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WELSH STATUTORY  
INSTRUMENTS

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**2020 Rhif 319 (Cy. 72)**

**2020 No. 319 (W. 72)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE, WALES**

**Rheoliadau Asiantaethau  
Mabwysiadu (Cymru) (Diwygio)  
(Rhif 2) 2020**

**The Adoption Agencies (Wales)  
(Amendment) (No. 2) Regulations  
2020**

**NODYN ESBONIADOL**

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

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005 ("y Prif Reoliadau"), sy'n gwneud darpariaeth ynghylch arfer gan asiantaethau mabwysiadu (awdurdodau lleol a chymdeithasau mabwysiadu cofrestredig) eu swyddogaethau mewn perthynas â mabwysiadu o dan Ddeddf Mabwysiadu a Phlant 2002.

These Regulations amend the Adoption Agencies (Wales) Regulations 2005 ("the Principal Regulations"), which make provision relating to the exercise by adoption agencies (local authorities and registered adoption societies) of their functions in relation to adoption under the Adoption and Children Act 2002.

Mae diwygiadau pellach wedi eu gwneud i'r Prif Reoliadau gan Reoliadau Asiantaethau Mabwysiadu (Cymru) (Diwygio) 2020. Mae'r Rheoliadau hynny, yn bennaf, yn rhoi Rhan 4 newydd yn lle'r un bresennol yn y Prif Reoliadau er mwyn darparu ar gyfer proses gymeradwyo dau gam ar gyfer darpar fabwysiadwyr. Roedd y Rheoliadau hynny yn ddarostyngedig i'r weithdrefn negyddol gan Gynulliad Cenedlaethol Cymru.

Further amendments are made to the Principal Regulations by the Adoption Agencies (Wales) (Amendment) Regulations 2020. Those Regulations, in the main, substitute a new Part 4 in the Principal Regulations to provide for a two stage approval process for prospective adopters. Those Regulations were subject to the negative procedure by the National Assembly for Wales.

Mae'r diwygiadau a wneir gan y Rheoliadau hyn yn gosod gofyniad ar asiantaethau mabwysiadu, wrth asesu addasrwydd cwpl i fabwysiadu plentyn, i roi sylw priodol i'r angen am sadrwydd a sefydlogrwydd yn eu perthynas. Dylid darllen y diwygiadau a wneir gan y Rheoliadau hyn ar y cyd â'r diwygiadau a wneir gan Reoliadau Asiantaethau Mabwysiadu (Cymru) (Diwygio) 2020.

The amendments made by these Regulations place a requirement on adoption agencies, when assessing the suitability of a couple to adopt a child, to have proper regard to the need for stability and permanence in their relationship. The amendments made by these Regulations should be read in conjunction with the amendments made by the Adoption Agencies (Wales) (Amendment) Regulations 2020.

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.

2020 Rhif 319 (Cy. 72)

2020 No. 319 (W. 72)

GOFAL CYMDEITHASOL,  
CYMRU

SOCIAL CARE, WALES

Rheoliadau Asiantaethau  
Mabwysiadu (Cymru) (Diwygio)  
(Rhif 2) 2020

The Adoption Agencies (Wales)  
(Amendment) (No. 2) Regulations  
2020

Gwnaed 19 Mawrth 2020

Made 19 March 2020

Yn dod i rym 1 Ebrill 2020

Coming into force 1 April 2020

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 9 a 45(2) o Ddeddf Mabwysiadu a Phlant 2002(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 9 and 45(2) of the Adoption and Children Act 2002(1).

Gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru o dan adran 140(3)(a) o'r Ddeddf honno ac fe'i cymeradwywyd ganddo drwy benderfyniad(2).

A draft of these Regulations was laid before the National Assembly for Wales under section 140(3)(a) of that Act and has been approved by a resolution of the National Assembly for Wales(2).

(1) 2002 p. 38; gweler y diffiniadau o "regulations", "appropriate Minister" a "the Assembly" yn adran 144(1). Trosglwyddwyd y pŵer a roddir i Gynulliad Cenedlaethol Cymru i wneud rheoliadau o dan Ddeddf Mabwysiadu a Phlant 2002 i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(2) Mae adran 140(3)(a) o Ddeddf Mabwysiadu a Phlant 2002 yn darparu nad yw offeryn statudol sy'n cynnwys is-ddeddfwriaeth o dan adran 9 sy'n cynnwys darpariaeth a wneir yn rhinwedd adran 45(2) (hynny yw, darpariaeth at ddiben sicrhau, wrth benderfynu ar addasrwydd cwpl i fabwysiadu plentyn, fod sylw priodol yn cael ei roi i'r angen am sadrwydd a sefydlogrwydd yn eu perthynas) i'w wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron dau dŷ Senedd y Deyrnas Unedig a'i gymeradwyo ganddynt drwy benderfyniad. Pan fo is-ddeddfwriaeth wedi ei gwneud gan Gynulliad Cenedlaethol Cymru, mae adran 140(3) wedi ei datgymhwyso (gweler adran 140(4)). Yn rhinwedd paragraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006, mae adran 140(3) yn gymwys i arfer gan Weinidogion Cymru y swyddogaeth o wneud offeryn statudol sy'n cynnwys is-ddeddfwriaeth o'r fath fel pe bai'r cyfeiriad at ddau dŷ Senedd y Deyrnas Unedig yn gyfeiriad at Gynulliad Cenedlaethol Cymru. Yn unol â hynny, yn rhinwedd paragraff 34(2) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006, mae'r Rheoliadau hyn yn ddarostyngedig i'r weithdrefn gadarnhaol.

(1) 2002 c. 38; see the definitions of "regulations", "appropriate Minister" and "the Assembly" in section 144(1). The power conferred on the National Assembly for Wales to make regulations under the Adoption and Children Act 2002 transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(2) Section 140(3)(a) of the Adoption and Children Act 2002 provides that a statutory instrument containing subordinate legislation under section 9 which includes provision made by virtue of section 45(2) (that is, provision for the purpose of securing that, in determining the suitability of a couple to adopt a child, proper regard is had to the need for stability and permanence in their relationship) is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament. Where subordinate legislation is made by the National Assembly for Wales, section 140(3) is disapplied (see section 140(4)). By virtue of paragraph 34 of Schedule 11 to the Government of Wales Act 2006, section 140(3) applies to the exercise by the Welsh Ministers of the function of making a statutory instrument containing such subordinate legislation as if the reference to each House of Parliament were a reference to the National Assembly for Wales. Accordingly, by virtue of paragraph 34(2) of Schedule 11 to the Government of Wales Act 2006, these Regulations are subject to the affirmative procedure.

## Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Asiantaethau Mabwysiadu (Cymru) (Diwygio) (Rhif 2) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2020 yn union ar ôl i Reoliadau Asiantaethau Mabwysiadu (Cymru) (Diwygio) 2020(1) ddod i rym.

(3) Yn y Rheoliadau hyn, ystyr "y Prif Reoliadau" yw Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005(2).

## Diwygio'r Prif Reoliadau

2.—(1) Mae'r Prif Reoliadau wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 30 (adroddiad darpar fabwysiadydd), ym mharagraff (2)(d), ar ôl "plentyn" mewnosoder " , ac wrth benderfynu ar addasrwydd cwpl i fabwysiadu plentyn rhaid i'r asiantaeth roi sylw priodol i'r angen am sadrwydd a sefydlogrwydd yn eu perthynas".

(3) Yn Atodlen 4A (addasu Rhan 4), ym mharagraff 4(b), ym mharagraff (2)(ch) sydd wedi ei amnewid, ar ôl "plentyn" mewnosoder " , ac wrth benderfynu ar addasrwydd cwpl i fabwysiadu plentyn rhaid i'r asiantaeth roi sylw priodol i'r angen am sadrwydd a sefydlogrwydd yn eu perthynas".

## Title, commencement and interpretation

1.—(1) The title of these Regulations is the Adoption Agencies (Wales) (Amendment) (No. 2) Regulations 2020.

(2) These Regulations come into force on 1 April 2020 immediately after the coming into force of the Adoption Agencies (Wales) (Amendment) Regulations 2020(1).

(3) In these Regulations, "the Principal Regulations" means the Adoption Agencies (Wales) Regulations 2005(2).

## Amendment of the Principal Regulations

2.—(1) The Principal Regulations are amended as follows.

(2) In regulation 30 (prospective adopter's report), in paragraph (2)(e), after "a child" insert " , and in determining the suitability of a couple to adopt a child the agency must have proper regard to the need for stability and permanence in their relationship".

(3) In Schedule 4A (modifications to Part 4), in paragraph 4(b), in the substituted paragraph (2)(d), after "a child" insert " , and in determining the suitability of a couple to adopt a child the agency must have proper regard to the need for stability and permanence in their relationship".

*Julie Morgan*

Y Dirprwy Weinidog Iechyd a Gwasanaethau  
Cymdeithasol o dan awdurdod y Gweinidog Iechyd a  
Gwasanaethau Cymdeithasol, un o Weinidogion  
Cymru  
19 Mawrth 2020

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

19 March 2020

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(1) O.S. 2020/163 (Cy. 31).

(2) O.S. 2005/1313 (Cy. 95), a ddiwygiwyd gan O.S. 2020/163 (Cy. 31). Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2020/163 (W. 31).

(2) S.I. 2005/1313 (W. 95), amended by S.I. 2020/163 (W.31). There are other amendments not relevant to these Regulations.

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