



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 23 Hydref 2013
Tabled on 23 October 2013

Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) Social Services and Well-being (Wales) Bill

- Gwenda Thomas** 186
Section 1, page 4, line 12, leave out ‘supplementary’ and insert ‘miscellaneous’.
Adran 1, tudalen 4, llinell 12, hepgorer ‘atodol’ a mewnosoder ‘amrywiol’.
- Gwenda Thomas** 187
Section 1, page 4, after line 12, insert –
‘() empowers the Welsh Ministers, local authorities and Local Health Boards to conduct research, and empowers the Welsh Ministers to require information, about matters connected with functions under the Act and other related matters (section (*section to be inserted by amendment 215*));’.
Adran 1, tudalen 4, ar ôl llinell 12, mewnosoder –
‘() yn grymuso Gweinidogion Cymru, awdurdodau lleol a Byrddau Iechyd Lleol i wneud ymchwil, ac yn grymuso Gweinidogion Cymru i’w gwneud yn ofynnol i wybodaeth gael ei rhoi, ynghylch materion sy’n gysylltiedig â swyddogaethau o dan y Ddeddf a materion cysylltiedig eraill (adran (*yr adran sy’n cael ei fewnosod gan welliant 215*));’.

Gwenda Thomas

188

Section 61, page 45, after line 31, insert—

- ‘() the child is not being provided with accommodation—
- (i) by a local authority, or
 - (ii) in a hospital vested in the Welsh Ministers, an NHS Trust or the Secretary of State, or otherwise made available pursuant to arrangements made by a Local Health Board, an NHS Trust, the Welsh Ministers, the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group.’.

Adran 61, tudalen 45, ar ôl llinell 35, mewnosoder—

- ‘() pan nad yw’r plentyn yn cael llety a ddarperir—
- (i) gan awdurdod lleol, neu
 - (ii) mewn ysbyty a freiniwyd yng Ngweinidogion Cymru, Ymddiriedolaeth GIG neu’r Ysgrifennydd Gwladol, neu sydd fel arall wedi ei roi ar gael yn unol â threfniadau a wnaed gan Fwrdd Iechyd Lleol, Ymddiriedolaeth GIG, Gweinidogion Cymru, yr Ysgrifennydd Gwladol, Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol neu grŵp comisiynu clinigol.’.

Gwenda Thomas

189

Section 61, page 45, leave out lines 32 to 34.

Adran 61, tudalen 45, hepgorer llinellau 36 hyd at 39.

Gwenda Thomas

190

Section 65, page 48, line 12, leave out ‘the local authority’.

Adran 65, tudalen 48, llinell 12, hepgorer ‘fo’r awdurdod lleol’.

Gwenda Thomas

191

Section 65, page 48, leave out line 13 and insert—

- ‘() the local authority is satisfied that C ought to be placed for adoption and proposes to place C for adoption with a particular prospective adopter (“A”),’.

Adran 65, tudalen 48, hepgorer llinell 13 a mewnosoder—

- ‘() fo’r awdurdod lleol wedi ei fodloni y dylai C gael ei leoli ar gyfer ei fabwysiadu ac yn bwriadu lleoli C i’w fabwysiadu gyda darpar fabwysiadydd penodol (“A”),’.

Gwenda Thomas 192

Section 65, page 48, line 14, leave out 'has decided that C ought to be placed for adoption with a person who is a local authority foster parent and has been approved as a prospective adopter' and insert 'an adoption agency has determined that A is suitable to adopt a child'.

Adran 65, tudalen 48, llinell 14, hepgorer 'wedi penderfynu y dylai C gael ei leoli ar gyfer ei fabwysiadu gan berson sy'n rhiant maeth awdurdod lleol ac sydd wedi ei gymeradwyo fel darpar fabwysiadydd' a mewnosoder 'fo asiantaeth fabwysiadu wedi dyfarnu bod A yn addas i fabwysiadu plentyn'.

Gwenda Thomas 193

Section 65, page 48, at the beginning of line 16, insert 'the local authority'.

Adran 65, tudalen 48, llinell 17, hepgorer 'heb awdurdod' a mewnosoder 'na fo'r awdurdod lleol wedi ei awdurdodi'.

Gwenda Thomas 194

Section 65, page 48, line 17, leave out 'the local authority foster parent mentioned in subsection (10)(b)' and insert 'A'.

Adran 65, tudalen 48, llinell 18, hepgorer 'gyda rhiant maeth yr awdurdod lleol a grybwyllwyd yn is-adran (10)(b)' a mewnosoder 'gydag A'.

Gwenda Thomas 195

Section 65, page 48, line 21, after '(10)', insert "'adoption agency" has the meaning given by section 2 of the Adoption and Children Act 2002;'.

Adran 65, tudalen 48, llinell 23, ar ôl '(10)', mewnosoder 'mae i "asiantaeth fabwysiadu" yr ystyr a roddir i "adoption agency" gan adran 2 o Ddeddf Mabwysiadu a Phlant 2002;'.

Gwenda Thomas 196

Section 65, page 48, line 23, leave out 'the Adoption and Children Act 2002' and insert 'that Act'.

Adran 65, tudalen 48, llinell 25, hepgorer 'o Ddeddf Mabwysiadu a Phlant 2002' a mewnosoder 'o'r Ddeddf honno'.

Gwenda Thomas 197

Section 65, page 48, line 25, leave out 'under' at the first place where it appears.

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

Gwenda Thomas 198

Section 65, page 48, line 27, leave out 'or (11)'.

Adran 65, tudalen 48, llinell 29, hepgorer 'neu (11)'.

Gwenda Thomas **199**

Section 65, page 48, line 29, after 'parent', insert 'under subsection (5) or with a prospective adopter under subsection (11)'.

Adran 65, tudalen 48, llinell 31, ar ôl 'lleol', mewnosoder 'o dan is-adran (5) neu gyda darpar fabwysiadwydd o dan is-adran (11)'.

Gwenda Thomas **200**

Section 65, page 48, line 32, leave out subsection (14).

Adran 65, tudalen 48, llinell 34, hepgorer is-adran (14).

Gwenda Thomas **201**

Section 67, page 49, after line 32, insert—

'(7) Any part of a plan maintained under this section which meets the requirements imposed by or under section 31A of the Children Act 1989 may be treated for the purposes of that Act as a plan prepared under section 31A of that Act.'

Adran 67, tudalen 49, ar ôl llinell 32, mewnosoder—

'(7) Caniateir i unrhyw ran o gynllun a gynhelir o dan yr adran hon sy'n bodloni'r gofynion a osodir gan neu o dan adran 31A o Ddeddf Plant 1989 gael ei thrin at ddibenion y Ddeddf honno fel cynllun a lunnir o dan adran 31A o'r Ddeddf honno.'

Gwenda Thomas **202**

Section 76, page 51, line 24, after 'parents', insert 'or prospective adopters'.

Adran 76, tudalen 51, llinell 24, ar ôl 'lleol', mewnosoder 'neu ddarpar fabwysiadwyr'.

Gwenda Thomas **203**

Section 76, page 51, line 28, after 'parent', insert 'or prospective adopter'.

Adran 76, tudalen 51, llinell 28, ar ôl 'lleol', mewnosoder 'neu'r darpar fabwysiadwydd'.

Gwenda Thomas **204**

Section 76, page 51, line 33, after 'parents', insert 'or prospective adopters'.

Adran 76, tudalen 51, llinell 33, ar ôl 'lleol', mewnosoder 'neu ddarpar fabwysiadwyr'.

Gwenda Thomas **205**

Section 76, page 51, after line 36, insert—

'In this section "prospective adopter" means a person with whom a child is placed under section 65(11).'

Adran 76, tudalen 51, ar ôl llinell 36, mewnosoder –

‘Yn yr adran hon ystyr “darpar fabwysiadydd” yw person y lleolir y plentyn gydag ef o dan adran 65(11).’.

Gwenda Thomas 206

Section 79, page 53, line 32, leave out ‘59’ and insert ‘60’.

Adran 79, tudalen 53, llinell 32, hepgorer ‘59’ a mewnosoder ‘60’.

Gwenda Thomas 207

Section 81, page 55, after line 2, insert –

‘(c) a child who falls within a category specified in regulations.’.

Adran 81, tudalen 55, ar ôl llinell 2, mewnosoder –

‘(c) plentyn sy’n dod o fewn categori a bennir mewn rheoliadau.’.

Gwenda Thomas 208

Section 86, page 58, line 9, after ‘by’, insert ‘or on behalf of’.

Adran 86, tudalen 58, llinell 9, ar ôl ‘gan’, mewnosoder ‘neu ar ran’.

Gwenda Thomas 209

Section 88, page 60, line 13, after ‘fostered’, insert ‘(within the meaning of section 66 of the Children Act 1989)’.

Adran 88, tudalen 60, llinell 15, ar ôl ‘breifat’, mewnosoder ‘(o fewn ystyr adran 66 o Ddeddf Plant 1989)’.

Gwenda Thomas 210

Section 95, page 65, line 13, after ‘provision’, insert ‘made in or’.

Adran 95, tudalen 65, llinell 14, ar ôl ‘ddarpariaeth’, mewnosoder ‘a wneir yn neu’.

Gwenda Thomas 211

Section 98, page 68, line 5, leave out ‘authority’s duty to assess the child under section 12 applies’ and insert –

‘authority must –

- (a) assess the child under section 12, and
- (b) consider the extent to which (if at all) it should exercise any of its other functions under this Act, or any of its functions under the Children Act 1989, with respect to the child’.

Adran 98, tudalen 68, llinell 6, hepgorer 'ystyrir bod dyletswydd yr awdurdod i asesu'r plentyn o dan adran 12 yn gymwys' a mewnosoder –

'rhaid i'r awdurdod –

- (a) asesu'r plentyn o dan adran 12, a
- (b) ystyried i ba raddau (os o gwbl) y dylai arfer unrhyw un neu rai o'i swyddogaethau eraill o dan y Ddeddf hon, neu unrhyw un neu rai o'i swyddogaethau o dan Ddeddf Plant 1989, mewn cysylltiad â'r plentyn'.

Gwenda Thomas

212

Section 99, page 68, line 17, leave out 'authority's duty to assess the child under section 12 applies' and insert –

'authority must –

- (a) assess the child under section 12, and
- (b) consider the extent to which (if at all) it should exercise any of its other functions under this Act, or any of its functions under the Children Act 1989, with respect to the child'.

Adran 99, tudalen 68, llinell 18, hepgorer 'mae dyletswydd yr awdurdod i asesu'r plentyn o dan adran 12 yn gymwys' a mewnosoder –

'rhaid i'r awdurdod –

- (a) asesu'r plentyn o dan adran 12, a
- (b) ystyried i ba raddau (os o gwbl) y dylai arfer unrhyw un neu rai o'i swyddogaethau eraill o dan y Ddeddf hon, neu unrhyw un neu rai o'i swyddogaethau o dan Ddeddf Plant 1989, mewn cysylltiad â'r plentyn'.

Gwenda Thomas

213

Section 155, page 99, line 17, after 'parent', insert 'with whom the child is placed under section 65(5)'.

Adran 155, tudalen 99, llinell 17, ar ôl 'lleol', mewnosoder 'y lleolir y plentyn gydag ef o dan adran 65(5)'.

Gwenda Thomas

214

Section 155, page 99, after line 17, insert –

'() a prospective adopter with whom the child is placed under section 65(11);'

Adran 155, tudalen 99, ar ôl llinell 17, mewnosoder –

'() darpar fabwysiad y lleolir y plentyn gydag ef o dan adran 65(11);'

Gwenda Thomas

215

To insert a new section –

‘Miscellaneous

() Research and provision of information

- (1) The Welsh Ministers may conduct, commission, or assist in the conduct of, research into any matter connected with –
 - (a) their functions under this Act,
 - (b) the functions mentioned in subsection (12),
 - (c) the functions of Local Health Boards under this Act, or
 - (d) the functions of Safeguarding Boards.
- (2) A local authority may conduct, commission, or assist in the conduct of, research into any matter connected with –
 - (a) any of its functions that are mentioned in subsection (12), or
 - (b) the functions of Safeguarding Boards.
- (3) A Local Health Board may conduct, commission, or assist in the conduct of, research into any matter connected with its functions under this Act.
- (4) The Welsh Ministers may require a local authority to provide them with information in connection with –
 - (a) the performance by the authority of any of its functions that are mentioned in subsection (12), and
 - (b) the persons in relation to whom the authority has exercised those functions.
- (5) The Welsh Ministers may require a Local Health Board to provide them with information in connection with –
 - (a) the performance of its functions under this Act, and
 - (b) the persons in relation to whom it has exercised those functions.
- (6) The Welsh Ministers may require the lead partner of a Safeguarding Board to provide them with information in connection with the performance by that Board of its functions.
- (7) The Welsh Ministers may require a voluntary organisation to provide them with information in connection with adults accommodated by the organisation or on its behalf.
- (8) A requirement under subsection (4), (5), (6) or (7) must be complied with by providing the information in such form and at such time as the Welsh Ministers may require.
- (9) Information required to be provided under subsection (4) may include information relating to and identifying individual children.
- (10) The Welsh Ministers must in each year lay before the National Assembly for Wales a summary of the information provided to them under subsections (4), (5), (6) and (7).
- (11) In this section –

“the lead partner of a Safeguarding Board” (“partner arweiniol Bwrdd Diogelu”) is the Safeguarding Board partner specified as the lead partner in regulations under

section 111, and

“Safeguarding Board” (“*Bwrdd Diogelu*”) means a Safeguarding Children Board or a Safeguarding Adults Board established under section 111.

- (12) The functions referred to in subsections (1), (2) and (4) are –
- (a) any function of a local authority under this Act;
 - (b) any function of a local authority as a local mental health partner under the Mental Health (Wales) Measure 2010.’.

I fewnosod adran newydd –

‘Amrywiol

(i) Ymchwil a darparu gwybodaeth

- (1) Caiff Gweinidogion Cymru wneud, comisiynu, neu gynorthwyo i wneud, ymchwil i unrhyw fater sy’n gysylltiedig –
 - (a) â’u swyddogaethau o dan y Ddeddf hon,
 - (b) â’r swyddogaethau a grybwyllir yn is-adran (12),
 - (c) â swyddogaethau’r Byrddau Iechyd Lleol o dan y Ddeddf hon, neu
 - (d) â swyddogaethau’r Byrddau Diogelu.
- (2) Caiff awdurdod lleol wneud, comisiynu, neu gynorthwyo i wneud, ymchwil i unrhyw fater sy’n gysylltiedig –
 - (a) ag unrhyw un neu rai o’i swyddogaethau a grybwyllir yn is-adran (12), neu
 - (b) â swyddogaethau’r Byrddau Diogelu.
- (3) Caiff Bwrdd Iechyd Lleol wneud, comisiynu, neu gynorthwyo i wneud, ymchwil i unrhyw fater sy’n gysylltiedig â’i swyddogaethau o dan y Ddeddf hon.
- (4) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i awdurdod lleol ddarparu gwybodaeth iddynt mewn cysylltiad –
 - (a) â’r modd y mae’r awdurdod yn cyflawni unrhyw un neu rai o’i swyddogaethau a grybwyllir yn is-adran (12), a
 - (b) â’r personau y mae’r awdurdod wedi arfer y swyddogaethau hynny mewn perthynas â hwy.
- (5) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i Fwrdd Iechyd Lleol ddarparu gwybodaeth iddynt mewn cysylltiad –
 - (a) â’r modd y mae’n cyflawni ei swyddogaethau o dan y Ddeddf hon, a
 - (b) â’r personau y mae wedi arfer y swyddogaethau hynny mewn perthynas â hwy.
- (6) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i bartner arweiniol Bwrdd Diogelu ddarparu gwybodaeth iddynt mewn cysylltiad â’r modd y mae’r Bwrdd hwnnw yn cyflawni ei swyddogaethau.
- (7) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i sefydliad gwirfoddol ddarparu gwybodaeth iddynt mewn cysylltiad ag oedolion sydd wedi eu lletya gan y sefydliad neu ar ei ran.

- (8) Rhaid cydymffurfio â gofyniad o dan is-adran (4), (5), (6) neu (7) drwy ddarparu'r wybodaeth ar unrhyw ffurf ac ar unrhyw adeg sy'n ofynnol gan Weinidogion Cymru.
- (9) Caiff yr wybodaeth y mae'n ofynnol ei darparu o dan is-adran (4) gynnwys gwybodaeth sy'n ymwneud â phlant unigol ac sy'n golygu bod modd adnabod plant unigol.
- (10) Rhaid i Weinidogion Cymru ym mhob blwyddyn osod gerbron Cynulliad Cenedlaethol Cymru grynodedb o'r wybodaeth a ddarperir iddynt o dan is-adrannau (4), (5), (6) a (7).
- (11) Yn yr adran hon –
- ystyr “Bwrdd Diogelu” (“*Safeguarding Board*”) yw Bwrdd Diogelu Plant neu Fwrdd Diogelu Oedolion a sefydlir o dan adran 111, ac
- ystyr “partner arweiniol Bwrdd Diogelu” (“*the lead partner of a Safeguarding Board*”) yw'r partner Bwrdd Diogelu a bennir fel y partner arweiniol mewn rheoliadau o dan adran 111.
- (12) Y swyddogaethau y cyfeirir atynt yn is-adrannau (1), (2) a (4) yw –
- (a) unrhyw swyddogaeth awdurdod lleol o dan y Ddeddf hon;
- (b) unrhyw swyddogaeth awdurdod lleol fel partner iechyd meddwl lleol o dan Fesur Iechyd Meddwl (Cymru) 2010.’.

Gwenda Thomas

216

Section 162, page 104, line 14, leave out ‘59(3)’ and insert ‘60(1)’.

Adran 162, tudalen 104, llinell 14, hepgorer ‘59(3)’ a mewnosoder ‘60(1)’.

Gwenda Thomas

217

Section 162, page 104, line 23, after ‘Ministers,’ insert ‘an NHS Trust or the Secretary of State,’.

Adran 162, tudalen 104, llinell 23, ar ôl ‘Cymru,’ mewnosoder ‘Ymddiriedolaeth GIG neu’r Ysgrifennydd Gwladol,’.

Gwenda Thomas

218

Section 162, page 104, line 24, after ‘Board’, insert ‘, an NHS Trust, the Welsh Ministers, the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group’.

Adran 162, tudalen 104, llinell 24, ar ôl ‘Lleol’, mewnosoder ‘, Ymddiriedolaeth GIG, Gweinidogion Cymru, yr Ysgrifennydd Gwladol, Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol neu grŵp comisiynu clinigol’.

Gwenda Thomas

219

Section 166, page 107, after line 19, insert –

“clinical commissioning group” (“*grŵp comisiynu clinigol*”) means a body established under section 14D of the National Health Service Act 2006;’.

Adran 166, tudalen 108, ar ôl llinell 12, mewnosoder –

‘ystyr “grŵp comisiynu clinigol” (“*clinical commissioning group*”) yw corff a sefydlir o dan adran 14D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006;’.

Gwenda Thomas

220

Section 166, page 107, after line 19, insert –

“community home” (“*cartref cymunedol*”) and “controlled community home” (“*cartref cymunedol a reolir*”) have the meaning given by section 53 of the Children Act 1989;’.

Adran 166, tudalen 107, ar ôl llinell 32, mewnosoder –

‘mae i “cartref cymunedol” (“*community home*”) a “cartref cymunedol a reolir” (“*controlled community home*”) yr ystyr a roddir i “*community home*” a “*controlled community home*” gan adran 53 o Ddeddf Plant 1989;’.

Gwenda Thomas

221

Section 166, page 107, after line 20, insert –

“education functions” (“*swyddogaethau addysg*”) has the meaning given by section 579(1) of the Education Act 1996;’.

Adran 166, tudalen 109, ar ôl llinell 6, mewnosoder –

‘mae i “swyddogaethau addysg” (“*education functions*”) yr ystyr a roddir i “*education functions*” gan adran 579(1) o Ddeddf Addysg 1996;’.

Gwenda Thomas

222

Section 166, page 108, after line 6, insert –

“hospital” (“*ysbyty*”) has the meaning given by section 206 of the National Health Service (Wales) Act 2006;’.

Adran 166, tudalen 109, ar ôl llinell 13, mewnosoder –

‘mae i “ysbyty” (“*hospital*”) yr ystyr a roddir i “*hospital*” gan adran 206 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;’.

Gwenda Thomas

223

Section 166, page 108, line 7, leave out ‘has the meaning given by section 2 of the Care Standards Act 2000’ and insert –

‘ –

- (a) in relation to Wales, has the meaning given by section 2 of the Care Standards Act 2000, and
- (b) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section’.

Adran 166, tudalen 109, llinell 14, hepgorer ‘yr ystyr a roddir i “independent hospital” gan adran 2 o Ddeddf Safonau Gofal 2000’ a mewnosoder –

‘ –

- (a) o ran Cymru, yr ystyr a roddir i “independent hospital” gan adran 2 o Ddeddf Safonau Gofal 2000, a
- (b) o ran Lloegr, yr ystyr a roddir i “hospital” fel y’i diffinnir gan adran 275 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 nad yw’n ysbyty gwasanaeth iechyd fel y diffinnir “health service hospital” gan yr adran honno’.

Gwenda Thomas

224

Section 166, page 108, line 14, leave out ‘has the meaning given by section 65(14)’ and insert ‘means a person who is approved as a local authority foster parent in accordance with regulations made by virtue of section 77’.

Adran 166, tudalen 108, hepgorer llinellau 38 hyd at 39 a mewnosoder –

‘ystyr “rhiant maeth awdurdod lleol” (“local authority foster parent”) yw person sydd wedi ei gymeradwyo fel rhiant maeth awdurdod lleol yn unol â rheoliadau a wneir yn rhinwedd adran 77;’.

Gwenda Thomas

225

Section 166, page 108, after line 21, insert –

“National Health Service Commissioning Board” (“Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”) means the body established under section 1H of the National Health Service Act 2006;’.

Adran 166, tudalen 107, ar ôl llinell 20, mewnosoder –

‘ystyr “Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol” (“National Health Service Commissioning Board”) yw’r corff a sefydlwyd o dan adran 1H o Ddeddf y Gwasanaeth Iechyd Gwladol 2006;’.

Gwenda Thomas

226

Section 166, page 108, after line 26, insert –

“private children’s home” (“cartref plant preifat”) means a children’s home which is not –

- (a) a community home, or
- (b) a voluntary home (within the meaning given by section 60 of the Children Act 1989);’.

Adran 166, tudalen 107, ar ôl llinell 37, mewnosoder –

‘ystyr “cartref plant preifat” (“private children’s home”) yw cartref plant nad yw’n –

- (a) cartref cymunedol, na
- (b) cartref gwirfoddol (o fewn yr ystyr a roddir i “voluntary home” gan adran 60 o Ddeddf Plant 1989);’.

WITHDRAWN/TYNNWYD YN ÔL

Gwenda Thomas

227

Section 166, page 108, after line 27, insert—

“relative” (“*perthynas*”), in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent;’.

Adran 166, tudalen 108, ar ôl llinell 32, mewnosoder—

‘ystyr “*perthynas*” (“*relative*”), mewn *perthynas* â phlentyn, yw mam-gu/nain, tad-cu/taid, brawd, chwaer, ewythr neu fodryb (p’un ai o waed coch cyfan neu o hanner gwaed neu drwy briodas neu bartneriaeth sifil) neu lys-riant;’.

Gwenda Thomas

228

Section 166, page 108, after line 34, insert—

“special guardian” (“*gwarcheidwad arbennig*”) and “special guardianship order” (“*gorchymyn gwarcheidiaeth arbennig*”) have the meaning given by section 14A of the Children Act 1989;’.

Adran 166, tudalen 108, ar ôl llinell 12, mewnosoder—

‘mae i “*gwarcheidwad arbennig*” (“*special guardian*”) a “*gorchymyn gwarcheidiaeth arbennig*” (“*special guardianship order*”) yr ystyr a roddir i “*special guardian*” a “*special guardianship order*” gan adran 14A o Ddeddf Plant 1989;’.

Gwenda Thomas

229

Section 166, page 109, line 3, after ‘2006’, insert ‘or section 28 of the National Health Service Act 2006’.

Adran 166, tudalen 107, llinell 13, ar ôl ‘2006’, mewnosoder ‘neu adran 28 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006’.

Gwenda Thomas

230

Section 166, page 109, after line 18, insert—

‘() A reference in this Act to accommodation provided by or on behalf of a local authority is a reference to accommodation so provided in the exercise of functions of that authority or any other local authority which are social services functions.’.

Adran 166, tudalen 109, ar ôl llinell 18, mewnosoder—

‘() Mae cyfeiriad yn y Ddeddf hon at lety a ddarperir gan neu ar ran awdurdod lleol yn gyfeiriad at lety a ddarperir felly wrth arfer swyddogaethau’r awdurdod hwnnw neu unrhyw awdurdod lleol arall sy’n swyddogaethau gwasanaethau cymdeithasol.’.

Gwenda Thomas

231

Schedule 1, page 114, after line 30, insert –

‘Service of contribution notice

- 6 (1) A contribution notice required under this Schedule to be served on a contributor may be served on the contributor –
- (a) by being delivered personally to the contributor, or
 - (b) by being sent to the contributor –
 - (i) by a registered post service (as defined by section 125(1) of the Postal Services Act 2000), or
 - (ii) by a postal service which provides for the delivery of the document to be recorded.
- (2) For the purposes of section 7 of the Interpretation Act 1978 in its application to this paragraph, a contributor’s proper address is the contributor’s last known address.’.

Atodlen 1, tudalen 114, ar ôl llinell 34, mewnosoder –

‘Cyflwyno hysbysiad cyfrannu

- 6 (1) Caniateir i hysbysiad cyfrannu y mae’n ofynnol ei gyflwyno i gyfrannwr o dan yr Atodlen hon gael ei gyflwyno i’r cyfrannwr –
- (a) drwy ei ddsbarthu’n bersonol i’r cyfrannwr, neu
 - (b) drwy ei anfon at y cyfrannwr –
 - (i) drwy wasanaeth post cofrestredig (fel y diffinnir “*registered post service*” gan adran 125(1) o Ddeddf Gwasanaethau Post 2000), neu
 - (ii) drwy wasanaeth post sy’n darparu i ddsbarthiad y ddogfen gael ei gofnodi.
- (2) At ddibenion adran 7 o Ddeddf Ddehongli 1978 o ran ei chymhwyso i’r paragraff hwn, cyfeiriad priodol cyfrannwr yw cyfeiriad hysbys diwethaf y cyfrannwr.’.

*** Elin Jones**

232

To insert a new section –

‘() **Health direct payments for health care**

- (1) Where a person’s need for care and support requires a service or facility which is required to be provided by a Local Health Board in the exercise of its functions under the National Health Service (Wales) Act 2006, a Local Health Board may, for the purpose of securing the provision to the person of the service or facility, make payments, with the person’s consent, to the person or to a person nominated by the person.
- (2) If regulations so provide, a Local Health Board may, for the purpose of securing the provision for a person of services that the Board must provide under section 117 of the Mental Health Act 1983 (after-care), make payments, with the person's consent, to the

person or to a person nominated by the person.

- (3) A payment under subsection (1) or (2) or under regulations under section (*section to be inserted by amendment 233*) is referred to in this section as a “health direct payment”.

I fewnosod adran newydd –

(i) Taliadau iechyd uniongyrchol ar gyfer gofal iechyd

- (1) Pan fo angen person am ofal a chymorth yn ei gwneud yn ofynnol iddo gael y gwasanaeth neu'r cyfleuster y mae'n ofynnol i Fwrdd Iechyd Lleol ei ddarparu wrth arfer ei swyddogaethau o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006, caiff Bwrdd Iechyd Lleol, at ddiben sicrhau bod y gwasanaeth neu'r cyfleuster yn cael ei ddarparu i'r person, wneud taliadau, gyda chydysyniad y person, i'r person neu i berson a enwebir gan y person.
- (2) Os yw rheoliadau yn darparu hynny, caiff Bwrdd Iechyd Lleol, at ddiben sicrhau bod gwasanaethau yn cael eu darparu i berson y mae'n rhaid i'r Bwrdd eu darparu o dan adran 117 o Ddeddf Iechyd Meddwl 1983 (ôl-ofal), wneud taliadau, gyda chydysyniad y person, i'r person neu i berson a enwebir gan y person.
- (3) Cyfeirir at daliad o dan is-adran (1) neu (2) neu o dan reoliadau o dan adran (*yr adran sy'n cael ei fewnosod gan welliant 233*) yn yr adran hon fel “taliad iechyd uniongyrchol”.

* Elin Jones

233

To insert a new section –

(i) Regulations about health direct payments

- (1) The Welsh Ministers may make regulations about health direct payments.
- (2) The regulations may in particular make provision –
- (a) as to circumstances in which, and descriptions of persons and services in respect of which, health direct payments may or must be made;
 - (b) as to circumstances in which health direct payments may or must be made to a person nominated by the person;
 - (c) as to the making of health direct payments (and, in particular, as to persons to whom payments may or must be made) where the person lacks capacity to consent to the making of the payments;
 - (d) as to conditions that the Local Health Board must comply with before, after or at the time of making a health direct payment;
 - (e) as to conditions that the person or (if different) the payee may or must be required to comply with before, after, or at the time when a health direct payment is made;
 - (f) as to the amount of any health direct payment or how it is to be calculated;
 - (g) as to circumstances in which the Local Health Board may or must stop making health direct payments;
 - (h) as to circumstances in which the Local Health Board may or must require all or part of a health direct payment to be repaid, by the payee or otherwise;

- (i) as to monitoring of the making of health direct payments, of their use by the payee, or of services which they are used to secure;
 - (j) as to arrangements to be made by the Local Health Board for providing persons, payees or their representatives with information, advice or other support in connection with health direct payments;
 - (k) for such support to be treated to any prescribed extent as a service in respect of which health direct payments may be made.
- (3) If the regulations make provision in the case of a person who lacks capacity to consent to health direct payments being made, they may apply that provision, or make corresponding provision, with or without modifications, in the case of a person who has lacked that capacity but no longer does so (whether because of fluctuating capacity, or regaining or gaining capacity).
- (4) The regulations may provide for a sum which must be repaid to the Local Health Board by virtue of a condition or other requirement imposed by or under the regulations to be recoverable as a debt due to the Local Health Board.
- (5) The regulations may make provision—
- (a) for a service in respect of which a health direct payment has been made under section (*section to be inserted by amendment 232*) to be regarded, only to such extent and subject to such conditions as may be prescribed, as provided or arranged for by the Local Health Board;
 - (b) displacing functions or obligations of a Local Health Board with respect to the provision of after-care services under section 117 of the Mental Health Act 1983, only to such extent and subject to such conditions as may be prescribed.
- (6) In this section—
- (a) “service” includes anything in respect of which health direct payments may be made;
 - (b) references to a person lacking capacity are references to a person lacking capacity within the meaning of the Mental Capacity Act 2005.’.

I fewnosod adran newydd—

‘(1) Rheoliadau ynghylch taliadau iechyd uniongyrchol

- (1) Caiff Gweinidogion Cymru wneud rheoliadau ynghylch taliadau iechyd uniongyrchol.
- (2) Caiff y rheoliadau, yn benodol, wneud darpariaeth—
 - (a) ynghylch yr amgylchiadau y caniateir gwneud, neu y mae’n rhaid gwneud, taliadau iechyd uniongyrchol, a’r disgrifiadau o bersonau a gwasanaethau mewn cysylltiad â hwy;
 - (b) ynghylch yr amgylchiadau y caniateir gwneud, neu y mae’n rhaid gwneud, taliadau iechyd uniongyrchol i berson a enwebir gan y person;
 - (c) ynghylch gwneud taliadau iechyd uniongyrchol (ac, yn benodol, ynghylch y personau y caniatier gwneud, neu y mae’n rhaid gwneud, taliadau iddynt) pan nad oes gan y person alluedd i gydsynio i’r taliadau gael eu gwneud;
 - (d) ynghylch yr amodau y mae’n rhaid i’r Bwrdd Iechyd Lleol gydymffurfio â hwy

- pan wneir taliad iechyd uniongyrchol, neu cyn neu ar ôl gwneud y taliad;
- (e) ynghylch yr amodau y caiff neu y mae'n rhaid i'r person neu (os yn wahanol) y talai, gydymffurfio â hwy pan wneir taliad iechyd uniongyrchol, neu cyn neu ar ôl gwneud y taliad;
 - (f) ynghylch swm unrhyw daliad iechyd uniongyrchol neu sut y bwriedir ei gyfrifo;
 - (g) ynghylch yr amgylchiadau y caiff, neu y mae'n rhaid i, Fwrdd Iechyd Lleol roi'r gorau i wneud taliadau iechyd uniongyrchol;
 - (h) ynghylch yr amgylchiadau y caiff, neu y mae'n rhaid i, Fwrdd Iechyd Lleol ei gwneud yn ofynnol i gyfanswm taliad iechyd uniongyrchol, neu ran ohono, gael ei ad-dalu, gan y talai neu fel arall;
 - (i) ynghylch monitro'r broses o wneud taliadau iechyd uniongyrchol, eu defnydd gan y talai, neu'r gwasanaethau y mae'r taliadau yn cael eu defnyddio i'w sicrhau;
 - (j) ynghylch y trefniadau sydd i'w gwneud gan y Bwrdd Iechyd Lleol ar gyfer darparu gwybodaeth, cyngor neu gymorth arall mewn cysylltiad â thaliadau iechyd uniongyrchol i bersonau, taleion neu eu cynrychiolwyr;
 - (k) i drin cymorth o'r fath i unrhyw raddau rhagnodedig fel gwasanaeth y gellir gwneud taliadau uniongyrchol ar ei gyfer.
- (3) Os yw'r rheoliadau'n gwneud darpariaeth yn achos person nad oes ganddo'r galluedd i gydsynio i daliadau iechyd uniongyrchol gael eu gwneud, cânt gymhwyso'r ddarpariaeth honno, neu wneud darpariaeth gyfatebol, gydag addasiadau neu hebddynt, yn achos person nad oedd ganddo'r galluedd hwnnw yn flaenorol, ond y mae ganddo'r galluedd hwnnw bellach (naill ai oherwydd galluedd sy'n amrywio, neu oherwydd bod galluedd wedi'i ennill neu ei adennill).
- (4) Caiff y rheoliadau ddarparu ar gyfer swm y mae'n rhaid ei ad-dalu i'r Bwrdd Iechyd Lleol yn rhinwedd amod neu ofyniad arall a osodir gan y rheoliadau, neu oddi tanynt, y gellir ei adennill fel dyled sy'n ddyledus i'r Bwrdd Iechyd Lleol.
- (5) Caiff y rheoliadau wneud darpariaeth—
- (a) i wasanaeth y gwnaed taliad iechyd uniongyrchol ar ei gyfer o dan adran (*yr adran sy'n cael ei fewnosod gan welliant 232*) gael ei ystyried, dim ond i'r graddau y gellir ei rhagnodi ac yn unol â'r amodau y gellir eu rhagnodi, fel gwasanaeth a ddarperir gan y Bwrdd Iechyd Lleol neu a drefnir ganddo;
 - (b) i ddisodli swyddogaethau neu rwymedigaethau Bwrdd Iechyd Lleol mewn cysylltiad â darparu gwasanaethau ôl-ofal o dan adran 117 o Ddeddf Iechyd Meddwl 1983, dim ond i'r graddau y gellir eu rhagnodi ac yn unol â'r amodau y gellir eu rhagnodi.
- (6) Yn yr adran hon—
- (a) mae "gwasanaeth" yn cynnwys unrhyw beth y caniateir gwneud taliadau iechyd uniongyrchol ar ei gyfer;
 - (b) mae cyfeiriadau at berson nad oes ganddo alluedd yn gyfeiriadau at berson nad oes ganddo alluedd o fewn ystyr Deddf Galluedd Meddwl 2005.'.

*** William Graham**

234

Section 10, page 11, after line 4, insert—

- ‘() Where it appears to a local authority that an adult is—
- (a) unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or well-being, or
 - (b) experiencing or at risk of abuse or neglect,
- the authority must assess whether the adult does have needs for care and support, and, if the adult does, what those needs are.’

Adran 10, tudalen 11, ar ôl llinell 4, mewnosoder—

- ‘() Pan fo’n ymddangos i awdurdod lleol—
- (a) ei bod yn annhebygol y bydd oedolyn yn sicrhau neu’n cynnal, neu’n cael y cyfle i sicrhau neu gynnal, safon resymol o iechyd neu lesiant, neu
 - (b) bod oedolyn yn cael, neu’n wynebu risg o gael, ei gam-drin neu ei esgeuluso,
- rheid i’r awdurdod asesu a oes gan yr oedolyn anghenion gofal a chymorth, ac os oes, beth yw’r anghenion hynny.’

*** William Graham**

235

Section 10, page 11, line 5, leave out ‘Where’ and insert ‘Subject to subsection (*subsection to be inserted by amendment 234*), where’.

Adran 10, tudalen 11, llinell 5, hepgorer ‘Pan’ a mewnosoder ‘Yn ddarostyngedig i is-adran (*yr is-adran sy’n cael ei fewnosod gan welliant 234*), pan’.

*** William Graham**

236

Section 10, page 11, line 9, leave out ‘subsection’ and insert ‘subsections (*subsection to be inserted by amendment 234*) and’.

Adran 10, tudalen 11, llinell 9, hepgorer ‘is-adran’ a mewnosoder ‘is-adrannau (*yr is-adran sy’n cael ei fewnosod gan welliant 234*) a’.

*** William Graham**

237

Section 10, page 11, line 12, leave out ‘subsection’ and insert ‘subsections (*subsection to be inserted by amendment 234*) and’.

Adran 10, tudalen 11, llinell 12, hepgorer ‘is-adran’ a mewnosoder ‘is-adrannau (*yr is-adran sy’n cael ei fewnosod gan welliant 234*) a’.

*** William Graham**

238

Section 15, page 14, after line 11, insert—

- ‘() Where it appears to a local authority that a carer is—
- (a) unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or well-being, or
 - (b) experiencing or at risk of abuse or neglect,
- the authority must assess whether the carer does have needs for support, and, if the carer does, what those needs are.’.

Adran 15, tudalen 14, ar ôl llinell 12, mewnosoder—

- ‘() Pan fo’n ymddangos i awdurdod lleol—
- (a) ei bod yn annhebygol y bydd gofalwr yn sicrhau neu’n cynnal, neu’n cael y cyfle i sicrhau neu gynnal, safon resymol o iechyd neu lesiant, neu
 - (b) bod gofalwr yn cael, neu’n wynebu risg o gael, ei gam-drin neu ei esgeuluso,
- rheid i’r awdurdod asesu a oes gan y gofalwr anghenion gofal a chymorth, ac os oes, beth yw’r anghenion hynny.’.

*** William Graham**

239

Section 15, page 14, at the beginning of line 12, insert ‘Subject to subsection (*subsection to be inserted by amendment 238*).

Adran 15, tudalen 14, ar ddechrau llinell 13, mewnosoder ‘Yn ddarostyngedig i is-adran (*yr is-adran sy’n cael ei fewnosod gan welliant 238*).

*** William Graham**

240

Section 15, page 14, line 14, leave out ‘subsection’ and insert ‘subsections (*subsection to be inserted by amendment 238*) and’.

Adran 15, tudalen 14, llinell 16, hepgorer ‘is-adran’ a mewnosoder ‘is-adrannau (*yr is-adran sy’n cael ei fewnosod gan welliant 238*) a’.

*** William Graham**

241

Section 15, page 14, line 18, leave out ‘subsection’ and insert ‘subsections (*subsection to be inserted by amendment 238*) and’.

Adran 15, tudalen 14, llinell 20, hepgorer ‘is-adran’ a mewnosoder ‘is-adrannau (*yr is-adran sy’n cael ei fewnosod gan welliant 238*) a’.

*** William Graham**

242

Section 19, page 16, after line 24, insert –

- '() A local authority must meet an adult's need for care and support or a carer's need for support where it is necessary –
 - (a) to enable the person to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or well-being, or
 - (b) to protect the person from abuse or neglect, or risk of abuse or neglect.
- () A local authority must meet a child's needs for care and support where the child is experiencing or at risk of abuse, neglect or other kinds of harm.'

Adran 19, tudalen 16, ar ôl llinell 23, mewnosoder –

- '() Rhaid i awdurdod lleol ddiwallu anghenion oedolyn am ofal a chymorth neu angen gofalwr am gymorth pan fo hynny'n angenrheidiol –
 - (a) i alluogi'r person i sicrhau neu gynnal, neu i gael y cyfle i sicrhau neu gynnal, safon resymol o iechyd neu lesiant, neu
 - (b) i amddiffyn y person rhag cael ei gam-drin neu ei esgeuluso, neu rhag risg o gael ei gam-drin neu ei esgeuluso.
- () Rhaid i awdurdod lleol ddiwallu anghenion plentyn am ofal a chymorth pan fo'r plentyn yn cael, neu'n wynebu risg o gael, ei gam-drin, ei esgeuluso neu ei niweidio mewn modd arall.'

*** William Graham**

243

Section 19, page 16, line 25, leave out 'Where' and insert 'Subject to subsections (*first subsection to be inserted by amendment 242*) and (*second subsection to be inserted by amendment 242*), where'.

Adran 19, tudalen 16, llinell 24, hepgorer 'Pan' a mewnosoder 'Yn ddarostyngedig i is-adrannau (*yr is-adran cyntaf sy'n cael ei fewnosod gan welliant 242*) a (*yr ail is-adran sy'n cael ei fewnosod gan welliant 242*), pan'.

*** William Graham**

244

Section 19, page 16, leave out lines 28 to 31.

Adran 19, tudalen 16, hepgorer llinellau 29 hyd at 34.

*** William Graham**

245

Section 19, page 17, line 6, leave out 'subsection' and insert 'subsections (*first subsection to be inserted by amendment 242*), (*second subsection to be inserted by amendment 242*) or'.

Adran 19, tudalen 17, llinell 6, hepgorer 'is-adran' a mewnosoder 'is-adrannau (*yr is-adran cyntaf sy'n cael ei fewnosod gan welliant 242*), (*yr ail is-adran sy'n cael ei fewnosod gan welliant 242*) neu'.

*** William Graham**

246

Section 60, page 44, line 11, leave out 'may' and insert 'must'.

Adran 60, tudalen 44, llinell 11, hepgorer 'caiff yr' a mewnosoder 'rhaid i'r'.

*** William Graham**

247

Section 112, page 76, line 14, leave out subsection (7).

Adran 112, tudalen 76, llinell 15, hepgorer is-adran (7).