OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2016 Rhif 467 (Cy. 149) (C. 28)

GOFAL CYMDEITHASOL, CYMRU

Gorchymyn Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Cychwyn Rhif 1) 2016

2016 No. 467 (W. 149) (C. 28)

SOCIAL CARE, WALES

The Regulation and Inspection of Social Care (Wales) Act 2016 (Commencement No. 1) Order 2016

NODYN ESBONIADOL

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

Hwn yw'r Gorchymyn Cychwyn cyntaf a wneir gan Weinidogion Cymru o dan Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf").

Mae erthygl 2 o'r Gorchymyn hwn yn dwyn i rym baragraff 59 o Atodlen 3 i'r Ddeddf ar 6 Ebrill 2016.

Mae paragraff 59 yn diwygio adran 33 o Ran 2 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 ("Deddf 2005").

Mae Rhan 2 o Ddeddf 2005 yn darparu pwerau i Ombwdsmon Gwasanaethau Cyhoeddus Cymru i ymchwilio i gwynion sy'n ymwneud ag awdurdodau rhestredig (o fewn ystyr adran 28 o Ddeddf 2005). Mae Rhan 2 hefyd yn ei gwneud yn ofynnol i awdurdodau rhestredig roi cyhoeddusrwydd i weithdrefnau cwynion (adran 33).

Mewnosododd adran 179 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 Ran newydd 2A yn Neddf 2005. Mae Rhan 2A yn darparu pwerau newydd i Ombwdsmon Gwasanaethau Cyhoeddus Cymru i ymchwilio i gwynion sy'n ymwneud â chyrff newydd: darparwyr cartrefi gofal, darparwyr gofal cartref a darparwyr gofal lliniarol annibynnol.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first Commencement Order made by the Welsh Ministers under the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act").

Article 2 of this Order brings paragraph 59 of Schedule 3 to the Act into force on 6 April 2016.

Paragraph 59 amends section 33 of Part 2 of the Public Services Ombudsman (Wales) Act 2005 ("the 2005 Act").

Part 2 of the 2005 Act provides powers for the Public Services Ombudsman for Wales ("PSOW") to investigate complaints relating to listed authorities (within the meaning of section 28 of the 2005 Act). Part 2 also requires listed authorities to give publicity for complaints procedures (section 33).

Section 179 of the Social Services and Well-being (Wales) Act 2014 inserted a new Part 2A into the 2005 Act. Part 2A provides new powers for the PSOW to investigate complaints relating to new bodies: care home providers, domiciliary care providers and independent palliative care providers.

Mae adran 33 o Ddeddf 2005 yn nodi'r gofynion i awdurdodau rhestredig i roi cyhoeddusrwydd i argaeledd a gweithrediad gweithdrefnau cwynion. Mae paragraff 59 o Atodlen 3 i'r Ddeddf yn mewnosod is-adrannau (8) a (9) yn adran 33, sy'n estyn cymhwysiad darpariaethau'r adran honno i'r cyrff newydd sydd wedi eu gwneud yn ddarostyngedig i awdurdodaeth yr Ombwdsmon.

Section 33 of the 2005 Act sets out the requirements for listed authorities to give publicity to the availability and operation of complaints procedures. Paragraph 59 of Schedule 3 to the Act inserts subsections (8) and (9) into section 33, which extend the application of the provisions of that section to the new bodies that have been made subject to the Ombudsman's jurisdiction.

Mae erthygl 3 o'r Gorchymyn hwn yn dwyn i rym baragraffau 60 i 65 o Atodlen 3 i'r Ddeddf ar 6 Ebrill 2016.

Article 3 of this Order brings paragraphs 60 to 65 of Schedule 3 to the Act into force on 6 April 2016.

Mae paragraffau 60 i 65 yn gwneud diwygiadau amrywiol i ddarpariaethau Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 sydd hefyd yn cael eu dwyn i rym ar 6 Ebrill 2016.

Paragraphs 60 to 65 make miscellaneous amendments to provisions of the Social Services and Well-being (Wales) Act 2014 which are also being brought into force on 6 April 2016.

Mae'r diwygiadau yn cynnwys diwygiadau i destun Cymraeg darpariaethau penodol, diwygiadau i groesgyfeiriadau penodol yn adran 42 (dyletswydd i ddiwallu anghenion gofalwr sy'n blentyn am gymorth) a diwygiad i'r diffiniad o "sefydliad gwirfoddol" yn adran 197(1) (dehongli cyffredinol).

The amendments include amendments to the Welsh text only of certain provisions, amendments to certain cross references in section 42 (duty to meet support needs of a child carer) and an amendment to the definition of "voluntary organisation" in section 197(1) (general interpretation).

2016 Rhif 467 (Cy. 149) (C. 28)

GOFAL CYMDEITHASOL, CYMRU

Gorchymyn Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Cychwyn Rhif 1) 2016

Gwnaed *26 Mawrth 2016*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 188(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(**1**), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Cychwyn Rhif 1) 2016.

(2) Yn y Gorchymyn hwn, ystyr "y Ddeddf" ("*the Act*") yw Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016.

Cychwyn paragraff 59 o Atodlen 3

2. Y diwrnod penodedig i adran 185 o'r Ddeddf, i'r graddau y mae'n ymwneud â pharagraff 59 o Atodlen 3 i'r Ddeddf, ddod i rym yw 6 Ebrill 2016.

Cychwyn paragraffau 60 i 65 o Atodlen 3

3. Y diwrnod penodedig i adran 185 o'r Ddeddf, i'r graddau y mae'n ymwneud â pharagraffau 60 i 65 o Atodlen 3 i'r Ddeddf, ddod i rym yw 6 Ebrill 2016.

(**1**) 2016 dccc 2.

2016 No. 467 (W. 149) (C. 28)

SOCIAL CARE, WALES

The Regulation and Inspection of Social Care (Wales) Act 2016 (Commencement No. 1) Order 2016

Made *26 March 2016*

The Welsh Ministers, in exercise of powers conferred by section 188(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(**1**), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Regulation and Inspection of Social Care (Wales) Act 2016 (Commencement No. 1) Order 2016.

(2) In this Order, "the Act" ("*y Ddeddf*") means the Regulation and Inspection of Social Care (Wales) Act 2016.

Commencement of paragraph 59 of Schedule 3

2. The appointed day for the coming into force of section 185 of the Act, insofar as it relates to paragraph 59 of Schedule 3 to the Act, is 6 April 2016.

Commencement of paragraphs 60 to 65 of Schedule 3

3. The appointed day for the coming into force of section 185 of the Act, insofar as it relates to paragraphs 60 to 65 of Schedule 3 to the Act, is 6 April 2016.

(**1**) 2016 anaw 2.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

26 Mawrth 2016

Minister for Health and Social Services, one of the Welsh Ministers

26 March 2016

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