



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) Social Services and Well-being (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu.

Amendments marked * are new or have been altered.

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol i esbonio ei ddiben ac i gynorthwyo'r darlennydd. Nid yw'r testun yn rhan o eiriad y gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain its purpose and to aid the reader's understanding. The text does not form part of the amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn –

The Bill will be considered in the following order –

Sections 162 to 169

Adrannau 162 i 169

Section 1

Adran 1

Long title

Teitl hir

Gwenda Thomas

155

To insert a new section –

‘(1) Provider failure: temporary duty on local authority

- (1) This section applies where a person registered under Part 2 of the Care Standards Act 2000 in respect of an establishment or agency (within the meaning of that Act) becomes unable to carry on or manage the establishment or agency because of business failure.
- (2) A local authority must for so long as it considers necessary (and in so far as it is not already required to do so) meet –
 - (a) those of an adult’s needs for care and support, and
 - (b) those of a relevant carer’s needs for support,which were, immediately before the registered person became unable to carry on or manage the establishment or agency, being met in the authority’s area by the establishment or agency (but this is subject to section (*section to be inserted by amendment 156*)).
- (3) A local authority is required to meet needs under subsection (2) regardless of –
 - (a) whether the relevant person is ordinarily resident in its area;
 - (b) whether the authority has carried out a needs assessment or a financial assessment;
 - (c) whether the authority would otherwise have a duty to meet those needs under this Act.
- (4) A local authority may impose a charge for meeting needs under subsection (2) (except in so far as doing so involves the provision of information or advice).
- (5) A charge under subsection (4) –
 - (a) may be imposed only in respect of needs which were not, immediately before the registered person became unable to carry on or manage the establishment or agency, being met –
 - (i) under arrangements made by a local authority discharging its duty under section 21 or 26, or exercising its power under section 22 or 29, or
 - (ii) by the provision of accommodation or services all or part of the cost of which was paid for by direct payments made by virtue of section 34 or 36;
 - (b) may cover only the cost that the local authority incurs in meeting those needs.
- (6) Sections 44 to 52 and sections 55 and 56 apply to charging under subsection (4) as they apply to charging under section 43, and accordingly a local authority’s power to impose a charge under that subsection is subject to –
 - (a) the provision made in regulations under section 45 or 46 (if any), and
 - (b) the authority’s duties under sections 47, 50 and 51 (if applicable).
- (7) If the relevant person is not ordinarily resident in the area of the local authority which is required to meet needs under subsection (2), the authority –
 - (a) must, in meeting needs under that subsection which were being met under

- arrangements made by another local authority discharging its duty under section 21 or 26 or exercising its power under section 22 or 29, co-operate with that authority;
- (b) must, in meeting needs under that subsection which were being met under arrangements all or part of the cost of which was paid for by another local authority by means of direct payments made by virtue of section 34 or 36, co-operate with that authority;
- (c) may recover from the other local authority mentioned in paragraph (a) or (b) the cost it incurs in meeting those of the adult's needs or the relevant carer's needs referred to in the paragraph in question.
- (8) Any dispute between local authorities about the application of this section is to be determined under section 164 as if it were a dispute of the type mentioned in subsection (1) of that section.
- (9) In this section and (where relevant) in section (*section to be inserted by amendment 156*) and (*section to be inserted by amendment 157*) –
- “registered person” (“*person cofrestredig*”), in relation to an establishment or agency, means the person registered under Part 2 of the Care Standards Act 2000 in respect of that establishment or agency;
- “relevant carer” (“*gofalwr perthnasol*”) means a carer who –
- (a) is an adult, and
- (b) provides or intends to provide care for another adult;
- “relevant person” (“*person perthnasol*”) means –
- (a) in a case involving an adult's needs for care and support, that adult;
- (b) in a case involving a relevant carer's needs for support, the adult needing care.’.

I fewnosod adran newydd –

‘() Methiant darparwr: dyletswydd dros dro ar awdurdod lleol

- (1) Mae'r adran hon yn gymwys pan fo person sydd wedi ei gofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000 mewn cysylltiad â sefydliad neu asiantaeth (o fewn yr ystyr a roddir i “establishment” ac “agency” yn y Ddeddf honno) yn methu â pharhau â'r sefydliad neu ei reoli neu'n methu â pharhau â'r asiantaeth neu ei rheoli oherwydd methiant busnes.
- (2) Rhaid i awdurdod lleol am ba hyd bynnag ag y mae'n ei ystyried yn angenrheidiol (ac i'r graddau nad yw eisoes yn ofynnol iddo wneud hynny) ddiwallu –
- (a) yr anghenion hynny sydd gan oedolyn am ofal a chymorth, a
- (b) yr anghenion hynny sydd gan ofalwr perthnasol am gymorth,
- a oedd, yn union cyn i'r person cofrestredig fethu â pharhau â'r sefydliad neu ei reoli neu fethu â pharhau â'r asiantaeth neu ei rheoli, yn cael eu diwallu yn ardal yr awdurdod gan y sefydliad neu'r asiantaeth (ond mae hyn yn ddarostyngedig i adran (*yr adran sy'n cael ei fewnosod gan welliant 156*)).
- (3) Mae'n ofynnol i awdurdod lleol ddiwallu anghenion o dan is-adran (2) ni waeth –

- (a) p'un a yw'r person perthnasol yn preswyllo fel arfer yn ei ardal ai peidio;
 - (b) p'un a yw'r awdurdod wedi cynnal asesiad o anghenion neu asesiad ariannol ai peidio;
 - (c) p'un a fyddai dyletswydd fel arall ar yr awdurdod i ddiwallu'r anghenion hynny o dan y Ddeddf hon ai peidio.
- (4) Caniateir i awdurdod lleol osod ffi am ddiwallu anghenion o dan is-adran (2) (ac eithrio i'r graddau y mae gwneud hynny yn cynnwys darparu gwybodaeth neu gyngor).
- (5) Caniateir i ffi o dan is-adran (4) –
- (a) cael ei gosod dim ond mewn cysylltiad ag anghenion nad oeddent, yn union cyn i'r person cofrestredig fethu â pharhau â'r sefydliad neu ei reoli neu fethu â pharhau â'r asiantaeth neu ei rheoli, yn cael eu diwallu –
 - (i) o dan drefniadau a wnaed gan awdurdod lleol wrth gyflawni ei ddyletswydd o dan adran 21 neu 26, neu wrth arfer ei bŵer o dan adran 22 neu 29, neu
 - (ii) drwy ddarparu llety neu wasanaethau y talwyd ei gost neu eu cost yn llwyr neu'n rhannol drwy daliadau uniongyrchol a wnaed yn rhinwedd adran 34 neu 36;
 - (b) cynnwys dim ond y gost y mae'r awdurdod lleol yn ei thynnu wrth ddiwallu'r anghenion hynny.
- (6) Mae adrannau 44 i 52 ac adrannau 55 a 56 yn gymwys i osod ffi o dan is-adran (4) yn yr un modd ag y maent yn gymwys i osod ffi o dan adran 43, ac yn unol â hynny mae pŵer awdurdod lleol i osod ffi o dan yr is-adran honno yn ddarostyngedig –
- (a) i'r ddarpariaeth a wneir mewn rheoliadau o dan adran 45 neu 46 (os oes darpariaeth), a
 - (b) i ddyletswyddau'r awdurdod o dan adrannau 47, 50 ac 51 (os ydynt yn gymwys).
- (7) Os nad yw'r person perthnasol yn preswyllo fel arfer yn ardal yr awdurdod lleol y mae'n ofynnol iddo ddiwallu anghenion o dan is-adran (2) –
- (a) rhaid i'r awdurdod, wrth ddiwallu anghenion o dan yr is-adran honno a oedd yn cael eu diwallu o dan drefniadau a wnaed gan awdurdod lleol arall wrth gyflawni ei ddyletswydd o dan adran 21 neu 26 neu wrth arfer ei bŵer o dan adran 22 neu 29, gydweithredu â'r awdurdod hwnnw;
 - (b) rhaid i'r awdurdod, wrth ddiwallu anghenion o dan yr is-adran honno a oedd yn cael eu diwallu o dan drefniadau y talwyd eu cost yn llwyr neu'n rhannol gan awdurdod lleol arall drwy daliadau uniongyrchol a wnaed yn rhinwedd adran 34 neu 36, gydweithredu â'r awdurdod hwnnw;
 - (c) caniateir i'r awdurdod adennill oddi wrth yr awdurdod lleol arall a grybwyllir ym mharagraff (a) neu (b) y gost y mae'n ei thynnu wrth ddiwallu'r anghenion hynny sydd gan yr oedolyn neu'r anghenion hynny sydd gan y gofalwr perthnasol y cyfeirir atynt yn y paragraff o dan sylw.
- (8) Mae unrhyw anghydfod rhwng awdurdodau lleol ynghylch cymhwyso'r adran hon i'w ddyfarnu o dan adran 164 fel pe bai'n anghydfod o'r math a grybwyllir yn is-adran (1) o'r adran honno.

- (9) Yn yr adran hon a (lle y bo'n berthnasol) yn adran (*yr adran sy'n cael ei fewnosod gan welliant 156*) a (*yr adran sy'n cael ei fewnosod gan welliant 157*) –
- ystyr “gofalwr perthnasol” (“*relevant carer*”) yw gofalwr –
- (a) sy'n oedolyn, a
 - (b) sy'n darparu neu sy'n bwriadu darparu gofal i oedolyn arall;
- ystyr “person cofrestredig” (“*registered person*”), mewn perthynas â sefydliad neu asiantaeth, yw'r person sydd wedi ei gofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000 mewn cysylltiad â'r sefydliad hwnnw neu'r asiantaeth honno;
- ystyr “person perthnasol” (“*relevant person*”) yw –
- (a) mewn achos sy'n ymwneud ag anghenion oedolyn am ofal a chymorth, yr oedolyn hwnnw;
 - (b) mewn achos sy'n ymwneud ag anghenion gofalwr perthnasol am gymorth, yr oedolyn y mae angen gofal arno.'.

Gwenda Thomas

156

To insert a new section –

‘() Provider failure: exception to temporary duty

- (1) A local authority is not required to meet needs which were, immediately before the registered person became unable to carry on or manage the establishment or agency, being met –
- (a) under arrangements made or by means of services provided by a local authority in England under –
 - (i) Part 3 of the National Assistance Act 1948,
 - (ii) section 45 of the Health Services and Public Health Act 1968,
 - (iii) section 117 of the Mental Health Act 1983,
 - (iv) Schedule 20 to the National Health Service Act 2006, or
 - (v) section 2 of the Carers and Disabled Children Act 2000;
 - (b) under arrangements made by a local authority in Scotland discharging its duty under section 12 or 13A of the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
 - (c) under arrangements made by a Health and Social Care trust under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)) or section 2 of the Carers and Direct Payments Act (Northern Ireland) 2002;
 - (d) by the provision of accommodation or services all or part of the cost of which was paid for by direct payments made –
 - (i) by virtue of section 57 of the Health and Social Care Act 2001,
 - (ii) as a result of the choice made by the adult pursuant to section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013, or

- (iii) by virtue of section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002.
- (2) Pending the commencement of section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013, subsection (1)(d)(ii) is to be read as if there were substituted for that sub-paragraph –

“(ii) under section 12B of the Social Work (Scotland) Act 1968, or”’.

I fewnosod adran newydd –

(1) Methiant darparwr: eithriad i’r ddyletswydd dros dro

- (1) Nid yw’n ofynnol i awdurdod lleol ddiwallu anghenion a oedd, yn union cyn i’r person cofrestredig fethu â pharhau â’r sefydliad neu ei reoli neu fethu â pharhau â’r asiantaeth neu ei rheoli, yn cael eu diwallu –
 - (a) o dan drefniadau a wnaed neu drwy gyfrwng gwasanaethau a ddarparwyd gan awdurdod lleol yn Lloegr o dan –
 - (i) Rhan 3 o Ddeddf Cymorth Gwladol 1948,
 - (ii) adran 45 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968,
 - (iii) adran 117 o Ddeddf Iechyd Meddwl 1983,
 - (iv) Atodlen 20 i Ddeddf y Gwasanaeth Iechyd Gwladol 2006, neu
 - (v) adran 2 o Ddeddf Gofalwyr a Phlant Anabl 2000;
 - (b) o dan drefniadau a wnaed gan awdurdod lleol yn yr Alban wrth gyflawni ei ddyletswydd o dan adran 12 neu 13A o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968 neu adran 25 o Ddeddf Iechyd Meddwl (Gofal a Thriniaeth) (Yr Alban) 2003;
 - (c) o dan drefniadau a wnaed gan ymddiriedolaeth Iechyd a Gofal Cymdeithasol o dan Erthygl 15 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972 (O.S. 1972/1265 (N.I. 14)) neu adran 2 o Ddeddf Gofalwyr a Thaliadau Uniongyrchol (Gogledd Iwerddon) 2002;
 - (d) drwy ddarparu llety neu wasanaethau y talwyd ei gost neu eu cost yn llwyr neu’n rhannol drwy daliadau uniongyrchol a wnaed –
 - (i) yn rhinwedd adran 57 o Ddeddf Iechyd a Gofal Cymdeithasol 2001,
 - (ii) o ganlyniad i’r dewis a wnaed gan yr oedolyn yn unol ag adran 5 o Ddeddf Gofal Cymdeithasol (Cymorth Hunangyfeiriedig) (Yr Alban) 2013, neu
 - (iii) yn rhinwedd adran 8 o Ddeddf Gofalwyr a Thaliadau Uniongyrchol (Gogledd Iwerddon) 2002.
- (2) Wrth ddisgwyl i adran 5 o Ddeddf Gofal Cymdeithasol (Cymorth Hunangyfeiriedig) (Yr Alban) 2013 gychwyn, mae is-adran (1)(d)(ii) i’w darllen fel pe bai’r is-baragraff hwnnw wedi ei amnewid gan yr is-baragraff a ganlyn –
 - “(ii) o dan adran 12B o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968, neu”’.

Gwenda Thomas

157

To insert a new section –

‘(1) Provider failure: supplementary

- (1) A local authority becomes subject to the duty under section (*section to be inserted by amendment 155*)(2) as soon as it becomes aware of the business failure.
- (2) Section 20 (how to meet needs) and sections 30 to 33 (meeting needs: exceptions and restrictions) apply to meeting needs under section (*section to be inserted by amendment 155*) as they apply to meeting needs under sections 21 to 29.
- (3) Regulations may make provision about the persons whom the local authority must involve in connection with meeting needs under section (*section to be inserted by amendment 155*)(2).
- (4) Where a person whose needs are being met by a local authority under section (*section to be inserted by amendment 155*)(2) is also being provided with continuing NHS care under arrangements made by a Local Health Board no part of whose area is in the local authority’s area, the Local Health Board is to be treated as a relevant partner of the authority for the purposes of sections 143 and 145.
- (5) In subsection (4) “continuing NHS care” means services or facilities provided by virtue of sections 3(1)(e) and 12 of the National Health Service (Wales) Act 2006.
- (6) Where a local authority considers it necessary to do so for the purpose of carrying out its duty under section (*section to be inserted by amendment 155*)(2), it may request the registered person, or such other person involved in the establishment or agency’s business as it considers appropriate, to provide it with information.
- (7) Regulations must make provision as to the interpretation, for the purposes of section (*section to be inserted by amendment 155*) and this section, of references to business failure or to being unable to do something because of business failure; and the regulations may, in particular, specify circumstances in which a person is to be treated as unable to carry on or manage an establishment or agency because of business failure.’.

I fewnosod adran newydd –

‘(1) Methiant darparwr: atodol

- (1) Daw awdurdod lleol yn ddarostyngedig i’r ddyletswydd o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 155*)(2) cyn gynted ag y daw’n ymwybodol o’r methiant busnes.
- (2) Mae adran 20 (sut i ddiwallu anghenion) ac adrannau 30 i 33 (diwallu anghenion: eithriadau a chyfyngiadau) yn gymwys i ddiwallu anghenion o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 155*) yn yr un modd ag y maent yn gymwys i ddiwallu anghenion o dan adrannau 21 i 29.
- (3) Caiff reoliadau wneud darpariaeth ynghylch y personau y mae rhaid i’r awdurdod lleol eu cynnwys mewn cysylltiad â diwallu anghenion o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 155*)(2).
- (4) Pan fo person y mae ei anghenion yn cael eu diwallu gan awdurdod lleol o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 155*)(2) ac y mae gofal parhaus y GIG hefyd yn cael ei ddarparu iddo o dan drefniadau a wnaed gan Fwrdd Iechyd Lleol nad yw unrhyw ran

o'i ardal yn ardal yr awdurdod lleol, mae'r Bwrdd Iechyd Lleol i'w drin fel partner perthnasol yn awdurdod at ddibenion adrannau 143 a 145.

- (5) Yn is-adran (4) ystyr "gofal parhaus y GIG" yw gwasanaethau neu gyfleusterau a ddarperir yn rhinwedd adrannau 3(1)(e) a 12 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.
- (6) Pan fo awdurdod lleol yn barnu ei bod yn angenrheidiol gwneud hynny at y diben o gyflawni ei ddyletsydd o dan adran (*yr adran sy'n cael ei fewnosod gan welliant 155*)(2), caiff ofyn i'r person cofrestredig, neu unrhyw berson arall sy'n gysylltiedig â busnes y sefydliad neu'r asiantaeth fel y bernir yn briodol ganddo, i ddarparu gwybodaeth iddo.
- (7) Rhaid i reoliadau wneud darpariaeth ynglŷn â'r dehongliad, at ddibenion adran (*yr adran sy'n cael ei fewnosod gan welliant 155*) a'r adran hon, o gyfeiriadau at fethiant busnes neu at fethu â gwneud rhywbeth oherwydd methiant busnes; a caiff y rheoliadau, yn benodol, bennu'r amgylchiadau hynny lle y mae person i'w drin fel rhywun sy'n methu â pharhau â sefydliad neu ei reoli neu'n methu â pharhau ag asiantaeth neu ei rheoli oherwydd methiant busnes.'.

Gwenda Thomas

395

To insert a new section –

'() Amendment of the National Assistance Act 1948

In section 49 of the National Assistance Act 1948 (expenses of council officers acting as receivers), after "Act" insert ", other than one in Wales,"'.

I fewnosod adran newydd –

'() Diwygio Deddf Cymorth Gwladol 1948

Yn adran 49 o Ddeddf Cymorth Gwladol 1948 (treuliau swyddogion cyngor sy'n gweithredu fel derbynyddion), ar ôl "Act" mewnosoder ", other than one in Wales,"'.

Gwenda Thomas

216

Section 162, page 104, line 14, leave out '59(3)' and insert '60(1)'.

Adran 162, tudalen 104, llinell 14, hepgorer '59(3)' a mewnosoder '60(1)'.

Gwenda Thomas

217

Section 162, page 104, line 23, after 'Ministers,' insert 'an NHS Trust or the Secretary of State,'.

Adran 162, tudalen 104, llinell 23, ar ôl 'Cymru,' mewnosoder 'Ymddiriedolaeth GIG neu'r Ysgrifennydd Gwladol,'.

Gwenda Thomas

218

Section 162, page 104, line 24, after 'Board', insert ', an NHS Trust, the Welsh Ministers, the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group'.

Adran 162, tudalen 104, llinell 24, ar ôl 'Lleol', mewnosoder ', Ymddiriedolaeth GIG, Gweinidogion Cymru, yr Ysgrifennydd Gwladol, Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol neu grŵp comisiynu clinigol'.

Gwenda Thomas 396

Section 162, page 104, line 35, leave out '94' and insert '(section to be inserted by amendment 361)'.

Adran 162, tudalen 104, llinell 36, hepgorer '94' a mewnosoder '(yr adran sy'n cael ei fewnosod gan welliant 361)'.

Gwenda Thomas 158

Section 163, page 105, line 3, leave out 'particular type' and insert 'type specified in regulations and the adult is living in accommodation in Wales of a type so specified'.

Adran 163, tudalen 105, llinell 3, hepgorer 'penodol' a mewnosoder 'a bennir mewn rheoliadau a bod yr oedolyn yn byw mewn llety yng Nghymru o fath a bennir felly'.

Gwenda Thomas 159

Section 163, page 105, line 4, leave out 'Part' and insert 'Act'.

Adran 163, tudalen 105, llinell 3, hepgorer 'Rhan' a mewnosoder 'Ddeddf'.

Gwenda Thomas 160

Section 163, page 105, line 6, leave out 'that type' and insert 'a type specified in the regulations'.

Adran 163, tudalen 105, llinell 6, hepgorer 'o'r math hwnnw' a mewnosoder 'o fath a bennir yn y rheoliadau'.

Gwenda Thomas 161

Section 163, page 105, line 8, leave out 'that type' and insert 'a type so specified'.

Adran 163, tudalen 105, llinell 7, hepgorer 'o'r math hwnnw' a mewnosoder 'o fath a bennir felly'.

Gwenda Thomas 162

Section 163, page 105, after line 9, insert—

- '() Where, before beginning to live in his or her current accommodation, the adult was living in accommodation of a type so specified (whether or not of the same type as the current accommodation), the reference in subsection (1)(a) to when the adult began to live in accommodation of a type so specified is a reference to the beginning of the period during which the adult has been living in accommodation of one or more of the specified types for consecutive periods.
- () The regulations may make provision for determining for the purposes of subsection (1) whether an adult has needs for care and support which can be met only if the adult is living in accommodation of a type specified in regulations.'

Adran 163, tudalen 105, ar ôl llinell 8, mewnosoder –

- () Pan fo oedolyn, cyn iddo ddechrau byw yn ei lety presennol, yn byw mewn llety o fath a bennir felly (p'un a yw'r llety o'r un fath â'r llety presennol ai peidio), mae'r cyfeiriad yn is-adran (1)(a) at y cyfnod y dechreuodd yr oedolyn fyw mewn llety o fath a bennir felly yn gyfeiriad at ddechrau'r cyfnod y mae'r oedolyn wedi bod yn byw mewn llety o un neu fwy o'r mathau a bennir am gyfnodau olynol.
- () Caiff y rheoliadau wneud darpariaeth i ddyfarnu at ddibenion is-adran (1) a oes gan oedolyn anghenion am ofal a chymorth na ellir eu diwallu ond os yw'r oedolyn yn byw mewn llety o fath a bennir mewn rheoliadau.'.

Gwenda Thomas

163

Section 163, page 105, line 10, leave out 'the National Health Service (Wales) Act 2006' and insert 'a health enactment'.

Adran 163, tudalen 105, llinell 9, hepgorer 'Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006' a mewnosoder 'ddeddfiad iechyd'.

Gwenda Thomas

164

Section 163, page 105, line 11, leave out 'Part' and insert 'Act'.

Adran 163, tudalen 105, llinell 10, hepgorer 'Rhan' a mewnosoder 'Ddeddf'.

Gwenda Thomas

165

Section 163, page 105, line 12, after 'resident', insert 'immediately'.

Adran 163, tudalen 105, llinell 11, ar ôl 'arfer', mewnosoder 'yn union'.

Gwenda Thomas

166

Section 163, page 105, after line 15, insert –

- () In subsection (2) "health enactment" means –
 - (a) the National Health Service (Wales) Act 2006;
 - (b) the National Health Service Act 2006;
 - (c) the National Health Service (Scotland) Act 1978;
 - (d) the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14));
 - (e) the Health and Social Care (Reform) Act (Northern Ireland) 2009.'

Adran 163, tudalen 105, ar ôl llinell 13, mewnosoder –

- () Yn is-adran (2) ystyr "deddfiad iechyd" yw –
 - (a) Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
 - (b) Deddf y Gwasanaeth Iechyd Gwladol 2006;
 - (c) Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978;

- (d) Gorchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972 (O.S. 1972/1265 (N.I. 14));
- (e) Deddf (Diwygio) Iechyd a Gofal Cymdeithasol (Gogledd Iwerddon) 2009.’.

Gwenda Thomas **167**

Section 163, page 105, line 16, leave out subsection (3).

Adran 163, tudalen 105, llinell 14, hepgorer is-adran (3).

Gwenda Thomas **168**

Section 163, page 105, line 27, after ‘authority’, insert ‘or a local authority in England’.

Adran 163, tudalen 105, llinell 24, ar ôl ‘lleol’, mewnosoder ‘neu awdurdod lleol yn Lloegr’.

William Graham **81**

To insert a new section –

‘Whistleblowing

() Whistleblowing

A person exercising any function under this Act shall be a “worker” for the purposes of sections 43K, 47B (and of sections 48 and 49 so far as they relate to section 47B) and 230 of the Employment Rights Act 1996.’.

This amendment will ensure that workers performing functions under this Bill will be protected under the whistleblowing provisions in the Employment Rights Act 1996.

I fewnosod adran newydd –

‘Chwythu’r Chwiban

() Chwythu’r Chwiban

Bydd person sy’n gweithredu unrhyw swyddogaeth o dan y Ddeddf hon yn “weithiwr” at ddibenion adrannau 43K, 47B (ac adrannau 48 a 49 i’r graddau y maent yn gysylltiedig ag adran 47B) a 230 o Ddeddf Hawliau Cyflogaeth 1996.’.

Bydd y gwelliant hwn yn sicrhau y caiff gweithwyr sy’n arfer swyddogaethau o dan y Bil hwn eu diogelu o dan ddarpariaethau chwythu’r chwiban Deddf Hawliau Cyflogaeth 1996.

Gwenda Thomas **169**

Section 165, page 106, line 19, leave out ‘of the Welsh Ministers’.

Adran 165, tudalen 106, llinell 19, hepgorer ‘sydd gan Weinidogion Cymru’.

Gwenda Thomas 170

Section 165, page 106, line 21, leave out 'of the Welsh Ministers'.

Adran 165, tudalen 106, llinell 21, hepgorer 'sydd gan Weinidogion Cymru'.

Gwenda Thomas 171

Section 165, page 106, line 27, leave out 'such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit' and insert 'incidental, supplementary, consequential, transitory, transitional or saving provision'.

Adran 165, tudalen 106, llinell 28, hepgorer 'unrhyw ddarpariaeth gysylltiedig, atodol, canlyniadol, darfodol, trosiannol neu arbed y gwêl Gweinidogion Cymru'n dda ei gwneud' a mewnosoder 'darpariaeth gysylltiedig, atodol, ganlyniadol, ddarfodol, drosiannol neu arbed'.

Gwenda Thomas 172

Section 165, page 106, after line 28, insert—

'() Subsections (1) and (2) do not apply to an order which may be made by a court or a justice of the peace.'

Adran 165, tudalen 106, ar ôl llinell 29, mewnosoder—

'() Nid yw is-adrannau (1) a (2) yn gymwys i orchymyn y caniateir i lys neu ynad heddwch ei wneud.'

Gwenda Thomas 173

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

Adran 165, tudalen 106, llinell 30, hepgorer 'unrhyw'.

Gwenda Thomas 174

Section 165, page 106, line 29, after 'made', insert 'by the Welsh Ministers'.

Adran 165, tudalen 106, llinell 30, ar ôl 'wneir', mewnosoder 'gan Weinidogion Cymru'.

Gwenda Thomas 175

Section 165, page 106, line 32, after 'orders', insert '(whether alone or with other provision)'.

Adran 165, tudalen 106, llinell 34, ar ôl 'canlynol', mewnosoder '(p'un ai ar eu pennau eu hunain neu ar y cyd â darpariaeth arall)'.

Gwenda Thomas 176

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

Adran 165, tudalen 106, llinell 35, hepgorer 'eu gwneud' a mewnosoder 'ei wneud'.

Gwenda Thomas 177

Section 165, page 106, line 35, leave out '19, 97' and insert '3(6), 7(3), 9(3), 19, 23(1), 26(1), 27(1), 97, 105(9), 112(4)'.

Adran 165, tudalen 106, llinell 37, hepgorer 'adrannau 19, 97' a mewnosoder 'adran 3(6), 7(3), 9(3), 19, 23(1), 26(1), 27(1), 97, 105(9), 112(4)'.

Gwenda Thomas 178

Section 165, page 107, after line 2, insert—

'(6) A statutory instrument containing regulations made by the Lord Chancellor under section 85 is subject to annulment in pursuance of a resolution of either House of Parliament.'

Adran 165, tudalen 107, ar ôl llinell 3, mewnosoder—

'(6) Mae offeryn statudol sy'n cynnwys rheoliadau a wneir gan yr Arglwydd Ganghellor o dan adran 85 yn ddarostyngedig i'w ddirymu yn unol â phenderfyniad gan y naill neu'r llall o ddau Dŷ'r Senedd.'

William Graham 183

Section 166, page 107, line 6, after 'emotional', insert ', institutional'.

Adran 166, tudalen 107, llinell 26, ar ôl 'emosiynol', mewnosoder ', sefydliadol'.

Gwenda Thomas 530

Section 166, page 107, after line 12, insert—

"care and support" ("*gofal a chymorth*") has the meaning given by section (subsection inserted by amendment 57);'

Adran 166, tudalen 108, ar ôl llinell 11, mewnosoder—

'mae i "*gofal a chymorth*" ("*care and support*") yr ystyr a roddir gan adran (*yr is-adran a fewnosodwyd gan welliant 57*);'

Gwenda Thomas 219

Section 166, page 107, after line 19, insert—

"clinical commissioning group" ("*grŵp comisiynu clinigol*") means a body established under section 14D of the National Health Service Act 2006;'

Adran 166, tudalen 108, ar ôl llinell 12, mewnosoder—

'ystyr "*grŵp comisiynu clinigol*" ("*clinical commissioning group*") yw corff a sefydlir o dan adran 14D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006;'

Gwenda Thomas

220

Section 166, page 107, after line 19, insert –

“community home” (*“cartref cymunedol”*) and “controlled community home” (*“cartref cymunedol a reolir”*) have the meaning given by section 53 of the Children Act 1989;’.

Adran 166, tudalen 107, ar ôl llinell 32, mewnosoder –

‘mae i “cartref cymunedol” (*“community home”*) a “cartref cymunedol a reolir” (*“controlled community home”*) yr ystyr a roddir i “community home” a “controlled community home” gan adran 53 o Ddeddf Plant 1989;’.

Gwenda Thomas

221

Section 166, page 107, after line 20, insert –

“education functions” (*“swyddogaethau addysg”*) has the meaning given by section 579(1) of the Education Act 1996;’.

Adran 166, tudalen 109, ar ôl llinell 6, mewnosoder –

‘mae i “swyddogaethau addysg” (*“education functions”*) yr ystyr a roddir i “education functions” gan adran 579(1) o Ddeddf Addysg 1996;’.

Gwenda Thomas

397

Section 166, page 107, line 22, leave out –

‘a provision contained in any of the following (whenever enacted or made) –

- (a) an Act of Parliament;
- (b) a Measure or an Act of the National Assembly for Wales;
- (c) subordinate legislation within the meaning of the Interpretation Act 1978 (including made under an Act of Parliament or a Measure or an Act of the National Assembly for Wales)’

And insert –

‘ –

- () except in sections 117(2)(b), 153(7) and 167(2)(b), a provision contained in any of the following (whenever enacted or made) –
 - (i) an Act of Parliament;
 - (ii) an Act or Measure of the National Assembly for Wales;
 - (iii) an Act of the Scottish Parliament;
 - (iv) Northern Ireland legislation (within the meaning of the Interpretation Act 1978);
 - (v) subordinate legislation made under an enactment falling within subparagraphs (i) to (iv);
- () in sections 117(2)(b), 153(7) and 167(2)(b), a provision contained in any of the following (whenever enacted or made) –

- (i) an Act of Parliament;
- (ii) an Act or Measure of the National Assembly for Wales;
- (iii) subordinate legislation made under an enactment falling within subparagraph (i) or (ii)'.

Adran 166, tudalen 108, llinell 3, hepgorer –

'darpariaeth sydd wedi ei chynnwys mewn unrhyw un o'r canlynol (pa bryd bynnag y cawsant eu deddfu neu eu gwneud) –

- (a) Deddf Seneddol;
- (b) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru;
- (c) is-ddeddfwriaeth o fewn ystyr "*subordinate legislation*" yn Neddf Ddehongli 1978 (gan gynnwys is-ddeddfwriaeth a wnaed o dan Ddeddf Seneddol neu un o Fesurau neu Ddeddfau Cynulliad Cenedlaethol Cymru)'

A mewnosoder –

' –

- () ac eithrio yn adrannau 117(2)(b), 153(7) a 167(2)(b), darpariaeth sydd wedi ei chynnwys mewn unrhyw un neu rai o'r canlynol (pa bryd bynnag y byddant wedi eu deddfu neu eu gwneud) –
 - (i) Deddf Seneddol;
 - (ii) Deddf neu Fesur gan Gynulliad Cenedlaethol Cymru;
 - (iii) Deddf Senedd yr Alban;
 - (iv) deddfwriaeth Gogledd Iwerddon (o fewn ystyr "*Northern Ireland legislation*" yn Neddf Dehongli 1978);
 - (v) is-ddeddfwriaeth a wneir o dan ddeddfiad sy'n dod o fewn is-baragraffau (i) i (iv);
- () yn adrannau 117(2)(b), 153(7) a 167(2)(b), darpariaeth sydd wedi ei chynnwys mewn unrhyw un neu rai o'r canlynol (pa bryd bynnag y byddant wedi eu deddfu neu eu gwneud) –
 - (i) Deddf Seneddol;
 - (ii) Deddf neu Fesur gan Gynulliad Cenedlaethol Cymru;
 - (iii) is-ddeddfwriaeth a wneir o dan ddeddfiad sy'n dod o fewn is-baragraff (i) neu (ii)'.

Gwenda Thomas

398

Section 166, page 108, after line 6, insert –

"Health and Social Care trust" ("*ymddiriedolaeth Iechyd a Gofal Cymdeithasol*") means a Health and Social Care trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1));'.

Adran 166, tudalen 109, ar ôl llinell 13, mewnosoder –

‘ystyr “ymddiriedolaeth Iechyd a Gofal Cymdeithasol” (“*Health and Social Care trust*”) yw ymddiriedolaeth Iechyd a Gofal Cymdeithasol a sefydlwyd o dan Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1991 (S.I. 1991/194 (N.I. 1));’.

Gwenda Thomas

222

Section 166, page 108, after line 6, insert –

“hospital” (“*ysbyty*”) has the meaning given by section 206 of the National Health Service (Wales) Act 2006;’.

Adran 166, tudalen 109, ar ôl llinell 13, mewnosoder –

‘mae i “ysbyty” (“*hospital*”) yr ystyr a roddir i “*hospital*” gan adran 206 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;’.

Gwenda Thomas

223

Section 166, page 108, line 7, leave out ‘has the meaning given by section 2 of the Care Standards Act 2000’ and insert –

‘ –

- (a) in relation to Wales, has the meaning given by section 2 of the Care Standards Act 2000, and
- (b) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section’.

Adran 166, tudalen 109, llinell 14, hepgorer ‘yr ystyr a roddir i “independent hospital” gan adran 2 o Ddeddf Safonau Gofal 2000’ a mewnosoder –

‘ –

- (a) o ran Cymru, yr ystyr a roddir i “*independent hospital*” gan adran 2 o Ddeddf Safonau Gofal 2000, a
- (b) o ran Lloegr, yr ystyr a roddir i “*hospital*” fel y’i diffinnir gan adran 275 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 nad yw’n ysbyty gwasanaeth iechyd fel y diffinnir “*health service hospital*” gan yr adran honno’.

Gwenda Thomas

399

Section 166, page 108, line 11, leave out ‘the council of a county in England, a metropolitan district in England, a London Borough or the Common Council of the the City of London’ and insert –

‘ –

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county council,
- (c) a London borough council, or

(d) the Common Council of the City of London’.

Adran 166, tudalen 107, llinell 17, hepgorer ‘dosbarth metropolitaidd yn Lloegr, un o Fwrdeistrefi’ a mewnosoder –

‘(b) cyngor dosbarth ar gyfer ardal yn Lloegr lle nad oes cyngor sir,

(c) cyngor bwrdeistref yn’.

Gwenda Thomas

224

Section 166, page 108, line 14, leave out ‘has the meaning given by section 65(14)’ and insert ‘means a person who is approved as a local authority foster parent in accordance with regulations made by virtue of section 77’.

Adran 166, tudalen 108, hepgorer llinellau 38 hyd at 39 a mewnosoder –

‘ystyr “rhiant maeth awdurdod lleol” (“*local authority foster parent*”) yw person sydd wedi ei gymeradwyo fel rhiant maeth awdurdod lleol yn unol â rheoliadau a wneir yn rhinwedd adran 77;’.

Gwenda Thomas

400

Section 166, page 108, after line 15, insert –

“local authority in Scotland” (“*awdurdod lleol yn yr Alban*”) means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;’.

Adran 166, tudalen 107, ar ôl llinell 15, mewnosoder –

‘ystyr “awdurdod lleol yn yr Alban” (“*local authority in Scotland*”) yw cyngor a gyfansoddwyd o dan adran 2 o Ddeddf Llywodraeth Leol etc. (Yr Alban) 1994;’.

Gwenda Thomas

401

Section 166, page 108, leave out lines 18 to 19.

Adran 166, tudalen 108, hepgorer llinellau 34 hyd at 35.

Gwenda Thomas

225

Section 166, page 108, after line 21, insert –

“National Health Service Commissioning Board” (“*Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol*”) means the body established under section 1H of the National Health Service Act 2006;’.

Adran 166, tudalen 107, ar ôl llinell 20, mewnosoder –

‘ystyr “Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol” (“*National Health Service Commissioning Board*”) yw’r corff a sefydlwyd o dan adran 1H o Ddeddf y Gwasanaeth Iechyd Gwladol 2006;’.

William Graham

83

Section 166, page 108, after line 22, insert –

“neglect” (*“esgeulustod”*) in relation to a person means a persistent failure to meet the person’s physical or psychological needs (or both) likely to result in the serious impairment of the individual’s well-being and in the case of a child also includes physical, intellectual, emotional, social and behavioural development;’.

This amendment will define the meaning of neglect for the purposes of the Bill.

Adran 166, tudalen 108, ar ôl llinell 9, mewnosoder –

‘ystyr “esgeulustod” (*“neglect”*) mewn perthynas â pherson yw methiant parhaus i fodloni anghenion corfforol neu seicolegol person (neu’r ddau) sy’n debygol o arwain at nam difrifol ar lesiant unigolyn ac, yn achos plentyn, sydd hefyd yn cynnwys datblygiad corfforol, deallusol, emosiynol, cymdeithasol ac ymddygiadol;’.

Bydd y gwelliant hwn yn diffinio ystyr esgeulustod at ddibenion y Bil.

Lindsay Whittle

498

Section 166, page 108, after line 22, insert –

“neglect” (*“esgeulustod”*) in relation to a person means the failure to meet a person’s basic physical, emotional, social or psychological needs likely to result in the serious impairment of their health, well-being or development;’.

An amendment to define neglect for the purposes of the Bill.

Adran 166, tudalen 108, ar ôl llinell 9, mewnosoder –

‘ystyr “esgeulustod” (*“neglect”*) mewn perthynas â pherson yw methiant i ddiwallu anghenion corfforol, emosiynol, cymdeithasol neu seicolegol sylfaenol person, sy’n debygol o arwain at amharu’n ddifrifol ar ei iechyd, llesiant neu ddatblygiad;’.

Gwelliant i ddiffino esgeulustod at ddiben y Bil.

Gwenda Thomas

226

Section 166, page 108, after line 26, insert –

“private children’s home” (*“cartref plant preifat”*) means a children’s home which is not –

- (a) a community home, or
- (b) a voluntary home (within the meaning given by section 60 of the Children Act 1989);’.

Adran 166, tudalen 107, ar ôl llinell 37, mewnosoder –

‘ystyr “cartref plant preifat” (*“private children’s home”*) yw cartref plant nad yw’n –

- (a) cartref cymunedol, na
- (b) cartref gwirfoddol (o fewn yr ystyr a roddir i “voluntary home” gan adran 60 o Ddeddf Plant 1989);’.

Gwenda Thomas

179

Section 166, page 108, line 27, after ‘(*“rheoliadau”*)’, insert ‘, other than in relation to section 85,’.

Adran 166, tudalen 108, llinell 36, ar ôl ‘(*“regulations”*)’, mewnosoder ‘, ac eithrio mewn perthynas ag adran 85,’.

WITHDRAWN/TYNNWYD YN ÔL

Gwenda Thomas

227

Section 166, page 108, after line 27, insert –

“relative” (“perthynas”), in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent;’.

Adran 166, tudalen 108, ar ôl llinell 32, mewnosoder –

‘ystyr “perthynas” (“relative”), mewn perthynas â phlentyn, yw mam-gu/nain, tad-cu/taid, brawd, chwaer, ewythr neu fodryb (p’un ai o waed coch cyfan neu o hanner gwaed neu drwy briodas neu bartneriaeth sifil) neu lys-riant;’.

Gwenda Thomas

531

Section 166, page 108, after line 27, insert –

“relative” (“perthynas”), in relation to a child, means a step-parent, grandparent, brother, sister, uncle or aunt (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship);’.

Adran 166, tudalen 108, ar ôl llinell 32, mewnosoder –

‘ystyr “perthynas” (“relative”), mewn perthynas â phlentyn, yw llys-riant, tad-cu/taid, mam-gu/nain, brawd, chwaer, ewythr neu fodryb (gan gynnwys unrhyw berson sydd yn y berthynas honno yn rhinwedd priodas neu bartneriaeth sifil neu berthynas deuluol barhaus);’.

Gwenda Thomas

228

Section 166, page 108, after line 34, insert –

“special guardian” (“gwarcheidwad arbennig”) and “special guardianship order” (“gorchymyn gwarcheidiaeth arbennig”) have the meaning given by section 14A of the Children Act 1989;’.

Adran 166, tudalen 108, ar ôl llinell 12, mewnosoder –

‘mae i “gwarcheidwad arbennig” (“special guardian”) a “gorchymyn gwarcheidiaeth arbennig” (“special guardianship order”) yr ystyr a roddir i “special guardian” a “special guardianship order” gan adran 14A o Ddeddf Plant 1989;’.

Gwenda Thomas

229

Section 166, page 109, line 3, after '2006', insert 'or section 28 of the National Health Service Act 2006'.

Adran 166, tudalen 107, llinell 13, ar ôl '2006', mewnosoder 'neu adran 28 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006'.

Gwenda Thomas

467

Section 166, page 109, line 4, leave out 'means specified in regulations or, in section 120(2), a code; but this definition does not apply in sections 105, 114, 129, 130, 136, 138, 139, 142 or paragraphs 2 and 3 of Schedule 1' and insert ', unless the context otherwise requires, means specified in regulations'.

Adran 166, tudalen 108, llinell 30, hepgorer 'yw penodedig mewn rheoliadau neu orchymyn neu, yn adran 120(2), mewn cod; ond nid yw'r diffiniad hwn yn gymwys yn adrannau 105, 114, 129, 130, 136, 138, 139, 142 neu baragraffau 2 a 3 o Atodlen 1' a mewnosoder ', oni bai bod y cyd-destun yn mynnu fel arall, yw penodedig mewn rheoliadau'.

Gwenda Thomas

55

Section 166, page 109, after line 15, insert—

“youth offending team” (“*tîm troseddwy'r ifanc*”) means a team established under section 39 of the Crime and Disorder Act 1998'.

Adran 166, tudalen 109, ar ôl llinell 10, mewnosoder—

'ystyr “*tîm troseddwy'r ifanc*” (“*youth offending team*”) yw tîm a sefydlir o dan adran 39 o Ddeddf Trosedd ac Anrhefn 1998;’.

Gwenda Thomas

402

Section 166, page 109, after line 15, insert—

() In this Act—

- (a) a reference to a child looked after by a local authority has the meaning given by section 58;
- (b) a reference to a child looked after by a local authority in England has the meaning given to a reference in the Children Act 1989 to a child who is looked after by a local authority for an area in England (see section 22 of that Act);
- (c) a reference to a child looked after by a local authority in Scotland has the same meaning as a reference in Chapter 1 of Part 2 of the Children (Scotland) Act 1995 to a child who is “looked after” by a local authority (see section 17(6) of that Act);
- (d) a reference to a child looked after by a Health and Social Care trust has the same meaning as a reference in the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) to a child who is looked after by an authority (see article 25 of that Order).

Adran 166, tudalen 109, ar ôl llinell 15, mewnosoder –

‘() Yn y Ddeddf hon –

- (a) mae i gyfeiriad at blentyn sy’n derbyn gofal gan awdurdod lleol yr ystyr a roddir gan adran 58;
- (b) mae i gyfeiriad at blentyn sy’n derbyn gofal gan awdurdod lleol yn Lloegr yr ystyr a roddir i gyfeiriad yn Neddf Plant 1989 at blentyn sy’n derbyn gofal gan awdurdod lleol ar gyfer ardal yn Lloegr (gweler adran 22 o’r Ddeddf honno);
- (c) mae i gyfeiriad at blentyn sy’n derbyn gofal gan awdurdod lleol yn yr Alban yr un ystyr â chyfeiriad ym Mhennod 1 o Ran 2 o Ddeddf Plant (Yr Alban) 1995 at blentyn sy’n derbyn gofal (“*looked after*”) gan awdurdod lleol (gweler adran 17(6) o’r Ddeddf honno);
- (d) mae i gyfeiriad at blentyn sy’n derbyn gofal gan ymddiriedolaeth Iechyd a Gofal Cymdeithasol yr un ystyr â chyfeiriad yng Ngorchymyn Plant (Gogledd Iwerddon) 1995 (O.S. 1995/755 (N.I. 2)) at blentyn sy’n derbyn gofal gan awdurdod (gweler erthygl 25 o’r Gorchymyn hwnnw).’.

Gwenda Thomas

230

Section 166, page 109, after line 18, insert –

‘() A reference in this Act to accommodation provided by or on behalf of a local authority is a reference to accommodation so provided in the exercise of functions of that authority or any other local authority which are social services functions.’.

Adran 166, tudalen 109, ar ôl llinell 18, mewnosoder –

‘() Mae cyfeiriad yn y Ddeddf hon at lety a ddarperir gan neu ar ran awdurdod lleol yn gyfeiriad at lety a ddarperir felly wrth arfer swyddogaethau’r awdurdod hwnnw neu unrhyw awdurdod lleol arall sy’n swyddogaethau gwasanaethau cymdeithasol.’.

Gwenda Thomas

403

Section 166, page 109, after line 25, insert –

‘(5) The Welsh Ministers may by regulations provide that the Council of the Isles of Scilly is to be treated as a local authority in England for the purposes of this Act, or for the purposes of specified provisions of this Act, with such modifications as may be specified.’.

Adran 166, tudalen 109, ar ôl llinell 27, mewnosoder –

‘(5) Caiff Gweinidogion Cymru drwy reoliadau ddarparu bod Cyngor Ynysoedd Scilly i’w drin fel awdurdod lleol yn Lloegr at ddibenion y Ddeddf hon, neu at ddibenion darpariaethau penodol y Ddeddf hon, gydag unrhyw addasiadau a bennir.’.

Gwenda Thomas

404

Section 167, page 109, line 27, leave out ‘, or in consequence of, giving full effect to any provision of this Act’ and insert ‘giving full effect to any provision of this Act, or in consequence of any such provision’.

Adran 167, tudalen 109, llinell 30, hepgorer 'wneud hynny' a mewnosoder 'unrhyw ddarpariaeth o'r fath'.

William Graham

184

Section 168, page 110, after line 13, insert—

- '() The remaining provisions of this Act shall not come into force until the Welsh Ministers have laid a report before the National Assembly for Wales containing an assessment of the actual costs involved in its implementation.'

Adran 168, tudalen 110, ar ôl llinell 13, mewnosoder—

- '() Ni chaiff gweddill darpariaethau'r Ddeddf hon ddod i rym hyd nes bod Gweinidogion Cymru wedi gosod adroddiad gerbron Cynulliad Cenedlaethol Cymru sy'n cynnwys asesiad o'r costau gwirioneddol sydd ynghlwm wrth ei gweithredu.'

William Graham

185

Section 168, page 110, after line 13, insert—

- '() The remaining provisions of this Act shall not come into force until the Welsh Ministers have laid a report before the National Assembly for Wales which contains an assessment of how the needs and considerations of rural communities and areas have been taken into account in its preparation.'

Adran 168, tudalen 110, ar ôl llinell 13, mewnosoder—

- '() Ni chaiff gweddill darpariaethau'r Ddeddf hon ddod i rym hyd nes bod Gweinidogion Cymru wedi gosod adroddiad gerbron Cynulliad Cenedlaethol Cymru sy'n cynnwys asesiad o sut y mae anghenion ac ystyriaethau cymunedau ac ardaloedd gwledig wedi cael eu hystyried wrth ei lunio.'

Gwenda Thomas

416

Section 1, page 1, line 16, leave out 'the well-being of people who need care and support and carers who need support' and insert 'persons who need or may need care and support or carers who need or may need support, so as to give effect to certain key principles'.

Adran 1, tudalen 1, llinell 18, hepgorer 'llesiant pobl y mae angen gofal a chymorth arnynt a gofalwyr y mae angen cymorth arnynt' a mewnosoder 'phersonau y mae angen gofal a chymorth arnynt neu y gall fod angen gofal a chymorth arnynt neu ofalwyr y mae angen cymorth arnynt neu y gall fod angen cymorth arnynt, er mwyn rhoi effaith i egwyddorion allweddol penodol'.

Gwenda Thomas

500

Section 1, page 1, after line 17, insert—

- '() requires the Welsh Ministers to issue a statement specifying the well-being outcomes that are to be achieved for people who need care and support and carers who need support and to issue a code to help achieve those outcomes (sections 137 to 142);'

Adran 1, tudalen 1, ar ôl llinell 19, mewnosoder –

() yn ei gwneud yn ofynnol i Weinidogion Cymru ddyroddi datganiad yn pennu'r canlyniadau llesiant sydd i'w sicrhau ar gyfer pobl y mae angen gofal a chymorth arnynt a gofalwyr y mae angen cymorth arnynt a dyroddi cod i helpu i sicrhau'r canlyniadau hynny (adrannau 137 i 142);'.

Gwenda Thomas

1

Section 1, page 2, line 1, leave out 'blind, deaf' and insert 'sight-impaired, hearing-impaired'.

Adran 1, tudalen 2, llinell 2, hepgorer 'ddall, pobl fyddar' a mewnosoder 'â nam ar eu golwg, pobl â nam ar eu clyw'.

Gwenda Thomas

277

Section 1, page 2, line 18, leave out 'defines "looked after child"' and insert 'provides for the interpretation of references to a child or young person looked after by a local authority'.

Adran 1, tudalen 2, llinell 18, hepgorer 'diffinio "plentyn sy'n derbyn gofal"' a mewnosoder 'darparu ar gyfer dehongli'r cyfeiriadau at blentyn neu berson ifanc sy'n derbyn gofal gan awdurdod lleol'.

Gwenda Thomas

278

Section 1, page 2, line 20, leave out 'looked after children' and insert 'the children they look after'.

Adran 1, tudalen 2, llinell 20, hepgorer 'i blant sy'n derbyn gofal' a mewnosoder 'i'r plant y maent yn gofalu amdanynt'.

Gwenda Thomas

279

Section 1, page 2, line 27, leave out 'accommodation, maintenance or'.

Adran 1, tudalen 2, llinell 28, hepgorer 'llety, cynhaliaeth neu'.

Gwenda Thomas

280

Section 1, page 2, line 27, leave out 'children' and insert 'young people'.

Adran 1, tudalen 2, llinell 28, hepgorer 'blant' a mewnosoder 'bobl ifanc'.

Gwenda Thomas

281

Section 1, page 2, line 28, after 'leaving', insert ', or who have left,'.

Adran 1, tudalen 2, llinell 29, ar ôl 'gadael', mewnosoder ', neu sydd wedi gadael,'.

Gwenda Thomas 282

Section 1, page 2, line 30, leave out '(sections 88 to 96);' and insert –

'(iv) with respect to whom special guardianship orders are or were in force;
(sections 88 to 96);'

Adran 1, tudalen 2, llinell 31, hepgorer '(adrannau 88 i 96);' a mewnosoder –

'(iv) y mae neu yr oedd gorchmynion gwarcheidiaeth arbennig mewn grym
mewn cysylltiad â hwy;
(adrannau 88 i 96);'

Gwenda Thomas 283

Section 1, page 2, line 31, leave out 'looked after children or children' and insert 'children looked after by local authorities or local authorities in England or children of a description'.

Adran 1, tudalen 2, llinell 33, hepgorer 'neu blant' a mewnosoder 'gan awdurdodau lleol neu awdurdodau lleol yn Lloegr neu blant o ddisgrifiad'.

Gwenda Thomas 284

Section 1, page 2, line 34, after 'authorities' at the second place where it appears, insert 'or'.

Adran 1, tudalen 2, llinell 35, ar ôl 'addysg', mewnosoder 'neu'.

Gwenda Thomas 285

Section 1, page 2, line 35, after 'of', insert 'visits and'.

Adran 1, tudalen 2, llinell 36, ar ôl 'darparu', mewnosoder 'ymweliadau a'.

Gwenda Thomas 286

Section 1, page 2, line 36, leave out '2' and insert '1'.

Adran 1, tudalen 2, llinell 37, hepgorer '2' a mewnosoder '1'.

Gwenda Thomas 287

Section 1, page 2, line 37, leave out 'looked after children' and insert 'children looked after by local authorities'.

Adran 1, tudalen 2, llinell 38, ar ôl 'gofal', mewnosoder 'gan awdurdodau lleol'.

Gwenda Thomas 501

Section 1, page 3, line 29, leave out –

'(well-being outcomes, co-operation and partnership) has two chapters.

- (11) Chapter 1 (well-being outcomes) requires the Welsh Ministers to issue a statement specifying the well-being outcomes that are to be achieved for people who need care and

support and carers who need support and to issue a code to help achieve those outcomes.

(12) Chapter 2’.

Adran 1, tudalen 3, llinell 30, hepgorer –

‘gan Ran 9 (canlyniadau llesiant, cydweithrediad a phartneriaeth) ddwy bennod.

(11) Mae Pennod 1 (canlyniadau llesiant) yn ei gwneud yn ofynnol i Weinidogion Cymru ddyroddi datganiad yn pennu’r canlyniadau llesiant sydd i’w sicrhau ar gyfer pobl y mae angen gofal a chymorth arnynt a gofalwyr y mae angen cymorth arnynt a dyroddi cod i helpu i sicrhau’r canlyniadau hynny.

(12) Mae Pennod 2’

A mewnosoder –

‘Rhan 9’.

Gwenda Thomas

186

Section 1, page 4, line 12, leave out ‘supplementary’ and insert ‘miscellaneous’.

Adran 1, tudalen 4, llinell 12, hepgorer ‘atodol’ a mewnosoder ‘amrywiol’.

Gwenda Thomas

187

Section 1, page 4, after line 12, insert –

‘() empowers the Welsh Ministers, local authorities and Local Health Boards to conduct research, and empowers the Welsh Ministers to require information, about matters connected with functions under the Act and other related matters (section (*section to be inserted by amendment 215*)));’.

Adran 1, tudalen 4, ar ôl llinell 12, mewnosoder –

‘() yn grymuso Gweinidogion Cymru, awdurdodau lleol a Byrddau Iechyd Lleol i wneud ymchwil, ac yn grymuso Gweinidogion Cymru i’w gwneud yn ofynnol i wybodaeth gael ei rhoi, ynghylch materion sy’n gysylltiedig â swyddogaethau o dan y Ddeddf a materion cysylltiedig eraill (adran (*yr adran sy’n cael ei fewnosod gan welliant 215*)));’.

Gwenda Thomas

128

Section 1, page 4, after line 12, insert –

‘() makes provision about the steps to be taken by a local authority where an establishment or agency (within the meaning of the Care Standards Act 2000) becomes unable to meet needs in the authority’s area because of business failure (sections (*section to be inserted by amendment 155*) to (*section to be inserted by amendment 157*)));’.

Adran 1, tudalen 4, ar ôl llinell 12, mewnosoder –

‘() yn gwneud darpariaeth ynghylch y camau i’w cymryd gan awdurdod lleol pan fo sefydliad neu asiantaeth (o fewn yr ystyr a roddir i “establishment” ac “agency” yn Neddf Safonau Gofal 2000) yn methu â diwallu anghenion yn ardal yr

awdurdod oherwydd methiant busnes (adrannau (*yr adran sy'n cael ei fewnosod gan welliant 155*) i (*yr adran sy'n cael ei fewnosod gan welliant 157*));'.

Gwenda Thomas

288

Section 1, page 4, after line 12, insert –

'() disapplies section 49 of the National Assistance Act 1948 which allows a local authority to meet expenses incurred by any of its officers appointed by the Court of Protection as a deputy (*section to be inserted by amendment 395*));'.

Adran 1, tudalen 4, ar ôl llinell 12, mewnosoder –

'() yn datgymhwyso adran 49 o Ddeddf Cymorth Gwladol 1948 sy'n caniatáu i awdurdod lleol dalu treuliau a dynnir gan unrhyw un neu rai o'i swyddogion a benodir yn ddirprwy gan y Llys Gwarchod (*adran (yr adran sy'n cael ei fewnosod gan welliant 395)*);'.