



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 6 Ionawr 2014
Tabled on 6 January 2014

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.

* **William Graham**

1

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 67, page 50, after line 20, insert –

- '() A local authority may provide accommodation for any relevant person within its area who has reached the age of 16 but has not yet reached the age of 21 with their former local authority foster parent, unless –
- (a) the relevant person states that they do not wish to reside in such accommodation,
 - (b) the former local authority foster parent does not wish to provide accommodation, or
 - (c) it is not reasonably practicable to arrange such accommodation.'

Adran 67, tudalen 50, ar ôl llinell 20, mewnosoder –

- '() Caiff awdurdod lleol ddarparu llety i unrhyw berson perthnasol o fewn ei ardal sydd wedi cyrraedd 16 oed ond nad yw eto wedi cyrraedd 21 oed gyda'i rieni maeth awdurdod lleol blaenorol, oni bai –
- (a) bod y person perthnasol yn datgan nad yw'n dymuno preswyllo mewn llety o'r fath,
 - (b) nad yw'r rhieni maeth awdurdod lleol blaenorol yn dymuno darparu llety, neu
 - (c) nad yw'r ymarferol resymol i drefnu llety o'r fath.'

*** William Graham**

2

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 67, page 50, after line 39, insert –

(9) Regulations may make provision for and in connection with the exercise of the power under subsection (*subsection to be inserted by amendment 1*).

(10) In this section –

“former local authority foster parent” (“*rhieni maeth awdurdod lleol blaenorol*”) means a local authority foster parent with whom the person in subsection (*subsection to be inserted by amendment 1*) was placed under section 72(6)(a) or (b);

“relevant person” (“*person perthnasol*”) means a person specified in regulations made under subsection (*subsection to be inserted by amendment 1*).’.

Adran 67, tudalen 50, ar ôl llinell 39, mewnosoder –

(9) Caiff rheoliadau ddarparu ar gyfer ac mewn cysylltiad ag arfer y pŵer o dan is-adran (*yr is-adran sy'n cael ei fewnosod gan welliant 1*).

(10) Yn yr adran hon –

ystyr “person perthnasol” (“*relevant person*”) yw person a nodir mewn rheoliadau a wneir o dan is-adran (*yr is-adran sy'n cael ei fewnosod gan welliant 1*);

ystyr “rhieni maeth awdurdod lleol blaenorol” (“*former local authority foster parent*”) yw rhieni maeth awdurdod lleol lle y lleolwyd y person yn is-adran (*yr is-adran sy'n cael ei fewnosod gan welliant 1*) â hwy o dan adran 72(6)(a) neu (b).’.

*** William Graham**

3

Gyda chefnogaeth / Supported by: Kirsty Williams

To insert a new section –

(**1**) **Procedure for regulations under section 67**(*first subsection to be inserted by amendment 2*)

(1) The Welsh Ministers must comply with this section before making regulations under section 67(*first subsection to be inserted by amendment 2*).

(2) The Welsh Ministers must consult –

(a) each local authority, and

(b) such other persons or bodies as appear to represent the interests of persons likely to be affected by the proposals.

(3) If, following that consultation, the Welsh Ministers wish to proceed with regulations under section 67(*first subsection to be inserted by amendment 2*) they must lay before the National Assembly for Wales a document which –

(a) explains the proposals,

(b) sets out the proposals in the form of draft regulations, and

(c) gives details of the consultation under subsection (2).

- (4) No draft of regulations under section 67(*first subsection to be inserted by amendment 2*) to give effect to the proposals (“the final draft regulations”) may be laid before the National Assembly for Wales in accordance with section 179 until after the expiry of the period of 60 days beginning with the day on which the document relating to the proposals was laid before the National Assembly for Wales under subsection (3).
- (5) In calculating the period mentioned in subsection (4) no account shall be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (6) In preparing the final draft regulations the Welsh Ministers must consider any representations made during the final period mentioned in subsection (4).
- (7) If the final draft regulations are laid before the National Assembly for Wales in accordance with section 179 the regulations must be accompanied by a statement of the Welsh Ministers giving details of—
 - (a) any representations considered in accordance with subsection (6), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (3) which are given effect to in the final draft regulations.’.

I fewnosod adran newydd—

‘() Gweithdrefn ar gyfer rheoliadau o dan adran 67(*yr is-adran cyntaf sy’n cael ei fewnosod gan welliant 2*)

- (1) Rhaid i Weinidogion Cymru gydymffurfio â’r adran hon cyn gwneud rheoliadau o dan adran 67(*yr is-adran cyntaf sy’n cael ei fewnosod gan welliant 2*).
- (2) Rhaid i Weinidogion Cymru ymgynghori—
 - (a) â phob awdurdod lleol, a
 - (b) â phersonau neu gyrff eraill yr ymddengys eu bod yn cynrychioli buddiannau personau yr effeithir arnynt yn ôl pob tebyg gan y cynigion.
- (3) Os bydd Gweinidogion Cymru, yn dilyn yr ymgynghoriad hwnnw, yn dymuno bwrw ymlaen â’r rheoliadau o dan adran 67(*yr is-adran cyntaf sy’n cael ei fewnosod gan welliant 2*) rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen—
 - (a) sy’n esbonio’r cynigion,
 - (b) sy’n gosod y cynigion ar ffurf rheoliadau drafft, ac
 - (c) sy’n nodi manylion yr ymgynghoriad o dan is-adran (2).
- (4) Ni chaiff unrhyw reoliadau drafft o dan adran 67(*yr is-adran cyntaf sy’n cael ei fewnosod gan welliant 2*) i roi effaith i’r cynigion (“y rheoliadau drafft terfynol”) gael eu gosod gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 179 tan ar ôl i’r cyfnod o 60 diwrnod, sy’n dechrau ar y diwrnod y cafodd y ddogfen ynglŷn a’r cynigion ei gosod gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (3), ddirwyn i ben.
- (5) Wrth gyfrifo’r cyfnod a grybwyllir yn is-adran (4), rhaid peidio ag ystyried unrhyw amser pryd y bydd Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu ar doriad am fwy na phedwar diwrnod.
- (6) Wrth baratoi’r rheoliadau drafft terfynol rhaid i Weinidogion Cymru ystyried unrhyw

sylwadau a gyflwynwyd yn ystod y cyfnod a grybwyllir yn is-adran (4).

- (7) Os caiff y rheoliadau drafft terfynol eu gosod gerbron Cynulliad Cenedlaethol Cymru yn unol a'r adran hon rhaid i ddatganiad gan Weinidogion Cymru gyd-fynd a'r rheoliadau sy'n rhoi manylion—
- (a) unrhyw sylwadau a ystyriwyd yn unol ag is-adran (6), a
 - (b) unrhyw newidiadau a wnaed i'r cynigion a oedd wedi eu cynnwys yn y ddogfen a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (3) ac y rhoddir effaith iddynt yn y rheoliadau drafft terfynol.'

*** William Graham**

4

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 179, page 121, line 17, after '34(1)', insert '67(first subsection to be inserted by amendment 2).'

Adran 179, tudalen 121, llinell 19, ar ôl '34(1)', mewnosoder '67(yr is-adran cyntaf sy'n cael ei fewnosod gan welliant 2).'

*** William Graham**

5

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 179, page 121, after line 24, insert—

- '(8) For additional requirements in relation to the making by Welsh Ministers of regulations under section 67(first subsection to be inserted by amendment 2) see section (section to be inserted by amendment 3).'

Adran 179, tudalen 121, ar ôl llinell 27, mewnosoder—

- '(8) Am ofynion ychwanegol mewn perthynas â Gweinidogion Cymru yn gwneud rheoliadau o dan adran 67() gweler adran (yr adran sy'n cael ei fewnosod gan welliant 3).'

Gwenda Thomas

6

Section 1, page 4, after line 23, insert—

- '() makes provision about how this Act applies to persons in prison, youth detention accommodation or bail accommodation etc (sections (section to be inserted by amendment 50) to (section to be inserted by amendment 53));'

Adran 1, tudalen 4, ar ôl llinell 24, mewnosoder—

- '() yn gwneud darpariaeth ynghylch sut y mae'r Ddeddf hon yn gymwys i bersonau mewn carchar, llety cadw ieuencid neu lety mechniaeth etc (adrannau (yr adran sy'n cael ei fewnosod gan welliant 50) i (yr adran sy'n cael ei fewnosod gan welliant 53));'

Gwenda Thomas

7

Section 3, page 5, line 25, after '(8)', insert 'and section (section to be inserted by amendment 52)(1).'

Adran 3, tudalen 5, llinell 26, ar ôl '(8)', mewnosoder 'ac adran (yr adran sy'n cael ei fewnosod gan welliant 52)(1).'

Gwenda Thomas

8

To insert a new section –

‘(1) Meaning of “care and support”

Any reference to care and support in this Act is to be construed as a reference to –

- (a) care;
- (b) support;
- (c) both care and support.’.

I fewnosod adran newydd –

‘(1) Ystyr “gofal a chymorth”

Mae unrhyw gyfeiriad at ofal a chymorth yn y Ddeddf hon i’w ddehongli fel cyfeiriad at –

- (a) gofal;
- (b) cymorth;
- (c) gofal a chymorth.’.

Gwenda Thomas

9

To insert a new section –

‘(1) Well-being duty

A person exercising functions under this Act must seek to promote the well-being of –

- (a) people who need care and support, and
- (b) carers who need support.’.

I fewnosod adran newydd –

‘(1) Dyletswydd llesiant

Rhaid i berson sy’n arfer swyddogaethau o dan y Ddeddf hon geisio hyrwyddo llesiant –

- (a) pobl y mae arnynt angen gofal a chymorth, a
- (b) gofalwyr y mae arnynt angen cymorth.’.

Gwenda Thomas

10

Section 4, page 6, line 10, leave out subsection (1).

Adran 4, tudalen 6, llinell 11, hepgorer is-adran (1).

Gwenda Thomas

11

Section 4, page 7, line 11, leave out subsections (6) to (7).

Adran 4, tudalen 7, llinell 10, hepgorer is-adrannau (6) hyd at (7).

Gwenda Thomas

12

Page 9, line 12, leave out section 8 and insert –

‘(1) Issue, approval and revocation of the code

- (1) Before issuing or revising a code under section 6, the Welsh Ministers must consult such persons as they think fit on a draft of the code (or revised code).
- (2) If the Welsh Ministers wish to proceed with the draft (with or without modifications) they must lay a copy of the draft before the National Assembly for Wales.
- (3) If, before the end of the 40 day period, the National Assembly for Wales resolves not to approve the draft, the Welsh Ministers must not issue the code (or revised code) in the form of that draft.
- (4) If no such resolution is made before the end of that period –
 - (a) the Welsh Ministers must issue the code (or revised code) in the form of the draft, and
 - (b) the code (or revised code) comes into force on the date appointed by order of the Welsh Ministers.
- (5) The 40 day period –
 - (a) begins on the day on which the draft is laid before the National Assembly for Wales, and
 - (b) does not include any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (6) Subsection (3) does not prevent a new draft of a code (or revised code) from being laid before the National Assembly for Wales.
- (7) The Welsh Ministers may revoke a code (or revised code) issued under this section in a further code or by direction.
- (8) A direction under subsection (7) must be laid before the National Assembly for Wales.’.

Tudalen 9, llinell 13, hepgorer adran 8 a mewnosoder –

‘(1) Dyroddi’r cod, ei gymeradwyo a’i ddirymu

- (1) Cyn dyroddi neu ddiwygio cod o dan adran 6, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy’n briodol yn eu barn hwy ynghylch drafft o’r cod (neu’r cod diwygiedig).
- (2) Os bydd Gweinidogion Cymru yn dymuno bwrw ymlaen â’r drafft (gydag addasiadau neu hebddynt) rhaid iddynt osod copi o’r drafft gerbron Cynulliad Cenedlaethol Cymru.
- (3) Os, cyn diwedd y cyfnod o 40 niwrnod, bydd Cynulliad Cenedlaethol Cymru yn penderfynu peidio â chymeradwyo’r drafft, ni chaniateir i Weinidogion Cymru ddyroddi’r cod (neu’r cod diwygiedig) ar ffurf y drafft hwnnw.
- (4) Os na wneir penderfyniad o’r fath cyn diwedd y cyfnod hwnnw –
 - (a) rhaid i Weinidogion Cymru ddyroddi’r cod (neu’r cod diwygiedig) ar ffurf y drafft, a
 - (b) daw’r cod (neu’r cod diwygiedig) i rym ar y dyddiad a bennir drwy orchymyn

Gweinidogion Cymru.

- (5) O ran y cyfnod o 40 niwrnod –
 - (a) bydd yn dechrau ar y diwrnod y gosodir y drafft gerbron Cynulliad Cenedlaethol Cymru, a
 - (b) ni fydd yn cynnwys unrhyw amser pan fydd Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu pan fydd ar doriad am fwy na phedwar diwrnod.
- (6) Nid yw is-adran (3) yn atal drafft newydd o god (neu god diwygiedig) rhag cael ei osod gerbron Cynulliad Cenedlaethol Cymru.
- (7) Caniateir i Weinidogion Cymru ddirymu cod (neu god diwygiedig) a ddyroddir o dan yr adran hon mewn cod pellach neu drwy gyfarwyddyd.
- (8) Rhaid gosod cyfarwyddyd o dan is-adran (7) gerbron Cynulliad Cenedlaethol Cymru.’.

Gwenda Thomas

13

Section 13, page 12, line 19, leave out ‘provision of care and support and preventative services in its area in ways that involve service users in the design and running of services’ and insert ‘involvement of persons for whom care and support or preventative services are to be provided in the design and operation of that provision’.

Adran 13, tudalen 12, hepgorer llinellau 21 hyd at 23 a mewnosoder –

- (c) ymglymiad personau y mae gofal a chymorth neu wasanaethau ataliol i’w darparu ar eu cyfer yn y broses o ddylunio a gweithredu’r ddarpariaeth honno;’.

Gwenda Thomas

14

Section 13, page 12, line 28, leave out –

‘which a person might reasonably consider –

- (a) carries on its activities wholly or mainly to provide benefits for society (“its social objects”);’

And insert –

‘whose activities are wholly or mainly activities which a person might reasonably consider to be activities carried on for the benefit of society (“its social objects”), and which –’.

Adran 13, tudalen 13, llinell 1, hepgorer –

‘gallai person farnu’n rhesymol bod y sefydliad hwnnw –

- (a) yn cyflawni ei weithgareddau’n gyfan gwbl neu’n bennaf i ddarparu buddion i’r gymdeithas (“ei amcanion cymdeithasol”);’

A mewnosoder –

‘mae ei weithgareddau yn gyfan gwbl neu’n bennaf yn rhai y gallai person farnu’n rhesymol eu bod yn weithgareddau a gyflawnir er budd y gymdeithas (“ei amcanion cymdeithasol”), ac sydd –’.

Gwenda Thomas **15**

Section 13, page 12, line 33, after 'most', insert 'of'.

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

Gwenda Thomas **16**

Section 13, page 13, line 3, leave out 'exists' and insert 'to exist'.

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

Gwenda Thomas **17**

Section 13, page 13, line 7, leave out 'are' and insert 'to be'.

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

Gwenda Thomas **18**

To insert a new section –

'(1) Procedure for regulations under section 26

- (1) Before making regulations under section 26(3) or (4), the Welsh Ministers must carry out the following steps.
- (2) The Welsh Ministers must consult –
 - (a) such persons as appear to them likely to be affected by the regulations,
 - (b) such organisations as appear to them to represent the interests of persons likely to be affected by the regulations, and
 - (c) such other persons as they consider appropriate,on the proposed draft regulations.
- (3) The Welsh Ministers must –
 - (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations,
 - (b) consider any comments submitted within that period, and
 - (c) publish a summary of those comments.
- (4) The Welsh Ministers must lay a draft of the regulations before the National Assembly for Wales.
- (5) Draft regulations laid under subsection (4) –
 - (a) must be accompanied by a statement of the Welsh Ministers giving details of any differences between the draft regulations consulted on under subsection (2) and the draft regulations laid under subsection (4), and
 - (b) may not be approved by a resolution of the National Assembly for Wales in accordance with section 179(6) until after the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.'

I fewnosod adran newydd –

‘() Y weithdrefn ar gyfer rheoliadau o dan adran 26

- (1) Cyn gwneud rheoliadau o dan adran 26(3) neu (4), rhaid i Weinidogion Cymru gymryd y camau a ganlyn.
- (2) Rhaid i Weinidogion Cymru ymgynghori ar y rheoliadau drafft arfaethedig â'r canlynol –
 - (a) unrhyw bersonau y mae'n ymddangos iddynt fod y rheoliadau yn debygol o effeithio arnynt,
 - (b) unrhyw sefydliadau y mae'n ymddangos iddynt eu bod yn cynrychioli buddiannau personau y mae'r rheoliadau yn debygol o effeithio arnynt, ac
 - (c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
- (3) Rhaid i Weinidogion Cymru –
 - (a) rhoi cyfnod o 12 wythnos o leiaf i'r personau hynny i gyflwyno sylwadau ar y rheoliadau drafft arfaethedig,
 - (b) ystyried unrhyw sylwadau a gyflwynir o fewn y cyfnod hwnnw, ac
 - (c) cyhoeddi crynodeb o'r sylwadau hynny.
- (4) Rhaid i Weinidogion Cymru osod drafft o'r rheoliadau gerbron Cynulliad Cenedlaethol Cymru.
- (5) O ran y rheoliadau drafft a osodir o dan is-adran (4) –
 - (a) rhaid iddynt fynd gyda datganiad gan Weinidogion Cymru yn rhoi manylion unrhyw wahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt o dan is-adran (2) a'r rheoliadau drafft a osodir o dan is-adran (4), a
 - (b) ni chaniateir iddynt gael eu cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru yn unol ag adran 179(6) tan ar ôl i'r cyfnod o 60 niwrnod, yn dechrau ar y diwrnod y gosodir y rheoliadau drafft, ddod i ben.'.

Gwenda Thomas

19

Section 44, page 35, line 13, leave out 'to whom subsection (8) applies' and insert 'who receives a benefit falling within a specified category'.

Adran 44, tudalen 35, llinell 13, hepgorer 'y mae is-adran (8) yn gymwys iddo' a mewnosoder 'sy'n cael budd-dal sy'n dod o fewn categori penodedig'.

Gwenda Thomas

20

Section 44, page 35, line 19, leave out subsection (8).

Adran 44, tudalen 35, llinell 19, hepgorer is-adran (8).

Gwenda Thomas

21

Section 44, page 35, line 26, leave out '(8)(c)' and insert '(7)'.

Adran 44, tudalen 35, llinell 25, hepgorer '(8)(c)' a mewnosoder '(7)'.

Gwenda Thomas

22

Section 47, page 37, after line 22, insert—

'() In carrying out the assessment required by subsection (2)(d), the receiving authority must have regard to the care and support plan provided under subsection (1)(b).'

Adran 47, tudalen 37, ar ôl llinell 23, mewnosoder—

'() Wrth gynnal yr asesiad sy'n ofynnol gan is-adran (2)(d), rhaid i'r awdurdod derbyn roi sylw i'r cynllun gofal a chymorth a ddarperir o dan is-adran (1)(b).'

Gwenda Thomas

23

Section 51, page 40, line 9, leave out—

'under the age of 16, on a person with parental responsibility for that child;

(b) where the care and support is provided to a child who is aged 16 or 17, on that child or a person with parental responsibility for that child;

(c) where the child's needs for care and support are met by the provision of something to some other person, on that person'

And insert—

', on an adult with parental responsibility for that child;

() where the child's needs for care and support are being met by the provision of something to an adult, on that adult'.

Adran 51, tudalen 40, llinell 10, hepgorer—

'o dan 16 oed, ar berson sydd â chyfrifoldeb rhiant dros y plentyn hwnnw;

(b) pan fo'r gofal a chymorth yn cael eu darparu i blentyn sy'n 16 neu'n 17 oed, ar y plentyn hwnnw neu ar berson sydd â chyfrifoldeb rhiant dros y plentyn hwnnw;

(c) pan fo anghenion y plentyn am ofal a chymorth yn cael eu diwallu drwy ddarparu rhywbeth i ryw berson arall, ar y person'

A mewnosoder—

', ar oedolyn sydd â chyfrifoldeb rhiant dros y plentyn hwnnw;

() pan fo anghenion y plentyn am ofal a chymorth yn cael eu diwallu drwy ddarparu rhywbeth i oedolyn, ar yr oedolyn'.

Gwenda Thomas

24

Section 51, page 40, leave out lines 18 to 19.

Adran 51, tudalen 40, hepgorer llinellau 19 hyd at 20.

Gwenda Thomas 25

Section 51, page 40, line 20, leave out 'under the age of 16, on a person' and insert 'a child, on an adult'.

Adran 51, tudalen 40, llinell 21, hepgorer 'sydd o dan 16 oed, ar berson' a mewnosoder 'sy'n blentyn, ar oedolyn'.

Gwenda Thomas 26

Section 51, page 40, leave out lines 29 to 31.

Adran 51, tudalen 40, hepgorer llinellau 31 hyd at 33.

Gwenda Thomas 27

Section 51, page 40, line 33, leave out 'under the age of 16, on a person' and insert ', on an adult'.

Adran 51, tudalen 40, llinell 35, hepgorer 'sydd o dan 16 oed, ar berson' a mewnosoder ', ar oedolyn'.

Gwenda Thomas 28

Section 60, page 44, line 12, leave out –

'a person mentioned in subsection (2) –

- (a) who has needs which the local authority is meeting (or is going to meet) under sections 28 to 36, and
- (b) who has to pay (or is going to have to pay) a charge under section 50 towards the cost of meeting those needs.

(2) The persons are an adult or a child aged 16 or 17'

And insert –

'an adult who is required (or is going to be required) to pay a charge under section 50'.

Adran 60, tudalen 44, llinell 13, hepgorer –

'gyda pherson a grybwyllir yn is-adran (2) a hwynnw'n berson –

- (a) y mae arno anghenion y mae'r awdurdod lleol yn eu diwallu (neu'n mynd i'w diwallu) o dan adrannau 28 i 36, a
- (b) y mae'n rhaid iddo dalu (neu sy'n mynd i orfod talu) ffi o dan adran 50 tuag at y gost o ddiwallu'r anghenion hynny.

(2) Oedolyn neu blentyn 16 neu 17 oed yw'r personau'

A mewnosoder –

'gydag oedolyn y mae'n ofynnol iddo (neu y mae'n mynd i fod yn ofynnol iddo) dalu ffi o dan adran 50'.

Gwenda Thomas

29

Section 60, page 44, line 20, leave out 'person's' and insert 'adult's'.

Adran 60, tudalen 44, llinell 21, hepgorer 'y person' a mewnosoder 'yr oedolyn'.

Gwenda Thomas

30

Section 60, page 44, line 22, leave out 'person agrees to give the local authority a charge over the person's interest in his or her home to secure payment of the person's' and insert 'adult agrees to give the local authority a charge over the adult's interest in his or her home to secure payment of the adult's'.

Adran 60, tudalen 44, llinell 23, hepgorer 'person yn cytuno odano i roi i'r awdurdod lleol arwystl dros fuddiant y person yn ei gartref i sicrhau bod swm gofynnol y person' a mewnosoder 'oedolyn yn cytuno odano i roi i'r awdurdod lleol arwystl dros fuddiant yr oedolyn yn ei gartref i sicrhau bod swm gofynnol yr oedolyn'.

Gwenda Thomas

31

Section 60, page 44, line 24, leave out 'person's required amount is so much of the charge that the person has to pay towards the cost of meeting those of the person's needs referred to in subsection (1)(a)' and insert 'adult's required amount is so much of the charge that the adult is required (or is going to be required) to pay under section 50'.

Adran 60, tudalen 44, llinell 25, hepgorer 'y person yw'r hyn o'r ffi y mae'n rhaid i'r person ei dalu tuag at y gost o ddiwallu'r cyfryw rai o'i anghenion a grybwyllwyd yn is-adran (1)(a)' a mewnosoder 'yr oedolyn yw'r hyn o'r ffi y mae'n ofynnol i'r oedolyn (neu y mae'n mynd i fod yn ofynnol iddo) ei dalu o dan adran 50'.

Gwenda Thomas

32

Section 60, page 44, line 28, leave out 'person's' and insert 'adult's'.

Adran 60, tudalen 44, llinell 29, hepgorer 'y person' a mewnosoder 'yr oedolyn'.

Gwenda Thomas

33

Section 60, page 44, line 34, leave out 'person's' and insert 'adult's'.

Adran 60, tudalen 44, llinell 35, hepgorer 'y person' a mewnosoder 'yr oedolyn'.

Gwenda Thomas

34

Section 60, page 45, line 3, leave out 'person's' and insert 'adult's'.

Adran 60, tudalen 45, llinell 3, hepgorer 'y person' a mewnosoder 'yr oedolyn'.

Gwenda Thomas

35

Section 60, page 45, line 8, leave out –

‘person to terminate it and the charge to which it gives effect by –

- (a) giving the local authority notice, and
- (b) paying the authority the full amount for which the person is liable with respect to the person’s’

And insert –

‘adult to terminate it and the charge to which it gives effect by –

- (a) giving the local authority notice, and
- (b) paying the authority the full amount for which the adult is liable with respect to the adult’s’.

Adran 60, tudalen 45, llinell 7, hepgorer –

‘person i’w derfynu a therfynu’r arwystl y mae’n rhoi effaith iddo drwy –

- (a) hysbysu’r awdurdod lleol, a
- (b) talu i’r awdurdod y swm llawn y mae’r person yn atebol i’w dalu o ran swm gofynnol y person’

A mewnosoder –

‘oedolyn i’w derfynu a therfynu’r arwystl y mae’n rhoi effaith iddo drwy –

- (a) hysbysu’r awdurdod lleol, a
- (b) talu i’r awdurdod y swm llawn y mae’r oedolyn yn atebol i’w dalu mewn cysylltiad â swm gofynnol yr oedolyn’.

Gwenda Thomas

36

Section 60, page 45, line 15, leave out –

‘person where the person disposes of the interest to which the agreement relates and acquires an interest in another property in Wales or England; the regulations may, for example, make provision –

- (a) for the local authority not to require payment of the amounts referred to in subsection (9)(b) until the time specified in or determined in accordance with the regulations, and
- (b) for the person to give the local authority a charge over the person’s’

And insert –

‘adult where the adult disposes of the interest to which the agreement relates and acquires an interest in another property in Wales or England; the regulations may, for example, make provision –

- () for the local authority not to require payment of the amounts referred to in subsection (9)(b) until a time specified in or determined in accordance with the regulations, and
- () for the adult to give the local authority a charge over his or her’.

Adran 60, tudalen 45, llinell 14, hepgorer –

‘person pan fo’r person yn gwaredu’r buddiant y mae’r cytundeb yn ymwneud ag ef ac yn caffael buddiant mewn eiddo arall yng Nghymru neu Loegr; caiff y rheoliadau, er enghraifft, wneud darpariaeth –

- (a) i’r awdurdod lleol beidio â’i gwneud yn ofynnol i’r symiau y cyfeiriwyd atynt yn is-adran (9)(b) gael eu talu tan yr amser a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy, a
- (b) i’r person roi i’r awdurdod lleol arwystl dros fuddiant y person’

A mewnosoder –

‘oedolyn pan fo’r oedolyn yn gwaredu’r buddiant y mae’r cytundeb yn ymwneud ag ef ac yn caffael buddiant mewn eiddo arall yng Nghymru neu Loegr; caiff y rheoliadau, er enghraifft, wneud darpariaeth –

- () i’r awdurdod lleol beidio â’i gwneud yn ofynnol i’r symiau y cyfeiriwyd atynt yn is-adran (9)(b) gael eu talu tan yr amser a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy, a
- () i’r oedolyn roi i’r awdurdod lleol arwystl dros ei fuddiant’.

Gwenda Thomas

37

Section 60, page 45, line 23, leave out ‘a person’s home is a reference to the property which the person occupies as the person’s only or main residence; and a reference to a person’s interest in a property is a reference to the person’s’ and insert ‘an adult’s home is a reference to the property which the adult occupies as his or her only or main residence; and a reference to an adult’s interest in a property is a reference to the adult’s’.

Adran 60, tudalen 45, llinell 21, hepgorer ‘person yn cyfeirio at yr eiddo y mae’r person yn ei feddiannu fel ei unig neu brif breswylfa; ac mae cyfeiriad at fuddiant person mewn eiddo yn cyfeirio at ei fuddiant cyfreithiol neu lesiannol’ a mewnosoder ‘oedolyn yn gyfeiriad at yr eiddo y mae’r oedolyn yn ei feddiannu fel ei unig neu brif breswylfa; ac mae cyfeiriad at fuddiant oedolyn mewn eiddo yn gyfeiriad at fuddiant cyfreithiol neu lesiannol yr oedolyn’.

Gwenda Thomas

38

Section 60, page 45, line 27, leave out ‘a person to agree to give a charge over the person’s interest in a property in Wales or England which the person used to occupy as the person’s’ and insert ‘an adult to agree to give a charge over the adult’s interest in a property in Wales or England which he or she used to occupy as his or her’.

Adran 60, tudalen 45, llinell 25, hepgorer ‘person i gytuno i roi arwystl dros fuddiant y person’ a mewnosoder ‘oedolyn i gytuno i roi arwystl dros fuddiant yr oedolyn’.

Gwenda Thomas

39

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

Adran 61, tudalen 45, llinell 33, hepgorer ‘codi’ a mewnosoder ‘gosod’.

Gwenda Thomas

40

Section 61, page 45, line 39, after 'relates', insert –

' , or

(c) which enables a charge to be imposed on a child'.

Adran 61, tudalen 45, llinell 36, ar ôl 'hwy', mewnosoder –

' , neu

(c) sy'n galluogi gosod ffi ar blentyn'.

Gwenda Thomas

41

Section 62, page 46, line 7, leave out –

'person from whom the amount is due, and

(b) that person'

And insert –

'adult from whom the amount is due, and

() that adult'.

Adran 62, tudalen 46, llinell 7, hepgorer –

'person y mae'r swm yn ddyledus ganddo, a

(b) bod y person'

A mewnosoder –

'oedolyn y mae'r swm yn ddyledus ganddo, a

() bod yr oedolyn'.

Gwenda Thomas

42

Section 62, page 46, line 22, leave out 'or child aged 16 or 17'.

Adran 62, tudalen 46, llinell 23, hepgorer 'neu blentyn sy'n 16 neu'n 17 oed'.

Gwenda Thomas

43

Section 62, page 46, line 27, leave out 'or child aged 16 or 17'.

Adran 62, tudalen 46, llinell 28, hepgorer 'neu blentyn sy'n 16 neu'n 17 oed'.

Gwenda Thomas

44

Section 62, page 46, line 32, leave out 'a person' and insert 'an adult'.

Adran 62, tudalen 46, llinell 33, hepgorer 'person' a mewnosoder 'oedolyn'.

Gwenda Thomas

45

Section 62, page 46, line 35, leave out 'under the age of 16'.

Adran 62, tudalen 46, llinell 36, hepgorer 'o dan 16 oed'.

Gwenda Thomas

46

Section 88, page 61, after line 20, insert—

'() Regulations specifying a category for the purpose of subsection (1)(c) must also specify the local authority which must discharge the duties imposed by or under this section in relation to a child who falls within the specified category.'

Adran 88, tudalen 61, ar ôl llinell 21, mewnosoder—

'() Rhaid i reoliadau sy'n pennu categori at ddiben is-adran (1)(c) hefyd bennu'r awdurdod lleol y mae'n rhaid iddo gyflawni'r dyletswyddau a osodir gan, neu o dan, yr adran hon mewn perthynas â phlentyn sy'n dod o fewn y categori penodedig.'

Gwenda Thomas

47

Section 107, page 74, leave out lines 19 to 21 and insert—

'() may be imposed—

- (i) on the young person who receives the support, if that person has reached the age of 18;
- (ii) on a person with parental responsibility for the young person who receives the support, if the young person is under 18 years of age.'

Adran 107, tudalen 74, hepgorer llinellau 18 hyd at 19 a mewnosoder—

'() caniateir ei gosod—

- (i) ar y person ifanc sy'n cael y cymorth, os yw'r person ifanc hwnnw wedi cyrraedd 18 oed;
- (ii) ar berson sydd â chyfrifoldeb rhiant dros y person ifanc sy'n cael y cymorth, os yw'r person ifanc o dan 18 oed.'

Gwenda Thomas

48

Section 144, page 95, line 8, leave out 'is made under subsection (2)' and insert 'under subsection (2) is in force'.

Adran 144, tudalen 95, llinell 8, hepgorer 'gwneir cyfarwyddyd o dan is-adran (2)' a mewnosoder 'oes cyfarwyddyd o dan is-adran (2) mewn grym'.

Gwenda Thomas

49

Section 145, page 95, line 18, leave out 'is made under subsection (2)' and insert 'under subsection (2) is in force'.

Adran 145, tudalen 95, llinell 21, hepgorer 'gwneir cyfarwyddyd o dan is-adran (2)' a mewnosoder 'oes cyfarwyddyd o dan is-adran (2) mewn grym'.

Gwenda Thomas

50

To insert a new section –

‘(1) Adults in prison, youth detention accommodation or bail accommodation etc

- (1) In its application to an adult who is detained in prison or youth detention accommodation in Wales, this Act has effect as if references to being ordinarily resident in an area were references to being detained in prison or youth detention accommodation in that area.
- (2) In its application to an adult who is residing in approved premises in Wales, this Act has effect as if references to being ordinarily resident in an area were references to being resident in approved premises in that area.
- (3) In its application to an adult who is residing in any other premises in Wales because a requirement to do so has been imposed on the adult as a condition of the grant of bail in criminal proceedings, this Act has effect as if references to being ordinarily resident in an area were references to being resident in premises in that area for that reason.
- (4) Section 117 (adult protection and support orders) does not apply in the case of an adult who is detained in prison or youth detention accommodation.
- (5) See also section (*section to be inserted by amendment 52*) for further modifications of this Act’s provisions in relation to –
 - (a) adults who are detained in prison or in youth detention accommodation, and
 - (b) adults who are –
 - (i) residing in approved premises, or
 - (ii) residing in any other premises because a requirement to do so has been imposed as a condition of the grant of bail in criminal proceedings.’.

I fewnosod adran newydd –

‘(1) Oedolion mewn carchar, llety cadw ieuencid neu lety mechnïaeth etc

- (1) Wrth ei chymhwyso i oedolyn a gedwir yn gaeth mewn carchar neu lety cadw ieuencid yng Nghymru, mae’r Ddeddf hon yn cael effaith fel pe bai cyfeiriadau at breswyllo fel arfer mewn ardal yn gyfeiriadau at gael ei gadw’n gaeth mewn carchar neu lety cadw ieuencid yn yr ardal honno.
- (2) Wrth ei chymhwyso i oedolyn sy’n preswyllo mewn mangre a gymeradwywyd yng Nghymru, mae’r Ddeddf hon yn cael effaith fel pe bai cyfeiriadau at breswyllo fel arfer mewn ardal yn gyfeiriadau at breswyllo mewn mangre a gymeradwywyd yn yr ardal honno.
- (3) Wrth ei chymhwyso i oedolyn sy’n preswyllo mewn unrhyw fangre arall yng Nghymru am fod gofyniad i wneud hynny wedi ei osod ar yr oedolyn fel amod o roi mechnïaeth mewn achos troseddol, mae’r Ddeddf hon yn cael effaith fel pe bai cyfeiriadau at breswyllo fel arfer mewn ardal yn gyfeiriadau at breswyllo mewn mangre yn yr ardal honno am y rheswm hwnnw.
- (4) Nid yw adran 117 (gorchmynion amddiffyn a chynorthwyo oedolion) yn gymwys yn achos oedolyn a gedwir yn gaeth mewn carchar neu lety cadw ieuencid.

- (5) Gweler hefyd adran (*yr adran sy'n cael ei fewnosod gan welliant 52*) am addasiadau pellach i ddarpariaethau'r Ddeddf hon mewn perthynas â'r canlynol –
- (a) oedolion a gedwir yn gaeth mewn carchar neu lety cadw ieuencid, a
 - (b) oedolion –
 - (i) sy'n preswyllo mewn mangre a gymeradwywyd, neu
 - (ii) sy'n preswyllo mewn unrhyw fangre arall am fod gofyniad i wneud hynny wedi ei osod arnynt fel amod o roi mechniaeth mewn achos troseddol.'

Gwenda Thomas

51

To insert a new section –

'(1) Children in youth detention accommodation, prison or bail accommodation etc

- (1) In this section, a “relevant child” means a child who, having been convicted of an offence –
- (a) is detained in youth detention accommodation or in prison,
 - (b) is residing in approved premises, or
 - (c) is residing in any other premises because a requirement to do so has been imposed on the child as a condition of the grant of bail in criminal proceedings.
- (2) Where a relevant child, immediately before being convicted of an offence –
- (a) has needs for care and support that are being met by a local authority under Part 4,
 - (b) is looked after by a local authority by virtue of being provided with accommodation by the authority, or
 - (c) is ordinarily resident in the area of a local authority, but does not come within paragraph (a) or (b),
- the child is to be treated for the purposes of this Act as being within that local authority's area while he or she is a relevant child (and is not to be treated as being ordinarily resident or within any other local authority's area).
- (3) The following provisions do not apply in relation to a relevant child –
- (a) section 70 (provision of accommodation for children in care);
 - (b) section 71 (maintenance of looked after children);
 - (c) section 72 (ways in which looked after children are to be accommodated and maintained);
 - (d) section 73 (review of child's case before making alternative arrangements for accommodation);
 - (e) section 99 (support for category 2 young people);
 - (f) section 104 (support for category 5 young people and former category 5 young people);
 - (g) section 105 (support for category 6 young people and former category 6 young people);

- (h) paragraph 1 of Schedule 1 (liability to contribute towards maintenance of looked after children).
- (4) Section 109 (use of accommodation for restricting liberty) does not apply in relation to a relevant child or to a child who is remanded to youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- (5) The provisions set out in subsection (6) do not apply in relation to a relevant child if, immediately before becoming a relevant child –
 - (a) services were provided for the child, for the family of the child or for any member of the child's family by a local authority in England in the exercise of functions conferred on it by section 17 of the Children Act 1989, or
 - (b) accommodation was provided for the child by a local authority in England under section 20 of that Act.
- (6) The provisions are –
 - (a) section 18 (duty to assess the needs of a child for care and support);
 - (b) section 30 (duty to meet care and support needs of a child);
 - (c) section 31 (power to meet care and support needs of a child).
- (7) See also section (*section to be inserted by amendment 52*) for further modifications of this Act's provisions in relation to –
 - (a) children who are detained in youth detention accommodation or in prison, and
 - (b) children who are –
 - (i) residing in approved premises, or
 - (ii) residing in any other premises because a requirement to do so has been imposed as a condition of the grant of bail in criminal proceedings.'.

I fewnosod adran newydd –

'(1) Plant mewn llety cadw ieuenctid, carchar neu lety mechnïaeth etc

- (1) Yn yr adran hon, ystyr "plentyn perthnasol" yw plentyn sydd, ar ôl cael ei gollfarnu o drosedd –
 - (a) yn cael ei gadw'n gaeth mewn llety cadw ieuenctid neu garchar,
 - (b) yn preswyllo mewn mangre a gymeradwywyd, neu
 - (c) yn preswyllo mewn unrhyw fangre arall am fod gofyniad i wneud hynny wedi ei osod ar y plentyn fel amod o roi mechnïaeth mewn achos troseddol.
- (2) Pan fo plentyn perthnasol, yn union cyn iddo gael ei gollfarnu o drosedd –
 - (a) ag anghenion am ofal a chymorth sy'n cael eu diwallu gan awdurdod lleol o dan Ran 4,
 - (b) yn derbyn gofal gan awdurdod lleol yn rhinwedd cael llety wedi ei ddarparu iddo gan yr awdurdod, neu
 - (c) yn preswyllo fel arfer yn ardal awdurdod lleol, ond na fo'n dod o fewn paragraff (a) neu (b),

mae'r plentyn i'w drin at ddibenion y Ddeddf hon fel bai o fewn ardal yr awdurdod

lleol hwnnw tra bo'n blentyn perthnasol (ac nid yw i'w drin fel pe bai'n preswyllo fel arfer yn ardal unrhyw awdurdod lleol arall neu fel pe bai o fewn yr ardal honno).

- (3) Nid yw'r darpariaethau a ganlyn yn gymwys mewn perthynas â phlentyn perthnasol –
- (a) adran 70 (darparu llety i blant mewn gofal);
 - (b) adran 71 (cynnal plant sy'n derbyn gofal);
 - (c) adran 72 (y ffyrdd y mae plant sy'n derbyn gofal i'w lletya a'u cynnal);
 - (d) adran 73 (adolygu achos plentyn cyn gwneud trefniadau amgen o ran llety);
 - (e) adran 99 (cymorth ar gyfer pobl ifanc categori 2);
 - (f) adran 104 (cymorth ar gyfer pobl ifanc categori 5 a phobl ifanc a fu gynt yn bobl ifanc categori 5);
 - (g) adran 105 (cymorth ar gyfer pobl ifanc categori 6 a phobl ifanc a fu gynt yn bobl ifanc categori 6);
 - (h) paragraff 1 o Atodlen 1 (atebolrwydd am gyfrannu tuag at gynhaliaeth plant sy'n derbyn gofal).
- (4) Nid yw adran 109 (defnyddio llety i gyfyngu ar ryddid) yn gymwys mewn perthynas â phlentyn perthnasol neu â phlentyn sydd wedi ei remandio i lety cadw ieuentid o dan adran 91 o Ddeddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwr 2012.
- (5) Nid yw'r darpariaethau a nodir yn is-adran (6) yn gymwys mewn perthynas â phlentyn perthnasol os, yn union cyn dod yn blentyn perthnasol –
- (a) darparwyd gwasanaethau ar gyfer y plentyn, ar gyfer teulu'r plentyn neu ar gyfer unrhyw aelod o deulu'r plentyn gan awdurdod lleol yn Lloegr wrth arfer swyddogaethau a roddwyd iddo gan adran 17 o Ddeddf Plant 1989, neu
 - (b) darparwyd llety ar gyfer y plentyn gan awdurdod lleol yn Lloegr o dan adran 20 o'r Ddeddf honno.
- (6) Y darpariaethau yw –
- (a) adran 18 (dyletswydd i asesu anghenion plentyn am ofal a chymorth);
 - (b) adran 30 (dyletswydd i ddiwallu anghenion gofal a chymorth plentyn);
 - (c) adran 31 (pŵer i ddiwallu anghenion gofal a chymorth plentyn).
- (7) Gweler hefyd adran (*yr adran sy'n cael ei fewnosod gan welliant 52*) am addasiadau pellach i ddarpariaethau'r Ddeddf hon mewn perthynas â'r canlynol –
- (a) plant a gedwir yn gaeth mewn llety cadw ieuentid neu garchar, a
 - (b) plant –
 - (i) sy'n preswyllo mewn mangre a gymeradwywyd, neu
 - (ii) sy'n preswyllo mewn unrhyw fangre arall am fod gofyniad i wneud hynny wedi ei osod fel amod o roi mechnïaeth mewn achos troseddol.'

Gwenda Thomas

52

To insert a new section –

‘(1) Persons in prison, youth detention accommodation or bail accommodation etc

- (1) A person is not a carer for the purposes of this Act if the person –
 - (a) is detained in prison or youth detention accommodation, or
 - (b) having been convicted of an offence, is –
 - (i) residing in approved premises, or
 - (ii) residing in any other premises because a requirement to do so has been imposed on the person as a condition of the grant of bail in criminal proceedings.
- (2) Regulations under section 41 or 42 (direct payments) may not require or allow payments to be made towards the cost of meeting a person’s needs for care and support if that person, having been convicted of an offence, is –
 - (a) detained in prison or in youth detention accommodation,
 - (b) residing in approved premises, or
 - (c) residing in any other premises because a requirement to do so has been imposed on the person as a condition of the grant of bail in criminal proceedings.
- (3) The power under section 48 (preference for particular accommodation) may not be exercised in the case of a person who is –
 - (a) detained in prison or in youth detention accommodation,
 - (b) residing in approved premises, or
 - (c) residing in any other premises because a requirement to do so has been imposed on the person as a condition of the grant of bail in criminal proceedings,except for the purpose of making provision with respect to accommodation for the person on the person’s release from prison or youth detention accommodation (including temporary release), or on the person’s ceasing to reside in the approved or other premises.
- (4) Section 49 (protecting property of persons being cared for away from home) does not apply in the case of a person who is –
 - (a) detained in prison or in youth detention accommodation,
 - (b) residing in approved premises, or
 - (c) residing in any other premises because a requirement to do so has been imposed on the person as a condition of the grant of bail in criminal proceedings.’.

I fewnosod adran newydd –

‘(1) Personau mewn carchar, llety cadw ieuenctid neu lety mechnïaeth etc

- (1) Nid yw person yn ofalwr at ddibenion y Ddeddf hon os yw’r person –
 - (a) yn cael ei gadw’n gaeth mewn carchar neu lety cadw ieuenctid, neu
 - (b) ar ôl cael ei gollfarnu o drosedd –

- (i) yn preswyllo mewn mangre a gymeradwywyd, neu
 - (ii) yn preswyllo mewn unrhyw fangre arall am fod gofyniad i wneud hynny wedi ei osod ar y person fel amod o roi mechnïaeth mewn achos troseddol.
- (2) Ni chaiff rheoliadau o dan adran 41 neu 42 (taliadau uniongyrchol) ei gwneud yn ofynnol na chaniatáu i daliadau gael eu gwneud tuag at y gost o ddiwallu anghenion person am ofal a chymorth os yw'r person hwnnw, ar ôl cael ei gollfarnu o drosedd—
- (a) yn cael ei gadw'n gaeth mewn carchar neu lety cadw ieuenctid,
 - (b) yn preswyllo mewn mangre a gymeradwywyd, neu
 - (c) yn preswyllo mewn unrhyw fangre arall am fod gofyniad i wneud hynny wedi ei osod ar y person fel amod o roi mechnïaeth mewn achos troseddol.
- (3) Ni chaniateir i'r pŵer o dan adran 48 (achosion pan fo person yn mynegi ei fod yn ffafrio llety penodol) gael ei arfer yn achos person sydd—
- (a) yn cael ei gadw'n gaeth mewn carchar neu lety cadw ieuenctid,
 - (b) yn preswyllo mewn mangre a gymeradwywyd, neu
 - (c) yn preswyllo mewn unrhyw fangre arall am fod gofyniad i wneud hynny wedi ei osod ar y person fel amod o roi mechnïaeth mewn achos troseddol,
- ac eithrio at y diben o wneud darpariaeth mewn cysylltiad â llety i'r person wrth iddo gael ei ryddhau o'r carchar neu o'r llety cadw ieuenctid (gan gynnwys ei ryddhau dros dro), neu wrth i'r person beidio â phreswyllo mwyach yn y fangre a gymeradwywyd neu yn y fangre arall.
- (4) Nid yw adran 49 (gwarchod eiddo personau y gofelir amdanynt i ffwrdd o'u cartrefi) yn gymwys yn achos person—
- (a) sy'n cael ei gadw'n gaeth mewn carchar neu lety cadw ieuenctid,
 - (b) sy'n preswyllo mewn mangre a gymeradwywyd, neu
 - (c) sy'n preswyllo mewn unrhyw fangre arall am fod gofyniad i wneud hynny wedi ei osod ar y person fel amod o roi mechnïaeth mewn achos troseddol.'

Gwenda Thomas

53

To insert a new section—

'() Interpretation of sections (section to be inserted by amendment 50) to (section to be inserted by amendment 52)

- (1) In sections (section to be inserted by amendment 50) to (section to be inserted by amendment 52)—

“approved premises” (“*mangre a gymeradwywyd*”) has the meaning given by section 13 of the Offender Management Act 2007;

“bail in criminal proceedings” (“*mechnïaeth mewn achos troseddol*”) has the meaning given by section 1 of the Bail Act 1976;

“prison” (“*carchar*”) has the same meaning as in the Prison Act 1952 (see section 53(1) of that Act);

“youth detention accommodation” (“*llety cadw ieuencid*”) means –

- (a) a secure children’s home;
 - (b) a secure training centre;
 - (c) a young offender institution;
 - (d) accommodation provided, equipped and maintained by the Welsh Ministers under section 82(5) of the Children Act 1989 for the purpose of restricting the liberty of children;
 - (e) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for purposes of detention and training orders).
- (2) For the purposes of sections (*section to be inserted by amendment 50*) to (*section to be inserted by amendment 52*) –
- (a) a person who is temporarily absent from prison or youth detention accommodation is to be treated as detained in prison or youth detention accommodation for the period of absence;
 - (b) a person who is temporarily absent from approved premises is to be treated as residing in approved premises for the period of absence;
 - (c) a person who is temporarily absent from other premises in which the person is required to reside as a condition of the grant of bail in criminal proceedings is to be treated as residing in the premises for the period of absence.’.

I fewnosod adran newydd –

‘() **Dehongli adrannau** (*yr adran sy’n cael ei fewnosod gan welliant 50*) i (*yr adran sy’n cael ei fewnosod gan welliant 52*)

- (1) Yn adrannau (*yr adran sy’n cael ei fewnosod gan welliant 50*) i (*yr adran sy’n cael ei fewnosod gan welliant 52*) –

mae i “carchar” yr ystyr a roddir i “prison” yn Neddf Carchardai 1952 (gweler adran 53(1) o’r Ddeddf honno);

ystyr “*llety cadw ieuencid*” (“*youth detention accommodation*”) yw –

- (a) cartref diogel i blant;
- (b) canolfan hyfforddi ddiogel;
- (c) sefydliad troseddwr ifanc;
- (d) llety sy’n cael ei ddarparu, ei gyfarparu a’i gynnal gan Weinidogion Cymru o dan adran 82(5) o Ddeddf Plant 1989 at y diben o gyfyngu ar ryddid plant;
- (e) llety, neu lety o ddisgrifiad, a bennir am y tro drwy orchymyn o dan adran 107(1)(e) o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000 (llety cadw ieuencid at ddibenion gorchmynion cadw a hyfforddi);

mae i “mangre a gymeradwywyd” yr ystyr a roddir i “approved premises” gan adran 13 o Ddeddf Rheoli Troseddwr 2007;

mae i “mechnïaeth mewn achos troseddol” yr ystyr a roddir i “bail in criminal proceedings” gan adran 1 o Ddeddf Mechnïaeth 1976.

- (2) At ddibenion adrannau (*yr adran sy'n cael ei fewnosod gan welliant 50*) i (*yr adran sy'n cael ei fewnosod gan welliant 52*) –
- (a) mae person sy'n absennol dros dro o garchar neu lety cadw ieuentid i'w drin fel pe bai'n cael ei gadw'n gaeth mewn carchar neu lety cadw ieuentid am gyfnod yr absenoldeb;
 - (b) mae person sy'n absennol dros dro o fangre a gymeradwywyd i'w drin fel pe bai'n preswyllo mewn mangre a gymeradwywyd am gyfnod yr absenoldeb;
 - (c) mae person sy'n absennol dros dro o fangre arall y mae'n ofynnol i'r person breswyllo ynddi fel amod o roi mechnïaeth mewn achos troseddol i'w drin fel pe bai'n preswyllo yn y fangre am gyfnod yr absenoldeb.'.

Gwenda Thomas

54

Section 177, page 120, after line 7, insert –

'(7) See also sections (*section to be inserted by amendment 50*)(1) to (3) and (*section to be inserted by amendment 51*)(2) for provision as to the ordinary residence of persons in prison, youth detention accommodation or bail accommodation etc.'

Adran 177, tudalen 120, ar ôl llinell 5, mewnosoder –

'(7) Gweler hefyd adrannau (*yr adran sy'n cael ei fewnosod gan welliant 50*)(1) i (3) a (*yr adran sy'n cael ei fewnosod gan welliant 51*)(2) am ddarpariaeth o ran preswylfa arferol personau sydd mewn carchar, llety cadw ieuentid neu lety mechnïaeth etc.'

Gwenda Thomas

55

Section 180, page 121, after line 34, insert –

“approved premises” (“*mangre a gymeradwywyd*”) is defined for the purposes of sections (*section to be inserted by amendment 50*) to (*section to be inserted by amendment 52*) by section (*section to be inserted by amendment 53*)(1);'.

Adran 180, tudalen 123, ar ôl llinell 31, mewnosoder –

'mae “mangre a gymeradwywyd” (“*approved premises*”) wedi ei ddiffinio at ddibenion adrannau (*yr adran sy'n cael ei fewnosod gan welliant 50*) i (*yr adran sy'n cael ei fewnosod gan welliant 52*) gan adran (*yr adran sy'n cael ei fewnosod gan welliant 53*)(1);'.

Gwenda Thomas

56

Section 180, page 121, after line 34, insert –

“bail in criminal proceedings” (“*mechnïaeth mewn achos troseddol*”) is defined for the purposes of sections (*section to be inserted by amendment 50*) to (*section to be inserted by amendment 52*) by section (*section to be inserted by amendment 53*)(1);'.

Adran 180, tudalen 123, ar ôl llinell 31, mewnosoder –

‘mae “mechnïaeth mewn achos troseddol” (“bail in criminal proceedings”) wedi ei ddiffinio at ddibenion adrannau (yr adran sy’n cael ei fewnosod gan welliant 50) i (yr adran sy’n cael ei fewnosod gan welliant 52) gan adran (yr adran sy’n cael ei fewnosod gan welliant 53)(1);’.

Gwenda Thomas

57

Section 180, page 121, line 35, leave out ‘4(7)’ and insert ‘(section to be inserted by amendment 8)’.

Adran 180, tudalen 123, llinell 21, hepgorer ‘4(7)’ a mewnosoder ‘(yr adran sy’n cael ei fewnosod gan welliant 8)’.

Gwenda Thomas

58

Section 180, page 124, after line 38, insert –

“youth detention accommodation” (“llety cadw ieuenctid”) is defined for the purposes of sections (section to be inserted by amendment 50) to (section to be inserted by amendment 52) by section (section to be inserted by amendment 53)(1);’.

Adran 180, tudalen 123, ar ôl llinell 29, mewnosoder –

‘mae “llety cadw ieuenctid” (“youth detention accommodation”) wedi ei ddiffinio at ddibenion adrannau (yr adran sy’n cael ei fewnosod gan welliant 50) i (yr adran sy’n cael ei fewnosod gan welliant 52) gan adran (yr adran sy’n cael ei fewnosod gan welliant 53)(1);’.

Gwenda Thomas

59

Section 182, page 126, after line 26, insert –

‘(4) An order made under subsection (2) may not commence the provision in subsections (1) and (2) of section 26 before regulations made under subsections (3) and (4) of that section have come into force.’.

Adran 182, tudalen 126, ar ôl llinell 28, mewnosoder –

‘(4) Ni chaiff gorchymyn a wneir o dan is-adran (2) gychwyn y ddarpariaeth yn is-adrannau (1) a (2) o adran 26 cyn bod rheoliadau a wneir o dan is-adrannau (3) a (4) o’r adran honno wedi dod i rym.’.

Gwenda Thomas

60

Schedule 1, page 127, line 10, leave out –

‘The persons liable to contribute are –

- (a) where the child is under 16, a person with parental responsibility for the child;*
- (b) where the child has attained the age of 16, the child or a person’*

And insert –

‘A person is liable to contribute if he or she is an adult’.

Atodlen 1, tudalen 127, llinell 10, hepgorer –

‘Dyma’r personau sy’n atebol am gyfrannu –

- (a) pan fo’r plentyn o dan 16 oed, person sydd â chyfrifoldeb rhiant dros y plentyn;
- (b) pan fo’r plentyn wedi cyrraedd 16 oed, y plentyn neu berson’

A mewnosoder –

‘Mae person yn atebol am gyfrannu os yw’n oedolyn’.