OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2017 Rhif 948 (Cy. 236) (C. 84)

PLANT A PHOBL IFANC, CYMRU

Gorchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 9) (Cymru) 2017

2017 No. 948 (W. 236) (C. 84)

CHILDREN AND YOUNG PERSONS, WALES

The Children and Young Persons Act 2008 (Commencement No. 9) (Wales) Order 2017

NODYN ESBONIADOL

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

Hwn yw'r nawfed Gorchymyn Cychwyn a wneir gan Weinidogion Cymru o dan Ddeddf Plant a Phobl Ifanc 2008 ("y Ddeddf"), sy'n dwyn i rym ddarpariaethau penodedig yn y Ddeddf o ran Cymru.

Mae erthygl 2 yn darparu mai 1 Rhagfyr 2017 yw'r diwrnod penodedig i'r darpariaethau o'r Ddeddf a restrir isod ddod i rym o ran Cymru—

(a) adran 8(2) ac Atodlen 1 i'r graddau y maent yn ymwneud â pharagraff 19 o'r Atodlen honno;

(b) adran 10(2);

(c) adran 42 ac Atodlen 4 (diddymiadau) i'r graddau y maent yn ymwneud â diddymu fel y'i pennir yn yr Atodlen honno ddarpariaethau yn—

(i) adrannau 59 a 105(1) o Ddeddf Plant 1989,

(ii) adran 806(5) o Ddeddf Treth Incwm (Incwm Masnachu ac Incwm Arall) 2005,

(iii) adran 18(8)(a) o Ddeddf Gofal Plant 2006.

Mae paragraff 19 o Atodlen 1 yn gwneud diwygiadau i ystyr "childcare" yn adran 18(8)(a) o Ddeddf Gofal Plant 2006.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the ninth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 ("the Act"), which brings specified provisions of the Act in force in relation to Wales.

Article 2 provides that 1 December 2017 is the appointed day for the coming into force in relation to Wales of the provisions of the Act listed below—

(a) section 8(2) and Schedule 1 in so far as they relate to paragraph 19 of that Schedule;

(b) section 10(2);

(c) section 42 and Schedule 4 (repeals) in so far as they relate to the repeal as specified in that Schedule of provisions in—

(i) sections 59 and 105(1) of the Children Act 1989,

(ii) section 806(5) of the Income Tax (Trading and Other Income) Act 2005,

(iii) section 18(8)(a) of the Childcare Act 2006.

Paragraph 19 of Schedule 1 makes amendments to the meaning of "childcare" in section 18(8)(a) of the Childcare Act 2006.

Mae adran 10(2) yn mewnosod adran 25C yn Neddf Plant 1989, sy'n cynnwys pŵer i wneud rheoliadau er mwyn i'r Arglwydd Ganghellor estyn swyddogaethau statudol Swyddogion Adolygu Annibynnol (sydd â swyddogaethau o dan Ddeddf Plant 1989 mewn perthynas â phlant sy'n derbyn gofal gan awdurdodau lleol).

Section 10(2) inserts section 25C into the Children Act 1989, which contains a regulation making power for the Lord Chancellor to extend the statutory functions of Independent Reviewing Officers (who have functions under the Children Act 1989 in relation to children who are looked after by local authorities).

NODYN AM Y GORCHMYNION CYCHWYN CYNHARACH

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

Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym o ran Cymru drwy Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Y Ddarpariaeth	*Y Dyddiad Cychwyn*	*Rhif O.S.*
Adran 8(1) (yn rhannol)	26 Ebrill 2010	2010/1319 (Cy. 112) (C. 81)
Adran 8(1) (at y dibenion sy'n weddill)	6 Ebrill 2016	2016/452 (Cy. 143) (C. 22)
Adran 8(2) (yn rhannol) a pharagraff 4 o Atodlen 1	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)
Adran 8(2) (yn rhannol) a pharagraffau 1, 2, 3(1), (2) a (3), 5, 6, 15, 16 i 18 ac 21 o Atodlen 1	6 Ebrill 2016	2016/452 (Cy. 143) (C. 22)
Adran 8(3) ac Atodlen 2	31 Mawrth 2010	2010/749 (Cy. 77) (C. 51)
Adran 10(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force in relation to Wales by Commencement Order made before the date of this Order:

Provision	*Date of commencement*	*S.I. No.*
Section 8(1) (partially)	26 April 2010	2010/1319 (W. 112) (C. 81)
Section 8(1) (for remaining purposes)	6 April 2016	2016/452 (W. 143) (C. 22)
Section 8(2) (partially) and paragraph 4 of Schedule 1	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 8(2) (partially) and paragraphs 1, 2, 3(1), (2) and (3), 5, 6, 15, 16 to 18 and 21 of Schedule 1	6 April 2016	2016/452 (W. 143) (C. 22)
Section 8(3) and Schedule 2	31 March 2010	2010/749 (W. 77) (C. 51)
Section 10(1) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)

Adran 10(1) (at y dibenion sy'n weddill), a 10(3)	6 Ebrill 2016	2016/452 (Cy. 143) (C. 22)	Section 10(1) (for remaining purposes), and 10(3)	6 April 2016	2016/452 (W. 143) (C. 22)
Adran 15 (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 15 (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 15 (at y dibenion sy'n weddill)	28 Mawrth 2011	2011/949 (Cy. 135) (C. 37)	Section 15 (for remaining purposes)	28 March 2011	2011/949 (W. 135) (C. 37)
Adran 16(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 16(1) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 16 (at y dibenion sy'n weddill)	6 Ebrill 2016	2016/452 (Cy. 143) (C. 22)	Section 16 (for remaining purposes)	6 April 2016	2016/452 (W. 143) (C. 22)
Adran 19	28 Mawrth 2011	2011/949 (Cy. 135) (C. 37)	Section 19	28 March 2011	2011/949 (W. 135) (C. 37)
Adran 20(3)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 20(3)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 20 (at y dibenion sy'n weddill)	1 Medi 2011	2011/949 (Cy. 135) (C. 37)	Section 20 (for remaining purposes)	1 September 2011	2011/949 (W. 135) (C. 37)
Adran 21(2) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 21(2) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 21 (at y dibenion sy'n weddill)	18 Mawrth 2011	2011/824 (Cy. 123) (C. 32)	Section 21 (for remaining purposes)	18 March 2011	2011/824 (W. 123) (C. 32)
Adran 22(3) a (5) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 22(3) and (5) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)

Adran 22 (at y dibenion sy'n weddill)	19 Mehefin 2012	2012/1553 (Cy. 206) (C. 58)	Section 22 (for remaining purposes)	19 June 2012	2012/1553 (W. 206) (C. 58)
Adran 23(1)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 23(1)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 23 (at y dibenion sy'n weddill)	19 Mehefin 2012	2012/1553 (Cy. 206) (C. 58)	Section 23 (for remaining purposes)	19 June 2012	2012/1553 (W. 206) (C. 58)
Adran 24	19 Mehefin 2012	2012/1553 (Cy. 206) (C. 58)	Section 24	19 June 2012	2012/1553 (W. 206) (C. 58)
Adran 25(4) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 25(4) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 25 (at y dibenion sy'n weddill)	19 Mehefin 2012	2010/1553 (Cy. 206) (C. 58)	Section 25 (for remaining purposes)	19 June 2012	2010/1553 (W. 206) (C. 58)
Adran 27	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 27	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 28	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 28	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 29 (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 29 (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 29 (at y dibenion sy'n weddill)	28 Mawrth 2011	2011/949 (Cy. 135) (C. 37)	Section 29 (for remaining purposes)	28 March 2011	2011/949 (W. 135) (C. 37)
Adran 30	6 Ebrill 2009	2009/728 (Cy. 64) (C. 47)	Section 30	6 April 2009	2009/728 (W. 64) (C. 47)

Adran 33	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 33	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 34	31 Mawrth 2010	2010/749 (Cy. 77) (C. 51)	Section 34	31 March 2010	2010/749 (W. 77) (C. 51)
Adran 35	6 Ebrill 2009	2009/728 (Cy. 64) (C. 47)	Section 35	6 April 2009	2009/728 (W. 64) (C. 47)
Adran 36	1 Medi 2009	2009/1921 (Cy. 175) (C. 91)	Section 36	1 September 2009	2009/1921 (W. 175) (C. 91)
Adran 37	1 Medi 2009	2009/1921 (Cy. 175) (C. 91)	Section 37	1 September 2009	2009/1921 (W. 175) (C. 91)
Adran 38	1 Medi 2009	2009/1921 (Cy. 175) (C. 91)	Section 38	1 September 2009	2009/1921 (W. 175) (C. 91)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu adran 45(9) o Ddeddf Plant 1989	6 Ebrill 2009	2009/728 (Cy. 64) (C. 47)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 45(9) of the Children Act 1989	6 April 2009	2009/728 (W. 64) (C. 47)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu adran 12(5) a (6) a diddymu'n rhannol adran 91(1) o Ddeddf Plant 1989	1 Medi 2009	2009/1921 (Cy. 175) (C. 91)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 12(5) and (6) and the partial repeal of section 91(1) of the Children Act 1989	1 September 2009	2009/1921 (W. 175) (C. 91)

Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu'n rhannol adran 12 o Ddeddf Mabwysiadu a Phlant 2002	31 Mawrth 2010	2010/749 (Cy. 77) (C. 51)	Section 42 and Schedule 4 in so far as they relate to the partial repeal of section 12 of the Adoption and Children Act 2002	31 March 2010	2010/749 (W. 77) (C. 51)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu'n rhannol adran 104 o Ddeddf Plant 1989 a diddymu'n rhannol adran 21 o Ddeddf Safonau Gofal 2000	28 Mawrth 2011	2011/949 (Cy. 135) (C. 37)	Section 42 and Schedule 4 in so far as they relate to the partial repeal of section 104 of the Children Act 1989 and the partial repeal of section 21 of the Care Standards Act 2000	28 March 2011	2011/949 (W. 135) (C. 37)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu'n rhannol adran 17(6), diddymu adran 23B(4) i (7) a diddymu'n rhannol baragraff 6(1) o Atodlen 2 i Ddeddf Plant 1989	19 Mehefin 2012	2012/1553 (Cy. 206) (C. 58)	Section 42 and Schedule 4 in so far as they relate to the partial repeal of section 17(6), the repeal of section 23B(4) to (7) of and the partial repeal of paragraph 6(1) of Schedule 2 to the Children Act 1989	19 June 2012	2012/1553 (W. 206) (C. 58)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu adran 26(2)(k) a (2A) i (2D) o Ddeddf Plant 1989	6 Ebrill 2016	2016/452 (Cy. 143) (C. 22)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 26(2)(k) and (2A) to (2D) of the Children Act 1989	6 April 2016	2016/452 (W. 143) (C. 22)

Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym o ran Cymru a Lloegr drwy Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Y Ddarpariaeth	*Y Dyddiad Cychwyn*	*Rhif O.S.*
Adran 17	1 Ebrill 2011	2010/2981 (C. 131)
Adran 18 (yn rhannol)	1 Ionawr 2010	2009/3354 (C. 154)
Adran 18 (at y dibenion sy'n weddill)	1 Ebrill 2011	2010/2981 (C. 131)
Adran 31	1 Ebrill 2009	2009/268 (C. 11)
Adran 32	1 Ebrill 2009	2009/268 (C. 11)

Mae amrywiol ddarpariaethau o'r Ddeddf wedi eu dwyn i rym o ran Lloegr drwy'r Gorchmynion Cychwyn a ganlyn a wnaed cyn dyddiad y Gorchymyn hwn:

- O.S. 2009/268 (C. 11)
- O.S. 2009/323 (C. 15)
- O.S. 2009/2273 (C. 99)
- O.S. 2009/3354 (C. 154)
- O.S. 2010/2714 (C. 126)
- O.S. 2010/2981 (C. 131)
- O.S. 2011/2703 (C. 95)
- O.S. 2013/2606 (C. 103)

Gweler hefyd adran 44(1) a (2) o'r Ddeddf am y darpariaethau a ddaeth i rym ar 13 Tachwedd 2008 (dyddiad y Cydsyniad Brenhinol).

The following provisions of the Act have been brought into force in relation to England and Wales by Commencement Order made before the date of this Order:

Provision	*Date of commencement*	*S.I. No.*
Section 17	1 April 2011	2010/2981 (C. 131)
Section 18 (partially)	1 January 2010	2009/3354 (C. 154)
Section 18 (for remaining purposes)	1 April 2011	2010/2981 (C. 131)
Section 31	1 April 2009	2009/268 (C. 11)
Section 32	1 April 2009	2009/268 (C. 11)

Various provisions of the Act have been brought into force in relation to England by the following Commencement Orders made before the date of this Order:

- S.I. 2009/268 (C. 11)
- S.I. 2009/323 (C. 15)
- S.I. 2009/2273 (C. 99)
- S.I. 2009/3354 (C. 154)
- S.I. 2010/2714 (C. 126)
- S.I. 2010/2981 (C. 131)
- S.I. 2011/2703 (C. 95)
- S.I. 2013/2606 (C. 103)

See also section 44(1) and (2) of the Act for the provisions that came into force on 13 November 2008 (the date of Royal Assent).

Gweler hefyd adran 44(9) o'r Ddeddf sy'n darparu y daw paragraff 4 o Atodlen 3 i'r Ddeddf i rym ar yr un diwrnod ag y daw adran 7(1) o Ddeddf Gofalwyr a Phlant Anabl 2000 (p. 16) i rym at ddibenion mewnosod adran 17B yn Neddf Plant 1989(**1**).

See also section 44(9) of the Act which provides that paragraph 4 of Schedule 3 to the Act will come into force on the same day as section 7(1) of the Carers and Disabled Children Act 2000 (c. 16) comes into force the purposes of inserting section 17B into the Children Act 1989(**1**).

(**1**) Diddymwyd Deddf Gofalwyr a Phlant Anabl 2000 (p. 16) (yn ddarostyngedig i arbedion) gan O.S. 2016/413 (Cy. 131), rheoliad 77. Cychwynnwyd adran 7(1) o'r Ddeddf honno (a fewnosododd adran 17B yn Neddf Plant 1989 ("Deddf 1989")) o ran Lloegr gan O.S. 2003/1183, erthygl 2 ac fe'i diwygiwyd yn rhagolygol gan O.S. 2015/914, Atodlen 1, paragraff 47(2) fel nad oedd yn gymwys ond o ran Cymru. Diddymwyd adran 17B o Ddeddf 1989 gan O.S. 2016/413 (Cy. 131) heb iddi fod wedi cael ei chychwyn o ran Cymru.

(**1**) The Carers and Disabled Children Act 2000 (c. 16) was repealed (subject to savings) by S.I. 2016/413 (W. 131), regulation 77. Section 7(1) of that Act (which inserted section 17B into the Children Act 1989 ("the 1989 Act")) was commenced in relation to England by S.I. 2003/1183, article 2 and was prospectively amended so that it applied only in relation to Wales by S.I. 2015/914, Schedule 1, paragraph 47(2). Section 17B of the 1989 Act was repealed by S.I. 2016/413 (W. 131) without having been commenced in relation to Wales.

2017 Rhif 948 (Cy. 236) (C. 84)

PLANT A PHOBL IFANC, CYMRU

Gorchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 9) (Cymru) 2017

Gwnaed *26 Medi 2017*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 44(3) a (5) o Ddeddf Plant a Phobl Ifanc 2008 a chyda chydsyniad yr Ysgrifennydd Gwladol(**1**), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 9) (Cymru) 2017.

(2) Yn y Gorchymyn hwn ystyr "y Ddeddf" ("*the Act*") yw Deddf Plant a Phobl Ifanc 2008.

Y diwrnod penodedig

2. 1 Rhagfyr 2017 yw'r diwrnod penodedig i'r darpariaethau a ganlyn o'r Ddeddf ddod i rym o ran Cymru—

(a) adran 8(2) ac Atodlen 1 (plant sy'n derbyn gofal gan awdurdodau lleol: darpariaethau atodol a chanlyniadol) i'r graddau y maent yn ymwneud â pharagraff 19 o'r Atodlen honno;

(b) adran 10(2) (swyddogion adolygu annibynnol);

(c) adran 42 ac Atodlen 4 (diddymiadau) i'r graddau y maent yn ymwneud â diddymu fel y'i pennir yn yr Atodlen honno ddarpariaethau yn—

(**1**) 2008 p. 23. Yn rhinwedd adran 44(6) o'r Ddeddf, mae'n ofynnol cael cydsyniad yr Ysgrifennydd Gwladol i Orchymyn sy'n dwyn adran 10(2) i rym o ran Cymru.

2017 No. 948 (W. 236) (C. 84)

CHILDREN AND YOUNG PERSONS, WALES

The Children and Young Persons Act 2008 (Commencement No. 9) (Wales) Order 2017

Made *26 September 2017*

The Welsh Ministers, in exercise of the powers conferred by section 44(3) and (5) of the Children and Young Persons Act 2008 and with the consent of the Secretary of State(**1**), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 9) (Wales) Order 2017.

(2) In this Order "the Act" ("*y Ddeddf*") means the Children and Young Persons Act 2008.

Appointed day

2. 1 December 2017 is the appointed day for the coming into force in relation to Wales of the following provisions of the Act—

(a) section 8(2) and Schedule 1 (children looked after by local authorities: supplementary and consequential provisions) in so far as they relate to paragraph 19 of that Schedule;

(b) section 10(2) (independent reviewing officers);

(c) section 42 and Schedule 4 (repeals) in so far as they relate to the repeal as specified in that Schedule of provisions in—

(**1**) 2008 c. 23. By virtue of section 44(6) of the Act an Order bringing section 10(2) into force in relation to Wales requires the consent of the Secretary of State.

(i) adran 59 o Ddeddf Plant 1989(**1**);

(ii) adran 105(1) o Ddeddf Plant 1989;

(iii) adran 806(5) o Ddeddf Treth Incwm (Incwm Masnachu ac Incwm Arall) 2005(**2**);

(iv) adran 18(8)(a) o Ddeddf Gofal Plant 2006(**3**)(**4**).

(i) section 59 of the Children Act 1989(**1**);

(ii) section 105(1) of the Children Act 1989;

(iii) section 806(5) of the Income Tax (Trading and Other Income) Act 2005(**2**);

(iv) section 18(8)(a) of the Childcare Act 2006(**3**)(**4**).

Rebecca Evans

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion Cymru

Minister for Social Services and Public Health under authority of the Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers

26 Medi 2017

26 September 2017

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(**1**) 1989 p. 41.
(**2**) 2005 p. 5.
(**3**) 2006 p. 21.
(**4**) Mae'r diddymiadau yn y darpariaethau a restrir yn erthygl 2(c)(i) i (iv) fel y'i pennir yn Atodlen 4 i'r Ddeddf eisoes wedi eu cychwyn o ran Lloegr gan O.S. 2010/2981.

(**1**) 1989 c. 41.
(**2**) 2005 c. 5.
(**3**) 2006 c. 21.
(**4**) The repeals in the provisions listed in article 2(c)(i) to (iv) as specified in Schedule 4 to the Act have already been commenced in relation to England by S.I. 2010/2981.

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Gorchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 9) (Cymru) 2017

2017 No. 948 (W. 236) (C. 84)

CHILDREN AND YOUNG PERSONS, WALES

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