



## 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.

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Caiff y Bil ei ystyried yn y drefn a ganlyn—	
The Bill will be considered in the following order—	
Sections 2 to 79	Adrannau 2 i 79
Schedule 1	Atodlen 1
Sections 80 to 137	Adrannau 80 i 137
Schedule 2	Atodlen 2
Sections 138 to 173	Adrannau 138 i 173
Schedule 3	Atodlen 3
Sections 174 to 194	Adrannau 174 i 194
Section 1	Adran 1
Long title	Teitl hir

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**Kirsty Williams**

**106**

To insert a new section –

**‘(1) Statutory principles**

- (1) In making decisions under this Act the principles in subsection (2) apply.
- (2) The principles are –
  - (a) the welfare of any child in need of care and support shall be the paramount consideration, as stated in the welfare principle in section 1 of the Children Act 1989;
  - (b) in the case of an adult, anything done under this Act must seek to maximise their independence and autonomy;
  - (c) decisions made under this Act should promote the dignity, safety and well-being of a person in need of care and support, or of a carer in need of support;
  - (d) a person must be involved so far as is practicable in any decision made in relation to their care assessments, the planning, developing and the reviewing of their care and support, or relating to the support provided in their role as carers, as is appropriate having regard to their level of understanding and willingness to participate, and in addition in the case of a child as is compatible with the welfare principle;
  - (e) where a person’s ability to communicate is impaired through disability, age or otherwise, appropriate support should be provided to enable them to participate in decisions that affect them to an extent as is appropriate in the circumstances and in the case of a child compatible with the welfare principle;
  - (f) the wishes of any person must be respected and followed wherever practicable, safe and appropriate, and in the case of a child compatible with their level of understanding and the welfare principle;
  - (g) people have the right to make decisions that to others may appear irrational, unwise or eccentric unless in the case of a child they do not have the necessary level of understanding to make such decisions, or such decisions are incompatible with the welfare principle;
  - (h) it must be presumed that a person is the best judge of their own well-being, except in cases where they lack the necessary legal capacity to make that assessment or in addition in the case of a child, they do not have the necessary level of understanding to make that assessment;
  - (i) the least restrictive intervention should be adopted when it is necessary to interfere with a person’s human rights, in particular but not exclusively their right to family life, private life and home.
- (3) With the exception of the welfare principle in subsection 2(a) which in all cases involving children will be the paramount consideration, the above principles are not listed in order of priority nor do they necessarily have equal weight.’.

I fewnosod adran newydd –

**(1) Egwyddorion statudol**

- (1) Wrth wneud penderfyniadau o dan y Ddeddf hon, mae'r egwyddorion yn is-adran (2) yn gymwys.
- (2) Yr egwyddorion yw –
  - (a) llesiant unrhyw blentyn y mae arno angen gofal a chymorth yw'r brif ystyriaeth, fel y nodir yn yr egwyddor llesiant yn adran 1 o Ddeddf Plant 1989;
  - (b) yn achos oedolyn, rhaid i unrhyw beth a wneir o dan y Ddeddf hon geisio cynyddu'i annibyniaeth a'i ymreolaeth i'r eithaf;
  - (c) dylai penderfyniadau a wneir o dan y Ddeddf hon hyrwyddo urddas, diogelwch a llesiant person y mae arno angen gofal a chymorth, neu urddas, diogelwch a llesiant gofalwr y mae arno angen cymorth;
  - (d) i'r graddau y mae hynny'n ymarferol, rhaid i berson fod yn rhan o unrhyw benderfyniad a wneir mewn perthynas â'i asesiadau gofal, y gwaith o gynllunio, datblygu ac adolygu'i ofal a'i gymorth, neu mewn perthynas â'r cymorth sy'n cael ei ddarparu iddo yn ei rôl fel gofalwr, fel sy'n briodol o ystyried ei lefel o ddealltwriaeth a'i barodrwydd i gymryd rhan, ac yn ychwanegol, yn achos plentyn, fel sy'n gydnaws â'r egwyddor llesiant;
  - (e) pan fo anabledd, oed neu rywbeth arall yn amharu ar allu person i gyfathrebu, dylid darparu cymorth priodol i'w alluogi i gymryd rhan mewn penderfyniadau sy'n effeithio arno i'r graddau sy'n briodol o dan yr amgylchiadau ac, yn achos plentyn, fel sy'n gydnaws â'r egwyddor llesiant;
  - (f) rhaid parchu dymuniadau unrhyw berson a'u dilyn ym mha le bynnag y mae hynny'n ymarferol, yn ddiogel ac yn briodol ac, yn achos plentyn, yn gydnaws â'i lefel o ddealltwriaeth a'r egwyddor llesiant;
  - (g) mae gan bobl yr hawl i wneud penderfyniadau a allai ymddangos i eraill yn afresymol, yn annoeth neu'n ecsentrig oni bai, yn achos plentyn, nad oes ganddo'r lefel angenrheidiol o ddealltwriaeth i wneud penderfyniadau o'r fath, neu fod penderfyniadau o'r fath yn anghydnaws â'r egwyddor llesiant;
  - (h) rhaid rhagdybio mai'r unigolyn yw'r person mwyaf cymwys i wneud penderfyniadau ynglŷn â'i lesiant ei hun, ac eithrio mewn achosion pan nad oes ganddo'r cymhwyster cyfreithiol angenrheidiol i wneud yr asesiad hwnnw neu, yn ychwanegol yn achos plentyn, nad oes ganddo'r lefel angenrheidiol o ddealltwriaeth i wneud yr asesiad hwnnw;
  - (i) dylid mabwysiadu'r ymyriad sy'n cyfyngu leiaf ar yr unigolyn pan fydd yn angenrheidiol ymyrryd â hawliau dynol person, yn arbennig, ond nid yn unig, ei hawl i fywyd teuluol, bywyd preifat a chartref.
- (3) Ar wahân i'r egwyddor llesiant yn is-adran 2(a), sef y brif ystyriaeth ym mhob achos sy'n ymwneud â phlant, nid yw'r egwyddorion uchod wedi'u rhestru mewn trefn blaenoriaeth ac ni roddir yr un pwyslais arnynt o reidrwydd chwaith.'

**Gwenda Thomas**

11

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version  
Adran 6, tudalen 6, ar ddechrau llinell 30, mewnosoder 'mewn perthynas ag'.

**Darren Millar**

7

Section 6, page 7, line 14, leave out subsection (4).  
Adran 6, tudalen 7, llinell 13, hepgorer is-adran (4).

**Darren Millar**

8

To insert a new section –

**'( ) Other overarching duties: UN Principles and Convention**

- (1) A person exercising functions under this Act in relation to an adult falling within section 6(1)(a) or (b) must have due regard to the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991.
- (2) A person exercising functions under this Act in relation to a child falling within section 6(1)(a), (b) or (c) must have due regard to Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 ("the Convention").
- (3) For the purposes of subsection (2), Part 1 of the Convention is to be treated as having effect –
  - (a) as set out for the time being in Part 1 of the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011, but
  - (b) subject to any declaration or reservation as set out for the time being in Part 3 of that Schedule.
- (4) Subsection (2) does not apply to the Welsh Ministers (see, instead, the Rights of Children and Young Persons (Wales) Measure 2011).'

I fewnosod adran newydd –

**'( ) Dyletswyddau hollgyffredinol eraill: Egwyddorion a Chonfensiwn y Cenhedloedd Unedig**

- (1) Rhaid i berson sy'n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas ag oedolyn sy'n dod o fewn adran 6(1)(a) neu (b) roi sylw dyladwy i Egwyddorion y Cenhedloedd Unedig ar gyfer Pobl Hŷn a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd Unedig ar 16 Rhagfyr 1991.
- (2) Rhaid i berson sy'n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas â phlentyn sy'n dod o fewn adran 6(1)(a), (b) neu (c) roi sylw dyladwy i Ran 1 o Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a fabwysiadwyd ac a agorwyd i'w lofnodi, ei gadarnhau a'i gytuno drwy benderfyniad y Cynulliad Cyffredinol 44/25 dyddiedig 20 Tachwedd 1989 ("y Confensiwn").
- (3) At ddibenion is-adran (2), mae Rhan 1 o'r Confensiwn i'w thrin fel pe bai'n cael effaith –

- (a) fel a nodir am y tro yn Rhan 1 o'r Atodlen i Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011, ond
  - (b) yn ddarostyngedig i unrhyw ddatganiad neu neilltuad fel a nodir am y tro yn Rhan 3 o'r Atodlen honno.
- (4) Nid yw is-adran (2) yn gymwys i Weinidogion Cymru (gweler, yn lle hynny, Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011).'

**Suzy Davies**

**1A**

As an amendment to amendment 1, line 2, after 'Welsh', insert 'and any other languages, other than English, identified as being spoken in the local authority's area'.

Fel gwelliant i welliant 1, llinell 2, ar ôl 'Gymraeg', mewnosoder 'ac unrhyw ieithoedd eraill, ac eithrio Saesneg, y nodir eu bod yn cael eu siarad yn ardal yr awdurdod lleol'.

**Elin Jones**

**1**

Section 13, page 11, after line 8, insert—

- '(f) the actions required to provide the range and level of services identified in accordance with paragraphs (d) and (e) through the medium of Welsh.'

Adran 13, tudalen 11, ar ôl llinell 10, mewnosoder—

- '(f) y camau y mae angen eu cymryd i ddarparu'r ystod a'r lefel o wasanaethau a nodir yn unol â pharagraffau (d) ac (e) drwy gyfrwng y Gymraeg.'

**Kirsty Williams**

**108**

Section 13, page 11, after line 10, insert—

- '() Regulations made under this section shall clarify that visits to deliver personal care in an adult's home should not normally be commissioned to last less than thirty minutes, excluding travel time.'

Adran 13, tudalen 11, ar ôl llinell 12, mewnosoder—

- '() Bydd rheoliadau a wneir o dan yr adran hon yn egluro na ddylai ymweliadau i ddarparu gofal personol yng nghartref oedolyn gael eu comisiynu fel arfer i bara llai na thri deg munud, ac eithrio amser teithio.'

**Kirsty Williams**

**101**

Section 16, page 14, line 21, after 'arise', insert—

' and

- '() provides information, advice and assistance to a person in a manner which is accessible to that person'.

Adran 16, tudalen 14, llinell 22, ar ôl 'godi', mewnosoder –

, a

- ( ) yn darparu gwybodaeth, cyngor a chynhorthwy i berson mewn modd sy'n hygyrch i'r person hwnnw'.

**Gwenda Thomas**

**12**

Section 19, page 17, line 8, after 'adult', insert '(or, where applicable, an authorised person)'.

Adran 19, tudalen 17, llinell 9, ar ôl 'oedolyn', mewnosoder '(neu, pan fo'n gymwys, person awdurdodedig)'.

**Gwenda Thomas**

**13**

Section 19, page 17, line 12, leave out –

'that –

- (a) the adult lacks capacity to decide whether to refuse to have the assessment, and
- (b) having the assessment would be in the adult's best interests;

CASE 2 - the local authority suspects that the adult is experiencing or at risk of abuse or neglect.

- (3) Where a local authority has been discharged from its duty under section 18 by a refusal under subsection (1) of this section, the duty to assess the adult under section 18 is re-engaged if –
  - (a) the adult subsequently asks for an assessment, or
  - (b) the local authority considers that the adult's needs or circumstances have changed (subject to any further refusal under this section)'

And insert –

', in the case of a refusal given by the adult, that –

- ( ) the adult lacks capacity to decide whether to refuse to have the assessment, but
- ( ) there is an authorised person to make the decision on the adult's behalf;

CASE 2 - the local authority is satisfied, in the case of a refusal given by the adult, that –

- (a) the adult lacks capacity to decide whether to refuse to have the assessment,
- (b) there is no authorised person to make the decision on the adult's behalf, and
- (c) having the assessment would be in the adult's best interests;

CASE 3 - the local authority suspects that the adult is experiencing or at risk of abuse or neglect.

- ( ) Where a local authority has been discharged from its duty under section 18 by a refusal under this section, the duty is re-engaged if –

- (a) the adult (or, where applicable, an authorised person) subsequently asks for an assessment, or
  - (b) the local authority considers that the adult's needs or circumstances have changed, (subject to any further refusal under this section).
- ( ) In this section "authorised person" means a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to decide whether to refuse, or ask for, a needs assessment on the adult's behalf'.

Adran 19, tudalen 17, llinell 13, hepgorer –

' –

- (a) bod yr oedolyn heb alluedd i benderfynu a ddylai wrthod cael yr asesiad, a
  - (b) byddai cael yr asesiad er lles pennaf yr oedolyn;
- ACHOS 2 - mae'r awdurdod lleol yn amau bod yr oedolyn yn cael, neu'n wynebu risg o gael, ei gam-drin neu ei esgeuluso.
- (3) Pan fo'r awdurdod lleol wedi ei ryddhau o'i ddyletswydd o dan adran 18 drwy wrthodiad o dan is-adran (1) o'r adran hon, ailymrwymir i'r ddyletswydd i asesu'r oedolyn o dan adran 18 os bydd –
- (a) yr oedolyn yn gofyn wedyn am asesiad, neu
  - (b) yr awdurdod lleol o'r farn bod anghenion neu amgylchiadau'r oedolyn wedi newid (yn ddarostyngedig i unrhyw wrthodiad pellach o dan yr adran hon)'

A mewnosoder –

', yn achos gwrthodiad a roddir gan yr oedolyn –

- ( ) nad oes gan yr oedolyn alluedd i benderfynu a wrthoda gael yr asesiad, ond
  - ( ) bod person awdurdodedig i wneud y penderfyniad ar ran yr oedolyn;
- ACHOS 2 - mae'r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan yr oedolyn –
- (a) nad oes gan yr oedolyn alluedd i benderfynu a wrthoda gael yr asesiad,
  - (b) nad oes person awdurdodedig i wneud y penderfyniad ar ran yr oedolyn, ac
  - (c) y byddai cael yr asesiad er lles pennaf yr oedolyn;
- ACHOS 3 - mae'r awdurdod lleol yn amau bod yr oedolyn yn cael, neu'n wynebu risg o gael, ei gam-drin neu ei esgeuluso.
- ( ) Pan fo awdurdod lleol wedi ei ryddhau o'i ddyletswydd o dan adran 18 drwy wrthodiad o dan yr adran hon, ailymrwymir i'r ddyletswydd –
- (a) os yw'r oedolyn (neu, pan fo'n gymwys, person awdurdodedig) yn gofyn wedyn am asesiad, neu
  - (b) os yw'r awdurdod lleol o'r farn bod anghenion neu amgylchiadau'r oedolyn wedi newid,
- (yn ddarostyngedig i unrhyw wrthodiad pellach o dan yr adran hon).

- ( ) Yn yr adran hon ystyr “person awdurdodedig” yw person sydd wedi ei awdurdodi o dan Ddeddf Galluedd Meddyliol 2005 (p’un ai yn nhermau cyffredinol neu benodol) i benderfynu a wrthoda asesiad o anghenion ar ran yr oedolyn neu a ofynna am asesiad o anghenion ar ei ran’.

**Gwenda Thomas**

**14**

Page 18, line 33, leave out section 21 and insert –

**‘( ) Refusal of a needs assessment for a child aged 16 or 17**

- (1) If a child aged 16 or 17 (or, where applicable, an authorised person) refuses a needs assessment under section 20, the duty under that section to assess the child’s needs does not apply.
- (2) If a person with parental responsibility for a child aged 16 or 17 refuses a needs assessment for that child under section 20 in circumstances in which the local authority is satisfied that –
- (a) the child lacks capacity to decide whether to refuse to have the assessment, and
  - (b) there is no authorised person to make the decision on the child’s behalf,
- the duty under that section to assess the child’s needs does not apply.
- (3) But a refusal under subsection (1) or (2) does not discharge a local authority from its duty under section 20 in the following cases –
- CASE 1 - the local authority is satisfied, in the case of a refusal given by a child, that the child lacks capacity to decide whether to refuse to have the assessment;
  - CASE 2 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the child, that the person lacks capacity to decide whether to refuse the assessment;
  - CASE 3 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the child, that not having the assessment would not be in the child’s best interests;
  - CASE 4 - the local authority suspects that the child is experiencing or at risk of abuse, neglect or other kinds of harm.
- (4) Where a local authority has been discharged from its duty under section 20 by a refusal under this section, the duty is re-engaged if –
- (a) the child (or, where applicable, an authorised person) subsequently asks for an assessment,
  - (b) a person with parental responsibility for the child subsequently asks for an assessment in the circumstances described in subsection (2), or
  - (c) the local authority considers that the child’s needs or circumstances, or the needs or circumstances of a person with parental responsibility for the child, have changed,
- (subject to any further refusal under this section).
- (5) In this section “authorised person” means a person authorised under the Mental Capacity



Act 2005 (whether in general or specific terms) to decide whether to refuse, or ask for, a needs assessment on the child's behalf.'.

Tudalen 18, llinell 35, hepgorer adran 21 a mewnosoder –

**'( ) Gwrthod asesiad o anghenion ar gyfer plentyn sy'n 16 neu'n 17 oed**

- (1) Os yw plentyn sy'n 16 neu'n 17 oed (neu, pan fo'n gymwys, person awdurdodedig) yn gwrthod asesiad o anghenion o dan adran 20, nid yw'r ddyletswydd o dan yr adran honno i asesu anghenion y plentyn yn gymwys.
- (2) Os yw person sydd â chyfrifoldeb rhiant dros blentyn sy'n 16 neu'n 17 oed yn gwrthod asesiad o anghenion ar gyfer y plentyn hwnnw o dan adran 20 o dan amgylchiadau pan fo'r awdurdod lleol wedi ei fodloni –
  - (a) nad oes gan y plentyn alluedd i benderfynu a wrthoda gael yr asesiad, a
  - (b) nad oes person awdurdodedig i wneud y penderfyniad ar ran y plentyn, nid yw'r ddyletswydd o dan yr adran honno i asesu anghenion y plentyn yn gymwys.

- (3) Ond nid yw gwrthodiad o dan is-adran (1) neu (2) yn rhyddhau awdurdod lleol o'i ddyletswydd o dan adran 20 yn yr achosion a ganlyn –

ACHOS 1 - mae'r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan blentyn, nad oes gan y plentyn alluedd i benderfynu a wrthoda gael yr asesiad;

ACHOS 2 - mae'r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan berson sydd â chyfrifoldeb rhiant dros y plentyn, nad oes gan y person alluedd i benderfynu a wrthoda'r asesiad;

ACHOS 3 - mae'r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan berson sydd â chyfrifoldeb rhiant dros y plentyn, na fyddai peidio â chael yr asesiad er lles pennaf y plentyn;

ACHOS 4 - mae'r awdurdod lleol yn amau bod y plentyn yn cael, neu'n wynebu risg o gael, ei gam-drin, ei esgeuluso, neu ei niweidio mewn modd arall.

- (4) Pan fo awdurdod lleol wedi ei ryddhau o'i ddyletswydd o dan adran 20 drwy wrthodiad o dan yr adran hon, ailymrwymir i'r ddyletswydd –
  - (a) os yw'r plentyn (neu, pan fo'n gymwys, person awdurdodedig) yn gofyn wedyn am asesiad,
  - (b) os yw person sydd â chyfrifoldeb rhiant dros y plentyn yn gofyn wedyn am asesiad o dan yr amgylchiadau a ddisgrifir yn is-adran (2), neu
  - (c) os yw'r awdurdod lleol o'r farn bod anghenion neu amgylchiadau'r plentyn, neu anghenion neu amgylchiadau person sydd â chyfrifoldeb rhiant dros y plentyn, wedi newid,

(yn ddarostyngedig i unrhyw wrthodiad pellach o dan yr adran hon).

- (5) Yn yr adran hon ystyr "person awdurdodedig" yw person sydd wedi ei awdurdodi o dan Ddeddf Galluedd Meddyliol 2005 (p'un ai yn nhermau cyffredinol neu benodol) i benderfynu a wrthoda asesiad o anghenion ar ran y plentyn neu a ofynna am asesiad o anghenion ar ei ran.'.

**Gwenda Thomas**

**15**

Page 19, line 21, leave out section 22 and insert –

**‘(1) Refusal of a needs assessment for a child aged under 16**

- (1) If –
- (a) a child aged under 16 refuses a needs assessment under section 20, and
  - (b) the local authority is satisfied that the child has sufficient understanding to make an informed decision about the refusal of the assessment,
- the duty under that section to assess the child’s needs does not apply.
- (2) If a person with parental responsibility for a child aged under 16 refuses a needs assessment for that child under section 20, the duty under that section to assess the child’s needs does not apply.
- (3) But a refusal under subsection (1) or (2) does not discharge a local authority from its duty under section 20 in the following cases –
- CASE 1 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the child, that the person lacks capacity to decide whether to refuse the assessment;
  - CASE 2 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the child, that the child –
    - (a) has sufficient understanding to make an informed decision about the refusal of the assessment, and
    - (b) does not agree with the refusal given by the person with parental responsibility for the child;
  - CASE 3 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the child, that not having the assessment would be inconsistent with the child’s well-being;
  - CASE 4 - the local authority suspects that the child is experiencing or at risk of abuse, neglect or other kinds of harm.
- (4) Where a local authority has been discharged from its duty under section 20 by a refusal under this section, the duty is re-engaged if –
- (a) the child subsequently asks for an assessment and the local authority is satisfied that the child has sufficient understanding to make an informed decision about having an assessment,
  - (b) a person with parental responsibility for the child subsequently asks for an assessment, or
  - (c) the local authority considers that the child’s needs or circumstances, or the needs or circumstances of a person with parental responsibility for the child, have changed,
- (subject to any further refusal under this section).’.

Tudalen 19, llinell 20, hepgorer adran 22 a mewnosoder –

**‘(1) Gwrthod asesiad o anghenion ar gyfer plentyn o dan 16 oed**

(1) Os yw –

- (a) plentyn o dan 16 oed yn gwrthod asesiad o anghenion o dan adran 20, a
- (b) yr awdurdod lleol wedi ei fodloni bod gan y plentyn ddealltwriaeth ddigonol i wneud penderfynid deallus ynghylch gwrthod yr asesiad,

nid yw’r ddyletswydd o dan yr adran honno i asesu anghenion y plentyn yn gymwys.

(2) Os yw person sydd â chyfrifoldeb rhiant dros blentyn o dan 16 oed yn gwrthod asesiad o anghenion ar gyfer y plentyn hwnnw o dan adran 20, nid yw’r ddyletswydd o dan yr adran honno i asesu anghenion y plentyn yn gymwys.

(3) Ond nid yw gwrthodiad o dan is-adran (1) neu (2) yn rhyddhau awdurdod lleol o’i ddyletswydd o dan adran 20 yn yr achosion a ganlyn –

ACHOS 1 - mae’r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan berson sydd â chyfrifoldeb rhiant dros y plentyn, nad oes gan y person alluedd i benderfynu a wrthoda’r asesiad;

ACHOS 2 - mae’r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan berson sydd â chyfrifoldeb rhiant dros y plentyn –

- (a) bod gan y plentyn ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch gwrthod yr asesiad, a
- (b) nad yw’r plentyn yn cytuno â’r gwrthodiad a roddir gan y person sydd â chyfrifoldeb rhiant dros y plentyn;

ACHOS 3 - mae’r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan person sydd â chyfrifoldeb rhiant dros y plentyn, y byddai peidio â chael yr asesiad yn anghyson â llesiant y plentyn;

ACHOS 4 - mae’r awdurdod lleol yn amau bod y plentyn yn cael, neu’n wynebu risg o gael, ei gam-drin, ei esgeuluso, neu ei niweidio mewn modd arall.

(4) Pan fo awdurdod lleol wedi ei ryddhau o’i ddyletswydd o dan adran 20 drwy wrthodiad o dan yr adran hon, ailymrwymir i’r ddyletswydd –

- (a) os yw’r plentyn yn gofyn wedyn am asesiad a bod yr awdurdod lleol wedi ei fodloni bod gan y plentyn ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cael asesiad,
- (b) os yw person sydd â chyfrifoldeb rhiant dros y plentyn yn gofyn wedyn am asesiad, neu
- (c) os yw’r awdurdod lleol o’r farn bod anghenion neu amgylchiadau’r plentyn, neu anghenion neu amgylchiadau person sydd â chyfrifoldeb rhiant dros y plentyn, wedi newid,

(yn ddarostyngedig i unrhyw wrthodiad pellach o dan yr adran hon).’.

**Gwenda Thomas**

**16**

Page 21, line 20, leave out section 24 and insert –

**‘(1) Refusal of a needs assessment for an adult carer**

- (1) If a carer who is an adult (or, where applicable, an authorised person) refuses a needs assessment under section 23, the duty under that section to assess the carer’s needs does not apply.
- (2) But a refusal under subsection (1) does not discharge a local authority from its duty under section 23 in the following cases –

CASE 1 - the local authority is satisfied, in the case of a refusal given by the carer, that –

- (a) the carer lacks capacity to decide whether to refuse to have the assessment, but
- (b) there is an authorised person to make the decision on the carer’s behalf;

CASE 2 - the local authority is satisfied, in the case of a refusal given by the carer, that –

- (a) the carer lacks capacity to decide whether to refuse to have the assessment,
- (b) there is no authorised person to make the decision on the carer’s behalf, and
- (c) having the assessment would be in the carer’s best interests.

- (3) Where a local authority has been discharged from its duty under section 23 by a refusal under this section, the duty is re-engaged if –
  - (a) the carer (or, where applicable, an authorised person) subsequently asks for an assessment, or
  - (b) the local authority considers that the carer’s needs or circumstances have changed, (subject to any further refusal under this section).
- (4) In this section “authorised person” means a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to decide whether to refuse, or ask for, a needs assessment on the carer’s behalf.’.

Tudalen 21, llinell 22, hepgorer adran 24 a mewnosoder –

**‘(1) Gwrthod asesiad o anghenion ar gyfer gofalwr sy’n oedolyn**

- (1) Os yw gofalwr sy’n oedolyn (neu, pan fo’n gymwys, person awdurdodedig) yn gwrthod asesiad o anghenion o dan adran 23, nid yw’r ddyletswydd o dan yr adran honno i asesu anghenion y gofalwr yn gymwys.
- (2) Ond nid yw gwrthodiad o dan is-adran (1) yn rhyddhau awdurdod lleol o’i ddyletswydd o dan adran 23 yn yr achosion a ganlyn –

ACHOS 1 - mae’r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan y gofalwr –

- (a) nad oes gan y gofalwr alluedd i benderfynu a wrthoda gael yr asesiad, ond

- (b) bod person awdurdodedig i wneud y penderfyniad ar ran y gofalwr;  
ACHOS 2 - mae'r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan y gofalwr –
- (a) nad oes gan y gofalwr alluedd i benderfynu a wrthoda gael yr asesiad,  
(b) nad oes person awdurdodedig i wneud y penderfyniad ar ran y gofalwr, ac  
(c) y byddai cael yr asesiad er lles pennaf y gofalwr.
- (3) Pan fo awdurdod lleol wedi ei ryddhau o'i ddyletswydd o dan adran 23 drwy wrthodiad o dan yr adran hon, ailymrwymir i'r ddyletswydd –
- (a) os yw'r gofalwr (neu, pan fo'n gymwys, person awdurdodedig) yn gofyn wedyn am asesiad, neu  
(b) os yw'r awdurdod lleol o'r farn bod anghenion neu amgylchiadau'r gofalwr wedi newid,  
(yn ddarostyngedig i unrhyw wrthodiad pellach o dan yr adran hon).
- (4) Yn yr adran hon ystyr "person awdurdodedig" yw person sydd wedi ei awdurdodi o dan Ddeddf Galluedd Meddyliol 2005 (p'un ai yn nhermau cyffredinol neu benodol) i benderfynu a wrthoda asesiad o anghenion ar ran y gofalwr neu a ofynna am asesiad o anghenion ar ei ran.'

**Gwenda Thomas**

17

To insert a new section –

**'( ) Refusal of a needs assessment for a carer aged 16 or 17**

- (1) If a carer aged 16 or 17 (or, where applicable, an authorised person) refuses a needs assessment under section 23, the duty under that section to assess the carer's needs does not apply.
- (2) If a person with parental responsibility for a carer aged 16 or 17 refuses a needs assessment for the carer under section 23 in circumstances in which the local authority is satisfied that –
- (a) the carer lacks capacity to decide whether to refuse to have the assessment, and  
(b) there is no authorised person to make the decision on the carer's behalf,  
the duty under that section to assess the carer's needs does not apply.
- (3) But a refusal under subsection (1) or (2) does not discharge a local authority from its duty under section 23 in the following cases –
- CASE 1 - the local authority is satisfied, in the case of a refusal given by the carer, that the carer lacks capacity to decide whether to refuse to have the assessment;
- CASE 2 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the carer, that the person lacks capacity to decide whether to refuse the assessment;
- CASE 3 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the carer, that not having the assessment would not be in the carer's best interests.

- (4) Where a local authority has been discharged from its duty under section 23 by a refusal under this section, the duty is re-engaged if –
  - (a) the carer (or, where applicable, an authorised person) subsequently asks for an assessment,
  - (b) a person with parental responsibility for the carer subsequently asks for an assessment in the circumstances described in subsection (2), or
  - (c) the local authority considers that the carer’s needs or circumstances, or the needs or circumstances of a person with parental responsibility for the carer, have changed,(subject to any further refusal under this section).
- (5) In this section “authorised person” means a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to decide whether to refuse, or ask for, a needs assessment on the carer’s behalf.’.

I fewnosod adran newydd –

**‘(1) Gwrthod asesiad o anghenion ar gyfer gofalwr sy’n 16 neu’n 17 oed**

- (1) Os yw gofalwr sy’n 16 neu’n 17 oed (neu, pan fo’n gymwys, person awdurdodedig) yn gwrthod asesiad o anghenion o dan adran 23, nid yw’r ddyletswydd o dan yr adran honno i asesu anghenion y gofalwr yn gymwys.
- (2) Os yw person sydd â chyfrifoldeb rhiant dros ofalwr sy’n 16 neu’n 17 oed yn gwrthod asesiad o anghenion ar gyfer y gofalwr o dan adran 23 o dan amgylchiadau pan fo’r awdurdod lleol wedi ei fodloni –
  - (a) nad oes gan y gofalwr alluedd i benderfynu a wrthoda gael yr asesiad, a
  - (b) nad oes person awdurdodedig i wneud y penderfyniad ar ran y gofalwr,nid yw’r ddyletswydd o dan yr adran honno i asesu anghenion y gofalwr yn gymwys.
- (3) Ond nid yw gwrthodiad o dan is-adran (1) neu (2) yn rhyddhau awdurdod lleol o’i ddyletswydd o dan adran 23 yn yr achosion a ganlyn –

ACHOS 1 - mae’r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan y gofalwr, nad oes gan y gofalwr alluedd i benderfynu a wrthoda gael yr asesiad;

ACHOS 2 - mae’r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan berson sydd â chyfrifoldeb rhiant dros y gofalwr, nad oes gan y person alluedd i benderfynu a wrthoda’r asesiad;

ACHOS 3 - mae’r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan berson sydd â chyfrifoldeb rhiant dros y gofalwr, na fyddai peidio â chael yr asesiad er lles pennaf y gofalwr.

- (4) Pan fo awdurdod lleol wedi ei ryddhau o’i ddyletswydd o dan adran 23 drwy wrthodiad o dan yr adran hon, ailymrwymir i’r ddyletswydd –
  - (a) os yw’r gofalwr (neu, pan fo’n gymwys, person awdurdodedig) yn gofyn wedyn am asesiad,
  - (b) os yw person sydd â chyfrifoldeb rhiant dros y gofalwr yn gofyn wedyn am

- asesiad o dan yr amgylchiadau a ddisgrifir yn is-adran (2), neu
- (c) os yw'r awdurdod lleol o'r farn bod anghenion neu amgylchiadau'r gofalwr, neu anghenion neu amgylchiadau person sydd â chyfrifoldeb rhiant dros y gofalwr, wedi newid,
- (yn ddarostyngedig i unrhyw wrthodiad pellach o dan yr adran hon).
- (5) Yn yr adran hon ystyr "person awdurdodedig" yw person sydd wedi ei awdurdodi o dan Ddeddf Galluedd Meddyliol 2005 (p'un ai yn nhermau cyffredinol neu benodol) i benderfynu a wrthoda asesiad o anghenion ar ran y gofalwr neu a ofynna am asesiad o anghenion ar ei ran.'

**Gwenda Thomas**

**18**

To insert a new section –

**'( ) Refusal of a needs assessment for a carer aged under 16**

- (1) If –
- (a) a carer aged under 16 refuses a needs assessment under section 23, and
- (b) the local authority is satisfied that the carer has sufficient understanding to make an informed decision about the refusal of the assessment,
- the duty under that section to assess the carer's needs does not apply.
- (2) If a person with parental responsibility for a carer aged under 16 refuses a needs assessment for the carer under section 23, the duty under that section to assess the carer's needs does not apply.
- (3) But a refusal under subsection (1) or (2) does not discharge a local authority from its duty under section 23 in the following cases –
- CASE 1 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the carer, that the person lacks capacity to decide whether to refuse the assessment;
- CASE 2 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the carer, that the carer –
- (a) has sufficient understanding to make an informed decision about the refusal of the assessment, and
- (b) does not agree with the refusal given by the person with parental responsibility for the carer;
- CASE 3 - the local authority is satisfied, in the case of a refusal given by a person with parental responsibility for the carer, that not having the assessment would be inconsistent with the carer's well-being.
- (4) Where a local authority has been discharged from its duty under section 23 by a refusal under this section, the duty is re-engaged if –
- (a) the carer subsequently asks for an assessment and the local authority is satisfied that the carer has sufficient understanding to make an informed decision about having an assessment,

- (b) a person with parental responsibility for the carer subsequently asks for an assessment, or
- (c) the local authority considers that the carer's needs or circumstances, or the needs or circumstances of a person with parental responsibility for the carer, have changed,

(subject to any further refusal under this section).'

I fewnosod adran newydd—

**'(1) Gwrthod asesiad o anghenion ar gyfer gofalwr o dan 16 oed**

(1) Os yw—

- (a) gofalwr o dan 16 oed yn gwrthod asesiad o anghenion o dan adran 23, a
- (b) yr awdurdod lleol wedi ei fodloni bod gan y gofalwr ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch gwrthod yr asesiad,

nid yw'r ddyletswydd o dan yr adran honno i asesu anghenion y gofalwr yn gymwys.

(2) Os yw person sydd â chyfrifoldeb rhiant dros ofalwr o dan 16 oed yn gwrthod asesiad o anghenion ar gyfer y gofalwr o dan adran 23, nid yw'r ddyletswydd o dan yr adran honno i asesu anghenion y gofalwr yn gymwys.

(3) Ond nid yw gwrthodiad o dan is-adran (1) neu (2) yn rhyddhau awdurdod lleol o'i ddyletswydd o dan adran 23 yn yr achosion a ganlyn—

ACHOS 1 - mae'r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan berson sydd â chyfrifoldeb rhiant dros y gofalwr, nad oes gan y person alluedd i benderfynu a wrthoda'r asesiad;

ACHOS 2 - mae'r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan berson sydd â chyfrifoldeb rhiant dros y gofalwr—

- (a) bod gan y gofalwr ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch gwrthod yr asesiad, a
- (b) nad yw'r gofalwr yn cytuno â'r gwrthodiad a roddir gan y person sydd â chyfrifoldeb rhiant dros y gofalwr;

ACHOS 3 - mae'r awdurdod lleol wedi ei fodloni, yn achos gwrthodiad a roddir gan berson sydd â chyfrifoldeb rhiant dros y gofalwr, y byddai peidio â chael yr asesiad yn anghyson â llesiant y gofalwr.

(4) Pan fo awdurdod lleol wedi ei ryddhau o'i ddyletswydd o dan adran 23 drwy wrthodiad o dan yr adran hon, ailymrwymir i'r ddyletswydd—

- (a) os yw'r gofalwr yn gofyn wedyn am asesiad a bod yr awdurdod lleol wedi ei fodloni bod gan y gofalwr ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cael asesiad,
- (b) os yw person sydd â chyfrifoldeb rhiant dros y gofalwr yn gofyn wedyn am asesiad, neu
- (c) os yw'r awdurdod lleol o'r farn bod anghenion neu amgylchiadau'r gofalwr, neu anghenion neu amgylchiadau person sydd â chyfrifoldeb rhiant dros y gofalwr, wedi newid,



(yn ddarostyngedig i unrhyw wrthodiad pellach o dan yr adran hon).’.

**Gwenda Thomas**

**19**

Section 25, page 21, after line 33, insert –

‘but this is subject to subsections (*first subsection to be inserted by amendment 20*) to (*third subsection to be inserted by amendment 20*).’.

Adran 25, tudalen 21, ar ôl llinell 36, mewnosoder –

‘ond mae hyn yn ddarostyngedig i is-adrannau (*yr is-adran cyntaf sy’n cael ei fewnosod gan welliant 20*) i (*y trydydd is-adran sy’n cael ei fewnosod gan welliant 20*).’.

**Gwenda Thomas**

**20**

Section 25, page 21, line 34, leave out subsections (2) to (5) and insert –

- ( ) A local authority may not combine a needs assessment for an adult (whether under section 18 or 23) with a needs assessment for another person unless –
- (a) the adult (or, where applicable, an authorised person) gives valid consent, or
  - (b) the requirement for valid consent may be dispensed with.
- ( ) A local authority may not combine a needs assessment for a child aged 16 or 17 (whether under section 20 or 23) with a needs assessment for another person unless –
- (a) the child (or, where applicable, an authorised person) gives valid consent,
  - (b) a person with parental responsibility for the child gives valid consent in circumstances in which the local authority is satisfied that –
    - (i) the child lacks capacity to decide whether to consent to the combining of the needs assessments, and
    - (ii) there is no authorised person to make the decision on the child’s behalf, or
  - (c) the requirement for valid consent may be dispensed with.
- ( ) A local authority may not combine a needs assessment for a child aged under 16 (whether under section 20 or 23) with a needs assessment for another person unless –
- (a) the child or a person with parental responsibility for the child gives valid consent, or
  - (b) the requirement for valid consent may be dispensed with.
- ( ) Consent given under subsection (*first subsection to be inserted by amendment 20*), (*second subsection to be inserted by amendment 20*) or (*third subsection to be inserted by amendment 20*) is valid except in the following cases –
- CASE 1 - the local authority is satisfied, in the case of consent given by an adult or a child aged 16 or 17, that the adult or child lacks capacity to consent to the combination of the needs assessments;
  - CASE 2 - the local authority is satisfied, in the case of consent given by a child aged under 16, that the child does not have sufficient understanding to make an informed decision about the combination of the needs assessments;

CASE 3 - the local authority is satisfied, in the case of consent given by a person with parental responsibility for a child aged under 16 in relation to the child's needs assessment, that the child –

- (a) has sufficient understanding to make an informed decision about the combination of the needs assessments, and
- (b) does not agree with the consent given by the person with parental responsibility.

( ) A local authority may dispense with the requirement for valid consent in the following cases –

CASE 1 - the local authority is satisfied, with regard to the needs assessment of an adult, that –

- (a) there is no person who may give valid consent, and
- (b) combining the needs assessments would be in the adult's best interests;

CASE 2 - the local authority is satisfied, with regard to the needs assessment of a child aged 16 or 17, that –

- (a) the child lacks capacity to give valid consent,
- (b) there is no authorised person who may give valid consent on the child's behalf, and
- (c) combining the needs assessments would be in the child's best interests;

CASE 3 - the local authority is satisfied, with regard to the needs assessment of a child aged under 16, that –

- (a) the child does not have sufficient understanding to make an informed decision about the combination of the needs assessments, and
- (b) combining the needs assessments would be consistent with the child's well-being.

( ) In this section “authorised person” means a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to decide whether to consent to the combination of the needs assessments on the adult or child's behalf.’.

Adran 25, tudalen 21, llinell 37, hepgorer is-adrannau (2) hyd at (5) a mewnosoder –

‘( ) Ni chaiff awdurdod lleol gyfuno asesiad o anghenion ar gyfer oedolyn (p’un ai o dan adran 18 neu 23) ag asesiad o anghenion ar gyfer person arall oni bai –

- (a) bod yr oedolyn (neu, pan fo’n gymwys, person awdurdodedig) yn rhoi cydsyniad dilys, neu
- (b) y caniateir i’r gofyniad i gael cydsyniad dilys gael ei hepgor.

( ) Ni chaiff awdurdod lleol gyfuno asesiad o anghenion ar gyfer plentyn sy’n 16 neu’n 17 oed (p’un ai o dan adran 20 neu 23) ag asesiad o anghenion ar gyfer person arall oni bai –

- (a) bod y plentyn (neu, pan fo’n gymwys, person awdurdodedig) yn rhoi cydsyniad dilys,
- (b) bod person sydd â chyfrifoldeb rhiant dros y plentyn yn rhoi cydsyniad dilys o dan amgylchiadau pan fo’r awdurdod lleol wedi ei fodloni –

- (i) nad oes gan y plentyn alluedd i benderfynu a gydsynia i'r asesiadau o anghenion gael eu cyfuno, a
  - (ii) nad oes person awdurdodedig i wneud y penderfyniad ar ran y plentyn, neu
- (c) y caniateir i'r gofyniad i gael cydsyniad dilys gael ei hepgor.
- ( ) Ni chaiff awdurdod lleol gyfuno asesiad o anghenion ar gyfer plentyn o dan 16 oed (p'un ai o dan adran 20 neu 23) ag asesiad o anghenion ar gyfer person arall oni bai—
- (a) bod y plentyn neu berson sydd â chyfrifoldeb rhiant dros y plentyn yn rhoi cydsyniad dilys, neu
  - (b) y caniateir i'r gofyniad i gael cydsyniad dilys gael ei hepgor.
- ( ) Mae cydsyniad a roddir o dan is-adran (*yr is-adran cyntaf sy'n cael ei fewnosod gan welliant 20*), (*yr ail is-adran sy'n cael ei fewnosod gan welliant 20*) neu (*y trydydd is-adran sy'n cael ei fewnosod gan welliant 20*) yn ddilys ac eithrio yn yr achosion a ganlyn—
- ACHOS 1 - mae'r awdurdod lleol wedi ei fodloni, yn achos cydsyniad a roddir gan oedolyn neu blentyn sy'n 16 neu'n 17 oed, nad oes gan yr oedolyn neu'r plentyn alluedd i gydsynio i'r asesiadau o anghenion gael eu cyfuno;
- ACHOS 2 - mae'r awdurdod lleol wedi ei fodloni, yn achos cydsyniad a roddir gan blentyn o dan 16 oed, nad oes gan y plentyn ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cyfuno'r asesiadau o anghenion;
- ACHOS 3 - mae'r awdurdod lleol wedi ei fodloni, yn achos cydsyniad a roddir gan berson sydd â chyfrifoldeb rhiant dros blentyn o dan 16 oed mewn perthynas ag asesiad o anghenion y plentyn—
- (a) bod gan y plentyn ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cyfuno'r asesiadau o anghenion, a
  - (b) nad yw'r plentyn yn cytuno â'r cydsyniad a roddir gan y person sydd â chyfrifoldeb rhiant.
- ( ) Caiff awdurdod lleol hepgor y gofyniad i gael cydsyniad dilys yn yr achosion a ganlyn—
- ACHOS 1 - mae'r awdurdod lleol wedi ei fodloni, o ran asesiad o anghenion oedolyn—
- (a) nad oes unrhyw berson a gaiff roi cydsyniad dilys, a
  - (b) y byddai cyfuno'r asesiadau o anghenion er lles pennaf yr oedolyn;
- ACHOS 2 - mae'r awdurdod lleol wedi ei fodloni, o ran asesiad o anghenion plentyn sy'n 16 neu'n 17 oed—
- (a) nad oes gan y plentyn alluedd i roi cydsyniad dilys,
  - (b) nad oes person awdurdodedig a gaiff roi cydsyniad dilys ar ran y plentyn, ac
  - (c) y byddai cyfuno'r asesiadau o anghenion er lles pennaf y plentyn;
- ACHOS 3 - mae'r awdurdod lleol wedi ei fodloni, o ran asesiad o anghenion plentyn o dan 16 oed—
- (a) nad oes gan y plentyn ddealltwriaeth ddigonol i wneud penderfyniad

deallus ynghylch cyfuno'r asesiadau o anghenion, a

(b) y byddai cyfuno'r asesiadau o anghenion yn gyson â llesiant y plentyn.

- (i) Yn yr adran hon ystyr "person awdurdodedig" yw person sydd wedi ei awdurdodi o dan Ddeddf Galluedd Meddyliol 2005 (p'un ai yn gyffredinol neu yn benodol) i benderfynu a gydsynia ar ran yr oedolyn neu'r plentyn i'r asesiadau o anghenion gael eu cyfuno.'

**Gwenda Thomas**

**21**

To insert a new section—

**'(i) Combining needs assessments and other assessments**

- (1) Where a person who appears to need support as a carer also appears to have needs for care and support in his or her own right, a local authority may combine a needs assessment for that person under section 23 with a needs assessment for that person under section 18 or 20.
- (2) A local authority may carry out a needs assessment for a person at the same time as it or another body carries out another assessment under any enactment in relation to that person.
- (3) For the purposes of subsection (2)—
  - (a) the local authority may carry out the other assessment on behalf of or jointly with the other body, or
  - (b) if the other body has already arranged for the other assessment to be carried out jointly with another person, the local authority may carry out the other assessment jointly with the other body and that other person.'

I fewnosod adran newydd—

**'(i) Cyfuno asesiadau o anghenion ac asesiadau eraill**

- (1) Pan fo'n ymddangos bod gan berson y mae'n ymddangos bod arno angen cymorth fel gofalwr anghenion am ofal a chymorth yn ei hawl ei hun hefyd, caiff awdurdod lleol gyfuno asesiad o anghenion ar gyfer y person hwnnw o dan adran 23 ag asesiad o anghenion ar gyfer y person hwnnw o dan adran 18 neu 20.
- (2) Caiff awdurdod lleol wneud asesiad o anghenion ar gyfer person yr un pryd ag y mae ef neu gorff arall yn gwneud asesiad arall o dan unrhyw ddeddfiad mewn perthynas â'r person hwnnw.
- (3) At ddibenion is-adran (2)—
  - (a) caiff yr awdurdod lleol wneud yr asesiad arall ar ran y corff arall neu ar y cyd ag ef, neu
  - (b) os yw'r corff arall eisoes wedi trefnu i'r asesiad arall gael ei wneud ar y cyd â pherson arall, caiff yr awdurdod lleol wneud yr asesiad arall ar y cyd â'r corff arall a'r person arall hwnnw.'

**Suzy Davies**

113

Section 26, page 22, line 29, after 'assessment', insert ', including, but not to the exclusion of any other consideration, an individual's current or future language requirements'.

Adran 26, tudalen 22, llinell 29, ar ôl 'asesiad', mewnosoder ', gan gynnwys, ond nid ar draul unrhyw ystyriaeth arall, ofynion ieithyddol presennol unigolyn neu ei ofynion ieithyddol yn y dyfodol'.

**Gwenda Thomas**

22

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

Adran 28, tudalen 23, llinell 26, hepgorer 'codi' a mewnosoder 'gosod'.

**Kirsty Williams**

109

Section 28, page 23, line 26, leave out subsection (4) and insert –

- '( ) The eligibility criteria are met where one or more of the following circumstances apply –
- (a) there is, or will be, an inability to carry out several personal care or domestic routines;
  - (b) the individual is, or will be, unable to maintain control over several aspects of their day-to-day life;
  - (c) involvement in several aspects of work, education, training or recreation cannot or will not be sustained;
  - (d) several domestic, family and personal relationships cannot or will not be sustained;
  - (e) there is abuse or neglect or risk of abuse or neglect.
- ( ) In the case of a child the eligibility criteria are met where subsection (*first subsection to be inserted by amendment 109*) applies or there is harm or risk of harm.'

Adran 28, tudalen 23, llinell 30, hepgorer is-adran (4) a mewnosoder –

- '( ) Bodlonir y meini prawf cymhwystra pan fydd un neu ragor o'r amgylchiadau a ganlyn yn gymwys –
- (a) bod, neu bydd, analluedd i ymgymryd â sawl tasg arferol o ran gofal personol neu ddomestig;
  - (b) nad yw'r unigolyn, neu na fydd yr unigolyn, yn gallu cynnal rheolaeth dros sawl agwedd ar ei fywyd pob dydd;
  - (c) na ellir cynnal sawl agwedd ar waith, addysg, hyfforddiant neu weithgareddau hamdden neu na fydd yr agweddau hynny yn cael eu cynnal;
  - (d) na ellir cynnal sawl perthynas ddomestig, deuluol a phersonol neu na fydd y perthnasoedd hynny yn cael eu cynnal;
  - (e) bod camdriniaeth neu esgeulustod neu risg o gamdriniaeth neu esgeulustod.
- ( ) Yn achos plentyn, bodlonir y meini prawf cymhwystra pan fydd is-adran (*yr is-adran gyntaf sy'n cael ei fewnosod gan welliant 109*) yn gymwys neu pan fydd niwed neu risg o

niwed.’.

**Jocelyn Davies**

**114**

Section 30, page 25, after line 5, insert—

- ‘( ) Where a local authority is meeting a person’s needs under sections 31 to 39 by providing or arranging care and support at the person’s home, the local authority must satisfy itself that any visits to the person’s home for that purpose are of sufficient length to provide the person with the care and support required to meet the needs in question.
- ( ) A code issued under section 139 must include guidelines as to the length of visits to a person’s home for the purpose of providing care and support.’.

Adran 30, tudalen 25, ar ôl llinell 5, mewnosoder—

- ‘( ) Pan fo awdurdod lleol yn diwallu anghenion person o dan adrannau 31 i 39 drwy ddarparu neu drefnu gofal a chymorth yng nghartref y person, rhaid i’r awdurdod lleol fodloni ei hun bod unrhyw ymweliadau â chartref y person at y diben hwnnw yn ddigon hir i roi i’r person y gofal a’r cymorth sydd ei angen i ddiwallu’r anghenion dan sylw.
- ( ) Rhaid i gôd a ddyroddir o dan adran 139 gynnwys canllawiau ynghylch hyd ymweliadau â chartref person at y diben o roi gofal a chymorth.’.

**Jocelyn Davies**

**102**

To insert a new section—

‘( ) **Meeting needs: use of zero hours contracts**

- (1) A local authority that provides or makes arrangements of the type referred to in section 30(2)(b) must ensure as far as practicable that such provision or arrangements do not provide for the delivery of care and support by use of zero hours contracts.
- (2) A zero hours contract is a contract or arrangement for the provision of labour which fails to specify guaranteed working hours and has one or more of the following features—
  - (a) it requires the worker to be available for work when there is no guarantee the worker will be needed;
  - (b) it requires the worker to work exclusively for one employer.
- (3) For the purposes of this section—
  - (a) a worker is a person who is employed;
  - (b) a person is employed for the purposes of this section if he or she is engaged by another person to provide labour and is not genuinely operating a business on his or her own account;
  - (c) in any legal proceedings it is for the respondent to show that the applicant is not employed.
- (4) The Welsh Ministers may by regulations amend the definition of “zero hours contracts” in subsection (2).’.

I fewnosod adran newydd –

**‘(i) Diwallu anghenion: y defnydd o gontractau dim oriau**

- (1) Rhaid i awdurdod lleol sy'n gwneud darpariaethau neu drefniadau o'r math y cyfeirir atynt yn adran 30(2)(b) sicrhau nad yw darpariaeth neu drefniadau o'r math, cyn belled ag y mae'n ymarferol, yn darparu ar gyfer gofal a chymorth drwy ddefnyddio contractau dim oriau.
- (2) Ystyr "contractau dim oriau" yw contract neu drefniant ar gyfer darparu llafur sy'n methu â nodi oriau gwaith gwarantedig ac sy'n cynnwys un neu fwy o'r nodweddion a ganlyn –
  - (a) ei fod yn ei gwneud yn ofynnol i weithiwr fod ar gael i weithio pan nad oes gwarant y bydd angen y gweithiwr;
  - (b) ei fod yn ei gwneud yn ofynnol i'r gweithiwr weithio i un cyflogwr yn unig.
- (3) At ddibenion yr adran hon –
  - (a) "gweithiwr" yw person a gyflogir;
  - (b) cyflogir person at ddibenion yr adran hon os y caiff ei gyflogi gan berson arall i ddarparu llafur ac nad yw mewn gwirionedd yn gweithredu busnes are i gyfrif neu ei chyfrif ei hun;
  - (c) mewn unrhyw achosion cyfreithiol, dyletswydd yr ymatebydd yw dangos nad yw'r ymgeisydd mewn cyflogaeth.
- (4) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r diffiniad o "contractau dim oriau" yn is-adran (2).'

**Jocelyn Davies**

**103**

To insert a new section –

**‘(i) Procedure for regulations under section (*section to be inserted by amendment 102*)**

- (1) Before making regulations under section (*section to be inserted by amendment 102*) 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 190(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 –

**‘(1) Y weithdrefn ar gyfer rheoliadau o dan adran (yr adran sy’n cael ei fewnosod gan welliant 102)**

- (1) Cyn gwneud rheoliadau o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 102*) 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 190(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**

**23**

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version  
Adran 31, tudalen 25, llinell 20, ar ôl ‘esgeuluso’, mewnosoder ‘neu’.



**Gwenda Thomas** 24

Section 31, page 25, at the beginning of line 29, insert 'the local authority is satisfied that'.

Adran 31, tudalen 25, ar ddechrau llinell 31, mewnosoder 'bod yr awdurdod lleol wedi ei fodloni'.

**Gwenda Thomas** 25

Section 32, page 26, line 6, leave out 'which' and insert 'whose area'.

Adran 32, tudalen 26, llinell 6, hepgorer 'lle y mae'r oedolyn yn preswyllo fel arfer' a mewnosoder 'y mae'r oedolyn yn preswyllo fel arfer yn ei ardal'.

**Gwenda Thomas** 26

Section 36, page 28, line 5, leave out –

' , subsection (5) or (6) applies, and

(b) in so far as meeting the carer's needs involves the provision of care and support to an adult cared for by the carer –

(i) there is not a charge under section 53 for meeting those needs and the adult cared for by the carer agrees to the needs in question being met in that way, or

(ii) in so far as there is a charge, subsection (7) or (8) applies.

(5) This subsection applies if the local authority is satisfied on the basis of a financial assessment that the carer's financial resources are at or below the financial limit.

(6) This subsection applies if –

(a) the local authority is satisfied on the basis of a financial assessment that the carer's financial resources are above the financial limit, and

(b) the carer nonetheless asks the authority to meet the needs in question.

(7) This subsection applies if –

(a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are at or below the financial limit, and

(b) the adult agrees to the authority meeting the needs in question by providing care and support to the adult.

(8) This subsection applies if –

(a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are above the financial limit, and

(b) the adult nonetheless asks the authority to meet the needs in question by providing care and support to the adult.

(9) For the meaning of "financial assessment" and "financial limit" see Part 5'

And insert –

'a charge, section (section to be inserted by amendment 27)(1) or (2) applies;

- ( ) in so far as meeting the carer's needs involves the provision of care and support to an adult cared for by the carer –
  - (i) there is not a charge under section 53 for meeting those needs and section (*section to be inserted by amendment 27*)(7), (8) or (9) applies, or
  - (ii) in so far as there is a charge, section (*section to be inserted by amendment 27*) (3) or (4) applies;
- ( ) in so far as meeting the carer's needs involves the provision of care and support to a disabled child aged 16 or 17 who is cared for by the carer –
  - (i) there is not a charge under section 53 for meeting those needs and section (*section to be inserted by amendment 27*)(7), (8) or (10) applies, or
  - (ii) in so far as there is a charge, section (*section to be inserted by amendment 27*) (5) or (6) applies;
- ( ) in so far as meeting the carer's needs involves the provision of care and support to a disabled child aged under 16 who is cared for by the carer –
  - (i) there is not a charge under section 53 for meeting those needs and section (*section to be inserted by amendment 27*)(12) or (13) applies, or
  - (ii) in so far as there is a charge, section (*section to be inserted by amendment 27*) (5) or (6) applies'.

Adran 36, tudalen 28, llinell 6, hepgorer –

'is-adran (5) neu (6) yn gymwys, a

- (b) i'r graddau y mae diwallu anghenion y gofalwr yn golygu darparu gofal a chymorth i oedolyn y mae'r gofalwr yn gofalu amdano –
  - (i) yw nad oes ffi yn cael ei chodi o dan adran 53 am ddiwallu'r anghenion hynny a bod yr oedolyn y mae'r gofalwr yn gofalu amdano yn cytuno bod yr anghenion o dan sylw yn cael eu diwallu yn y modd hwnnw, neu
  - (ii) i'r graddau y mae ffi yn cael ei chodi, bod is-adran (7) neu (8) yn gymwys.
- (5) Mae'r is-adran hon yn gymwys os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol y gofalwr ar neu islaw'r terfyn ariannol.
- (6) Mae'r is-adran hon yn gymwys –
  - (a) os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol y gofalwr uwchlaw'r terfyn ariannol, a
  - (b) os yw'r gofalwr, serch hynny, yn gofyn i'r awdurdod ddiwallu'r anghenion o dan sylw.
- (7) Mae'r is-adran hon yn gymwys –
  - (a) os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol yr oedolyn y mae'r gofalwr yn gofalu amdano ar neu islaw'r terfyn ariannol, a
  - (b) os yw'r oedolyn yn cytuno bod yr awdurdod yn diwallu'r anghenion o dan sylw drwy ddarparu gofal a chymorth i'r oedolyn.
- (8) Mae'r is-adran hon yn gymwys –

- (a) os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol yr oedolyn y mae'r gofalwr yn gofalu amdano uwchlaw'r terfyn ariannol, a
  - (b) os yw'r oedolyn, serch hynny, yn gofyn i'r awdurdod ddiwallu'r anghenion o dan sylw drwy ddarparu gofal a chymorth i'r oedolyn.
- (9) I gael ystyr "asesiad ariannol" a "terfyn ariannol" gweler Rhan 5'

A mewnosoder—

- 'adran (yr adran sy'n cael ei fewnosod gan welliant 27)(1) neu (2) yn gymwys;*
- ( ) i'r graddau y mae diwallu anghenion y gofalwr yn golygu darparu gofal a chymorth i oedolyn y mae'r gofalwr yn gofalu amdano—
    - (i) yw nad oes ffi yn cael ei chodi o dan adran 53 am ddiwallu'r anghenion hynny a bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(7), (8) neu (9) yn gymwys, neu
    - (ii) i'r graddau y mae ffi yn cael ei chodi, yw bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(3) neu (4) yn gymwys;
  - ( ) i'r graddau y mae diwallu anghenion y gofalwr yn golygu darparu gofal a chymorth i blentyn anabl sy'n 16 neu'n 17 oed y mae'r gofalwr yn gofalu amdano—
    - (i) yw nad oes ffi yn cael ei chodi o dan adran 53 am ddiwallu'r anghenion hynny a bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(7), (8) neu (10) yn gymwys, neu
    - (ii) i'r graddau y mae ffi yn cael ei chodi, yw bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(5) neu (6) yn gymwys;
  - ( ) i'r graddau y mae diwallu anghenion y gofalwr yn golygu darparu gofal a chymorth i blentyn anabl o dan 16 oed y mae'r gofalwr yn gofalu amdano—
    - (i) yw nad oes ffi yn cael ei chodi o dan adran 53 am ddiwallu'r anghenion hynny a bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(12) neu (13) yn gymwys, neu
    - (ii) i'r graddau y mae ffi yn cael ei chodi, yw bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(5) neu (6) yn gymwys'.

**Gwenda Thomas**

27

To insert a new section—

**'( ) Duty to meet support needs of an adult carer: supplementary**

- (1) This subsection applies if the local authority is satisfied on the basis of a financial assessment that the carer's financial resources are at or below the financial limit.
- (2) This subsection applies if—
  - (a) the local authority is satisfied on the basis of a financial assessment that the carer's financial resources are above the financial limit, and
  - (b) the carer nonetheless asks the authority to meet the needs in question.

- (3) This subsection applies if—
  - (a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are at or below the financial limit, and
  - (b) subsection (7), (8) or (9) applies.
- (4) This subsection applies if—
  - (a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are above the financial limit, and
  - (b) subsection (7), (8) or (9) applies.
- (5) This subsection applies if—
  - (a) in respect of an adult upon whom the local authority thinks it would impose a charge for the provision of care and support to the disabled child cared for by the carer, the local authority is satisfied on the basis of a financial assessment that it would not be reasonably practicable for the adult to pay any amount for the care and support, and
  - (b) either—
    - (i) subsection (7), (8) or (10) applies, in the case of a disabled child aged 16 or 17, or
    - (ii) subsection (12) or (13) applies, in the case of a disabled child aged under 16.
- (6) This subsection applies if—
  - (a) in respect of an adult upon whom the local authority thinks it would impose a charge for the provision of care and support to the disabled child cared for by the carer, the local authority is satisfied on the basis of a financial assessment that it would be reasonably practicable for the adult—
    - (i) to pay the standard charge for the care and support, or
    - (ii) to pay any other amount for the care and support,
  - (b) the adult does not object to the provision of the care and support, and
  - (c) either—
    - (i) subsection (7), (8) or (10) applies, in the case of a disabled child aged 16 or 17, or
    - (ii) subsection (12) or (13) applies, in the case of a disabled child aged under 16.
- (7) This subsection applies if—
  - (a) the local authority is satisfied that the person cared for by the carer has capacity to decide whether to have the needs in question met by the provision of care and support to that person, and
  - (b) the person agrees to have those needs met in that way.
- (8) This subsection applies if an authorised person agrees, on behalf of the person cared for by the carer, to have the needs in question met by the provision of care and support to that person.

- (9) This subsection applies if—
- (a) the local authority is satisfied that the adult cared for by the carer lacks capacity to decide whether to have the needs in question met by the provision of care and support to that adult,
  - (b) there is no authorised person to make the decision on the adult’s behalf, and
  - (c) the local authority is satisfied that it is in the adult’s best interests to have those needs met in that way.
- (10) This subsection applies if—
- (a) the local authority is satisfied that the disabled child cared for by the carer lacks capacity to decide whether to have the needs in question met by the provision of care and support to that child,
  - (b) there is no authorised person to make the decision on the child’s behalf, and
  - (c) no objection has been made by a person with parental responsibility for the child to having those needs met in that way.
- (11) The local authority may disregard an objection for the purposes of subsection (10)(c) if it is satisfied that it would not be in the disabled child’s best interests.
- (12) This subsection applies if—
- (a) the local authority is satisfied that the disabled child cared for by the carer has sufficient understanding to make an informed decision about having the needs in question met by the provision of care and support to that child, and
  - (b) the child agrees to have those needs met in that way.
- (13) This subsection applies if—
- (a) the local authority is satisfied that the disabled child cared for by the carer does not have sufficient understanding to make an informed decision about having the needs in question met by the provision of care and support to that child, and
  - (b) no objection has been made by a person with parental responsibility for the child to having those needs met in that way.
- (14) The local authority may disregard an objection for the purposes of subsection (13)(b) if it is satisfied that it would not be consistent with the disabled child’s well-being.
- (15) In this section—
- “authorised person” (*“person awdurdodedig”*) means a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to decide on behalf of the person cared for by the carer whether to have the needs in question met by the provision of care and support to that person;
  - “standard charge” (*“ffi safonol”*) has the meaning given by section 57(3).
- (16) For the meaning of “financial assessment” and “financial limit” see Part 5.’.

I fewnosod adran newydd –

- (1) Dyletswydd i ddiwallu anghenion gofalwr sy'n oedolyn am gymorth: materion atodol**
- (1) Mae'r is-adran hon yn gymwys os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol y gofalwr ar neu islaw'r terfyn ariannol.
  - (2) Mae'r is-adran hon yn gymwys –
    - (a) os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol y gofalwr uwchlaw'r terfyn ariannol, a
    - (b) os yw'r gofalwr, serch hynny, yn gofyn i'r awdurdod ddiwallu'r anghenion o dan sylw.
  - (3) Mae'r is-adran hon yn gymwys –
    - (a) os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol yr oedolyn y mae'r gofalwr yn gofalu amdano ar neu islaw'r terfyn ariannol, a
    - (b) os yw is-adran (7), (8) neu (9) yn gymwys.
  - (4) Mae'r is-adran hon yn gymwys –
    - (a) os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol yr oedolyn y mae'r gofalwr yn gofalu amdano uwchlaw'r terfyn ariannol, a
    - (b) os yw is-adran (7), (8) neu (9) yn gymwys.
  - (5) Mae'r is-adran hon yn gymwys –
    - (a) mewn cysylltiad ag oedolyn y mae'r awdurdod lleol yn credu y byddai'n gosod ffi arno am ddarparu gofal a chymorth i'r plentyn anabl y mae'r gofalwr yn gofalu amdano, os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol na fyddai'n rhesymol ymarferol i'r oedolyn dalu unrhyw swm am y gofal a'r cymorth, a
    - (b) naill ai –
      - (i) os yw is-adran (7), (8) neu (10) yn gymwys, yn achos plentyn anabl sy'n 16 neu'n 17 oed, neu
      - (ii) os yw is-adran (12) neu (13) yn gymwys, yn achos plentyn anabl o dan 16 oed.
  - (6) Mae'r is-adran hon yn gymwys –
    - (a) mewn cysylltiad ag oedolyn y mae'r awdurdod lleol yn credu y byddai'n gosod ffi arno am ddarparu gofal a chymorth i'r plentyn anabl y mae'r gofalwr yn gofalu amdano, os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol y byddai'n rhesymol ymarferol i'r oedolyn –
      - (i) talu'r ffi safonol am y gofal a'r cymorth, neu
      - (ii) talu unrhyw swm arall am y gofal a'r cymorth,
    - (b) os nad yw'r oedolyn yn gwrthwynebu i'r gofal a'r cymorth gael eu darparu, ac
    - (c) naill ai –

- (i) os yw is-adran (7), (8) neu (10) yn gymwys, yn achos plentyn anabl sy'n 16 neu'n 17 oed, neu
  - (ii) os yw is-adran (12) neu (13) yn gymwys, yn achos plentyn anabl o dan 16 oed.
- (7) Mae'r is-adran hon yn gymwys –
- (a) os yw'r awdurdod lleol wedi ei fodloni bod gan y person y mae'r gofalwr yn gofalu amdano alluedd i benderfynu p'un ai i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r person hwnnw, a
  - (b) os yw'r person yn cytuno i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (8) Mae'r is-adran hon yn gymwys os yw person awdurdodedig yn cytuno, ar ran y person y mae'r gofalwr yn gofalu amdano, i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r person hwnnw.
- (9) Mae'r is-adran hon yn gymwys –
- (a) os yw'r awdurdod lleol wedi ei fodloni nad oes gan yr oedolyn y mae'r gofalwr yn gofalu amdano alluedd i benderfynu p'un ai i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r oedolyn hwnnw,
  - (b) os nad oes person awdurdodedig i wneud y penderfynid ar ran yr oedolyn, ac
  - (c) os yw'r awdurdod lleol wedi ei fodloni ei bod er lles pennaf yr oedolyn i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (10) Mae'r is-adran hon yn gymwys –
- (a) os yw'r awdurdod lleol wedi ei fodloni nad oes gan y plentyn anabl y mae'r gofalwr yn gofalu amdano alluedd i benderfynu p'un ai i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r plentyn hwnnw,
  - (b) os nad oes person awdurdodedig i wneud y penderfyniad ar ran y plentyn, ac
  - (c) os nad oes gwrthwynebiad wedi ei wneud gan berson sydd â chyfrifoldeb rhiant dros y plentyn i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (11) Caiff yr awdurdod lleol ddiystyru gwrthwynebiad at ddibenion is-adran (10)(c) os yw wedi ei fodloni na fyddai er lles pennaf y plentyn anabl.
- (12) Mae'r is-adran hon yn gymwys –
- (a) os yw'r awdurdod lleol wedi ei fodloni bod gan y plentyn anabl y mae'r gofalwr yn gofalu amdano ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r plentyn hwnnw, a
  - (b) os yw'r plentyn yn cytuno i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (13) Mae'r is-adran hon yn gymwys –
- (a) os yw'r awdurdod lleol wedi ei fodloni nad oes gan y plentyn anabl y mae'r gofalwr yn gofalu amdano ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r plentyn hwnnw, a

- (b) os nad oes gwrthwynebiad wedi ei wneud gan berson sydd â chyfrifoldeb rhiant dros y plentyn i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (14) Caiff yr awdurdod lleol ddiystyru gwrthwynebiad at ddibenion is-adran (13)(b) os yw wedi ei fodloni na fyddai'n gyson â llesiant y plentyn anabl.
- (15) Yn yr adran hon—
- mae i “ffi safonol” (“*standard charge*”) yr ystyr a roddir gan adran 57(3);
- ystyr “person awdurdodedig” (“*authorised person*”) yw person sydd wedi ei awdurdodi o dan Ddeddf Galluedd Meddyliol 2005 (p’un ai yn nhermau cyffredinol neu benodol) i benderfynu ar ran y person y mae’r gofalwr yn gofalu amdano p’un ai i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i’r person hwnnw.
- (16) I gael ystyr “asesiad ariannol” a “terfyn ariannol” gweler Rhan 5.’

**Gwenda Thomas**

28

Section 37, page 28, line 33, after ‘and’ at the first place where it appears, insert ‘(where applicable)’.

Adran 37, tudalen 28, llinell 36, ar ôl ‘a’ yn y lle cyntaf y mae’n ymddangos, mewnosoder ‘(pan fo’n gymwys)’.

**Gwenda Thomas**

29

Section 37, page 29, line 9, leave out—

‘the adult cared for by the carer agrees to the needs in question being met in that way, or

(b) in so far as there is a charge, subsection (5) or (6) applies.

(5) This subsection applies if—

(a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are at or below the financial limit, and

(b) the adult agrees to the authority meeting the needs in question by providing care and support to the adult.

(6) This subsection applies if—

(a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are above the financial limit, and

(b) the adult nonetheless asks the authority to meet the needs in question by providing care and support to the adult.

(7) For the meaning of “financial assessment” and “financial limit” see Part 5’

And insert—

‘section (*section to be inserted by amendment 27*)(5), (6) or (7) applies, or

( ) in so far as there is a charge, section (*section to be inserted by amendment 27*)



- (1) or (2) applies;
- ( ) in so far as meeting the carer's needs involves the provision of care and support to a disabled child aged 16 or 17 who is cared for by the carer –
- (i) there is not a charge under section 53 for meeting those needs and section (*section to be inserted by amendment 27*)(5), (6) or (8) applies, or
- (ii) in so far as there is a charge, section (*section to be inserted by amendment 27*) (3) or (4) applies;
- ( ) in so far as meeting the carer's needs involves the provision of care and support to a disabled child aged under 16 who is cared for by the carer –
- (i) there is not a charge under section 53 for meeting those needs and section (*section to be inserted by amendment 27*)(10) or (11) applies, or
- (ii) in so far as there is a charge, section (*section to be inserted by amendment 27*) (3) or (4) applies'.

Adran 37, tudalen 29, llinell 9, hepgorer –

' , ac mae'r oedolyn y mae'r gofalwr yn gofalu amdano yn cytuno i'r anghenion o dan sylw gael eu diwallu yn y modd hwnnw, neu

(b) i'r graddau y mae ffi yn cael ei chodi, yw bod is-adran (5) neu (6) yn gymwys.

(5) Mae'r is-adran hon yn gymwys –

- (a) os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol yr oedolyn y mae'r gofalwr yn gofalu amdano ar neu islaw'r terfyn ariannol, a
- (b) os yw'r oedolyn yn cytuno bod yr awdurdod yn diwallu'r anghenion o dan sylw drwy ddarparu gofal a chymorth i'r oedolyn.

(6) Mae'r is-adran hon yn gymwys –

- (a) os yw'r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol yr oedolyn y mae'r gofalwr yn gofalu amdano uwchlaw'r terfyn ariannol, a
- (b) os yw'r oedolyn, serch hynny, yn gofyn i'r awdurdod ddiwallu'r anghenion o dan sylw drwy ddarparu gofal a chymorth i'r oedolyn.

(7) I gael ystyr "asesiad ariannol" a "terfyn ariannol" gweler Rhan 5'

A mewnosoder –

'a bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(5), (6) neu (7) yn gymwys, neu

- ( ) i'r graddau y mae ffi yn cael ei chodi, yw bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(1) neu (2) yn gymwys;
- ( ) i'r graddau y mae diwallu anghenion y gofalwr yn golygu darparu gofal a chymorth i blentyn anabl sy'n 16 neu'n 17 oed y mae'r gofalwr yn gofalu amdano –
- (i) yw nad oes ffi yn cael ei chodi o dan adran 53 am ddiwallu'r anghenion hynny a bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(5), (6) neu

- (8) yn gymwys, neu
- (ii) i'r graddau y mae ffi yn cael ei chodi, yw bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(3) neu (4) yn gymwys;
- ( ) i'r graddau y mae diwallu anghenion y gofalwr yn golygu darparu gofal a chymorth i blentyn anabl o dan 16 oed y mae'r gofalwr yn gofalu amdano—
  - (i) yw nad oes ffi yn cael ei chodi o dan adran 53 am ddiwallu'r anghenion hynny a bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(10) neu (11) yn gymwys, neu
  - (ii) i'r graddau y mae ffi yn cael ei chodi, yw bod adran (*yr adran sy'n cael ei fewnosod gan welliant 27*)(3) neu (4) yn gymwys'.

**Gwenda Thomas**

30

To insert a new section—

**'( ) Duty to meet support needs of a child carer: supplementary**

- (1) This subsection applies if—
  - (a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are at or below the financial limit, and
  - (b) subsection (5), (6) or (7) applies.
- (2) This subsection applies if—
  - (a) the local authority is satisfied on the basis of a financial assessment that the financial resources of the adult cared for by the carer are above the financial limit, and
  - (b) subsection (5), (6) or (7) applies.
- (3) This subsection applies if—
  - (a) in respect of an adult upon whom the local authority thinks it would impose a charge for the provision of care and support to the disabled child cared for by the carer, the local authority is satisfied on the basis of a financial assessment that it would not be reasonably practicable for the adult to pay any amount for the care and support, and
  - (b) either—
    - (i) subsection (5), (6) or (8) applies, in the case of a disabled child aged 16 or 17, or
    - (ii) subsection (10) or (11) applies, in the case of a disabled child aged under 16.
- (4) This subsection applies if—
  - (a) in respect of an adult upon whom the local authority thinks it would impose a charge for the provision of care and support to the disabled child cared for by the carer, the local authority is satisfied on the basis of a financial assessment that it would be reasonably practicable for the adult—
    - (i) to pay the standard charge for the care and support, or

- (ii) to pay any other amount for the care and support,
- (b) the adult does not object to the provision of the care and support, and
- (c) either –
  - (i) subsection (5), (6) or (8) applies, in the case of a disabled child aged 16 or 17, or
  - (ii) subsection (10) or (11) applies, in the case of a disabled child aged under 16.
- (5) This subsection applies if –
  - (a) the local authority is satisfied that the person cared for by the carer has capacity to decide whether to have the needs in question met by the provision of care and support to that person, and
  - (b) the person agrees to have those needs met in that way.
- (6) This subsection applies if an authorised person agrees, on behalf of the person cared for by the carer, to have the needs in question met by the provision of care and support to that person.
- (7) This subsection applies if –
  - (a) the local authority is satisfied that the adult cared for by the carer lacks capacity to decide whether to have the needs in question met by the provision of care and support to that adult,
  - (b) there is no authorised person to make the decision on the adult’s behalf, and
  - (c) the local authority is satisfied that it is in the adult’s best interest to have those needs met in that way.
- (8) This subsection applies if –
  - (a) the local authority is satisfied that the disabled child cared for by the carer lacks capacity to decide whether to have the needs in question met by the provision of care and support to that child,
  - (b) there is no authorised person to make the decision on the child’s behalf, and
  - (c) no objection has been made by a person with parental responsibility for the child to having those needs met in that way.
- (9) The local authority may disregard an objection for the purposes of subsection (8)(c) if it is satisfied that it would not be in the disabled child’s best interests.
- (10) This subsection applies if –
  - (a) the local authority is satisfied that the disabled child cared for by the carer has sufficient understanding to make an informed decision about having the needs in question met by the provision of care and support to that child, and
  - (b) the child agrees to have those needs met in that way.
- (11) This subsection applies if –
  - (a) the local authority is satisfied that the disabled child cared for by the carer does not have sufficient understanding to make an informed decision about having the needs in question met by the provision of care and support to that child, and
  - (b) no objection has been made by a person with parental responsibility for the child

to having those needs met in that way.

(12) The local authority may disregard an objection for the purposes of subsection (11)(b) if it is satisfied that it would not be consistent with the disabled child's well-being.

(13) In this section –

“authorised person” (“*person awdurdodedig*”) means a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to decide on behalf of the person cared for by the carer whether to have the needs in question met by the provision of care and support to that person;

“standard charge” (“*ffi safonol*”) has the meaning given by section 57(3).

(14) For the meaning of “financial assessment” and “financial limit” see Part 5’.

I fewnosod adran newydd –

**‘( ) Dyletswydd i ddiwallu anghenion gofalwr sy’n blentyn am gymorth: materion atodol**

(1) Mae’r is-adran hon yn gymwys –

(a) os yw’r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol yr oedolyn y mae’r gofalwr yn gofalu amdano ar neu islaw’r terfyn ariannol, a

(b) os yw is-adran (5), (6) neu (7) yn gymwys.

(2) Mae’r is-adran hon yn gymwys –

(a) os yw’r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol fod adnoddau ariannol yr oedolyn y mae’r gofalwr yn gofalu amdano yn uwch na’r terfyn ariannol, a

(b) os yw is-adran (5), (6) neu (7) yn gymwys.

(3) Mae’r is-adran hon yn gymwys –

(a) mewn cysylltiad ag oedolyn y mae’r awdurdod lleol yn credu y byddai’n gosod ffi arno am ddarparu gofal a chymorth i’r plentyn anabl y mae’r gofalwr yn gofalu amdano, os yw’r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol na fyddai’n rhesymol ymarferol i’r oedolyn dalu unrhyw swm am y gofal a’r cymorth, a

(b) naill ai –

(i) os yw is-adran (5), (6) neu (8) yn gymwys, yn achos plentyn anabl sy’n 16 neu’n 17 oed, neu

(ii) os yw is-adran (10) neu (11) yn gymwys, yn achos plentyn anabl o dan 16 oed.

(4) Mae’r is-adran hon yn gymwys –

(a) mewn cysylltiad ag oedolyn y mae’r awdurdod lleol yn credu y byddai’n gosod ffi arno am ddarparu gofal a chymorth i’r plentyn anabl y mae’r gofalwr yn gofalu amdano, os yw’r awdurdod lleol wedi ei fodloni ar sail asesiad ariannol y byddai’n rhesymol ymarferol i’r oedolyn –

(i) talu’r ffi safonol am y gofal a’r cymorth, neu

- (ii) talu unrhyw swm arall am y gofal a'r cymorth,
- (b) os nad yw'r oedolyn yn gwrthwynebu i'r gofal a'r cymorth gael eu ddarparu, ac
- (c) naill ai –
  - (i) os yw is-adran (5), (6) neu (8) yn gymwys, yn achos plentyn anabl sy'n 16 neu'n 17 oed, neu
  - (ii) os yw is-adran (10) neu (11) yn gymwys, yn achos plentyn anabl o dan 16 oed.
- (5) Mae'r is-adran hon yn gymwys –
  - (a) os yw'r awdurdod lleol wedi ei fodloni bod gan y person y mae'r gofalwr yn gofalu amdano alluedd i benderfynu p'un ai i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r person hwnnw, a
  - (b) os yw'r person yn cytuno i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (6) Mae'r is-adran hon yn gymwys os yw person awdurdodedig yn cytuno, ar ran y person y mae'r gofalwr yn gofalu amdano, i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r person hwnnw.
- (7) Mae'r is-adran hon yn gymwys –
  - (a) os yw'r awdurdod lleol wedi ei fodloni nad oes gan yr oedolyn y mae'r gofalwr yn gofalu amdano alluedd i benderfynu p'un ai i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r oedolyn hwnnw,
  - (b) os nad oes person awdurdodedig i wneud y penderfyniad ar ran yr oedolyn, ac
  - (c) os yw'r awdurdod lleol wedi ei fodloni ei bod er lles pennaf yr oedolyn i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (8) Mae'r is-adran hon yn gymwys –
  - (a) os yw'r awdurdod lleol wedi ei fodloni nad oes gan y plentyn anabl y mae'r gofalwr yn gofalu amdano alluedd i benderfynu p'un ai i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r plentyn hwnnw,
  - (b) os nad oes person awdurdodedig i wneud y penderfyniad ar ran y plentyn, ac
  - (c) os nad oes gwrthwynebiad wedi ei wneud gan berson sydd â chyfrifoldeb rhiant dros y plentyn i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (9) Caiff yr awdurdod lleol ddiystyru gwrthwynebiad at ddibenion is-adran (8)(c) os yw wedi ei fodloni na fyddai er lles pennaf y plentyn anabl.
- (10) Mae'r is-adran hon yn gymwys –
  - (a) os yw'r awdurdod lleol wedi ei fodloni bod gan y plentyn anabl y mae'r gofalwr yn gofalu amdano ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r plentyn hwnnw, a
  - (b) os yw'r plentyn yn cytuno i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (11) Mae'r is-adran hon yn gymwys –

- (a) os yw'r awdurdod lleol wedi ei fodloni nad oes gan y plentyn anabl y mae'r gofalwr yn gofalu amdano ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r plentyn hwnnw, a
- (b) os nad oes gwrthwynebiad wedi ei wneud gan berson sydd â chyfrifoldeb rhiant dros y plentyn i gael yr anghenion hynny wedi eu diwallu yn y modd hwnnw.
- (12) Caiff yr awdurdod lleol ddiystyru gwrthwynebiad at ddibenion is-adran (11)(b) os yw wedi ei fodloni na fyddai'n gyson â llesiant y plentyn anabl.
- (13) Yn yr adran hon –
- mae i "ffi safonol" ("*standard charge*") yr ystyr a roddir gan adran 57(3);
- ystyr "person awdurdodedig" ("*authorised person*") yw person sydd wedi ei awdurdodi o dan Ddeddf Galluedd Meddyliol 2005 (p'un ai yn nhermau cyffredinol neu benodol) i benderfynu ar ran y person y mae'r gofalwr yn gofalu amdano p'un ai i gael yr anghenion o dan sylw wedi eu diwallu drwy ddarparu gofal a chymorth i'r person hwnnw.
- (14) I gael ystyr "asesiad ariannol" a "terfyn ariannol" gweler Rhan 5'.

WITHDRAWN/TYNNWYD YN ÔL

Jocelyn Davies

104

To insert a new section –

**'( ) Care and support in the home or community: supplementary**

- (1) This section applies where a local authority has a duty under section 31, 33, 36, or 37 or is exercising its power under section 34 or 39.
- (2) A local authority meeting the needs of an adult, a child, an adult carer or a child carer by providing or arranging care and support in the home or in the community must be reasonably satisfied that the time allocated to visits in the home is reasonably sufficient to deliver the care and support required to meet the identified need.
- (3) The Welsh Ministers must issue guidance about the provision of care and support in the home.
- (4) Guidance issued under subsection (3) must deal with the time required to deliver care and support to meet identified needs of an adult, a child, an adult carer or a child carer.'.

I fewnosod adran newydd –

**'( ) Gofal a chymorth yn y cartref neu'r gymuned: atodol**

- (1) Mae'r adran hon yn gymwys pan fo dyletswydd ar awdurdod lleol o dan adran 31, 33, 36 neu 37 neu pan fydd yn arfer ei bwerau o dan adran 34 neu 39.
- (2) Rhaid i awdurdod lleol sy'n diwallu anghenion oedolyn, plentyn, gofalwr sy'n oedolyn neu ofalwr sy'n blentyn drwy ddarparu neu drefnu gofal neu gymorth yn y cartref neu yn y gymuned, fod yn rhesymol fodlon bod yr amser a ddyrennir i ymweliadau yn y cartref yn ddigon rhesymol i ddarparu'r gofal a'r cyngor sydd ei angen i ddiwallu'r angen a nodwyd.

- (3) Rhaid i Weinidogion Cymru gyhoeddi canllawiau ynghylch darparu gofal a chymorth yn y cartref.
- (4) Rhaid i ganllawiau a gyhoeddir o dan is-adran (3) ymdrin â'r amser sydd ei angen i ddarparu gofal a chymorth i ddiwallu anghenion oedolyn, plentyn, gofalwr sy'n oedolyn neu ofalwr sy'n blentyn.'

**Gwenda Thomas**

31

Section 44, page 33, line 33, leave out 'manage' and insert 'consent to the making of'.

Adran 44, tudalen 33, llinell 34, hepgorer 'reoli'r taliadau' a mewnosoder 'gydsynio bod y taliadau'n cael eu gwneud'.

**Gwenda Thomas**

32

Section 45, page 34, line 26, leave out –

'disabled child who has needs for care and support,

- (b) a disabled person with parental responsibility for a child who has needs for care and support, or
- (c) a disabled child aged 16 or 17'

And insert –

'child who has needs for care and support, or

- ( ) a child'.

Adran 45, tudalen 34, llinell 30, hepgorer –

'anabl y mae arno anghenion am ofal a chymorth,

- (b) yn berson anabl â chyfrifoldeb rhiant dros blentyn y mae arno anghenion am ofal a chymorth, neu
- (c) yn blentyn anabl 16 neu 17 oed'

A mewnosoder –

'y mae arno anghenion am ofal a chymorth, neu

- ( ) yn blentyn'.

**Gwenda Thomas**

33

Section 45, page 34, line 31, leave out 'P has, or the local authority believes that P has, capacity to consent to the making of the' and insert –

' –

- (a) where P is an adult or a child aged 16 or 17, P has, or the local authority believes that P has, capacity to consent to the making of the payments;
- (b) where P is a child aged under 16, the local authority is satisfied that P has sufficient understanding to make an informed decision about receiving direct'.

Adran 45, tudalen 34, llinell 35, hepgorer 'bod gan P, neu fod yr awdurdod lleol yn credu bod gan P, alluedd i gydsynio bod y taliadau'n cael eu gwneud' a mewnosoder –

' –

- (a) pan fo P yn oedolyn neu'n blentyn 16 neu 17 oed, bod gan P, neu fod yr awdurdod lleol yn credu bod gan P, alluedd i gydsynio bod y taliadau yn cael eu gwneud;
- (b) pan fo P yn blentyn o dan 16 oed, bod yr awdurdod lleol wedi ei fodloni bod gan P ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cael taliadau uniongyrchol'.

**Gwenda Thomas**

**34**

Section 46, page 35, line 9, leave out '5' and insert '4'.

Adran 46, tudalen 35, llinell 10, hepgorer '5' a mewnosoder '4'.

**Gwenda Thomas**

**35**

Section 46, page 35, line 12, leave out subsection (4).

Adran 46, tudalen 35, llinell 13, hepgorer is-adran (4).

**Gwenda Thomas**

**36**

Section 46, page 35, line 13, leave out '3 is that C has, or the local authority believes that C has, capacity to consent to the making of the' and insert –

'2 is that –

- (a) where C is an adult or a child aged 16 or 17, C has, or the local authority believes that C has, capacity to consent to the making of the payments;
- (b) where C is a child aged under 16, the local authority is satisfied that C has sufficient understanding to make an informed decision about receiving direct'.

Adran 46, tudalen 35, llinell 14, hepgorer '3 yw bod gan C, neu fod yr awdurdod lleol yn credu bod gan C, alluedd i gydsynio bod y taliadau yn cael eu gwneud' a mewnosoder –

'2 yw –

- (a) pan fo C yn oedolyn neu'n blentyn 16 neu 17 oed, bod gan C, neu fod yr awdurdod lleol yn credu bod gan C, alluedd i gydsynio bod y taliadau yn cael eu gwneud;
- (b) pan fo C yn blentyn o dan 16 oed, bod yr awdurdod lleol wedi ei fodloni bod gan C ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch cael taliadau uniongyrchol'.

**Gwenda Thomas**

**37**

Section 46, page 35, line 15, leave out '4' and insert '3'.

Adran 46, tudalen 35, llinell 16, hepgorer '4' a mewnosoder '3'.



**Gwenda Thomas**

38

Section 46, page 35, line 19, leave out '5' and insert '4'.

Adran 46, tudalen 35, llinell 20, hepgorer '5' a mewnosoder '4'.

**Gwenda Thomas**

39

Section 47, page 37, line 3, after 'to', insert '61 or section'.

Adran 47, tudalen 37, llinell 3, ar ôl 'i', mewnosoder '61 neu adran'.

**Gwenda Thomas**

40

Section 47, page 37, line 5, after 'to' at the first place where it appears, insert '61 or section'.

Adran 47, tudalen 37, llinell 5, ar ôl 'i', mewnosoder '61 neu adran'.

**Gwenda Thomas**

41

Section 47, page 37, line 16, leave out 'to whom subsection ( ) applies' and insert 'who receives a benefit falling within a specified category'.

Adran 47, tudalen 37, llinell 16, hepgorer 'y mae is-adran ( ) yn gymwys iddo' a mewnosoder 'sy'n cael budd-dal sy'n dod o fewn categori penodedig'.

**Gwenda Thomas**

42

Section 47, page 37, line 22, leave out '( )' and insert '(7)'.

Adran 47, tudalen 37, llinell 22, hepgorer '( )' a mewnosoder '(7)'.

**Gwenda Thomas**

43

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

Adran 50, tudalen 40, llinell 12, hepgorer 'cyfeirio' a mewnosoder 'gyfeiriad'.

**Gwenda Thomas**

44

Section 52, page 40, line 33, leave out 'who has attained the age of 16'.

Adran 52, tudalen 40, llinell 34, hepgorer 'sydd wedi cyrraedd 16 oed'.

**Gwenda Thomas**

45

Section 52, page 41, line 11, leave out 'deal with any of the person's movable property in any way which is' and insert 'take any other steps which it considers'.

Adran 52, tudalen 41, llinell 12, hepgorer 'delio ag unrhyw un neu rai o eiddo symudol y person mewn unrhyw ffordd sy'n' a mewnosoder 'cymryd unrhyw gamau eraill y mae'n barnu eu bod yn'.

**Gwenda Thomas**

46

Section 52, page 41, line 13, leave out subsection (4) and insert –

- ( ) The local authority must ensure that the following requirements are satisfied before taking any steps under subsection (3)(a) or (b) –

CASE 1 - where the local authority is satisfied that the person is –

- (a) an adult or a child aged 16 or 17 who has capacity to consent to the taking of the steps, or
- (b) a child aged under 16 who has sufficient understanding to make an informed decision about whether to consent to the taking of the steps,

the local authority must obtain the person’s consent to the taking of the steps;

CASE 2 - where the local authority is satisfied that the person is an adult who lacks capacity to consent to the taking of the steps –

- (a) the local authority must obtain consent to the taking of the steps from a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to give consent on the adult’s behalf, if any person is so authorised, or
- (b) if there is no person so authorised, the local authority must be satisfied that the taking of the steps would be in the adult’s best interests;

CASE 3 - where the local authority is satisfied that the person is a child aged 16 or 17 who lacks capacity to consent to the taking of the steps –

- (a) the local authority must obtain consent to the taking of the steps from a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to give consent on the child’s behalf, if any person is so authorised, or
- (b) if there is no person so authorised, the local authority must obtain consent to the taking of the steps from a person with parental responsibility for the child;

CASE 4 - where the local authority is satisfied that the person is a child aged under 16 who does not have sufficient understanding to make an informed decision about whether to consent to the taking of the steps, the local authority must obtain consent to the taking of the steps from a person with parental responsibility for the child.

- ( ) The local authority must take reasonable steps to obtain any consent which may be needed under subsection (*first subsection to be inserted by amendment 46*).
- ( ) Where the local authority is unable to ensure that the requirements in subsection (*first subsection to be inserted by amendment 46*) are satisfied, the local authority’s duty under subsection (2) ceases to apply.’.

Adran 52, tudalen 41, llinell 14, hepgorer is-adran (4) a mewnosoder –

- ( ) Rhaid i’r awdurdod lleol sicrhau bod y gofynion a ganlyn wedi eu bodloni cyn cymryd unrhyw gamau o dan is-adran (3)(a) neu (b) –

ACHOS 1 - pan fo’r awdurdod lleol wedi ei fodloni bod y person –

- (a) yn oedolyn neu'n blentyn 16 neu 17 oed a chanddo alluedd i gydsynio i'r camau gael eu cymryd, neu
- (b) yn blentyn o dan 16 oed a chanddo ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch a gydsynia i'r camau gael eu cymryd, rhaid i'r awdurdod lleol gael cydsyniad y person i'r camau gael eu cymryd;

ACHOS 2 - pan fo'r awdurdod lleol wedi ei fodloni bod y person yn oedolyn nad oes ganddo alluedd i gydsynio i'r camau gael eu cymryd –

- (a) rhaid i'r awdurdod lleol gael cydsyniad i'r camau gael eu cymryd a'r cydsyniad hwnnw gan berson sydd wedi ei awdurdodi o dan Ddeddf Galluedd Meddyliol 2005 (p'un ai yn nhermau cyffredinol neu benodol) i roi cydsyniad ar ran yr oedolyn, os oes unrhyw berson wedi ei awdurdodi felly, neu
- (b) os nad oes unrhyw berson wedi ei awdurdodi felly, rhaid i'r awdurdod lleol fod wedi ei fodloni y byddai cymryd y camau er lles pennaf yr oedolyn;

ACHOS 3 - pan fo'r awdurdod lleol wedi ei fodloni bod y person yn blentyn 16 neu 17 oed nad oes ganddo alluedd i gydsynio i'r camau gael eu cymryd –

- (a) rhaid i'r awdurdod lleol gael cydsyniad i'r camau gael eu cymryd a'r cydsyniad hwnnw gan berson sydd wedi ei awdurdodi o dan Ddeddf Galluedd Meddyliol 2005 (p'un ai yn nhermau cyffredinol neu benodol) i roi cydsyniad ar ran y plentyn, os oes unrhyw berson wedi ei awdurdodi felly, neu
- (b) os nad oes unrhyw berson wedi ei awdurdodi felly, rhaid i'r awdurdod lleol gael cysyniad i'r camau gael eu cymryd a'r cydsyniad hwnnw gan berson â chyfrifoldeb rhiant dros y plentyn;

ACHOS 4 - pan fo'r awdurdod lleol wedi ei fodloni bod y person yn blentyn o dan 16 oed nad oes ganddo ddealltwriaeth ddigonol i wneud penderfyniad deallus ynghylch a gydsynia i'r camau gael eu cymryd, rhaid i'r awdurdod lleol gael cydsyniad i'r camau gael eu cymryd a'r cydsyniad hwnnw gan berson â chyfrifoldeb rhiant dros y plentyn.

- ( ) Rhaid i'r awdurdod lleol gymryd camau rhesymol i gael unrhyw gydsyniad y gall fod ei angen o dan is-adran (*yr is-adran cyntaf sy'n cael ei fewnosod gan welliant 46*).
- ( ) Pan na all yr awdurdod lleol sicrhau bod y gofynion yn is-adran (*yr is-adran cyntaf sy'n cael ei fewnosod gan welliant 46*) wedi eu bodloni, mae dyletswydd yr awdurdod lleol o dan is-adran (2) yn peidio â bod yn gymwys.'

**Gwenda Thomas**

47

Section 52, page 41, line 21, after '(3)(a)', insert 'or (b)'.

Adran 52, tudalen 41, llinell 22, ar ôl '(3)(a)', mewnosoder 'neu (b)'.

**Gwenda Thomas**

48

Section 52, page 41, line 25, after '(3)(a)', insert 'or (b)'.

Adran 52, tudalen 41, llinell 25, ar ôl '(3)(a)', mewnosoder 'neu (b)'.

**Gwenda Thomas**

49

Section 52, page 41, line 29, leave out 'from a person whatever reasonable expenses the authority incurs under this section in the person's case' and insert 'whatever reasonable expenses it incurs under this section in relation to an adult's movable property from that adult'.

Adran 52, tudalen 41, llinell 29, hepgorer 'oddi wrth berson unrhyw dreuliau rhesymol y mae'r awdurdod yn eu tynnu o dan yr adran hon yn achos y person' a mewnosoder 'unrhyw dreuliau rhesymol y mae'n eu tynnu o dan yr adran hon mewn perthynas ag eiddo symudol oedolyn oddi wrth yr oedolyn hwnnw'.

**Gwenda Thomas**

50

Section 53, page 42, line 10, leave out '36(6) or (8), 37(6)' and insert '(section to be inserted by amendment 27)(2), (4) or (6)(a)(i), (section to be inserted by amendment 30)(2) or (4)(a)(i)'.

Adran 53, tudalen 42, llinell 10, hepgorer '36(6) neu (8), 37(6)' a mewnosoder '(yr adran sy'n cael ei fewnosod gan welliant 27)(2), (4) neu (6)(a)(i), (yr adran sy'n cael ei fewnosod gan welliant 30)(2) neu (4)(a)(i)'.

**Gwenda Thomas**

51

Section 62, page 46, line 3, leave out—

'an adult who is required (or is going to be required) to pay a charge under section 53.

- (2) A deferred payment agreement is an agreement under which—
  - (a) the local authority agrees not to require payment of the adult's required amount until the time specified in or determined in accordance with the regulations, and
  - (b) the 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 required amount.
- (3) The 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 53 as is specified in or determined in accordance with the regulations.
- (4) The regulations may require or permit the local authority to charge—
  - (a) interest on the adult's required amount;
  - (b) such amount relating to the local authority's administrative costs as is specified in or determined in accordance with the regulations;
  - (c) interest on an amount charged under paragraph (b).
- (5) The regulations may provide for interest referred to in subsection (4)(a) to be charged by means of an obligation in the deferred payment agreement and to be treated in the same way as the adult's required amount.
- (6) The regulations may—

- (a) specify costs which are, or which are not, to be regarded as administrative costs for the purposes of subsection (4)(b);
  - (b) provide for an amount referred to in subsection (4)(b) or for interest referred to in subsection (4)(c) to be charged by means of an obligation in the deferred payment agreement and to be treated in the same way as the adult's required amount.
- (7) The local authority may not charge interest under regulations made under subsection (4) at a rate that exceeds the rate specified in or determined in accordance with the regulations.
- (8) The regulations must make provision about the duration of the agreement and for its termination by either party; the regulations must, among other things, enable the 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 required amount and any amount charged under regulations made by virtue of subsection (4).
- (9) The regulations may make provision as to the rights and obligations of the local authority and the 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 –
- (a) for the local authority not to require payment of the amounts referred to in subsection (8) until a time specified in or determined in accordance with the regulations, and
  - (b) for the adult to give the local authority a charge over his or her interest in the other property.
- (10) A reference to 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 legal or beneficial interest in that property.
- (11) Regulations may apply this section, with or without modifications, for the purpose of enabling an adult to agree to give a charge over the adult's'

And insert –

'a person who is required (or is going to be required) to pay a charge under section 53.

- ( ) A deferred payment agreement is an agreement under which –
  - (a) the local authority agrees not to require payment of the person's required amount until the time specified in or determined in accordance with the regulations, and
  - (b) the 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 required amount.
- ( ) The person's required amount is so much of the charge that the person is required (or is going to be required) to pay under section 53 as is specified in or determined in accordance with the regulations.
- ( ) The regulations may require or permit the local authority to charge –
  - (a) interest on the person's required amount;

- (b) such amount relating to the local authority's administrative costs as is specified in or determined in accordance with the regulations;
  - (c) interest on an amount charged under paragraph (b).
- ( ) The regulations may provide for interest referred to in subsection (4)(a) to be charged by means of an obligation in the deferred payment agreement and to be treated in the same way as the person's required amount.
  - ( ) The regulations may –
    - (a) specify costs which are, or which are not, to be regarded as administrative costs for the purposes of subsection (4)(b);
    - (b) provide for an amount referred to in subsection (4)(b) or for interest referred to in subsection (4)(c) to be charged by means of an obligation in the deferred payment agreement and to be treated in the same way as the person's required amount.
  - ( ) The local authority may not charge interest under regulations made under subsection (4) at a rate that exceeds the rate specified in or determined in accordance with the regulations.
  - ( ) The regulations must make provision about the duration of the agreement and for its termination by either party; the regulations must, among other things, enable the 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 required amount and any amount charged under regulations made by virtue of subsection (4).
  - ( ) The regulations may make provision as to the rights and obligations of the local authority and the 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 (8)(b) until a time specified in or determined in accordance with the regulations, and
    - (b) for the person to give the local authority a charge over his or her interest in the other property.
  - ( ) A reference to a person's home is a reference to the property which the person occupies as his or her only or main residence; and a reference to a person's interest in a property is a reference to the person's legal or beneficial interest in that property.
  - ( ) Regulations may apply this section, with or without modifications, for the purpose of enabling a person to agree to give a charge over the person's'.

Adran 62, tudalen 46, llinell 4, hepgorer –

'oedolyn y mae'n ofynnol iddo (neu y mae'n mynd i fod yn ofynnol iddo) dalu ffi o dan adran 53.

- (2) Mae cytundeb ar daliad gohiriedig yn gytundeb –
  - (a) y mae'r awdurdod lleol yn cytuno odano i beidio â'i gwneud yn ofynnol i swm

- gofynnol yr oedolyn gael ei dalu tan yr amser sy'n cael ei bennu yn y rheoliadau neu ei ddyfarnu'n unol â hwy, a
- (b) y mae'r 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 yn cael ei dalu.
- (3) Swm gofynnol 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 53 ag a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy.
- (4) Caiff y rheoliadau ei gwneud yn ofynnol neu ganiatáu i'r awdurdod lleol godi—
- (a) llog ar swm gofynnol yr oedolyn;
- (b) unrhyw swm cysylltiedig â chostau gweinyddol yr awdurdod lleol a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy;
- (c) llog ar swm a godir o dan baragraff (b).
- (5) Caiff y rheoliadau ddarparu bod y llog y cyfeiriwyd ato yn is-adran (4)(a) i'w godi drwy gyfrwng rhwymedigaeth yn y cytundeb ar daliad gohiriedig ac i'w drin yn yr un ffordd â swm gofynnol yr oedolyn.
- (6) Caiff y rheoliadau—
- (a) pennu costau sydd, neu nad ydynt, i'w hystyried yn gostau gweinyddol at ddibenion is-adran (4)(b);
- (b) darparu bod swm y cyfeiriwyd ato yn is-adran (4)(b) neu fod llog y cyfeiriwyd ato yn is-adran (4)(c) i'w godi drwy gyfrwng rhwymedigaeth yn y cytundeb ar daliad gohiriedig ac i'w drin yn yr un ffordd â swm gofynnol yr oedolyn.
- (7) Ni chaiff yr awdurdod lleol godi llog o dan reoliadau a wneir o dan is-adran (4) yn ôl cyfradd sy'n uwch na'r gyfradd a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy.
- (8) Rhaid i'r rheoliadau wneud darpariaeth ynghylch hyd y cytundeb ac ar gyfer ei derfynu gan y naill barti neu'r llall; rhaid i'r rheoliadau, ymhlith pethau eraill, alluogi'r 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 ac unrhyw swm a godir o dan reoliadau a wneir yn rhinwedd is-adran (4).
- (9) Caiff y rheoliadau wneud darpariaeth am hawliau a rhwymedigaethau'r awdurdod lleol a'r 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—
- (a) i'r awdurdod lleol beidio â'i gwneud yn ofynnol i'r symiau y cyfeiriwyd atynt yn is-adran (8)(b) gael eu talu tan yr amser a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy, a
- (b) i'r oedolyn roi i'r awdurdod lleol arwystl dros ei fuddiant yn yr eiddo arall.
- (10) Mae cyfeiriad at gartref 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 yn yr eiddo hwnnw.

- (11) Caiff rheoliadau gymhwyso'r adran hon, gydag addasiadau neu hebddynt, er mwyn galluogi oedolyn i gytuno i roi arwystl dros fuddiant yr oedolyn'

A mewnosoder –

'gyda pherson y mae'n ofynnol iddo (neu y mae'n mynd i fod yn ofynnol iddo) dalu ffi o dan adran 53.

- ( ) Mae cytundeb ar daliad gohiriedig yn gytundeb –
  - (a) y mae'r awdurdod lleol yn cytuno odano i beidio â'i gwneud yn ofynnol i swm gofynnol y person gael ei dalu tan yr amser sy'n cael ei bennu yn y rheoliadau neu ei ddyfarnu'n unol â hwy, a
  - (b) y mae'r 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 yn cael ei dalu.
- ( ) Swm gofynnol y person yw'r hyn o'r ffi y mae'n ofynnol i'r person (neu y mae'n mynd i fod yn ofynnol iddo) ei dalu o dan adran 53 ag a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy.
- ( ) Caiff y rheoliadau ei gwneud yn ofynnol neu ganiatáu i'r awdurdod lleol godi –
  - (a) llog ar swm gofynnol y person;
  - (b) unrhyw swm cysylltiedig â chostau gweinyddol yr awdurdod lleol a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy;
  - (c) llog ar swm a godir o dan baragraff (b).
- ( ) Caiff y rheoliadau ddarparu bod y llog y cyfeiriwyd ato yn is-adran (4) i'w godi drwy gyfrwng rhwymedigaeth yn y cytundeb ar daliad gohiriedig ac i'w drin yn yr un ffordd â swm gofynnol y person.
- ( ) Caiff y rheoliadau –
  - (a) pennu costau sydd, neu nad ydynt, i'w hystyried yn gostau gweinyddol at ddibenion is-adran (4)(b);
  - (b) darparu bod swm y cyfeiriwyd ato yn is-adran (4)(b) neu fod llog y cyfeiriwyd ato yn is-adran (4)(c) i'w godi drwy gyfrwng rhwymedigaeth yn y cytundeb ar daliad gohiriedig ac i'w drin yn yr un ffordd â swm gofynnol y person.
- ( ) Ni chaiff yr awdurdod lleol godi llog o dan reoliadau a wneir o dan is-adran (4) yn ôl cyfradd sy'n uwch na'r gyfradd a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy.
- ( ) Rhaid i'r rheoliadau wneud darpariaeth ynghylch hyd y cytundeb ac ar gyfer ei derfynu gan y naill barti neu'r llall; rhaid i'r rheoliadau, ymhlith pethau eraill, alluogi'r 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 mewn cysylltiad â swm gofynnol y person ac unrhyw swm a godir o dan reoliadau a wneir yn rhinwedd is-adran (4).
- ( ) Caiff y rheoliadau wneud darpariaeth am hawliau a rhwymedigaethau'r awdurdod lleol a'r 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 (8)(b) gael eu talu tan yr amser a bennir yn y rheoliadau neu a ddyfernir yn unol â hwy,
  - (b) i'r person roi i'r awdurdod lleol arwystl dros ei fuddiant yn yr eiddo arall.
- ( ) Mae cyfeiriad at gartref person yn gyfeiriad 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 gyfeiriad at fuddiant cyfreithiol neu lesiannol y person yn yr eiddo hwnnw.
- ( ) Caiff rheoliadau gymhwyso'r adran hon, gydag addasiadau neu hebddynt, er mwyn galluogi person i gytuno i roi arwystl dros fuddiant y person'.

**Gwenda Thomas**

52

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version  
Adran 63, tudalen 47, llinell 21, hepgorer 'codi' a mewnosoder 'gosod'.

**Gwenda Thomas**

53

Section 64, page 47, line 33, leave out –

‘adult from whom the amount is due, and

(b) that adult’

And insert –

‘person from whom the amount is due, and

( ) that person’.

Adran 64, tudalen 47, llinell 32, hepgorer –

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

(b) bod yr oedolyn’

A mewnosoder –

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

( ) bod y person’.

**Gwenda Thomas**

54

Section 66, page 50, at the beginning of line 22, insert ‘In this section’.

Adran 66, tudalen 50, llinell 24, hepgorer ‘Ystyr “ased” yn yr adran hon’ a mewnosoder ‘Yn yr adran hon ystyr “ased”’.

**Kirsty Williams**

110

To insert a new section –

**'PART ( )**

**APPEALS**

*Appeals against decisions taken by the local authority*

**( ) Appeals against decisions taken by the local authority**

- (1) Regulations may make provision for and in connection with the appeal of –
  - (a) determinations made under section 28 and section 60;
  - (b) charges imposed under section 53.
- (2) Regulations made under this section may provide for an independent panel to be established to consider appeals.’.

I fewnosod adran newydd –

**'RHAN ( )**

**APELAU**

*Apelio yn erbyn penderfyniadau awdurdod lleol*

**( ) Apelio yn erbyn penderfyniadau awdurdod lleol**

- (1) Caiff rheoliadau wneud darpariaeth ar gyfer, ac mewn cysylltiad ag, apelio yn erbyn –
  - (a) dyfarniadau a wneir o dan adran 28 ac adran 60;
  - (b) ffioedd a osodir o dan adran 53.
- (2) Caiff rheoliadau a wneir o dan yr adran hon ddarparu ar gyfer sefydlu panel annibynnol i ystyried apelau.’.

**Gwenda Thomas**

55

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version  
Adran 71, tudalen 54, llinell 4, hepgorer ‘gadw’ a mewnosoder ‘gadw’n gaeth’.

**Darren Millar**

9

Section 72, page 54, line 31, leave out ‘section 6(5) (overarching well-being’ and insert ‘sections 6(2), and (5) and (section to be inserted by amendment 8)(2) (other overarching’.

Adran 72, tudalen 54, llinell 34, hepgorer ‘adran 6(5) (dyletswyddau hollgyffredinol ynghylch llesiant’ a mewnosoder ‘adrannau 6(2) a (5) a (yr adran sy’n cael ei fewnosod gan welliant 8)(2) (dyletswyddau hollgyffredinol eraill’.

**Gwenda Thomas**

56

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version  
Adran 75, tudalen 55, llinell 14, hepgorer 'os'.

**Gwenda Thomas**

57

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version  
Adran 75, tudalen 55, ar ddechrau llinell 15, mewnosoder 'os'.

**Gwenda Thomas**

58

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version  
Adran 75, tudalen 55, ar ddechrau llinell 16, mewnosoder 'os'.

**Gwenda Thomas**

97

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version  
Atodlen 1, tudalen 140, llinell 22, hepgorer 'swm' a mewnosoder 'swm'.

**Gwenda Thomas**

59

Section 89, page 62, line 30, leave out –

'paragraph requires a local authority to inform any person of the whereabouts of a child  
if –

(a) the child is in the care of the authority, and'

And insert –

'section requires a local authority to inform a person of the whereabouts of a child, other  
than a child aged under 16 who is being accommodated under section 70, if'.

Adran 89, tudalen 62, llinell 31, hepgorer –

'y paragraff hwn sy'n ei gwneud yn ofynnol i awdurdod lleol hysbysu unrhyw berson  
am y man lle y mae plentyn –

(a) os yw'r plentyn yng ngofal yr awdurdod, a'

A mewnosoder –

'yr adran hon sy'n ei gwneud yn ofynnol i awdurdod lleol hysbysu person am y man lle  
y mae plentyn, ac eithrio plentyn o dan 16 oed sy'n cael ei letya o dan adran 70,'.

**Gwenda Thomas**

60

Section 96, page 67, line 8, leave out 'such other bodies providing services as' and insert 'other  
bodies which provide services and which'.

Adran 96, tudalen 67, llinell 9, hepgorer 'ag a fydd, yn ei farn ef,' a mewnosoder 'ac y mae'n barnu  
bod y cyrff hynny'.

**Lindsay Whittle**

**2**

Section 102, page 71, line 38, leave out subsection (2) and insert –

- ‘() The responsible local authority must ascertain whether the young person and his or her local authority foster parent wish to make a post-18 living arrangement.’.

Adran 102, tudalen 71, llinell 34, hepgorer is-adran (2) a mewnosoder –

- ‘() Rhaid i’r awdurdod lleol cyfrifol ganfod a yw’r person ifanc a’i riant maeth awdurdod lleol yn dymuno gwneud trefniant byw ôl-18.’.

**Lindsay Whittle**

**3**

Section 102, page 72, line 10, leave out subsection (4) and insert –

- ‘() Where the young person and his or her local authority foster parent wish to make a post-18 living arrangement, the responsible local authority must provide advice and other support in order to facilitate the arrangement.
- () Subsection (*first subsection to be inserted by amendment 3*) does not apply if the responsible local authority considers that the making of a post-18 living arrangement between the young person and his or her local authority foster parent would not be consistent with the young person’s well-being.
- () Regulations may make provision about –
  - (a) the persons to whom information about post-18 living arrangements must be provided;
  - (b) the manner in which that information must be provided.’.

Adran 102, tudalen 72, llinell 10, hepgorer is-adran (4) a mewnosoder –

- ‘() Pan fo’r person ifanc a’i riant maeth awdurdod lleol yn dymuno gwneud trefniant byw ôl-18, rhaid i’r awdurdod lleol cyfrifol ddarparu cyngor a chymorth arall er mwyn hwyluso’r trefniant.
- () Nid yw is-adran (*yr is-adran cyntaf sy’n cael ei fewnosod gan welliant 3*) yn gymwys os yw’r awdurdod lleol cyfrifol o’r farn y byddai gwneud trefniant byw ôl-18 rhwng y person ifanc a’i riant maeth awdurdod lleol yn anghyson â llesiant y person ifanc.
- () Caiff rheoliadau wneud darpariaeth ynghylch –
  - (a) y personau y mae’n rhaid darparu gwybodaeth iddynt ynghylch trefniadau byw ôl-18;
  - (b) y modd y mae’n rhaid i’r wybodaeth honno gael ei darparu.’.

**Lindsay Whittle**

**4**

Section 104, page 73, after line 14, insert –

- ‘() Where support is provided to a former foster parent under subsection (2)(b), the support must include financial support.’.

Adran 104, tudalen 73, ar ôl llinell 15, mewnosoder –

- ‘() Pan fo cymorth yn cael ei ddarparu i gyn-riant maeth o dan is-adran (2)(b), rhaid i’r cymorth gynnwys cymorth ariannol.’.

**Gwenda Thomas**

**61**

Section 106, page 74, after line 21, insert—

- ( ) The responsible local authority for a category 4 young person may take its duty under subsection (2) into account in assessing the young person's need under section 101(4) and in discharging its duties under subsections (1) and (4).'

Adran 106, tudalen 74, ar ôl llinell 21, mewnosoder—

- ( ) Caiff yr awdurdod lleol sy'n gyfrifol am berson ifanc categori 4 ystyried ei ddyletswydd o dan is-adran (2) wrth asesu angen y person ifanc o dan adran 101(4) ac wrth gyflawni ei ddyletswyddau o dan is-adrannau (1) a (4).'

**Gwenda Thomas**

**62**

Section 118, page 83, line 6, leave out—

'disregard that provision and give its approval if it is satisfied that the person—

- (a) cannot be found,
- (b) is incapable of consenting, or
- (c) is withholding consent unreasonably'

And insert—

'dispense with that person's consent if it is satisfied that—

- ( ) the person cannot be found or lacks capacity to give consent, or
- ( ) the well-being of the child requires the consent to be dispensed with'.

Adran 118, tudalen 83, llinell 6, hepgorer—

'anwybyddu'r ddarpariaeth honno a chymeradwyo os yw wedi ei fodloni—

- (a) nad oes modd dod o hyd i'r person hwnnw,
- (b) bod y person hwnnw yn analluog i gydsynio, neu
- (c) bod ei wrthodiad i gydsynio yn afresymol'

A mewnosoder—

'hepgor cydsyniad y person hwnnw os yw wedi ei fodloni—

- ( ) nad oes modd dod o hyd i'r person neu nad oes gan y person alluedd i gydsynio, neu
- ( ) bod llesiant y plentyn yn ei gwneud yn ofynnol i'r cydsyniad gael ei hepgor'.

**Gwenda Thomas**

**63**

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

Adran 120, tudalen 84, llinell 15, hepgorer 'sydd'.

**Gwenda Thomas**

64

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version  
Adran 120, tudalen 84, llinell 16, hepgorer 'yn' a mewnosoder 'sy'n'.

**Gwenda Thomas**

65

Section 122, page 86, line 13, leave out 'local' at the second place where it appears.  
Adran 122, tudalen 86, llinell 15, hepgorer 'lleol'.

**Gwenda Thomas**

66

Section 124, page 86, line 30, leave out 'local' at the second place where it appears.  
Adran 124, tudalen 86, llinell 34, hepgorer 'lleol'.

**Gwenda Thomas**

98

Schedule 2, page 144, Table 1, line 29, column 2, leave out 'any functions' and insert 'functions relating to hospital and care home residents'.

Atodlen 2, tudalen 144, Tabl 1, llinell 33, colofn 2, hepgorer 'unrhyw swyddogaethau' a mewnosoder 'swyddogaethau sy'n ymwneud â phreswylwyr ysbytai a chartrefi gofal'.

**Gwenda Thomas**

99

Schedule 2, page 145, Table 1, after line 9, column 1, insert –

'

<b>Care Act 2014</b> Sections 50 and 52	
--	--

'

Atodlen 2, tudalen 145, Tabl 1, ar ôl llinell 9, colofn 1, mewnosoder –

'

<b>Deddf Gofal 2014</b> Adrannau 50 a 52	
---	--

'

**Gwenda Thomas**

100

Schedule 2, page 145, Table 1, after line 9, column 2, insert –

'

	Temporary duty to meet needs for care and support (or needs for support) where establishment or agency unable to do so because of business failure.
--	---

'

Atodlen 2, tudalen 145, Tabl 1, ar ôl llinell 9, colofn 2, mewnosoder –

'

	Dyletswydd dros dro i ddiwallu anghenion am ofal a chymorth (neu anghenion am gymorth) pan fo sefydliad neu asiantaeth yn methu â'u diwallu oherwydd methiant busnes.
--	---

'

**Gwenda Thomas**

67

Section 156, page 103, after line 18, insert –

'(11) In this section –

- (a) a reference to a prison includes a young offender institution;
- (b) a reference to a contracted out prison has the meaning given by section 84(4) of the Criminal Justice Act 1991.'

Adran 156, tudalen 103, ar ôl llinell 18, mewnosoder –

'(11) Yn yr adran hon –

- (a) mae cyfeiriad at garchar yn cynnwys sefydliad troseddwy'r ifanc;
- (b) mae i gyfeiriad at garchar sydd wedi ei gontroctio allan yr ystyr a roddir i "contracted out prison" gan adran 84(4) o Ddeddf Cyfiawnder Troseddol 1991.'

**Gwenda Thomas**

68

Section 157, page 104, line 27, leave out 'or' and insert 'and'.

Adran 157, tudalen 104, llinell 27, hepgorer 'or' a mewnosoder 'and'.

**Gwenda Thomas**

69

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

Adran 158, tudalen 105, llinell 5, hepgorer 'hynny'n' a mewnosoder 'felly'.

**Gwenda Thomas**

70

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

Adran 158, tudalen 105, ar ddechrau llinell 6, mewnosoder 'yn'.

**Angela Burns**

112

Section 164, page 109, after line 34, insert –

'( ) Where the Welsh Ministers exercise their power of direction under subsection (1) they must within 21 days of the giving of the direction –

- (a) report to the National Assembly for Wales that the power has

been exercised, and

- (b) lay a copy of the direction before the National Assembly for Wales.’.

Adran 164, tudalen 109, ar ôl llinell 34, mewnosoder –

‘() Where the Welsh Ministers exercise their power of direction under subsection (1) they must within 21 days of the giving of the direction –

- (a) report to the National Assembly for Wales that the power has been exercised, and
- (b) lay a copy of the direction before the National Assembly for Wales.’.

WITHDRAWN/TYNNWYD YN ÔL

**Angela Burns**

5

Section 164, page 110, after line 8, insert –

‘() Where the Welsh Ministers exercise their power of direction under subsection (1) they must within 21 days of the giving of the direction –

- (a) report to the National Assembly for Wales that the power has been exercised, and
- (b) lay a copy of the direction before the National Assembly for Wales.’.

Adran 164, tudalen 110, ar ôl llinell 8, mewnosoder –

‘() Pan fo Gweinidogion Cymru yn arfer eu pŵer i roi cyfarwyddyd o dan is-adran (1) rhaid iddynt, o fewn 21 diwrnod o roi’r cyfarwyddyd –

- (a) adrodd i Gynulliad Cenedlaethol Cymru fod y pŵer wedi cael ei arfer, a
- (b) gosod copi o’r cyfarwyddyd gerbron Cynulliad Cenedlaethol Cymru.’.

**Angela Burns**

6

To insert a new section –

‘() **Adoption service: reporting**

Insert after section 3 of the Adoption and Children Act 2002 –

**“3B Wales - reporting**

The Welsh Ministers must, no later than 31 December 2015, report to the National Assembly for Wales on adoption services in Wales.”’.



I fewnosod adran newydd –

**( ) Gwasanaeth mabwysiadu: adrodd**

Ar ôl adran 3 o Ddeddf Mabwysiadu a Phlant 2002 mewnosoder –

**“3B Wales - reporting**

The Welsh Ministers must, no later than 31 December 2015, report to the National Assembly for Wales on adoption services in Wales.”.

**Gwenda Thomas**

**71**

Section 179, page 121, after line 7, insert –

- ( ) The provisions set out in subsection (*second subsection to be inserted by amendment 74*) do not apply in the case of an adult who is –
- (a) detained in prison or youth detention accommodation, or
  - (b) residing in approved premises.
- ( ) The provisions are –
- (a) section 104 (support for category 3 young people);
  - (b) section 106 (support for category 4 young people);
  - (c) section 108 (support for category 5 young people and former category 5 young people);
  - (d) section 109 (support for category 6 young people and former category 6 young people).’.

Adran 179, tudalen 121, ar ôl llinell 9, mewnosoder –

- ( ) Nid yw’r darpariaethau a nodir yn is-adran (*yr ail is-adran sy’n cael ei fewnosod gan welliant 74*) yn gymwys yn achos oedolyn –
- (a) sy’n cael ei gadw’n gaeth mewn carchar neu lety cadw ieuenctid, neu
  - (b) sy’n preswyllo mewn mangre a gymeradwywyd.
- ( ) Y darpariaethau yw –
- (a) adran 104 (cymorth ar gyfer pobl ifanc categori 3);
  - (b) adran 106 (cymorth ar gyfer pobl ifanc categori 4);
  - (c) adran 108 (cymorth ar gyfer pobl ifanc categori 5 a phobl ifanc a fu gynt yn bobl ifanc categori 5);
  - (d) adran 109 (cymorth ar gyfer pobl ifanc categori 6 a phobl ifanc a fu gynt yn bobl ifanc categori 6).’.

**Gwenda Thomas**

**72**

Section 179, page 121, leave out lines 14 to 15.

Adran 179, tudalen 121, hepgorer llinellau 17 hyd at 18.

**Gwenda Thomas**

73

Section 180, page 121, line 17, leave out 'this section' and insert 'subsection (2)'.

Adran 180, tudalen 121, llinell 20, hepgorer 'yr adran hon' a mewnosoder 'is-adran (2)'.

**Gwenda Thomas**

74

Section 180, page 121, line 33, leave out 'following provisions do not apply in relation to a relevant child' and insert –

'provisions set out in subsection (*second subsection to be inserted by amendment 74*) do not apply in relation to a child who, having been convicted of an offence –

- (a) is detained in youth detention accommodation or in prison, or
- (b) is residing in approved premises.

( ) The provisions are'.

Adran 180, tudalen 121, llinell 36, hepgorer 'ganlyn yn gymwys mewn perthynas â phlentyn perthnasol' a mewnosoder –

'nodir yn is-adran (*yr ail is-adran sy'n cael ei fewnosod gan welliant 74*) yn gymwys mewn perthynas â phlentyn sydd, ar ôl cael ei gollfarnu o drosedd –

- (a) yn cael ei gadw'n gaeth mewn llety cadw ieuenctid neu garchar, neu
- (b) yn preswyllo mewn mangre a gymeradwywyd.

( ) Y darpariaethau yw'.

**Gwenda Thomas**

75

Section 180, page 122, line 11, leave out 'relevant child or to' and insert –

'child who, having been convicted of an offence –

- (i) is detained in youth detention accommodation or in prison, or
- (ii) is residing in approved premises, or'.

Adran 180, tudalen 122, llinell 10, hepgorer 'perthnasol neu' a mewnosoder –

'sydd, ar ôl cael ei gollfarnu o drosedd –

- (i) yn cael ei gadw'n gaeth mewn llety cadw ieuenctid neu garchar, neu
- (ii) yn preswyllo mewn mangre a gymeradwywyd, na

mewn perthynas'.

**Gwenda Thomas**

76

Section 180, page 122, line 13, leave out –

'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'

And insert—

'child who—

- ( ) having been convicted of an offence—
  - (i) is detained in youth detention accommodation or in prison, or
  - (ii) is residing in approved premises, and
- ( ) immediately before being convicted, was provided with accommodation by a local authority in England under section 20 of the Children Act 1989'.

Adran 180, tudalen 122, llinell 13, hepgorer —

'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'

A mewnosoder—

'—

- ( ) sydd, ar ôl cael ei gollfarnu o drosedd—
  - (i) yn cael ei gadw'n gaeth mewn llety cadw ieuenctid neu garchar, neu
  - (ii) yn preswyllo mewn mangre a gymeradwywyd, a
- ( ) yr oedd llety'n cael ei ddarparu iddo gan awdurdod lleol yn Lloegr o dan adran 20 o Ddeddf Plant 1989 yn union cyn iddo gael ei gollfarnu'.

**Gwenda Thomas**

77

Section 180, page 122, leave out lines 28 to 29.

Adran 180, tudalen 122, hepgorer llinellau 28 hyd at 29.

**Gwenda Thomas**

78

Section 181, page 122, leave out lines 35 to 37.

Adran 181, tudalen 122, hepgorer llinellau 35 hyd at 36.

**Gwenda Thomas**

79

Section 181, page 123, leave out lines 6 to 7.

Adran 181, tudalen 123, hepgorer llinellau 6 hyd at 7.

**Gwenda Thomas**

80

Section 181, page 123, leave out lines 12 to 13.

Adran 181, tudalen 123, hepgorer llinellau 12 hyd at 13.

**Gwenda Thomas**

81

Section 181, page 123, line 16, leave out 'or other'.

Adran 181, tudalen 123, llinell 16, hepgorer 'neu yn y fangre arall'.

**Gwenda Thomas**

82

Section 181, page 123, leave out lines 22 to 23.

Adran 181, tudalen 123, hepgorer llinellau 22 hyd at 23.

**Gwenda Thomas**

83

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

Adran 183, tudalen 124, llinell 15, hepgorer 'pharhau â'r sefydliad neu ei reoli neu'n methu â pharhau â'r' a mewnosoder 'rhedeg y sefydliad neu ei reoli neu'n methu â rhedeg yr'.

**Gwenda Thomas**

84

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

Adran 183, tudalen 124, llinell 21, hepgorer 'pharhau â'r sefydliad neu ei reoli neu fethu â pharhau â'r' a mewnosoder 'rhedeg y sefydliad neu ei reoli neu fethu â rhedeg yr'.

**Gwenda Thomas**

85

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

Adran 183, tudalen 125, llinell 3, hepgorer 'pharhau â'r sefydliad neu ei reoli neu fethu â pharhau â'r' a mewnosoder 'rhedeg y sefydliad neu ei reoli neu fethu â rhedeg yr'.

**Gwenda Thomas**

86

Section 183, page 125, line 10, leave out '67 and sections 64 and 65' and insert '61, 64, 65 and 67'.

Adran 183, tudalen 125, llinell 13, hepgorer '67 ac adrannau 64 a 65' a mewnosoder '61, 64, 65 a 67'.

**Gwenda Thomas**

87

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

Adran 184, tudalen 126, llinell 8, hepgorer 'pharhau â'r sefydliad neu ei reoli neu fethu â pharhau â'r' a mewnosoder 'rhedeg y sefydliad neu ei reoli neu fethu â rhedeg yr'.

**Gwenda Thomas**

88

Section 184, page 126, line 9, leave out –

‘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’

And insert –

‘by a local authority in England under Part 1 of the Care Act 2014’.

Adran 184, tudalen 126, llinell 10, hepgorer –

‘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’

A mewnosoder –

‘gan awdurdod lleol yn Lloegr o dan Ran 1 o Ddeddf Gofal 2014’.

**Gwenda Thomas**

89

Section 184, page 126, after line 29, insert –

‘( ) Pending the commencement of Part 1 of the Care Act 2014, subsection (1)(a) is to be read as if there were substituted for it –

“(a) under arrangements made by 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;”’.

Adran 184, tudalen 126, ar ôl llinell 30, mewnosoder –

‘( ) Wrth ddisgwyl i Ran 1 o Ddeddf Gofal 2014 gychwyn, mae is-adran (1)(a) i’w darllen fel pe bai wedi ei hamnewid gan –

“(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;".

**Gwenda Thomas**

90

Section 184, page 126, line 31, leave out 'that sub-paragraph' and insert 'it'.

Adran 184, tudalen 126, llinell 32, hepgorer 'bai'r is-baragraff hwnnw wedi ei amnewid gan yr is-baragraff a ganlyn' a mewnosoder 'bai wedi ei hamnewid gan'.

**Gwenda Thomas**

91

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

Adran 185, tudalen 127, llinell 21, hepgorer 'pharhau â sefydliad neu ei reoli neu'n methu â pharhau ag' a mewnosoder 'rhedeg sefydliad neu ei reoli neu'n methu â rhedeg'.

**Kirsty Williams**

118

To insert a new section—

**'( ) Duty to review the Act**

- (1) The Welsh Ministers must review and report on the operation of this Act.
- (2) The first review and report under subsection (1) must be undertaken and published by 31 December 2015 and thereafter on a biennial basis.
- (3) Reviews and reports under this section must include, in particular, an assessment of the impact the Act has had on—
  - (a) adults who need care and support;
  - (b) children who need care and support;
  - (c) carers who need support.
- (4) The Welsh Ministers must lay a copy of any report required to be published under subsection (2) before the National Assembly for Wales.'

I fewnosod adran newydd—

**'( ) Dyletswydd i adolygu'r Ddeddf**

- (1) Rhaid i Weinidogion Cymru adolygu gweithrediad y Ddeddf hon a chyflwyno adroddiad ar ei gweithrediad.
- (2) Rhaid i'r adolygiad a'r adroddiad cyntaf o dan is-adran (1) gael eu cynnal a'u cyhoeddi

erbyn 31 Rhagfyr 2015 ac, ar ôl hynny, bob dwy flynedd.

- (3) Rhaid i adolygiadau ac adroddiadau o dan yr adran hon gynnwys, yn benodol, asesiad o'r effaith y mae'r Ddeddf wedi'i chael ar—
  - (a) oedolion y mae arnynt angen gofal a chymorth;
  - (b) plant y mae arnynt angen gofal a chymorth;
  - (c) gofalwyr y mae arnynt angen cymorth.
- (4) Rhaid i Weinidogion Cymru osod copi o unrhyw adroddiad y mae'n ofynnol iddynt ei gyhoeddi o dan is-adran (2) gerbron Cynulliad Cenedlaethol Cymru.'.

**Kirsty Williams**

**119**

To insert a new section—

**'(1) Reporting on the funding for new costs arising from this Act**

- (1) There is to be a Joint Care and Support Reform Panel consisting of representatives of (but not limited to) the Welsh Local Government Association, the Association of Directors of Social Services and Local Health Boards.
- (2) The Joint Care and Support Reform Panel must inform the Welsh Ministers by an annual written report that it is satisfied whether sufficient funding is in place to ensure that social care is adequately funded and that the provisions in the Act can be implemented satisfactorily.
- (3) The report mentioned in subsection (2) must include a statement of the satisfaction of the Joint Care and Support Reform Panel with (but not limited to)—
  - (a) adequacy of the funding of the provisions in this Act;
  - (b) on-going costs of implementation;
  - (c) an additional five yearly review of the short and medium term cost of setting the eligibility criteria in accordance with regulations made under section 28.'

I fewnosod adran newydd—

**'(1) Cyflwyno adroddiadau ar gyllid ar gyfer costau newydd sy'n deillio o'r Ddeddf**

- (1) Bydd Cyd-banel Diwygio Gofal a Chymorth a fydd yn cynnwys cynrychiolwyr (ond heb fod yn gyfyngedig iddynt) o Gymdeithas Llywodraeth Leol Cymru, Cymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru a Byrddau Iechyd Lleol.
- (2) Rhaid i'r Cyd-banel Diwygio Gofal a Chymorth roi gwybod i Weinidogion Cymru drwy gyfrwng adroddiad ysgrifenedig blynyddol ei fod yn fodlon a oes digon o gyllid ar gael i sicrhau bod gofal cymdeithasol yn cael ei ariannu'n ddigonol ac y gellir rhoi darpariaethau'r Ddeddf ar waith yn foddhaol.
- (3) Rhaid i'r adroddiad a grybwyllir yn is-adran (2) gynnwys datganiad o fodlonrwydd gan y Cyd-banel Diwygio Gofal a Chymorth o ran (ond heb fod yn gyfyngedig i)—
  - (a) digonolrwydd y cyllid ar gyfer darpariaethau'r Ddeddf hon;
  - (b) costau parhaus eu rhoi ar waith;
  - (c) adolygiad ychwanegol bob pum mlynedd ar y gost tymor byr a thymor canolig o

osod y meini prawf cymhwysra yn unol â'r rheoliadau a wneir o dan adran 28.'

**Kirsty Williams**

**120**

To insert a new section –

**'(1) Independent review of future demand for social care and healthcare**

- (1) The Welsh Ministers must make arrangements for an independent review of, and report on, the likely demand for social care, public health and healthcare services in Wales over the next twenty years.
- (2) The objective of the review mentioned in subsection (1) is to identify the key factors determining the financial and other resources required to ensure that social care and health functions as a cost effective, high quality, equitable, integrated and sustainable single system which –
  - (a) promotes individual well-being (as defined in Part 1 of this Act),
  - (b) enables access to be determined on the basis of need, and
  - (c) can meet forecast demand.
- (3) The arrangements for the conduct of review must include provision for a fully integrated modelling and analysis of health and social care including examination of –
  - (a) the technological, demographic and health status trends over the next two decades that may inform or affect demand for social care and health services;
  - (b) the inter-dependencies between social care, public health and healthcare and the appropriate balance between different types of intervention, in particular between –
    - (i) health and social care,
    - (ii) primary and secondary care,
    - (iii) physical and mental health, and
    - (iv) treatment and prevention;
  - (c) any other matter that the Welsh Ministers set out in the review's terms of reference.
- (4) The Welsh Ministers must lay before the National Assembly for Wales a copy of an interim report on emerging themes and trends identified by the first such review by 31 March 2015 and make arrangements for a consultation process to be undertaken in relation to those interim findings.
- (5) The Welsh Ministers must lay before the National Assembly for Wales a copy of the final report by 31 December 2015.
- (6) At no more than five year intervals, the Welsh Ministers must make arrangements for the updating of the report of the review mentioned in subsection (1) with the same objective and approach as mentioned in subsections (2) and (3), and including such matters as are provided for in subsection (3)(c), and must prepare and lay before the National Assembly for Wales a report on the outcomes.
- (7) The Welsh Ministers must prepare and lay before the National Assembly for Wales a



statement on the extent to which the reports mentioned in subsections (1) and (6) inform their wider budget strategy and decisions.’.

I fewnosod adran newydd –

**‘(1) Adolygiad annibynnol o’r galw yn y dyfodol am ofal iechyd a chymdeithasol**

- (1) Rhaid i Weinidogion Cymru wneud trefniadau ar gyfer cynnal adolygiad annibynnol o’r galw tebygol am ofal cymdeithasol, iechyd cyhoeddus a gwasanaethau gofal iechyd yng Nghymru yn yr ugain mlynedd nesaf, ac adrodd ar yr adolygiad hwnnw.
- (2) Amcan yr adolygiad a grybwyllir yn is-adran (1) yw nodi’r ffactorau allweddol sy’n pennu’r adnoddau ariannol ac adnoddau eraill sydd eu hangen i sicrhau bod gofal cymdeithasol ac iechyd yn gweithredu fel un system gosteffeithiol, safon uchel, teg, integredig a chynaliadwy sydd –
  - (a) yn hybu llesiant unigolion (fel y diffinnir yn Rhan 1 o’r Ddeddf hon),
  - (b) yn galluogi mynediad i gael ei ddyfarnu ar sail angen, ac
  - (c) yn gallu diwallu’r galw a ragwelwyd.
- (3) Rhaid i’r trefniadau ar gyfer cynnal adolygiad gynnwys darpariaeth ar gyfer modelu a dadansoddi iechyd a gofal cymdeithasol yn gwbl integredig, gan gynnwys archwilio’r canlynol –
  - (a) y tueddiadau o ran technoleg, demograffi a statws iechyd yn ystod y ddau ddegawd nesaf a all hysbysu neu effeithio ar y galw am ofal cymdeithasol a gwasanaethau iechyd;
  - (b) y rhyngddibyniaeth o ran gofal cymdeithasol, iechyd cyhoeddus a gofal iechyd, a’r cydbwysedd priodol rhwng y gwahanol fathau o ymyrraeth, yn enwedig rhwng y canlynol –
    - (i) iechyd a gofal cymdeithasol,
    - (ii) gofal sylfaenol ac eilaidd,
    - (iii) iechyd corfforol a meddyliol, a
    - (iv) triniaeth ac atal;
  - (c) unrhyw fater arall a nodir gan Weinidogion Cymru yng nghylch gorchwyl yr adolygiad.
- (4) Rhaid i Weinidogion Cymru osod copi o adroddiad interim gerbron Cynulliad Cenedlaethol Cymru ynghylch y themâu sy’n amlygu a’r tueddiadau a nodwyd yn yr adolygiad cyntaf erbyn 31 Mawrth 2015 a gwneud trefniadau ar gyfer cynnal proses ymgynghori mewn perthynas â’r canfyddiadau interim hynny.
- (5) Rhaid i Weinidogion Cymru osod copi o’r adroddiad terfynol gerbron Cynulliad Cenedlaethol Cymru erbyn 31 Rhagfyr 2015.
- (6) Ar gyfnodau o ddim mwy na phum mlynedd rhaid i Weinidogion Cymru wneud trefniadau i uwchraddio adroddiad yr adolygiad a grybwyllir yn is-adran (1), gyda’r un nod a dull gweithredu a grybwyllir yn is-adrannau (2) a (3), a chan gynnwys materion y darperir ar eu cyfer yn is-adran (3)(c), a rhaid iddynt baratoi a gosod gerbron Cynulliad Cenedlaethol Cymru adroddiad am y canfyddiadau.

- (7) Rhaid i Weinidogion Cymru baratoi a gosod gerbron Cynulliad Cenedlaethol Cymru ddatganiad ynghylch y graddau y mae'r adroddiad a grybwyllir yn is-adrannau (1) a (6) yn hysbysu eu strategaeth a'u penderfyniadau ehangach ynghylch y gyllideb.'.

**Jocelyn Davies**

105

Section 190, page 130, line 24, after '28,', insert '(section to be inserted by amendment 102),'

Adran 190, tudalen 130, llinell 26, ar ôl '28,', mewnosoder '(yr adran sy'n cael ei fewnosod gan welliant 102),'

**Kirsty Williams**

111

Section 190, page 130, line 24, after '37(1),', insert '(section to be inserted by amendment 110),'

Adran 190, tudalen 130, llinell 26, ar ôl '37(1),', mewnosoder '(yr adran sy'n cael ei fewnosod gan welliant 110),'

**Gwenda Thomas**

92

Section 191, page 131, line 4, leave out ', institutional or financial abuse' and insert 'or financial abuse (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place)'

Adran 191, tudalen 131, llinell 31, hepgorer ', sefydliadol neu ariannol' a mewnosoder 'neu ariannol (ac mae'n cynnwys camdriniaeth sy'n digwydd mewn unrhyw leoliad, p'un ai mewn annedd breifat, mewn sefydliad neu mewn unrhyw fan arall)'

**Gwenda Thomas**

93

Section 191, page 133, line 30, leave out 'the failure to meet a person's basic physical, emotional, social or psychological needs, likely to result in the impairment of their health, well-being or development' and insert 'a failure to meet a person's basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person's well-being (for example, an impairment of the person's health or, in the case of a child, an impairment of the child's development)'

Adran 191, tudalen 132, llinell 39, hepgorer 'ei iechyd, llesiant neu ddatblygiad' a mewnosoder 'lesiant y person (er enghraifft, amharu ar iechyd y person neu, yn achos plentyn, amharu ar ddatblygiad y plentyn)'

**Gwenda Thomas**

96

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

Adran 191, tudalen 134, llinell 38, ar ôl 'GIG"', mewnosoder '(“NHS Foundation Trust”)'.

**Gwenda Thomas** 94

Section 191, page 134, line 4, leave out '156( )' and insert '156(subsection to be inserted by amendment 67)'.

Adran 191, tudalen 132, llinell 4, hepgorer '156( )' a mewnosoder '156(yr is-adran sy'n cael ei fewnosod gan welliant 67)'.

**Gwenda Thomas** 95

Section 191, page 134, line 28, after "*penodedig*", insert "*“a bennir”, “a bennwyd”*".

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

**Kirsty Williams** 107

Section 1, page 2, after line 24, insert –

'( ) Part (*section to be inserted by amendment 110*) (Appeals) enables Welsh Ministers to make provision for and in connection with appeals against determinations of eligibility (section 28) and ability to pay (section 60) and charging decisions (section 53).'

Adran 1, tudalen 2, ar ôl llinell 25, mewnosoder –

'( ) Mae Rhan (*yr adran sy'n cael ei fewnosod gan welliant 110*) (Apelau) yn galluogi Gweinidogion Cymru i wneud darpariaeth ynghylch ac mewn cysylltiad ag apelau yn erbyn dyfarniadau cymhwystra (adran 28), y gallu i dalu (adran 60) a phenderfyniadau i osod ffioedd (adran 53).'

**Gwenda Thomas** 10

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

Adran 1, tudalen 3, llinell 20, hepgorer 'sy'n' a mewnosoder 'yn'.

**Kirsty Williams** 115

Section 1, page 4, after line 38, insert –

'( ) provides for a duty to review the Act (*section (section to be inserted by amendment 118)*);'

Adran 1, tudalen 4, ar ôl llinell 39, mewnosoder –

'( ) yn darparu ar gyfer dyletswydd i adolygu'r Ddeddf (adran (*yr adran sy'n cael ei fewnosod gan welliant 118*));'

**Kirsty Williams** 116

Section 1, page 4, after line 38, insert –

'( ) makes provision for reporting on the funding for new costs arising from this Act (*section (section to be inserted by amendment 119)*);'

Adran 1, tudalen 4, ar ôl llinell 39, mewnosoder –

- ‘() yn gwneud darpariaeth ar gyfer adrodd ar y cyllid ar gyfer costau newydd sy’n deillio o’r Ddeddf hon (adran (*yr adran sy’n cael ei fewnosod gan welliant 119*));’.

**Kirsty Williams**

**117**

Section 1, page 4, after line 38, insert –

- ‘() makes provision for an independent review of future demand for social care and healthcare (section (*section to be inserted by amendment 120*));’.

Adran 1, tudalen 4, ar ôl llinell 39, mewnosoder –

- ‘() yn gwneud darpariaeth ar gyfer adolygiad annibynnol o’r galw yn y dyfodol am ofal cymdeithasol a gofal iechyd (adran (*yr adran sy’n cael ei fewnosod gan welliant 120*));’.