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WELSH STATUTORY
INSTRUMENTS

2023 Rhif 1166 (Cy. 204)

2023 No. 1166 (W. 204)

**COMISIYNYDD POBL HÛN
CYMRU, CYMRU**

**COMMISSIONER FOR OLDER
PEOPLE IN WALES, WALES**

Rheoliadau Comisiynydd Pobl HÛn
Cymru (Penodi) (Diwygio,
Darpariaeth Drosiannol a Dirymu)
2023

The Commissioner for Older
People in Wales (Appointment)
(Amendment, Transitional and
Revocation) Regulations 2023

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan bwerau a roddwyd i Gynulliad Cenedlaethol Cymru, ac sydd bellach wedi eu breinio yng Ngweinidogion Cymru, gan Ddeddf Comisiynydd Pobl HÛn (Cymru) 2006 (p. 30) ("y Ddeddf"). Mae'r Ddeddf yn sefydlu swydd Comisiynydd Pobl HÛn Cymru ("y Comisiynydd").

Mae Rheoliadau Comisiynydd Pobl HÛn Cymru (Penodi) 2007 ("Rheoliadau 2007") (fel y'u diwygiwyd gan Reoliadau Comisiynydd Pobl HÛn Cymru (Penodi) (Diwygio) 2016) yn gwneud darpariaeth mewn perthynas â phenodi'r Comisiynydd.

Mae Rheoliadau 2007 yn pennu cyfnod swydd y Comisiynydd. Mae'r Rheoliadau hyn yn diwygio'r cyfnod hwnnw er mwyn sicrhau bod cyfnod swydd y Comisiynydd yn gyson â'r priod gyfnodau swydd y penodir Comisiynydd Plant Cymru, Comisiynydd Cenedlaethau'r Dyfodol a Chomisiynydd y Gymraeg amdanynt.

Mae rheoliad 3 yn diwygio'r cyfnod swydd y mae rhaid penodi'r Comisiynydd amdano o gyfnod o bedair blynedd i gyfnod o saith mlynedd, ac yn darparu mai am un cyfnod yn unig y caniateir penodi'r Comisiynydd i'r swydd.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the National Assembly for Wales, now vested in the Welsh Ministers, by the Commissioner for Older People (Wales) Act 2006 (c. 30) ("the Act"). The Act establishes the office of the Commissioner for Older People in Wales ("the Commissioner").

The Commissioner for Older People in Wales (Appointment) Regulations 2007 ("the 2007 Regulations") (as amended by the Commissioner for Older People in Wales (Appointment) (Amendment) Regulations 2016) make provision in relation to the appointment of the Commissioner.

The 2007 Regulations specify the Commissioner's term of office. These Regulations amend that term to ensure that the Commissioner's term of office is in line with the respective terms of office for which the Children's Commissioner for Wales, the Future Generations Commissioner and Welsh Language Commissioner are appointed.

Regulation 3 amends the term of office for which the Commissioner must be appointed from a period of four to seven years, and provides that the Commissioner may only be appointed for a single term of office.

Mae rheoliad 4 yn dileu'r pŵer i estyn cyfnod swydd y Comisiynydd am gyfnod o ddwy flynedd.

Mae rheoliad 5 yn gwneud trefniadau trosiannol mewn cysylltiad â'r diwygiadau hyn.

Mae rheoliad 6 yn dirymu Rheoliadau Comisiynydd Pobl Hŷn Cymru (Penodi) (Diwygio) 2016.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

Regulation 4 removes the power to extend the Commissioner's term of office for a period of two years.

Regulation 5 makes transitional arrangements in respect of these amendments.

Regulation 6 revokes the Commissioner for Older People in Wales (Appointment) (Amendment) Regulations 2016.

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

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Rheoliadau Comisiynydd Pobl HÛn
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2023

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Revocation) Regulations 2023

Gwnaed 1 Tachwedd 2023
Gosodwyd gerbron *Senedd*
Cymru 3 Tachwedd 2023
Yn dod i rym 16 Rhagfyr 2023

Made 1 November 2023
Laid before Senedd Cymru 3 November 2023
Coming into force 16 December 2023

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 28(2) o Ddeddf Comisiynydd Pobl HÛn (Cymru) 2006(1) a pharagraff 2 o Atodlen 1 iddi, yn gwneud y Rheoliadau a ganlyn(2).

The Welsh Ministers, in exercise of the powers conferred by section 28(2) of, and paragraph 2 of Schedule 1 to, the Commissioner for Older People (Wales) Act 2006(1), make the following Regulations(2).

Enwi a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Comisiynydd Pobl HÛn Cymru (Penodi) (Diwygio, Darpariaeth Drosiannol a Dirymu) 2023 a deuant i rym ar 16 Rhagfyr 2023.

Title and coming into force

1. The title of these Regulations is the Commissioner for Older People in Wales (Appointment) (Amendment, Transitional and Revocation) Regulations 2023 and they come into force on 16 December 2023.

**Diwygio Rheoliadau Comisiynydd Pobl HÛn
Cymru (Penodi) 2007**

2. Mae Rheoliadau Comisiynydd Pobl HÛn Cymru (Penodi) 2007(3) wedi eu diwygio yn unol â rheoliadau 3 a 4.

**Amendment of the Commissioner for Older People
in Wales (Appointment) Regulations 2007**

2. The Commissioner for Older People in Wales (Appointment) Regulations 2007(3) are amended in accordance with regulations 3 and 4.

(1) 2006 p. 30 ("y Ddeddf"). Mae'r pwerau i wneud rheoliadau yn arferadwy gan Weinidogion Cymru: gweler paragraffau 139(2)(b) a 140 o Atodlen 1 i Orchymyn Deddf Llywodraeth Cymru 2006 (Addasiadau Canlyniadol a Darpariaethau Trosiannol) 2007 (O.S. 2007/1388). Yn unol â pharagraff 35(4) o Atodlen 1 i Ddeddf Llywodraeth Cymru 2006 (p. 32), mae'r Rheoliadau hyn yn ddarostyngedig i'w diddymu yn unol â phenderfyniad gan Senedd Cymru.

(2) *Gweler* y diffiniad o "regulations" yn adran 27 o'r Ddeddf.

(3) O.S. 2007/396 (Cy. 42), a ddiwygiwyd gan O.S. 2016/154 (Cy. 68).

(1) 2006 c. 30 ("the Act"). The powers to make regulations are exercisable by the Welsh Ministers: *see* paragraphs 139(2)(b) and 140 of Schedule 1 to the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388). In accordance with paragraph 35(4) of Schedule 11 to the Government of Wales Act 2006 (c. 32), these Regulations are subject to annulment in pursuance of a resolution of Senedd Cymru.

(2) *See* the definition of "regulations" in section 27 of the Act.

(3) S.I. 2007/396 (W. 42), amended by S.I. 2016/154 (W. 68).

3. Yn rheoliad 3 (penodi'r Comisiynydd)—

- (a) ym mharagraff (5), yn lle “reoliadau 4 a 4A” rhodder “reoliad 4”;
- (b) ym mharagraff (5), yn lle “pedair blynedd” rhodder “saith mlynedd”;
- (c) yn lle paragraff (6), rhodder—
“(6) Ni chaniateir i berson a benodwyd yn Gomisiynydd gael ei benodi am ail gyfnod.”

4. Hepgorer rheoliad 4A.

Darpariaeth Drosiannol

5. Nid yw'r darpariaethau a ganlyn yn cael unrhyw effaith i'r graddau y maent yn ymwneud â phenodiad Comisiynydd a wnaed cyn i'r Rheoliadau hyn ddod i rym yn unol â rheoliad 1—

- (a) y diwygiadau a wneir gan reoliadau 2 i 4 o'r Rheoliadau hyn;
- (b) y dirymiad a wneir gan reoliad 6 o'r Rheoliadau hyn.

Dirymu

6. Mae Rheoliadau Comisiynydd Pobl Hŷn Cymru (Penodi) (Diwygio) 2016 wedi eu dirymu.

3. In regulation 3 (appointment of the Commissioner)—

- (a) in paragraph (5), for “regulations 4 and 4A” substitute “regulation 4”;
- (b) in paragraph (5), for “four” substitute “seven”;
- (c) for paragraph (6), substitute—
“(6) A person who has been appointed as the Commissioner may not be appointed for a second term.”

4. Omit regulation 4A.

Transitional Provision

5. The following provisions have no effect in so far as they relate to the appointment of a Commissioner made before the coming into force of these Regulations in accordance with regulation 1—

- (a) the amendments made by regulations 2 to 4 of these Regulations;
- (b) the revocation made by regulation 6 of these Regulations.

Revocation

6. The Commissioner for Older People in Wales (Appointment) (Amendment) Regulations 2016 are revoked.

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
1 Tachwedd 2023

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

First Minister, one of the Welsh Ministers
1 November 2023

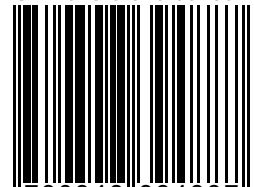
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