the scheme” mewnosoder “or service”;
- (b) ym mharagraff 6(b)(3)—
 - (i) hepgorer “, or” yn union ar ôl paragraff (i);
 - (ii) hepgorer paragraff (ii);
- (c) ar ôl paragraff 6 mewnosoder—

“7. An adult placement service, in relation to Wales, has the meaning given in paragraph 6 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

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

29. Yn adran 197(1)(4) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, yn y diffiniad o “cartref plant”, yn lle paragraff (b) rhodder—

- “(b) man yng Nghymru 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 cartref gofal (o fewn ystyr paragraff 1 o Atodlen 1 i'r Ddeddf honno) yn gyfan gwbl neu'n bennaf i blant, neu
 - (ii) gwasanaeth llety diogel (o fewn ystyr paragraff 2 o Atodlen 1 i'r Ddeddf honno);”.

27. In section 6(4)(b)(ii)(1), for “section 11 of the Care Standards Act 2000” substitute “Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

28. In Schedule 7—

- (a) in paragraph 1(2), in entry number 14 of Column 1 of the table—
 - (i) after “adult placement scheme” insert “or provides an adult placement service”;
 - (ii) after “the scheme” insert “or service”;
- (b) in paragraph 6(b)(3)—
 - (i) omit “, or” immediately following paragraph (i);
 - (ii) omit paragraph (ii);
- (c) after paragraph 6 insert—

“7. An adult placement service, in relation to Wales, has the meaning given in paragraph 6 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).”

Social Services and Well-being (Wales) Act 2014 (anaw 4)

29. In section 197(1)(4) of the Social Services and Well-being (Wales) Act 2014, in the definition of “children’s home”, for paragraph (b) substitute—

- “(b) a place in Wales 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 (within the meaning of paragraph 1 of Schedule 1 to that Act) wholly or mainly to children, or
 - (ii) a secure accommodation service (within the meaning of paragraph 2 of Schedule 1 to that Act);”.

(1) Mewnosodwyd is-baragraff (ii) o adran 6(4)(b) gan O.S. 2010/813.
(2) Diwygiwyd paragraff 1 o Atodlen 7 gan Ddeddf Diogelu Rhyddidau 2012 (p. 9), adran 115(1), Atodlen 9, Rhan 6, paragraffau 43, 73(1) a (2)(a); mae diwygiadau eraill nad ydynt yn berthnasol.
(3) Diwygiwyd paragraff 6 o Atodlen 7 gan O.S. 2010/813, erthygl 19(1) a (6).
(4) Amnewidiwyd y diffiniad o “cartref plant” gan Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, adran 185 ac Atodlen 3(1), paragraff 36.

(1) Sub-paragraph (ii) of section 6(4)(b) was inserted by S.I. 2010/813.
(2) Paragraph 1 of Schedule 7 was amended by the Protection of Freedoms Act 2012 (c. 9), section 115(1), Schedule 9, Part 6, paragraphs 43, 73(1) and (2)(a); there are other amendments which are not relevant.
(3) Paragraph 6 of Schedule 7 was amended by S.I. 2010/813, article 19(1) and (6).
(4) The definition of “children’s home” was substituted by the Regulation and Inspection of Social Care (Wales) Act 2016, section 185 and Schedule 3(1), paragraph 36.

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

30. Mae Deddf Cyfiawnder Troseddol a'r Llysoedd 2015 wedi ei diwygio fel a ganlyn.

31. Yn adran 22(8)—

- (a) yn y diffiniad o “registered adoption society”, ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”;
- (b) yn y diffiniad o “registered adoption support agency”, ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

32. Yn Atodlen 4(1)—

- (a) ym mharagraff 1(1)(ca)—
 - (i) ar ddiwedd is-baragraff (i) hepgorer “or”;
 - (ii) ar ddiwedd is-baragraff (ii) mewnosoder—
“or
(iii) a secure accommodation service;”;
- (b) ym mharagraff 4, yn y lle priodol mewnosoder—
““secure accommodation service” has the meaning given in paragraph 2 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016.”

Deddf Gwrthderfysgaeth a Diogelwch 2015 (p. 6)

33.—(1) Mae Rhan 1 o Atodlen 7(2) i Ddeddf Gwrthderfysgaeth a Diogelwch 2015 wedi ei diwygio fel a ganlyn.

(2) O dan y pennawd “Education, child care etc”(3), yn y cofnod sy'n dechrau “A person registered under Part 1”—

- (a) ar ddiwedd paragraff (a) hepgorer “or”;
- (b) ar ôl paragraff (b) mewnosoder—
“(c) a secure accommodation service, or
(d) a fostering service.”

Criminal Justice and Courts Act 2015 (c. 2)

30. The Criminal Justice and Courts Act 2015 is amended as follows.

31. In section 22(8)—

- (a) in the definition of “registered adoption society”, after “Care Standards Act 2000” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”;
- (b) in the definition of “registered adoption support agency”, after “Care Standards Act 2000” insert “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

32. In Schedule 4(1)—

- (a) in paragraph 1(1)(ca)—
 - (i) at the end of sub-paragraph (i) omit “or”;
 - (ii) at the end of sub-paragraph (ii) insert—
“or
(iii) a secure accommodation service;”;
- (b) in paragraph 4, at the appropriate place insert—
“secure accommodation service” has the meaning given in paragraph 2 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016.”

Counter-Terrorism and Security Act 2015 (c. 6)

33.—(1) Part 1 of Schedule 7(2) to the Counter-Terrorism and Security Act 2015 is amended as follows.

(2) Under the heading “Education, child care etc”(3), in the entry beginning “A person registered under Part 1”—

- (a) at the end of paragraph (a) omit “or”;
- (b) after paragraph (b) insert—
“(c) a secure accommodation service, or
(d) a fostering service.”

(1) Diwygiwyd paragraffau 1 a 4 gan O.S. 2018/195 (Cy. 44), rheoliad 54.

(2) Symudwyd yr Atodlen 7 bresennol i Ran newydd 1 gan O.S. 2015/928, rheoliad 8 ac Atodlen 2, paragraff 2 ag iddo effaith o 12 Ebrill 2015.

(3) Mewnosodwyd y cofnod sy'n ymwneud ag “a person registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)” gan O.S. 2018/195 (Cy. 55), rheoliad 55.

(1) Paragraphs 1 and 4 were amended by S.I. 2018/195 (W. 44), regulation 54.

(2) The existing Schedule 7 was moved into a new Part 1 by S.I. 2015/928, regulation 8 and Schedule 2, paragraph 2 with effect from 12 April 2015.

(3) The entry relating to “a person registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)” was inserted by S.I. 2018/195 (W. 55), regulation 55.

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

34.—(1) Mae Rhan 1 o Atodlen 3 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 5—

(a) yn lle is-baragraff (a) rhodder—

“(a) yn is-adran (1)(b), yn lle “in any other case” rhodder “in the case of establishments and agencies mentioned in subsection (1B)””;

(b) yn lle is-baragraff (c) rhodder—

“(c) ar ôl is-adran (1A) mewnosoder—

(1B) The establishments mentioned in subsection (1)(b) are—

- (a) independent hospitals in Wales;
- (b) independent clinics in Wales;
- (c) independent medical agencies in Wales.””

Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)

34.—(1) Part 1 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 is amended as follows.

(2) In paragraph 5—

(a) for sub-paragraph (a) substitute—

“(a) in subsection (1)(b), for “in any other case” substitute “in the case of establishments and agencies mentioned in subsection (1B)””;

(b) for sub-paragraph (c) substitute—

“(c) after subsection (1A), insert—

“(1B) The establishments mentioned in subsection (1)(b) are—

- (a) independent hospitals in Wales;
- (b) independent clinics in Wales;
- (c) independent medical agencies in Wales.””

Julie Morgan

Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol, o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
29 Mawrth 2019

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

29 March 2019

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£6.90

W201904021000 04/2019

<http://www.legislation.gov.uk/id/wsi/2019/772>

ISBN 978-0-348-20414-8



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