OFFERYNNAU STATUDOL CYMRU

2008 Rhif 2691 (Cy.239)

GOFAL CYMDEITHASOL, CYMRU

PLANT A PHOBL IFANC, CYMRU

Rheoliadau Datgymhwysiad rhag Gofalu am Blant (Cymru) (Diwygio) 2008

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004 ("Rheoliadau 2004").

Mae Rheoliadau 2004 yn gwneud darpariaeth ar gyfer yr amgylchiadau pan fo person wedi'i ddatghymwyso rhag maethu plentyn yn breifat ac yn gosod categorïau o bersonau sydd wedi'u datghymwyso rhag cofrestru yng Nghymru fel gwarchodwyr plant neu ddarparwyr gofal dydd. Mae'r categorïau o bersonau sydd wedi'u datghymwyso fel hyn o dan Reoliadau 2004 yn cynnwys person a ddyfarnwyd yn euog o dramgwyddau a bennir yn yr Atodlen i Reoliadau 2004 ac eithrio pan fo'r person hwnnw wedi apelio yn erbyn ei orchymyn datgymhwyso a bod y corff yr apelir iddo wedi penderfynu nad yw'r person hwnnw i fod yn ddarostyngedig mwyach i'r gorchymyn datgymhwyso. O dan Reoliadau 2004 gwnaed apelau yn erbyn gorchmynion datgymhwyso i'r Tribiwnlys a sefydlwyd gan adran 9 o Ddeddf Amddiffyn Plant 1999 ("y Tribiwnlys").

Yn unol â Deddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007 trosglwyddwyd swyddogaethau presennol y Tribiwnlys i'r Tribiwnlys Haen Gyntaf ac mae'r Rheoliadau hyn yn diwygio Rheoliadau 2004 yn unol â hynny. Maent yn darparu y bydd unrhyw gyfeiriad at "y Tribiwnlys" yn Rheoliadau 2004 yn cael ei ddisodli gan gyfeiriad at y Tribiwnlys Haen Gyntaf ac mae'n mewnosod diffiniad o'r Tribiwnlys Haen Gyntaf yn erthygl 3 o Reoliadau 2004.

WELSH STATUTORY INSTRUMENTS

2008 No. 2691 (W.239)

SOCIAL CARE, WALES

CHILDREN AND YOUNG PERSONS, WALES

The Disqualification from Caring for Children (Wales) (Amendment) Regulations 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disqualification from Caring for Children (Wales) Regulations 2004 ("the 2004 Regulations").

The 2004 Regulations make provision for the circumstances in which a person is disqualified from fostering a child privately and set out the categories of persons who are disqualified from registering in Wales as child minders or providers of day care. The categories of persons so disqualified under the 2004 Regulations include a person convicted of offences specified in the Schedule to the 2004 Regulations except where that person has appealed against their disqualification order and the appeal body has determined that the person is no longer to be subject to the disqualification order. Under the 2004 Regulations appeals against disqualification orders were made to the Tribunal established by section 9 of the Protection of Children Act 1999 ("the Tribunal").

Pursuant to the Tribunals, Courts and Enforcement Act 2007 the existing functions of the Tribunal have been transferred to the First-tier Tribunal and these Regulations amend the 2004 Regulations accordingly. They provide that any reference to the Tribunal in the 2004 Regulations shall be replaced by a reference to the First-tier Tribunal and insert into regulation 3 of the 2004 Regulations a definition of the First-tier Tribunal.

OFFERYNNAU STATUDOL CYMRU

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GOFAL CYMDEITHASOL, CYMRU

PLANT A PHOBL IFANC, CYMRU

Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) (Diwygio) 2008

Gwnaed	*8 Hydref 2008*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*10 Hydref 2008*
Yn dod i rym	*3 Tachwedd 2008*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 68(1) a (2), 79C (2) a (3), 79M (1)(c) a 104(4) o Ddeddf Plant 1989 a pharagraff 4 o Atodlen 9A iddi(**1**).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) (Diwygio) 2008 a deuant i rym ar 3 Tachwedd 2008.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(**1**) 1989 p.14. Cafodd swyddogaethau o dan adrannau 68(1) a (2), i'r graddau y maent yn arferadwy o ran Cymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) a'u trosglwyddo wedi i Weinidogion Cymru drwy weithrediad paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 79C(2) a (3), 79M(1)(c) a 104(4) a pharagraff 4 o Atodlen 9A i Weinidogion Cymru drwy weithrediad paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

WELSH STATUTORY INSTRUMENTS

2008 No. 2691 (W.239)

SOCIAL CARE, WALES

CHILDREN AND YOUNG PERONS, WALES

The Disqualification from Caring for Children (Wales) (Amendment) Regulations 2008

Made	*8 October 2008*
Laid before the National Assembly for Wales	*10 October 2008*
Coming into force	*3 November 2008*

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 68(1) and (2), 79C (2) and (3), 79M (1)(c) and 104(4) of and paragraph 4 of Schedule 9A to the Children Act 1989(**1**).

Title and commencement

1.—(1) The title of these Regulations is the Disqualification from Caring for Children (Wales) (Amendment) Regulations 2008 and they come into force on 3 November 2008.

(2) These Regulations apply in relation to Wales.

(**1**) 1989 c.14. Functions under sections 68(1) and (2), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and thereafter were transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. Functions of the National Assembly for Wales under sections 79C(2) and (3), 79M(1)(c) and 104(4) and paragraph 4 of Schedule 9A were transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Diwygio Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004

2.—(1) Diwygir Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004(**1**) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 3 (dehongli)—

(a) hepgorer y diffiniad o "Tribiwnlys"

(b) mewnosoder y diffiniad a ganlyn yn y man priodol yn nhrefn yr wyddor —

""y mae i'r ymadrodd "Tribiwnlys Haen Gyntaf" yr un ystyr ag sydd i'r ymadrodd "*First-tier Tribunal*" yn Neddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007"(**2**)

(3) Yn Atodlen 1, Rhan 1, paragraffau 1 a 2 yn lle "Tribiwnlys", ym mhob man, rhodder "Tribiwnlys Haen Gyntaf".

Amendment of the Disqualification from Caring for Children (Wales) Regulations 2004

2.—(1) The Disqualification from Caring for Children (Wales) Regulations 2004(**1**) are amended in accordance with the following provisions of this regulation.

(2) In regulation 3 (interpretation)—

(a) omit the definition of "Tribunal";

(b) insert the following definition in the appropriate place in alphabetical order —

""First-tier Tribunal" ("*Tribiwnlys Haen Gyntaf*") has the same meaning as in the Tribunals, Courts and Enforcement Act 2007(**2**);".

(3) In Schedule 1, Part 1, paragraphs 1 and 2 for "Tribunal", in each place, substitute "First-tier Tribunal".

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

8 Hydref 2008

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

8 October 2008

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(**1**) O.S. 2004/2695 (Cy.235).

(**2**) 2007 p.15.

(**1**) S.I. 2004/2695 (W.235).

(**2**) 2007 c.15.

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