

## Regulation and Inspection of Social Care (Wales) Bill –Stage 2 Government Amendments

This table provides information about the amendments tabled in the name of Mark Drakeford, AM on 23 September 2015

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1	Section 3, page 3, line 4, after 'for', insert '(for example, eating and washing)'.	Adran 3, tudalen 3, llinell 4, ar ôl 'amdano', mewnosoder '(er enghraifft, bwyta ac ymolchi)'.	<p>The purpose of this amendment is to insert the words 'for example, eating and washing' into the definition of care.</p> <p>The effect of this amendment is to provide greater clarity regarding the definition of care in the Bill. The intention is to make the distinction that the definition of care for the purposes of the Bill, and the services which fall to be regulated under the Bill, is focussed on physical activities such as assistance with eating and washing. The definition is not intended to encompass the way in which the care is delivered.</p>
2	Section 3, page 3, line 5, after 'needs', insert '(for example, the mental process of remembering to eat and wash)'.	Adran 3, tudalen 3, llinell 5, ar ôl 'hynny', mewnosoder '(er enghraifft, y broses feddyliol o gofio bwyta ac ymolchi)'.	<p>The purpose of this amendment is to insert the words 'for example, the mental process of remembering to eat and wash' into the definition of care.</p> <p>The effect is to provide greater clarity regarding the definition of care in the Bill. The intention is to make the distinction that the definition of care for the purposes of the Bill, and the services which fall to be regulated under the Bill, is focussed on the</p>

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			<p>mental processes of those physical activities such as remembering to eat and wash. The definition is not intended to encompass the way in which the care is delivered.</p>
3	<p>Section 3, page 3, line 8, leave out ‘, 149A to 149D, 161, 161A and’ and insert ‘and 149A to’.</p>	<p>Adran 3, tudalen 3, llinell 9, hepgorer ‘, 149A i 149D, 161, 161A a’ a mewnosoder ‘a 149A i’.</p>	<p>The purpose of this amendment is to remove references to sections 149D, 161 and 161A of the Social Services and Well-being (Wales) Act 2014 from the definition of ‘regulatory functions’ in the Bill so that this provision will include all provisions from 149A to 161B of the Social Services and Well-being (Wales) Act 2014</p> <p>The effect of this amendment is to include within the list of regulatory functions that the Welsh Ministers have for the purposes of this Bill, the powers of intervention in sections 150 to 161 of Social Services and Well-being (Wales) Act 2014 which are currently excluded from that list.</p>
4	<p>Section 7, page 4, after line 24, insert—</p> <p>‘( ) the applicant is a fit and proper person to be a service provider (see section (section to be inserted by amendment 7));’.</p>	<p>Adran 7, tudalen 4, ar ôl llinell 26, mewnosoder—</p> <p>‘( ) bod yr ymgeisydd yn berson addas a phriodol i fod yn ddarparwr gwasanaeth (gweler adran (yr adran sy’n cael ei fewnosod gan welliant 7));’.</p>	<p>The purpose of this amendment is to insert a requirement into the Bill that the Welsh Ministers must be satisfied that a person is a fit and proper person (as set out in the section inserted by amendment 7) before granting an application for registration as a service provider.</p> <p>The effect of this amendment is to add an</p>

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			additional requirement to the list of things that the Welsh Ministers are required to be satisfied about before granting an application for registration.
5	Section 7, page 4, line 27, leave out 'satisfies any requirements prescribed under section 19(4) (requirements as to fitness to be a responsible individual' and insert 'is a fit and proper person to be a responsible individual (see section ( <i>section to be inserted by amendment 7</i> ))'.	Adran 7, tudalen 4, llinell 29, hepgorer 'bodloni unrhyw ofynion a ragnodir o dan adran 19(4) (gofynion o ran addasrwydd i fod yn unigolyn cyfrifol' a mewnosoder 'berson addas a phriodol i fod yn unigolyn cyfrifol (gweler adran ( <i>yr adran sy'n cael ei fewnosod gan welliant 7</i> ))'.	<p>The purpose of this amendment is to remove the reference to the requirement that Welsh Ministers must be satisfied that each individual designated as a responsible individual satisfies a test of fitness that was to be established pursuant to a regulation making power in section 19(4) of the Bill in respect of responsible individuals. It is replaced with a requirement that the Welsh Ministers must be satisfied that each individual designated as a responsible individual by the service provider is a fit and proper person to be a responsible individual before granting an application for registration as a service provider.</p> <p>The effect of this amendment is that the requirement for the Welsh Ministers to be satisfied about a responsible individual's fitness is with reference to the test inserted into the Bill by amendment 7 rather than one contained within regulations made under section 19(4).</p>
6	Section 7, page 5, line 18, leave out subsection (5).	Adran 7, tudalen 5, llinell 20, hepgorer is-adran (5).	The purpose of this amendment is to remove subsection (5) which requires that

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			<p>Welsh Ministers give the service provider a certificate of registration on the granting of an application for registration and specifies the content of a certificate of registration.</p> <p>The effect of this provision (related amendments 10, 13, 42, 65, 71, 72, 73) is to remove the requirement for Welsh Ministers to issue certificates of registration in consequence of provision in section 36 of the Bill which places a duty on Welsh Ministers to maintain a public register of service providers, which must be published.</p>
7	<p>Page 5, after line 28, insert a new section—</p> <p><b>(i) Fit and proper person: relevant considerations</b></p> <p>(1) This section applies to any decision of the Welsh Ministers as to whether -</p> <ul style="list-style-type: none"> <li>(a) a service provider,</li> <li>(b) a person applying to be a service provider,</li> <li>(c) a responsible individual, or</li> <li>(d) a person to be designated as a responsible individual,</li> </ul> <p>is a fit and proper person to be a service provider or, as the case may be, a responsible individual.</p>	<p>Tudalen 5, ar ôl llinell 30, mewnosoder adran newydd—</p> <p><b>(i) Person addas a phriodol: ystyriaethau perthnasol</b></p> <p>(1) Mae'r adran hon yn gymwys i unrhyw benderfyniad gan Weinidogion Cymru o ran a yw—</p> <ul style="list-style-type: none"> <li>(a) darparwr gwasanaeth,</li> <li>(b) person sy'n gwneud cais i fod yn ddarparwr gwasanaeth,</li> <li>(c) unigolyn cyfrifol, neu</li> <li>(d) person sydd i'w ddynodi'n unigolyn cyfrifol,</li> </ul> <p>yn berson addas a phriodol i fod yn ddarparwr gwasanaeth neu, yn ôl y</p>	<p>The purpose of this amendment is to insert a new section setting out the considerations which the Welsh Ministers will have regard to in reaching a decision as to whether persons who are, or wish to become, service providers or responsible individuals are fit and proper persons.</p> <p>The effect of this provision (and related amendments 4, 5, 14, 24, 25, 26, 29, 43, 102 is to set out the evidence which must and may be considered by the Welsh Ministers in reaching a decision as to whether persons who are, or wish to become, service providers or responsible individuals are fit and proper persons.</p>

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	<p>(2) In making such a decision the Welsh Ministers must have regard to all matters they think appropriate.</p> <p>(3) In particular, the Welsh Ministers must have regard to any evidence falling within subsections (4) to (6).</p> <p>(4) Evidence falls within this subsection if it shows that the person has -</p> <p>(a) committed -</p> <p>(i) any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c.42) (offences attracting notification requirements),</p> <p>(ii) an offence under this Act or regulations made under it,</p> <p>(iii) an offence under Part 2 of the Care Standards Act 2000 (c.14) or regulations made under it, or</p> <p>(iv) any other offence which the Welsh Ministers think is relevant, or</p> <p>(b) practised unlawful discrimination</p>	<p>digwydd, unigolyn cyfrifol.</p> <p>(2) Wrth wneud penderfyniad o'r fath rhaid i Weinidogion Cymru roi sylw i'r holl faterion sy'n briodol yn eu barn hwy.</p> <p>(3) Yn benodol, rhaid i Weinidogion Cymru roi sylw i unrhyw dystiolaeth sy'n dod o fewn is-adrannau (4) i (6).</p> <p>(4) Mae tystiolaeth yn dod o fewn yr is-adrannau hon os yw'n dangos bod y person wedi—</p> <p>(a) cyflawni—</p> <p>(i) unrhyw drosedd sy'n ymwneud â thwyll neu anonestrydd arall, trais, arfau tanio neu gyffuriau neu unrhyw drosedd sydd wedi ei rhestru yn Atodlen 3 i Ddeddf Troseddau Rhywiol 2003 (p.42) (troseddau sydd â gofynion hysbysu),</p> <p>(ii) trosedd o dan y Ddeddf hon neu reoliadau a wneir odani,</p> <p>(iii) trosedd o dan Ran 2 o Ddeddf Safonau Gofal 2000 (p.14) neu reoliadau a wneir odani, neu</p> <p>(iv) unrhyw drosedd arall sy'n berthnasol ym marn</p>	<p>Evidence relating to the actions of associated individuals may also be taken into account by the Welsh Ministers. The amendment gives the Welsh Ministers a regulation-making power to vary the Fit and Proper Person test (which amendment 102 makes subject to the affirmative procedure).</p>

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	<p>or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010 (c.15), or victimised another person contrary to that Act, in or in connection with the carrying on of any business.</p> <p>(5) Evidence is within this subsection if -</p> <p>(a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (4), and</p> <p>(b) it appears to the Welsh Ministers that the evidence is relevant to the question as to whether the person is a fit and proper person to be a service provider or, as the case may be, a responsible individual.</p> <p>(6) Evidence is within this subsection if it shows that the person has previously failed to comply with -</p> <p>(a) a condition imposed under this Part, or</p> <p>(b) a requirement imposed by regulations under section 26(1) or</p>	<p>Gweinidogion Cymru, neu</p> <p>(b) aflonyddu ar rywun, neu wahaniaethu'n anghyfreithlon, ar sail unrhyw nodwedd sy'n nodwedd warchoddedig o dan adran 4 o Ddeddf Cydraddoldeb 2010 (p.15), neu wedi erlid person arall yn groes i'r Ddeddf honno, wrth gynnal unrhyw fusnes neu mewn cysylltiad â hynny.</p> <p>(5) Mae tystiolaeth o fewn yr is-adran hon—</p> <p>(a) os yw'n dangos bod unrhyw berson arall sy'n gysylltiedig â'r person neu a oedd yn gysylltiedig â'r person gynt (pa un ai ar sail bersonol, ar sail gwaith neu ar sail arall) wedi gwneud unrhyw un neu ragor o'r pethau a nodir yn is-adran (4), a</p> <p>(b) os ymddengys i Weinidogion Cymru fod y dystiolaeth yn berthnasol wrth ystyried a yw'r person yn berson addas a phriodol i fod yn ddarparwr gwasanaeth neu, yn ôl y digwydd, yn unigolyn cyfrifol.</p>	

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	<p>27(1).</p> <p>(7) The Welsh Ministers may, by regulations, amend this section to vary the evidence to which they must have regard.’.</p>	<p>(6) Mae tystiolaeth o fewn yr is-adran hon os yw'n dangos bod y person wedi methu'n flaenorol â chydymffurfio—</p> <p>(a) ag amod a osodir o dan y Rhan hon, neu</p> <p>(b) â gofyniad a osodir gan reoliadau o dan adran 26(1) neu 27(1).</p> <p>(7) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r adran hon i amrywio'r dystiolaeth y mae rhaid iddynt roi sylw iddi.’.</p>	
8	<p>Section 8, page 5, line 32, leave out ‘such information and be in such form as may be prescribed.’ and insert -</p> <p>‘ -</p> <p>(a) the following information -</p> <p>(i) the regulated services that the service provider is registered to provide;</p> <p>(ii) the places at, from or in relation to which the provider is registered to provide those services;</p> <p>(iii) the name of the responsible individual registered in</p>	<p>Adran 8, tudalen 5, llinell 34, hepgorer ‘unrhyw wybodaeth a ragnodir a bod ar unrhyw ffurf a ragnodir’ a mewnosoder—</p> <p>‘—</p> <p>(a) yr wybodaeth a ganlyn—</p> <p>(i) y gwasanaethau rheoleiddiedig y mae'r darparwr gwasanaeth wedi ei gofrestru i'w darparu;</p> <p>(ii) y manau y mae'r darparwr wedi ei gofrestru i ddarparu'r gwasanaethau hynny ynddynt, ohonynt neu mewn perthynas â hwy;</p> <p>(iii) enw'r unigolyn cyfrifol sydd wedi ei gofrestru mewn</p>	<p>The purpose of this amendment is to remove the regulation making power in subsection (2) to prescribe the information which must be contained within an annual return and to replace it with a list of the information which is required to be provided in the annual return. The new sub paragraph and subsection add regulation making powers to prescribe other information which service providers may be required to provide in the annual return and the form of the return.</p> <p>The effect of this amendment is to set out the information which is required to be provided by a service provider in the annual return with a power to add to those requirements in regulations and to set out</p>

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	<p>respect of each such place;</p> <p>(iv) the date on which the provider's registration took effect in respect of each such regulated service and place;</p> <p>(v) details of any other conditions imposed on the service provider's registration;</p> <p>(vi) details of the number of persons to whom the provider provided care and support during the year in the course of providing each such service;</p> <p>(vii) such other information as may be prescribed, and</p> <p>(b) a statement setting out how the service provider has complied with any regulations made under section 26(1) specifying the standard of care and support that must be provided by a service provider (see section 26(3)).</p> <p>(3) An annual return must be in the prescribed form.'</p>	<p>cysylltiad â phob man o'r fath;</p> <p>(iv) y dyddiad y cymerodd cofrestriad y darparwr effaith mewn cysylltiad â phob gwasanaeth rheoleiddiedig a phob man o'r fath;</p> <p>(v) manylion unrhyw amodau eraill a osodir ar gofrestrriad y darparwr gwasanaeth;</p> <p>(vi) manylion am nifer y personau y darparodd y darparwr ofal a chymorth iddynt yn ystod y flwyddyn wrth ddarparu pob gwasanaeth o'r fath;</p> <p>(vii) unrhyw wybodaeth arall a ragnodir, a</p> <p>(b) datganiad sy'n nodi sut y mae'r darparwr gwasanaeth wedi cydymffurfio ag unrhyw reoliadau a wneir o dan adran 26(1) sy'n pennu safon y gofal a'r cymorth y gwasanaeth ei darparu (gweler adran 26(3)).</p> <p>(3) Rhaid i ddatganiad blynyddol fod ar y ffurf ragnodedig'.</p>	<p>the form of the annual return in regulations.</p>

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9	<p>Section 8, page 5, after line 36, insert—</p> <p>‘(5) Despite section 185(3), a statutory instrument containing the first regulations made under subsection (2)<i>((first paragraph to be inserted by amendment 8))</i><i>((seventh subparagraph to be inserted by amendment 8))</i> may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.’.</p>	<p>Adran 8, tudalen 5, ar ôl llinell 39, mewnosoder—</p> <p>‘(5) Er gwaethaf adran 185(3), ni chaniateir gwneud offeryn statudol sy’n cynnwys y rheoliadau cyntaf a wneir o dan is-adran (2)<i>((y paragraff cyntaf sy’n cael ei fewnosod gan welliant 8))</i><i>((y seithfed is-baragraff sy’n cael ei fewnosod gan welliant 8))</i> oni bai bod drafft o’r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a’i gymeradwyo ganddo drwy benderfyniad.’.</p>	<p>The purpose of the amendment is to insert a new subsection into section 8 of the Bill.</p> <p>The effect of the amendment is to require that the first set of regulations made under the subsection (a)(vii) inserted by amendment 8 are subject to the affirmative procedure. This is a power to make additional provision in relation to the things that must be included in an annual return.</p>
10	<p>Section 10, page 7, line 1, leave out subsection (3).</p>	<p>Adran 10, tudalen 7, llinell 1, hepgorer is-adran (3).</p>	<p>The purpose of the amendment is to remove subsection (3) from section 10 which requires the Welsh Ministers to issue a revised certificate of registration, when they grant an application to vary a service provider’s registration, specifying the details of the variation.</p> <p>The effect of this amendment is to remove the requirement for Welsh Ministers to issue certificates of registration and revised certificates of registration in consequence of amendment 42 and provision in section 36 of the Bill which places a duty on Welsh Ministers to maintain a public register of service providers, which must be published.</p>
11	<p>Section 11, page 7, line 15, after ‘if’, insert ‘satisfied</p>	<p>Adran 11, tudalen 7, llinell 17, ar ôl ‘os’, mewnosoder</p>	<p>The purpose of the amendment is to</p>

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	that’.	‘ydynt wedi eu bodloni’.	achieve consistency of drafting throughout the Bill.
12	Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version.	Adran 11, tudalen 7, llinell 18, ar ôl ‘os’, mewnosoder ‘ydynt wedi eu bodloni’.	The purpose of the amendment is to achieve consistency of drafting throughout the Bill.
13	Section 11, page 7, line 32, leave out subsection (6).	Adran 11, tudalen 7, llinell 33, hepgorer is-adran (6).	<p>The purpose of the amendment is to remove subsection (6) from section 11 which requires the Welsh Ministers to issue a revised certificate of registration, when they vary a service provider’s registration, specifying the details of the variation.</p> <p>The effect of this amendment is to remove the requirement for Welsh Ministers to issue certificates of registration and revised certificates of registration in consequence of amendment 42 and provision in section 36 of the Bill which places a duty on Welsh Ministers to maintain a public register of service providers, which must be published.</p>
14	<p>Section 13, page 8, after line 8, insert—</p> <p>‘( ) the Welsh Ministers are no longer satisfied that the service provider is a fit and proper person to be a service provider (see section (<i>section to be inserted by amendment 7</i>));’.</p>	<p>Adran 13, tudalen 8, ar ôl llinell 10, mewnosoder—</p> <p>‘( ) nid yw Gweinidogion Cymru wedi eu bodloni bellach fod y darparwr gwasanaethyn berson addas a phriodol i fod yn ddarparwr gwasanaeth (gweler adran (<i>yr adran sy’n cael ei fewnosod gan welliant 7</i>));’.</p>	Consequential to amendment 7.

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15	Section 13, page 8, line 15, after 'of', insert ', or has been given a caution in respect of,'.	Adran 13, tudalen 8, llinell 17, ar ôl 'berthnasol', mewnosoder 'neu wedi cael rhybuddiad mewn cysylltiad â throedd berthnasol'.	<p>The purpose of this amendment is to insert the words 'has been given a caution in respect of' in the grounds for cancellation without application.</p> <p>The effect of this amendment is to widen the power of the Welsh Ministers to cancel the registration of a service provider if the service provider or a responsible individual has admitted to a relevant offence under caution by the police. A definition of "caution" for the purpose of this provision is provided by amendment 19.</p>
16	Section 13, page 8, line 15, after 'offence', insert 'in connection with a regulated service provided by the service provider'.	Adran 13, tudalen 8, llinell 17, ar ôl 'berthnasol', mewnosoder 'mewn cysylltiad â gwasanaeth rheoleiddiedig a ddarperir gan y darparwr gwasanaeth'.	<p>The purpose of this amendment is to insert the words 'in connection with a regulated service provided by the service provider' so that the Welsh Ministers may only cancel the registration of a service provider where either the service provider or responsible individual has committed or admitted to a relevant offence in connection with a regulated service provided by the service provider.</p> <p>The effect of this amendment is to restrict the ground for cancellation to the commission or admission of a relevant offence in connection with a regulated service which is currently being provided by the service provider as opposed to relevant</p>

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			<p>offences committed or admitted in relation to regulated services previously provided by the service provider. Relevant offences committed or admitted in respect of regulated services previously provided by the service provider will be relevant to the fitness of the provider or the responsible individual which itself is a ground for cancellation by virtue of amendment 14.</p>
17	<p>Section 13, page 8, line 16, after 'of', insert ', or has been given a caution in respect of,'.</p>	<p>Adran 13, tudalen 8, llinell 18, ar ôl 'berthnasol', mewnosoder ', neu wedi cael rhybuddiad mewn cysylltiad â throedd berthnasol,'.</p>	<p>The purpose of this amendment is to insert the words 'has been given a caution in respect of' in the ground for cancellation without application insofar as it applies to relevant offences committed by any other person other than the service provider or responsible individual.</p> <p>The effect of this amendment is to widen the power of the Welsh Ministers to cancel the registration of a service provider if any other person has admitted to a relevant offence by accepting under caution by the Police in connection with a regulated service provided by the service provider. A definition of "caution" for the purpose of this provision is provided by amendment 19.</p>
18	<p>Section 13, page 8, line 26, after 'cancelled', insert (including any such offence committed outside England and Wales which, if committed in England</p>	<p>Adran 13, tudalen 8, llinell 28, ar ôl 'ganslo', mewnosoder '(gan gynnwys tramgwydd a gyflawnwyd y tu allan i Gymru a Lloegr a fyddai'n drosedd pe bai wedi</p>	<p>The purpose of the amendment is to make additional provision in relation to subsection (2)(c) to extend offences that may be</p>

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	and Wales, would constitute a criminal offence)’.	ei gyflawni yng Nghymru a Lloegr)’.	<p>considered “relevant” by the Welsh Ministers.</p> <p>The effect of this amendment is to extend offences that may be considered “relevant” by Welsh Ministers for the purpose of the grounds for cancellation to offences committed outside of England and Wales, which if they were committed in England and Wales would constitute a criminal offence. This provision provides consistency of approach in the Bill (see section 116(1)(f)).</p>
19	<p>Section 13, page 8, after line 26, insert—</p> <p>‘( ) In subsection (1)(c) and (d), “caution” means—</p> <p>(a) a conditional caution given under section 22 of the Criminal Justice Act 2003 (c.44) (conditional cautions for adults);</p> <p>(b) any other caution given to a person aged 18 or over in respect of an offence which, at the time the caution was given, that person has admitted;</p> <p>(c) anything corresponding to a caution falling within paragraphs (a) or (b) (however described)</p>	<p>Adran 13, tudalen 8, ar ôl llinell 28, mewnosoder—</p> <p>‘( ) Yn is-adran (1)(c) a (d), mae l “rhybuddiad” yr ystyr a ganlyn -</p> <p>(a) rhybuddiad amodol a roddir o dan adran 22 o Ddeddf Cyfiawnder Troseddol 2003 (p.44) (rhybuddiadau amodol ar gyfer oedolion);</p> <p>(b) unrhyw rybuddiad arall a roddir i berson sy’n 18 oed neu drosodd mewn cysylltiad â throsedd a gyfaddefwyd gan y person hwnnw ar yr adeg y rhoddir y rhybuddiad;</p> <p>(c) unrhyw beth sy’n cyfateb i</p>	<p>The purpose of this amendment is to insert a new subsection to provide a definition of the word “caution” for the purposes of amendments 15 and 17.</p> <p>This provision of a definition of the word “caution” is a necessary consequential amendment to amendments 15 and 17 that make provision for cautions to be included grounds for cancellation.</p>

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	<p>which is given to a person in respect of an offence committed outside England and Wales which, if committed in England and Wales, would constitute a criminal offence.’.</p>	<p>rybuddiad sy'n dod o fewn paragraffau (a) neu (b) (sut bynnag y'i disgrifir) a roddir i berson mewn cysylltiad â thramgwydd a gyflawnwyd y tu allan i Gymru a Lloegr a fyddai'n drosedd pe bai wedi ei gyflawni yng Nghymru a Lloegr.’.</p>	
20	<p>Section 14, page 9, line 8, after ‘provided’, insert -  ‘, and  ( ) the service provider may make representations’.</p>	<p>Adran 14, tudalen 9, llinell 7, ar ôl ‘wybodaeth’, mewnosoder—  ‘, a  ( ) i'r darparwr gwasanaeth gyflwyno sylwadau’.</p>	<p>The purpose of the amendment is to split subsection (3)(c) into two sub paragraphs so that an improvement notice must specify a time limit for taking action or providing information and secondly, a time limit for a service provider to make representations.</p> <p>The effect of this amendment is firstly to require the Welsh Ministers to specify expressly in the improvement notice the ability of the provider to make representations in relation to an improvement notice. Secondly it requires the Welsh Ministers to specify in the improvement notice a time limit within which any representations must be made by the provider, in addition to the time limit for action to be taken by the provider or requiring information from the provider. This may be the same time limit but could be different.</p>

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21	Section 16, page 10, line 22, after '(4)', insert ', 21(1)(b) or 23(2)(a)'.	Adran 16, tudalen 10, llinell 22, ar ôl '(4)', mewnosoder ', 21(1)(b) neu 23(2)(a)'.	<p>The purpose of the amendment is to insert reference to '21(1)(b) or 23(2)(a)' into subsection (1)(c)(ii) of section 16.</p> <p>The effect of this amendment is to exclude from the notice of proposal procedure urgent variations to a service provider's registration made pursuant to section 21(1)(b) and urgent variations of conditions made pursuant to section 23(2)(a).</p>
22	<p>Section 17, page 11, after line 7, insert -</p> <p>'( ) Despite subsection (4), a notice of decision given after the 28 day period mentioned in that subsection is valid if the notice -</p> <p>(a) gives reasons for the delay in making the decision, and</p> <p>(b) is given no later than 56 days after the expiry of the later of the time limits mentioned in paragraphs (a) and (b) of subsection (4).'</p>	<p>Adran 17, tudalen 11, ar ôl llinell 7, mewnosoder—</p> <p>'( ) Er gwaethaf is-adran (4), mae hysbysiad o benderfyniad a roddir ar ôl y cyfnod o 28 o ddiwrnodau a grybwyllir hysbysiad—</p> <p>(a) yn rhoi'r rhesymau dros yr oedi cyn gwneud y penderfyniad, a</p> <p>(b) yn cael ei roi heb fod yn hwyrach na 56 o ddiwrnodau ar ôl i'r diweddaraf o'r terfynau amser a grybwyllir ym mharagraffau (a) a (b) o is-adran (4) ddod i ben.'</p>	<p>The purpose of this amendment is to make provision so that a decision notice remains valid if issued to a service provider after the 28 day period in subsection (4) if the notice gives reasons for the delay and is not issued later than 56 days after the time limits specified in subsection (4)(a) and (b).</p> <p>The effect of this amendment is to allow the 28 day period for the issuing of a decision notice by Welsh Ministers to be extended but to restrict the overall time period to 56 days and to make it a requirement that the Welsh Ministers must give reasons for the delay in making a decision.</p>
23	<p>Section 17, page 11, after line 19, insert—</p> <p>'(7) The Welsh Ministers may by regulations amend—</p>	<p>Adran 17, tudalen 11, ar ôl llinell 19, mewnosoder—</p> <p>'(7) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio—</p>	<p>The purpose of this amendment is to provide the Welsh Ministers with a regulation making power (subject to the negative procedure) to amend the time</p>

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	<p>(a) the 28 day period mentioned in subsection (4);</p> <p>(b) the 56 day period mentioned in subsection <i>((subsection to be inserted by amendment 22))(b)</i>’.</p>	<p>(a) y cyfnod o 28 o ddiwrnodau a grybwyllir yn is-adran (4);</p> <p>(b) y cyfnod o 56 o ddiwrnodau a grybwyllir yn is-adran <i>((yr is-adran sy’n cael ei fewnosod gan welliant 22))(b)</i>’.</p>	<p>periods which apply to notices of decision.</p> <p>The effect of this amendment will be to give the Welsh Ministers the power to extend or reduce the time periods in which a notice of decision must be issued.</p>
24	<p>Section 19, page 11, line 33, leave out ‘satisfies any requirements prescribed under subsection (4)’ and insert ‘the Welsh Ministers are satisfied is a fit and proper person to be a responsible individual (see section <i>(section to be inserted by amendment 7)</i>)’.</p>	<p>Adran 19, tudalen 11, llinell 33, hepgorer ‘sy’n bodloni unrhyw ofynion a ragnodir o dan is-adran (4)’ a mewnosoder ‘y mae Gweinidogion Cymru wedi eu bodloni ei fod yn berson addas a phriodol i fod yn unigolyn cyfrifol (gweler adran <i>(yr adran sy’n cael ei fewnosod gan welliant 7)</i>)’.</p>	<p>The purpose of this amendment is to amend the definition of “responsible individual” by removing reference to the requirement that Welsh Ministers must be satisfied that each individual designated as a responsible individual satisfies a test of fitness established pursuant to a regulation making power in section 19(4) of the Bill in respect of responsible individuals. It is replaced with a requirement that the Welsh Ministers must be satisfied that each individual designated as a responsible individual by the service provider is a fit and proper person to be a responsible individual with reference to the test set out in the new section inserted by amendment 7.</p> <p>The effect of this amendment is to include within the list of things that an individual must fulfil in order to be a responsible individual, a requirement for the Welsh Ministers to be satisfied about a responsible individual’s fitness with reference to the test in the new section inserted by amendment</p>

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			7, rather than contained within regulations made under section 19(4)
25	Section 19, page 12, line 14, leave out subsection (4).	Adran 19, tudalen 12, llinell 15, hepgorer is-adran (4).	<p>The purpose of this amendment is to remove from the Bill the regulation making power in subsection (4).</p> <p>The effect of the amendment is to remove the power for Welsh Ministers to prescribe the requirements of fitness of responsible individuals, in consequence of the fact that the test of fitness is set out in the new section inserted by amendment 7.</p>
26	Section 19, page 12, line 21, leave out 'subsections (2) and (4)' and insert 'subsection (2)'.	Adran 19, tudalen 12, llinell 21, hepgorer 'is-adrannau (2) a (4)' a mewnosoder 'is-adran (2)'.	<p>The purpose of the amendment is to remove the reference to section 19(4) in section 19(6)(a).</p> <p>The effect of the amendment is to amend the regulation making power in subsection (6) to remove a reference to the requirements of fitness set out in regulations made under subsection (4). This is in consequence of the fact that the regulation making power in subsection (4) is being removed from the Bill by amendment 25.</p>
27	Section 20, page 12, line 30, after 'of', insert ', or has been given a caution in respect of,'.	Adran 20, tudalen 12, llinell 31, ar ôl 'berthnasol', mewnosoder 'neu wedi cael rhybuddiad mewn cysylltiad â throsedd berthnasol'.	<p>The purpose of this amendment is to add wording to subsection (1)(b).</p> <p>The effect of the amendment is to amend</p>

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			the ground for cancelling the designation of a responsible individual in subsection (1)(b) so that the commission of a relevant offence by the responsible individual or the giving of a caution to the responsible individual will be grounds upon which the Welsh Ministers may propose to cancel the designation of a responsible individual.
28	Section 20, page 12, line 31, after 'offence', insert 'in connection with a regulated service provided by the service provider'.	Adran 20, tudalen 12, llinell 31, ar ôl 'berthnasol', mewnosoder 'mewn cysylltiad â gwasanaeth rheoleiddiedig a ddarperir gan y darparwr gwasanaeth'.	<p>The purpose of this amendment is to amend the reference to the individual being convicted of a relevant offence in subsection (1)(b) to make it explicit that this is a relevant offence in connection with a regulated service provided by the service provider.</p> <p>The effect of this amendment is to amend the ground upon which Welsh Ministers may seek to cancel the designation of a responsible individual to make it clear that a conviction of a relevant offence is limited to an offence committed in connection with the service currently being provided by the service provider so that convictions in relation to previous services will not be relevant to this ground. Relevant offences committed or admitted in respect of regulated services previously provided by the service provider will be relevant to the fitness of the provider or the responsible</p>

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			individual which itself is a ground for cancellation by virtue of amendment 29.
29	Section 20, page 12, line 32, leave out 'meets a requirement prescribed under section 19(4)' and insert 'is a fit and proper person to be a responsible individual (see section <i>(section to be inserted by amendment 7)</i> )'.	Adran 20, tudalen 12, llinell 32, hepgorer 'bodloni gofyniad a ragnodir o dan adran 19(4)' a mewnosoder 'berson addas a phriodol i fod yn unigolyn cyfrifol (gweler adran <i>(yr adran sy'n cael ei fewnosod gan welliant 7)</i> )'.	<p>The purpose of the amendment is to remove a reference to the test of fitness established via regulations made pursuant to section 19(4) and to make reference instead to the test of fitness which is set out in the new section inserted by amendment 7.</p> <p>The effect of the amendment is to amend the grounds upon which Welsh Ministers may cancel a responsible individual's designation so that where the Welsh Ministers consider that the responsible individual is no longer fit the reference is made to the new test of fitness set out in the new section inserted by amendment 7 instead of the reference to the regulation making power set out in section 19(4) which is to be removed from the Bill by amendment 25.</p>
30	Section 20, page 12, after line 33, insert—  '(d) they have reason to believe that the individual has not complied with a requirement imposed on the individual by regulations under section 27(1).'	Adran 20, tudalen 12, ar ôl llinell 33, mewnosoder—  '(d) bod rheswm ganddynt dros gredu nad yw'r unigolyn wedi cydymffurfio â gofyniad a osodir ar yr unigolyn gan reoliadau o dan adran 27(1).'	The purpose of this amendment is to insert the words 'they have reason to believe that the individual has not complied with a requirement imposed on the individual by regulations under section 27(1)' into the list of grounds upon which the Welsh Ministers may cancel a responsible individual's

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			<p>designation pursuant to section 20.</p> <p>The effect of this amendment is to add to the list of grounds upon which the Welsh Ministers may cancel a responsible individual's designation, so that a designation may be cancelled where the Welsh Ministers have reason to believe that the individual has not complied with a requirement imposed on the individual by regulations made under section 27(1).</p>
31	<p>Section 20, page 12, line 34, leave out "relevant offence" has' and insert "caution" and "relevant offence" have'.</p>	<p>Adran 20, tudalen 12, llinell 34, ar ôl 'i', mewnosoder "rhybuddiad" a'.</p>	<p>The purpose of the amendment is to add wording to subsection (2) in consequence of amendment 30.</p> <p>The effect of this amendment is to define the term "caution" in addition to the term "relevant offence" with reference to the meaning given in section 13 in consequence of the reference to "caution" in amendment 30.</p>
32	<p>Section 22, page 15, after line 8, insert—</p> <p>'(5) An interim order of the tribunal may, among other things, suspend the effect of an order made under section 21 for such period as the tribunal may specify.'</p>	<p>Adran 22, tudalen 15, ar ôl llinell 9, mewnosoder—</p> <p>'(5) Caiff gorchymyn interim gan y tribiwnlys, ymhlith pethau eraill, atal dros dro effaith gorchymyn a wneir o dan adran 21 am gyfnod a bennir gan y tribiwnlys.'</p>	<p>The purpose of this amendment is to add a further subsection to section 22.</p> <p>The effect of this amendment is to clarify that an interim order made by the Tribunal pursuant to section 22(4)(c) may among other things suspend an order for urgent cancellation or urgent variation of a service provider's registration made by a justice of</p>

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33	Section 23, page 15, line 11, leave out 'a serious' and insert 'or may be a'.	Adran 23, tudalen 15, llinell 13, hepgorer 'difrifol' a mewnosoder ', neu y gall fod perygl,'.	<p>the peace in accordance with section 21.</p> <p>The purpose of this amendment is to delete the word 'serious' and insert the phrase 'or may be a' in the test in subsection (1) which applies when Welsh Ministers intend to vary a service provider's registration by imposing urgent conditions on registration.</p> <p>The effect of this amendment is to amend the test for the urgent imposition of conditions. The current test is that the Welsh Ministers may act under this section only if there is a serious risk to a person's life or physical or mental health or of a person suffering from abuse or neglect. The amended test will have the effect that such urgent conditions may be imposed where the Welsh Ministers think that unless they act under this section there is or may be a risk to a person's life or physical or mental health or of a person suffering from abuse or neglect.</p>
34	Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.	Adran 23, tudalen 15, llinell 16, hepgorer 'difrifol' a mewnosoder ', neu y gall fod perygl,'.	The purpose of this amendment is to delete the word 'difrifol' (serious) and insert the phrase 'neu y gall fod perygl' (or may be a) in the test in subsection (1) which applies when Welsh Ministers intend to vary a service provider's registration by imposing urgent conditions on registration.

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			<p>The effect of this amendment is to amend the test for the urgent imposition of conditions. The current test is that the Welsh Ministers may act under this section only if there is a serious risk to a person's life or physical or mental health or of a person suffering from abuse or neglect. The amended test will have the effect that such urgent conditions may be imposed where the Welsh Ministers think that unless they act under this section there is or may be a risk to a person's life or physical or mental health or of a person suffering from abuse or neglect.</p>
35	<p>Section 23, page 15, after line 25, insert—</p> <p>‘(e) explain the right of appeal conferred by section 24.’.</p>	<p>Adran 23, tudalen 15, ar ôl llinell 28, mewnosoder—</p> <p>‘(e) esbonio'r hawl i apelio a roddir gan adran 24.’.</p>	<p>The purpose of the amendment is to insert a new sub paragraph into subsection (4) of section 23.</p> <p>The effect of the amendment is to require a decision notice issued by Welsh Ministers in respect of an urgent variation or imposition of condition must explain to the service provider that they have a right of appeal conferred by section 24.</p>
36	<p>Section 23, page 15, line 26, leave out subsections (5) to (6) and insert—</p> <p>‘() The Welsh Ministers may vary or remove a condition varied or imposed under subsection (2) by giving a further decision</p>	<p>Adran 23, tudalen 15, llinell 29, hepgorer is-adrannau (5) hyd at (6) a mewnosoder—</p> <p>‘() Caiff Gweinidogion Cymru amrywio neu ddileu amod a amrywir neu a osodir o dan isadran (2) drwy roi hysbysiad pellach o</p>	<p>The purpose of this amendment is to remove the current subsections (5) and (6) and replace those subsections with a new subsection.</p> <p>The effect of the amendment is to make to</p>

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	notice to the service provider, but before doing so they must have regard to any representations made to them by the service provider about the notice given under subsection (2).’.	benderfyniad i'r darparwr gwasanaeth, ond cyn gwneud hynny rhaid iddynt roi sylw i unrhyw sylwadau a gyflwynwyd iddynt gan y darparwr gwasanaeth ynghylch y hysbysiad a roddwyd o dan is-adran (2).’.	do three things. Firstly, the provision makes it clear that the Welsh Ministers have the power to vary or remove any urgent condition imposed on a service provider's registration. Secondly, the provision is intended to make it clear that a service provider may make representations in relation to the imposition of an urgent condition. Thirdly, the provision is intended to make it explicit that the Welsh Minister must consider any representations made by them before varying or removing an urgent condition.
37	Section 23, page 16, line 1, leave out '(6)(a)' and insert ' <i>((subsection to be inserted by amendment 36))</i> '.	Adran 23, tudalen 16, llinell 1, hepgorer '(6)(a)' a mewnosoder ' <i>((yr is-adran sy'n cael ei fewnosod gan welliant 36))</i> '.	The purpose of the amendment is to remove the reference to sub paragraph (a) in subsection (6).  In consequence of amendment 36 the reference to sub paragraph (a) is superfluous because there will be only one option available to Welsh Ministers under subsection (6) namely to vary or remove the condition imposed under subsection (2).
38	Section 23, page 16, line 2, leave out '(6)' and insert ' <i>((subsection to be inserted by amendment 36))</i> '.	Adran 23, tudalen 16, llinell 3, hepgorer '(6)' a mewnosoder ' <i>((yr is-adran sy'n cael ei fewnosod gan welliant 36))</i> '.	The purpose of the amendment is to change the numbering of subsection (6) as a consequence of amendments 36 and 37.
39	Section 23, page 16, line 4, leave out 'or to continue in place unaltered'.	Adran 23, tudalen 16, llinell 5, hepgorer 'neu i barhau yn ei le heb ei newid'.	The purpose of the amendment is to remove the wording 'or to continue in place

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			<p>unaltered' in subsection (8)(b).</p> <p>The effect of the amendment is that a condition will remain in place unless a further decision notice is issued pursuant to subsection (6). Subsection (6) then only permits the condition to be varied or removed. The reference to a condition continuing in place unaltered is superfluous as a consequence of amendment 36.</p>
40	<p>Section 24, page 16, line 10, leave out '23(6)' and insert '23(2) or ((<i>subsection to be inserted by amendment 36</i>))'.</p>	<p>Adran 24, tudalen 16, llinell 11, hepgorer '23(6)' a mewnosoder '23(2) neu ((<i>yr is-adran sy'n cael ei fewnosod gan welliant 36</i>))'.</p>	<p>The purpose of the amendment is to remove the reference in subsection (1) to section 23(6) and to insert reference to section 23(2) and the subsection inserted by amendment 36.</p> <p>The effect of the amendment is to establish a further right of appeal to service providers who have urgent conditions imposed upon them. They may appeal the decision when it is initially made under section 23(2) and following any further decision notice issued by Welsh Ministers in consequence of amendment 36.</p>
41	<p>Section 24, page 16, leave out lines 20 to 23 and insert—</p> <p style="padding-left: 40px;">(') substitute for the decision appealed against another decision that the Welsh Ministers could have made;</p>	<p>Adran 24, tudalen 16, hepgorer llinellau 22 hyd at 25 a mewnosoder—</p> <p style="padding-left: 40px;">(') rhoi penderfyniad arall y gallai Gweinidogion Cymru fod wedi ei wneud yn lle'r penderfyniad y gwneir</p>	<p>The purpose of the amendment is to remove sub paragraphs (a) to (c) of subsection (4) to section 24 and to add 2 new sub paragraphs to subsection (4) and a further subsection.</p>

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	<p>( ) make such other order (including an interim order) as the tribunal thinks appropriate.</p> <p>(5) An interim order may, among other things, suspend the effect of a decision for such period as the tribunal may specify.’.</p>	<p>apêl yn ei erbyn;</p> <p>( ) gwneud unrhyw orchymyn arall (gan gynnwys gorchymyn interim) sy'n briodol ym marn y tribiwnlys.</p> <p>(5) Caiff gorchymyn interim, ymhlith pethau eraill, atal dros dro effaith penderfyniad am gyfnod a bennir gan y tribiwnlys.’.</p>	<p>The effect of the amendment is to clarify the powers of the Tribunal to make it clear that the Tribunal may substitute its own decision for the decision appealed against and secondly to provide the Tribunal with an equivalent power to that in section 22 to make interim orders. The new subsection clarifies that a power to make an interim order includes the power to suspend the effect of a decision made by Welsh Ministers.</p>
42	Page 16, line 25, leave out section 25	Tudalen 16, llinell 28, hepgorer adran 25.	<p>The purpose of this amendment is to remove section 25 from the Bill - 'Requirement to display certificate of registration'.</p> <p>The effect of this amendment is that service providers will not be required to display a certificate of registration. This is in consequence of requirement in section 36 for the Welsh Ministers to maintain a register of service providers, which must be published.</p>
43	<p>Section 26, page 17, line 1, leave out—</p> <p>‘Regulations under subsection (1) may include provision imposing requirements as to the fitness of a person to be a service provider including, where a service provider is not an individual, requirements as to the fitness of any director, manager, secretary,</p>	<p>Adran 26, tudalen 17, llinell 1, hepgorer is-adrannau (2) hyd at (3) a mewnosoder—</p> <p>( ) Rhaid i ofynion a osodir gan reoliadau o dan is-adran (1) gynnwys gofynion o ran safon y gofal a'r cymorth sydd i'w darparu gan ddarparwr gwasanaeth.’.</p>	<p>The purpose of the amendment is to remove subsections (2) and (3) and replace subsection (2).</p> <p>The effect of the amendment is to remove reference to the fact that regulations made under subsection (1) may include provision</p>

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	<p>member, partner or other officer of the service provider.</p> <p>( ) Regulations under subsection (1) may include provision specifying the standard of care and support that must</p> <p>And insert—</p> <p>‘Requirements imposed by regulations under subsection (1) must include requirements as to the standard of care and support to’.</p>		<p>imposing requirements as to fitness, in consequence of amendment 7 which inserts a test of fitness for service providers and responsible individuals.</p> <p>The amendment also removes reference to the fact that regulations made under subsection (1) may include provision about the standard of care and support provided and instead imposes a requirement for regulations made under subsection (1) to include requirements as to the standard of care.</p>
44	Section 26, page 17, line 7, after ‘regulations’, insert ‘imposing requirements’.	Adran 26, tudalen 17, llinell 7, ar ôl ‘rheoliadau’, mewnosoder ‘sy’n gosod gofynion’.	Consequential to amendment 43.
45	<p>Section 26, page 17, line 11, after ‘appropriate’, insert—</p> <p>‘, and</p> <p>( ) publish a statement about the consultation.</p> <p>( ) The Welsh Ministers must lay a copy of a statement published under subsection (5) <i>((paragraph to be inserted by amendment 45))</i> before the National Assembly for Wales’.</p>	<p>Adran 26, tudalen 17, llinell 12, ar ôl ‘hwy’, mewnosoder—</p> <p>‘, a</p> <p>( ) cyhoeddi datganiad ynghylch yr ymgynghoriad.</p> <p>( ) Rhaid i Weinidogion Cymru osod copi o ddatganiad a gyhoeddir o dan is-adran (5)<i>((y paragraff sy’n cael ei fewnosod gan welliant 45))</i> gerbron Cynulliad Cenedlaethol Cymru’.</p>	<p>The purpose of this amendment is to insert additional wording about publishing a statement about the consultation undertaken before making regulations about regulated services under this section and laying a copy of the statement before the National Assembly for Wales.</p> <p>The effect of this amendment is that when the Welsh Ministers consult about making regulations about regulated services under section 26 (which are subject to the affirmative procedure) they must publish a statement about the consultation which has taken place and lay a copy of the published</p>

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			statement before the National Assembly for Wales.
46	Section 26, page 17, line 12, after 'consult', insert 'and publish a statement'.	Adran 26, tudalen 17, llinell 13, ar ôl 'ymgyngori', mewnosoder 'a chyhoeddi datganiad'.	<p>The purpose of this amendment is to insert the words 'and publish a statement' which is consequential to amendment 45.</p> <p>The effect of this amendment is to make reference in subsection (7) to the statement about consultation which must be published as a consequence of amendment 45 and sets out the circumstances where the requirement to consult and publish a statement will not apply.</p>
47	Section 28, page 17, line 33, leave out 'issue' and insert 'publish'.	Adran 28, tudalen 17, llinell 34, hepgorer 'ddyroddi' a mewnosoder 'gyhoeddi'.	<p>The purpose of the amendment is to remove the reference to Welsh Ministers issuing guidance and instead refer to an obligation to publish guidance.</p> <p>The effect of this amendment is to place a duty on the Welsh Ministers to publish guidance about how service providers and responsible individuals comply with regulations about regulated services and responsible individuals.</p>
48	Section 28, page 17, after line 38, insert - '() The Welsh Ministers may revise guidance published under subsection (1) and must	Adran 28, tudalen 17, ar ôl llinell 40, mewnosoder— '() Caiff Gweinidogion Cymru ddiwygio canllawiau a gyhoeddir o dan is-adran	The purpose of this amendment is to provide a power to Welsh Ministers to revise guidance published under subsection (1) and imposes a duty to publish the

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	publish the revised guidance.’.	(1) a rhaid iddynt gyhoeddi'r canllawiau diwygiedig.’.	revised guidance.  The effect of this amendment is to provide consistency with other sections of the Bill, for example, section 32(5), section 39(2) and section 56 (inserting section 161A(2) into the Social Services and Well-being (Wales) Act 2014) by giving the Welsh Ministers a power to revise guidance about how service providers and responsible individuals comply with regulations about regulated services and responsible individuals and to impose a duty to publish the revised guidance.
49	Section 28, page 18, line 1, leave out ‘such guidance’ and insert ‘guidance published under this section’.	Adran 28, tudalen 18, llinell 1, hepgorer ‘o’r fath’ a mewnosoder ‘a gyhoeddir o dan yr adran hon’.	Consequential to amendment 48.
50	Section 32, page 19, line 11, leave out subsections (1) to (2) and insert—  ( ) In this Part a reference to an “inspection” is a reference to an inspection—  (a) of the standard of any care and support provided by a service provider in the course of providing a regulated service, measured in relation to any requirements imposed by regulations under section 26(1) as to the standard of care and	Adran 32, tudalen 19, llinell 13, hepgorer is-adrannau (1) at (2) a mewnosoder—  ( ) Yn y Rhan hon mae cyfeiriad at “arolygiad” yn gyfeiriad at arolygiad—  (a) o safon unrhyw ofal a chymorth a ddarperir gan ddarparwr gwasanaeth wrth ddarparu gwasanaeth rheoleiddiedig, wedi ei mesur mewn perthynas ag unrhyw ofynion a osodir gan reoliadau o dan adran 26(1) o ran safon y gofal a’r	The purpose of this amendment is to insert new subsections into section 32 which provides a definition of an ‘inspection’ for the purposes of the Bill.  The effect of this amendment is to make it explicit that an inspection will be of a service provider as opposed to a regulated service and that an inspection will involve two things. Firstly, an inspection of the standard of care and support measured in relation to criteria set out in regulations and will include the effect of such care and support on the well-being of the person to

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	<p>support to be provided;</p> <p>(b) of the organisation and co-ordination of regulated services provided by a service provider.</p> <p>( ) Only an individual authorised by the Welsh Ministers (referred to in this Part as an “inspector”) may carry out an inspection.’.</p>	<p>(b) o drefniadaeth a chydgysylltiad gwasanaethau rheoleiddiedig a ddarperir gan ddarparwr gwasanaeth.</p> <p>( ) Dim ond unigolyn sydd wedi ei awdurdodi gan Weinidogion Cymru (y cyfeirir ato yn y Rhan hon fel “arolygydd”) a gaiff gynnal arolygiad.’.</p>	<p>whom the care and support is, or has been, provided. Secondly, an inspection will involve an assessment of the organisation and co-ordination of regulated services.</p>
51	<p>Section 33, page 19, line 23, leave out ‘place which the inspector has reasonable grounds to believe is (or has been) used as a place at or from which a regulated service is (or has been) provided’ and insert—</p> <p>‘premises which the inspector has reasonable grounds to believe is (or has been) used—</p> <p>(a) as a place at or from which a regulated service is (or has been) provided, or</p> <p>(b) in connection with the provision of a regulated service.</p> <p>( ) But an inspector may not enter and inspect premises used wholly or mainly as a private dwelling unless the occupier consents’.</p>	<p>Adran 33, tudalen 19, llinell 24, hepgorer ‘fan y mae gan yr arolygydd seiliau rhesymol dros gredu ei fod yn cael ei ddefnyddio (neu wedi ei ddefnyddio) fel man y darperir (neu y darparwyd) gwasanaeth rheoleiddiedig ynddo neu ohono’ a mewnosoder—</p> <p>‘fangre y mae gan yr arolygydd seiliau rhesymol dros gredu ei bod yn cael ei defnyddio (neu wedi ei defnyddio)—</p> <p>(a) fel man y darperir (neu y darparwyd) gwasanaeth rheoleiddiedig ynddo neu ohono, neu</p> <p>(b) mewn cysylltiad â darparu gwasanaeth rheoleiddiedig.</p> <p>( ) Ond ni chaiff arolygydd fynd i mewn ac arolygu mangre a ddefnyddir yn gyfan gwbl neu’n bennaf fel annedd breifat oni bai bod y meddiannydd yn cydsynio’.</p>	<p>The purpose of this amendment is to remove the reference to “place” and replace it with a reference to “premises” in section 33(1).</p> <p>The effect of this amendment is to provide a power to the inspector to enter and inspect any premises which the inspector has reasonable grounds to believe is (or has been) used as a place at or from which a regulated service is (or has been) provided. This is intended to cover, for example, a provider of a domiciliary support service who operates the business from a laptop in a car. The effect of this amendment is also to provide consistency of drafting within the Bill.</p>
52	Section 33, page 19, line 25, leave out ‘a place’ and	Adran 33, tudalen 19, llinell 28, hepgorer ‘fan’ a	Consequential to amendment 51.

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	insert 'premises'.	mewnosoder 'fangre'.	
53	Section 33, page 19, line 26, leave out 'place' and insert 'premises'.	Adran 33, tudalen 19, llinell 29, hepgorer 'man' a mewnosoder 'fangre'.	Consequential to amendment 51.
54	Section 33, page 19, line 29, leave out 'place' and insert 'premises'.	Adran 33, tudalen 19, llinell 32, hepgorer 'man a sut y caiff ei reoli' a mewnosoder 'fangre a sut y caiff ei rheoli'.	Consequential to amendment 51.
55	Section 33, page 20, line 3, after 'management', insert 'of'.	Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.	The purpose of the amendment is to insert a missing word.
56	Section 33, page 20, line 3, leave out 'place' and insert 'premises'.	Adran 33, tudalen 20, llinell 3, hepgorer 'man neu ohono' a mewnosoder 'fangre neu ohoni'.	Consequential to amendment 51.
57	Section 33, page 20, line 7, leave out 'place' and insert 'premises'.	Adran 33, tudalen 20, llinell 5, hepgorer 'man' a mewnosoder 'fangre'.	Consequential to amendment 51.
58	Section 33, page 20, line 14, leave out 'place' and insert 'premises'.	Adran 33, tudalen 20, llinell 13, hepgorer 'man' a mewnosoder 'fangre'.	Consequential to amendment 51.
59	Section 33, page 20, line 20, leave out 'place' and insert 'premises'.	Adran 33, tudalen 20, llinell 19, hepgorer 'man neu ohono' a mewnosoder 'fangre neu ohoni'.	Consequential to amendment 51.
60	Section 33, page 20, line 23, leave out 'place' and insert 'premises'.	Adran 33, tudalen 20, llinell 21, hepgorer 'man' a mewnosoder 'fangre'.	Consequential to amendment 51.
61	Section 33, page 20, leave out lines 28 to 37.	Adran 33, tudalen 20, hepgorer llinellau 27 hyd at 35.	The purpose of the amendment is to remove subsections (g),(h) and (i) from section 33 in consequence of amendment 63.

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			The effect of this amendment is to remove references from section 33 to the power of the inspector being able to interview certain people in private as part of an inspection in consequence of that fact that the new section inserted into the Bill by amendment 63 will make provision in relation to the powers of the inspector to interview and examine people which includes interviews in private.
62	Section 33, page 21, line 3, leave out subsections (5) to (6) and insert -  ‘( ) “Premises” includes a vehicle.’.	Adran 33, tudalen 21, llinell 3, hepgorer is-adrannau (5) hyd at (6) a mewnosoder—  ‘( ) Mae “mangre” yn cynnwys cerbyd.’.	The purpose of this amendment is to remove subsections (5) and (6) consequential to amendment 63 and to provide a definition of the word “premises”.  The effect of the removal of subsections (5) and (6) is to remove references to medical examinations from section 33, in consequence of provision made about medical examination in the new section inserted by virtue of amendment 63.  The definition of the word “premises” is intended to make it explicit that an inspector may enter and inspect a vehicle which is or has been used as a place at or from which a regulated service is or has been provided.
63	Page 21, after line 10, insert a new section—  ‘( ) <b>Powers of inspector to interview and</b>	Tudalen 21, ar ôl llinell 11, mewnosoder adran newydd—	The purpose of this amendment is to insert a new section dealing with the powers of inspectors to interview and examine

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	<p><b>examine persons</b></p> <p>(1) If an inspector thinks it necessary or expedient for the purposes of carrying out an inspection, the inspector may require any person to be interviewed by the inspector in private.</p> <p>(2) But an inspector may not interview in private a person falling within subsection (3) without the person's consent.</p> <p>(3) The following persons fall within this subsection—</p> <p>(a) a person to whom the service provider provides (or has provided) care and support;</p> <p>(b) an individual with parental responsibility for the person;</p> <p>(c) a relative of the person;</p> <p>(d) the person's carer;</p> <p>(e) a donee of a lasting power of attorney over the person.</p> <p>(4) An inspector may examine in private a person to whom the service provider provides (or has provided) care and support if—</p> <p>(a) the inspector is a registered medical practitioner or registered</p>	<p><b>'()</b> <b>Pwerau arolygydd i gyf-weld â phersonau a chynnal archwiliad ohonynt</b></p> <p>(1) Os yw arolygydd yn meddwl ei bod yn angenrheidiol neu'n hwylus at ddibenion arolygiad, caiff yr arolygydd ei gwneud yn ofynnol i unrhyw berson gael ei gyf-weld yn breifat gan yr arolygydd.</p> <p>(2) Ond ni chaiff arolygydd gyf-weld yn breifat â pherson sy'n dod o fewn is-adran (3) heb gydsyniad y person.</p> <p>(3) Mae'r personau a ganlyn yn dod o fewn yr is-adran hon—</p> <p>(a) person y mae'r darparwr gwasanaeth yn darparu (neu wedi darparu) gofal a chymorth iddo;</p> <p>(b) unigolyn a chanddo gyfrifoldeb rhiant dros y person;</p> <p>(c) perthynas i'r person;</p> <p>(d) gofalwr y person;</p> <p>(e) rhoddai atwrneiaeth arhosol dros y person.</p> <p>(4) Caiff arolygydd gynnal archwiliad preifat o berson y mae'r darparwr gwasanaeth yn darparu (neu wedi</p>	<p>persons in private.</p> <p>The effect of this provision is as follows:</p> <p>Subsection (1) is a power to the inspector to require any person to be interviewed in private.</p> <p>Subsection (2) makes provision that prevents an inspector from interviewing certain person in subsection (3) without the person's consent.</p> <p>Subsection (3) sets out the list of person for the purposes of subsection (2) whose consent is required prior to an inspector having the power to interview them.</p> <p>Subsection (4) provides a power to the inspector to undertake medical examinations and the conditions that must apply before being able to do so, namely that the inspector is a registered medical practitioner or registered nurse; that the inspector thinks that the examination is necessary or expedient for the purpose of assessing the effect of any care and support on the well-being of the person and the person who it is intended be examined consents to the examination.</p> <p>Subsection (5) makes provision that deems</p>

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	<p>nurse,</p> <p>(b) the inspector thinks the examination is necessary or expedient for the purposes of assessing the effect of any such care and support on the well-being of the person, and</p> <p>(c) the person consents to the examination.</p> <p>(5) For the purposes of subsections (1) and (4), an interview or examination is to be treated as conducted in private despite the presence of a third party if—</p> <p>(a) the person being interviewed or examined wants the third party to be present and the inspector does not object, or</p> <p>(b) the inspector wants the third party to be present and the person being interviewed or examined consents.</p> <p>(6) Where an inspector conducts an interview or examination under this section, the inspector must, if requested to do so by—</p> <p>(a) the person being interviewed or examined, or</p> <p>(b) an individual accompanying that</p>	<p>darparu) gofal a chymorth iddo—</p> <p>(a) os yw'r arolygydd yn ymarferydd meddygol cofrestredig neu'n nyrs gofrestredig,</p> <p>(b) os yw'r arolygydd yn meddwl bod yr archwiliad yn angenrheidiol neu'n hwylus at ddibenion asesu effaith unrhyw ofal a chymorth o'r fath ar lesiant y person, ac</p> <p>(c) os yw'r person yn cydsynio i'r archwiliad.</p> <p>(5) At ddibenion is-adrannau (1) a (4), mae cyfweliad neu archwiliad i'w drin fel pe bai wedi ei gynnal yn breifat er gwaethaf presenoldeb trydydd parti—</p> <p>(a) os yw'r person y cyfwelir ag ef neu y cynhelir archwiliad ohono yn dymuno i'r trydydd parti fod yn bresennol ac nad yw'r arolygydd yn gwrthwynebu, neu</p> <p>(b) os yw'r arolygydd yn dymuno i'r trydydd parti fod yn bresennol a bod y person y cyfwelir ag ef neu y cynhelir archwiliad ohono yn cydsynio.</p>	<p>an interview or examination to be in private despite the presence at the interview or examination of a third party subject to the conditions in sub paragraphs (a) or (b).</p> <p>Subsection (6) makes provision requiring the inspector to produce authorisation documentation and in the case of a medical examination, proof that the inspector is a registered medical practitioner or registered nurse when asked to do so by the person being interviewed or examined or the person accompanying the person being interviewed or examined.</p> <p>Subsection (7) provides definitions for terminology used in this section.</p>

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	<p>person, produce a document showing the inspector's authorisation under section 32 and, in the case of an examination, a document showing that the inspector is a registered medical practitioner or registered nurse.</p> <p>(7) In this section—</p> <p>“carer” (“<i>gofalwr</i>”) has the meaning given by section 3 of the 2014 Act;</p> <p>“child” (“<i>plentyn</i>”) means a person who is aged under 18;</p> <p>“donee of a lasting power of attorney” (“<i>rhoddai atwrneiaeth arhosol</i>”) has the same meaning as in Part 1 of the Mental Capacity Act 2005 (c.9);</p> <p>“parental responsibility” (“<i>cyfrifoldeb rhiant</i>”) has the meaning given by section 3 of the Children Act 1989 (c.41);</p> <p>“relative” (“<i>perthynas</i>”), in relation to a person, means that person's parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew or niece (including any person who is or has been in that relationship by virtue of a marriage or</p>	<p>(6) Pan fo arolygydd yn cynnal cyfweiliad neu archwiliad o dan yr adran hon, rhaid i'r arolygydd, os gofynnir iddo wneud hynny gan—</p> <p>(a) y person y cyfwelir ag ef neu y cynhelir archwiliad ohono, neu</p> <p>(b) unigolyn sy'n dod gyda'r person hwnnw, gyflwyno dogfen sy'n dangos awdurdodiad yr arolygydd o dan adran 32 ac, yn achos archwiliad, ddogfen sy'n dangos bod yr arolygydd yn ymarferydd meddygol cofrestredig neu'n nyrs gofrestredig.</p> <p>(7) Yn yr adran hon—</p> <p>mae i “cyfrifoldeb rhiant” yr ystyr a roddir i “parental responsibility” gan adran 3 o Ddeddf Plant 1989 (p.41);</p> <p>mae i “gofalwr” (“<i>carer</i>”) yr ystyr a roddir gan adran 3 o Ddeddf 2014;</p> <p>mae i “gweithiwr cymdeithasol” (“social worker”) yr ystyr a roddir gan adran 78(1);</p> <p>ystyr “perthynas” (“<i>relative</i>”), mewn perthynas â pherson, yw rhiant, tad-cu/taid, mam-gu/nain, plentyn, wŷr, wyres, brawd, hanner brawd, chwaer,</p>	

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	<p>civil partnership or an enduring family relationship);</p> <p>“social worker” (“<i>gweithiwr cymdeithasol</i>”) has the meaning given by section 78(1).’.</p>	<p>hanner chwaer, ewythr, modryb, nai neu nith y person hwnnw (gan gynnwys unrhyw berson sydd yn y berthynas honno neu sydd wedi bod yn y berthynas honno yn rhinwedd priodas neu bartneriaeth sifil neu berthynas deuluol barhaus);</p> <p>ystyr “plentyn” (“<i>child</i>”) yw person sydd o dan 18 oed;</p> <p>mae i “rhoddai atwrneiaeth arhosol” yr un ystyr â “donee of a lasting power of attorney” yn Rhan 1 o Ddeddf Galluedd Meddylol 2005 (p.9).’.</p>	
64	<p>Section 34, page 21, line 16, leave out ‘quality of any care and support provided (or which had been provided) by the service provider measured in relation to prescribed criteria’ and insert—</p> <p>‘standard of any care and support provided (or which had been provided) by the service provider measured in relation to any requirements imposed by regulations under section 26(1) as to the standard of care and support to be provided,</p> <p>( ) an assessment of the effect of any such care and support on the well-being of persons to whom the care and support is (or had</p>	<p>Adran 34, tudalen 21, llinell 17, hepgorer ‘ansawdd unrhyw ofal a chymorth a ddarperir (neu a oedd wedi eu darparu) gan y darparwr gwasanaeth wedi ei fesur mewn perthynas â meini prawf rhagnodedig’ a mewnosoder—</p> <p>‘safon unrhyw ofal a chymorth a ddarperir (neu a oedd wedi eu darparu) gan y darparwr gwasanaeth, wedi ei mesur mewn perthynas ag unrhyw ofnion a osodir gan reoliadau o dan adran 26(1) o ran afon y gofal a’r cymorth sydd i’w darparu,</p> <p>( ) asesiad o effaith unrhyw ofal a chymorth o’r fath ar lesiant personau y darperir (neu y darparwyd) y gofal a’r cymorth iddynt,</p>	<p>The purpose of the amendment is to amend subsection (2)(a) to make different provision in relation to the content of an inspection report and to add two new subsections.</p> <p>The effect of this amendment is to remove a regulation making power to set out the criteria with reference to which the quality of care and support provided by the service provider is assessed for the purpose of the including that assessment in an inspection report. The provision instead makes reference to the assessment of quality of care and support being made with</p>

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	<p>been) provided,</p> <p>( ) an assessment of the organisation and co-ordination of regulated services provided (or which had been provided) by the service provider.’</p>	<p>( ) asesiad o drefniadaeth a chydgysylltiad gwasanaethau rheoleiddiedig a ddarperir (neu a oedd wedi eu darparu) gan y darparwr gwasanaeth’.</p>	<p>reference to the requirements as to the standards of care set out in regulations made in section 26(1).</p> <p>The first new subsection makes provision requiring an inspection report to include an assessment of the effect of any such care and support on the well-being of persons to whom the care and support is (or has been provided). The second new subsection makes provision requiring an inspection report to include as assessment of the organisation and co-ordination of regulated services provided (or which had been provided) by the service provider.</p>
65	<p>Section 35, page 21, after line 29, insert -</p> <p>‘( ) may make provision requiring a service provider to display a rating included in a report prepared under section 34(1) in such manner, and at such place, as the regulations may specify, ’.</p>	<p>Adran 35, tudalen 21, ar ôl llinell 32, mewnosoder—</p> <p>‘( ) cânt wneud darpariaeth sy’n ei gwneud yn ofynnol i ddarparwr gwasanaeth arddangos gradd sydd wedi ei chynnwys mewn adroddiad a lunnir o dan adran 34(1) yn y modd, ac yn y man, a bennir gan y rheoliadau,’.</p>	<p>The purpose of this amendment is to insert wording into the regulation making power in section 35 setting out what must be included in the regulations about inspection ratings.</p> <p>The effect of this amendment is to give the Welsh Ministers the power via regulations to require service providers to display an inspection rating and to specify the manner and place in which it is displayed. This amendment is made in consequence of the removal of the requirement for service providers to display a certificate of registration.</p>

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66	<p>Section 35, page 21, after line 32, insert -</p> <p>‘(3) Before making regulations under subsection (1) the Welsh Ministers must consult any persons they think appropriate.</p> <p>(4) But the requirement to consult does not apply to regulations which -</p> <p>(a) amend other regulations made under that subsection, and</p> <p>(b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.’</p>	<p>Adran 35, tudalen 21, ar ôl llinell 35, mewnosoder—</p> <p>‘(3) Cyn gwneud rheoliadau o dan is-adran (1) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy’n briodol yn eu barn hwy.</p> <p>(4) Ond nid yw’r gofyniad i ymgynghori yn gymwys i reoliadau—</p> <p>(a) sy’n diwygio rheoliadau eraill a wneir o dan yr is-adran honno, a</p> <p>(b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i’w diwygio.’</p>	<p>The purpose of this amendment is to insert a duty on the Welsh Ministers to consult any persons they think appropriate when making regulations about inspection ratings and to set out the circumstances in which the duty to consult will not apply.</p> <p>The effect of this amendment is that the Welsh Ministers must consult any persons they think appropriate when making regulations about inspection ratings (which are subject to the affirmative procedure), except where regulations amend other regulations under this subsection or where the regulations do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.</p>
67	<p>Section 36, page 22, line 17, after ‘register’, insert ‘and make it available for public inspection free of charge.’</p>	<p>Adran 36, tudalen 22, llinell 19, ar ôl ‘gofrestr’, mewnosoder ‘a’i rhoi ar gael i’r cyhoedd edrych arni yn rhad ac am ddim.’</p>	<p>The purpose of this amendment is to insert the wording ‘and make it available for public inspection free of charge’ in relation to the register of service providers that the Welsh Ministers are under a duty to maintain pursuant to section 36(1).</p> <p>The effect of this amendment is to make it explicit that, as part of the duty to publish the register of service providers, the Welsh Ministers are also required to make the register available for public inspection free</p>

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			of charge.
68	<p>Section 39, page 24, after line 9, insert -</p> <p>( ) A statement of policy (or revised statement) must, in particular, address -</p> <p>(a) the involvement of the public in inspections carried out under Chapter 3, and</p> <p>(b) the involvement of carers (within the meaning of section 3 of the 2014 Act) in the exercise of their regulatory functions.’.</p>	<p>Adran 39, tudalen 24, ar ôl llinell 11, mewnosoder—</p> <p>( ) Rhaid i ddatganiad polisi (neu ddatganiad diwygiedig), yn benodol, ymdrin—</p> <p>(a) â chynnwys y cyhoedd mewn arolygiadau a gynhelir o dan Bennod 3, a</p> <p>(b) â chynnwys gofalmwyr (o fewn ystyr adran 3 o Ddeddf 2014) yn yr arferiad o swyddogaethau rheoleiddiol Gweinidogion Cymru.’.</p>	<p>The purpose of this amendment is to insert a new subsection which specifies what must be addressed in the statement of policy (or revised statement) issued by the Welsh Ministers in relation to engaging with the public.</p> <p>The effect of this amendment is that the statement of policy (or revised statement) about engaging with the public must address the involvement of the public in service inspections and the involvement of carers (as defined in the Social Services and Well-being (Wales) Act 2014) in the exercise of regulatory functions.</p>
69	<p>Section 40, page 24, after line 32, insert -</p> <p>( ) Section 7(1) of the 2014 Act (duty to have due regard to the United Nations Principles for Older Persons when exercising functions relating to adult social services), and’.</p>	<p>Adran 40, tudalen 24, ar ôl llinell 37, mewnosoder—</p> <p>( ) adran 7(1) o Ddeddf 2014 (dyletswydd i roi sylw dyladwy i Egwyddorion y Cenhedloedd Unedig ar gyfer Pobl Hŷn wrth arfer swyddogaethau sy’n ymwneud â gwasanaethau cymdeithasol i oedolion), a’.</p>	<p>The purpose of this amendment is to insert additional wording which extends the list of duties on which the Welsh Ministers must report in the annual report on regulatory functions.</p> <p>The effect of this amendment is to require the Welsh Ministers to report annually on how the duty under section 7(1) of the Social Services and Well-being (Wales) Act 2014 to have due regard to the United Nations Principles for Older Persons affected the exercise of its regulatory</p>

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			functions in respect of that financial year.
70	Section 43, page 25, line 34, after '26', insert 'or 35(2)( <i>paragraph to be inserted by amendment 65</i> )'.	Adran 43, tudalen 25, llinell 35, ar ôl '26', mewnosoder 'neu 35(2)( <i>yr paragraff sy'n cael ei fewnosod gan welliant 65</i> )'.	<p>The purpose of this amendment is to add to this provision reference to section 35 of the Bill concerning inspection ratings.</p> <p>The effect of this provision is to extend the regulation making power in section 43 so that that regulations made under this section also establish offences in respect of regulatory requirements made pursuant to section 35 in relation to inspection ratings.</p>
71	Page 26, line 17, leave out section 47.	Tudalen 26, llinell 17, hepgorer adran 47.	The purpose of this amendment is to remove section 47 from the Bill, in consequence of amendment 42 which removes the requirement for service providers to display a certificate of registration in section 25. This amendment removes the corresponding offence of failing to display a certificate of registration.
72	Section 50, page 27, line 8, leave out 'or 47'.	Adran 50, tudalen 27, llinell 8, hepgorer 'neu 47'.	The purpose of the amendment is to remove reference to section 47 in subsection (2) of section 50, in consequence of amendment 71, which removes section 47.
73	Section 51, page 27, line 13, leave out '47'.	Adran 51, tudalen 27, llinell 13, hepgorer '47'.	The purpose of the amendment is to remove reference to section 47 in subsection (2) of section 51, in

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			consequence of amendment 71, which removes section 47.
74	<p>Section 55, page 30, after line 14, insert—</p> <p>(iv) the effect on the exercise of the local authority’s social services functions of the commissioning by the authority of any services in connection with those functions during such period as may be prescribed by regulations, and’.</p>	<p>Adran 55, tudalen 30, ar ôl llinell 15, mewnosoder—</p> <p>‘(iv) effaith comisiynu unrhyw wasanaethau gan yr awdurdod lleol mewn cysylltiad â swyddogaethau gwasanaethau cymdeithasol yr awdurdod lleol ar arferiad y swyddogaethau hynny yn ystod unrhyw gyfnod a ragnodir drwy reoliadau, a’.</p>	<p>The purpose of this amendment is to amend section 144B(2)(a) which is to be inserted into the Social Services and Well-being (Wales) Act 2014 by section 55 of the Bill to add a further sub paragraph to add to the list of things which must be included in a local market stability report.</p> <p>The effect of the amendment is to make it compulsory for local authorities to include in its local market stability the effect on the exercise of the local authority’s social service functions of the commissioning by the authority of any services in connection with those functions during such period as may be prescribed by regulations. The amendment makes further provision so that the period which is to be covered by such an assessment will be set out in regulations.</p>
75	<p>Section 55, page 30, after line 20, insert—</p> <p>‘() In preparing a local market stability report, a local authority must—</p> <p>(a) take account of—</p> <p>(i) the assessment it has most</p>	<p>Adran 55, tudalen 30, ar ôl llinell 21, mewnosoder—</p> <p>‘() Wrth lunio adroddiad ar sefydlogrwydd y farchnad leol, rhaid i awdurdod lleol—</p> <p>(a) ystyried—</p>	<p>The purpose of this amendment is to amend section 144B(4) which is to be inserted into the Social Services and Well-being (Wales) Act 2014 by section 55 of the Bill to insert a new subsection adding to the list of requirements which a local authority must address when preparing a local</p>

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	<p>recently published under section 14 (needs assessments), and</p> <p>(ii) the plan it has most recently published under section 14A following the assessment, and</p> <p>(b) consult with each Local Health Board with which it carried out the assessment.’.</p>	<p>(i) yr asesiad y mae wedi ei gyhoeddi’n ddiweddaraf o dan adran 14 (asesiadau o anghenion), a</p> <p>(ii) y cynllun y mae wedi ei gyhoeddi’n ddiweddaraf o dan adran 14A ar ôl yr asesiad, a</p> <p>(b) ymgynghori â phob Bwrdd Iechyd Lleol y cynhaliodd yr asesiad gydag ef.’.</p>	<p>market stability report.</p> <p>The effect of this provision is that a local authority must take account of its most recently published needs assessment published under section 14 of the Social Services and Well-being (Wales) Act 2014 and the plan it has published under section 14A when preparing a local market stability report. There is a further duty for a local authority to consult with each Local Health Board with whom it carried out the above assessment.</p>
76	<p>Section 55, page 30, after line 22, insert -</p> <p>‘() Before making regulations under subsection (2)(a)(iii) the Welsh Ministers must consult any persons they think appropriate.</p> <p>() But the requirement to consult does not apply to regulations which -</p> <p>(a) amend other regulations made under that subsection, and</p> <p>(b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.’.</p>	<p>Adran 55, tudalen 30, ar ôl llinell 23, mewnosoder—</p> <p>‘() Cyn gwneud rheoliadau o dan is-adran (2)(a)(iii) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy’n briodol yn eu barn hwy.</p> <p>() Ond nid yw’r gofyniad i ymgynghori yn gymwys i reoliadau—</p> <p>(a) sy’n diwygio rheoliadau eraill a wneir o dan yr is-adran honno, a</p> <p>(b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith I unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i’w diwygio.’.</p>	<p>The purpose of this amendment is to amend section 144B which is to be inserted into the Social Services and Well-being (Wales) Act 2014 by section 55, to insert two new subsections.</p> <p>The effect of the first new subsection is to add to the requirements in relation to the regulation making power in subsection 2(a)(iii) a requirement that the Welsh Ministers consult any persons they think appropriate when making regulations about the content of local market stability reports (which are subject to the negative procedure). The effect of the second new subsection is to set out the circumstances in which the requirement to consult in first new subsection will not apply. This will be</p>

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			where regulations amend other regulations under that subsection or where the regulations do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.
77	<p>Section 55, page 30, after line 32, insert -</p> <p>‘() In section 196(6) of the 2014 Act (regulations made only if draft approved by resolution of the National Assembly for Wales), after paragraph (c) insert -</p> <p>“(d) the first regulations made under section 144A(2)(b);”.’</p>	<p>Adran 55, tudalen 30, ar ôl llinell 34, mewnosoder—</p> <p>‘() Yn adran 196(6) o Ddeddf 2014 (rheoliadau nas gwneir ond os yw drafft wedi ei gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru), ar ôl paragraff (c) mewnosoder—</p> <p>“(d) y rheoliadau cyntaf a wneir o dan adran 144A(2)(b);”.’</p>	<p>The purpose of this amendment is to amend section 144C of the Social Services and Well-being (Wales) Act 2014 (to be inserted into the 2014 Act by section 55) by adding provision that amends section 196(6) of the 2014 Act to add to the list of regulations that are to be the subject to approval by resolution of the National Assembly for Wales (affirmative procedure).</p> <p>The effect of this amendment is to make it a requirement that the first set of regulations made pursuant to the power under section 144A(2)(b) of the 2014 Act, regarding the form of a local authority's annual report, are subject to the affirmative procedure. It is a matching provision to amendment 102 which does the same for the first set of regulations relating to the content of service providers' annual returns.</p>
78	<p>Section 56, page 31, after line 27, insert—</p> <p>‘() A reference in subsection (2) to the exercise by a local authority of local</p>	<p>Adran 56, tudalen 31, ar ôl llinell 29, mewnosoder—</p> <p>‘() Mae cyfeiriad yn is-adran (2) at arfer swyddogaethau Gwasanaethau</p>	<p>The purpose of this amendment is to amend section 149B of the Social Services and Well-being (Wales) Act 2014 (being</p>

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	<p>authority social services functions includes a reference to the commissioning of any services in connection with those functions.’.</p>	<p>cymdeithasol awdurdod lleol gan awdurdod lleol yn cynnwys cyfeiriad at gomisiynu unrhyw wasanaethau mewn cysylltiad â'r swyddogaethau hynny.’.</p>	<p>inserted into that Act by section 58) to insert a new subsection.</p> <p>The effect of the amendment is to make it clear that the power of review in relation to local authority social services functions includes a power to review the commissioning any services in connection with those functions.</p>
79	<p>Section 56, page 32, after line 6, insert—</p> <p>‘(6) Before making regulations under subsection (4) the Welsh Ministers must consult any persons they think appropriate.</p> <p>(7) But the requirement to consult does not apply to regulations which—</p> <p>(a) amend other regulations made under that subsection, and</p> <p>(b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.’.</p>	<p>Adran 56, tudalen 32, ar ôl llinell 6, mewnosoder—</p> <p>‘(6) Cyn gwneud rheoliadau o dan is-adran (4) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.</p> <p>(7) Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau—</p> <p>(a) sy'n diwygio rheoliadau eraill a wneir o dan yr is-adran hon, a</p> <p>(b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i'w diwygio.’.</p>	<p>The purpose of this amendment is to insert a duty on the Welsh Ministers to consult any persons they think appropriate when making regulations about inspection ratings and to set out the circumstances in which the duty to consult will not apply.</p> <p>The effect of this amendment is that the Welsh Ministers must consult any persons they think appropriate when making regulations about inspection ratings, except where regulations amend other regulations under this subsection or where the regulations do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.</p>
80	<p>Section 56, page 34, line 8, after ‘subsection’ insert ‘unless the occupier of the premises consents to the inspector entering and inspecting them.’.</p>	<p>Adran 56, tudalen 34, llinell 9, hepgorer ‘mangroedd sy'n cael eu defnyddio'n gyfan gwbl neu'n bennaf fel annedd breifat yn dod o fewn yr is-adran hon’ a mewnosoder ‘mangre sy'n cael ei defnyddio'n gyfan</p>	<p>The purpose of this amendment is to amend section 161(3) of the Social Services and Well-being (Wales) Act 2014</p>

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		gwbl neu'n bennaf fel annedd breifat yn dod o fewn yr is-adran hon ond os yw meddiannydd y fangre yn cydsynio i'r arolygydd fynd i mewn a'i harolygu'.	(being inserted into that Act by section 56). The effect of this amendment is to extend the power of entry and inspection to premises which are wholly or mainly used as a private dwelling by the person receiving the services on the proviso that the occupier consents to the inspector entering and inspecting the premises.
81	Section 56, page 34, after line 8, insert - '() "Premises" includes a vehicle.'	Adran 56, tudalen 34, ar ôl llinell 10, mewnosoder— '() Mae "mangre" yn cynnwys cerbyd.'	The purpose of this amendment, is to amend section 161 of the Social Services and Well-being (Wales) Act 2014 (being inserted into that Act by section 56) to insert a new subsection.  The effect of the amendment is to provide a definition of "premises". The definition of the word "premises" is intended to make it explicit that an inspector may enter and inspect a vehicle which is or has been used as a place at or from which a regulated service is or has been provided.
82	Section 56, page 35, line 18, after 'a', insert 'registered'.	Adran 56, tudalen 35, llinell 19, ar ôl 'meddygol', mewnosoder 'cofrestredig'.	The purpose of this amendment is to amend section 161(8)(b) of the Social Services and Well-being (Wales) Act 2014 (being inserted into that Act by section 56).  Subsection (b) currently makes reference to the term "medical practitioner". The effect of the amendment is to change this

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			reference to "registered medical practitioner" in order to provide consistency of drafting with the same term in the Interpretation Act 1978.
83	<p>Section 56, page 35, after line 23 insert—</p> <p>( ) For the purposes of subsections (6)(f) and (9) an interview or examination is to be treated as conducted in private despite the presence of a third party if—</p> <p>(a) the person being interviewed or examined wants the third party to be present and the inspector does not object, or</p> <p>(b) the inspector wants the third party to be present and the person being interviewed or examined consents.</p> <p>( ) Where an inspector conducts an interview or examination under this section, the inspector must, if requested to do so by—</p> <p>(a) the person being interviewed or examined, or</p> <p>(b) an individual accompanying that person,</p> <p>produce a document showing the inspector's authorisation given under subsection (1) and, in the case of an</p>	<p>Adran 56, tudalen 35, ar ôl llinell 27, mewnosoder—</p> <p>( ) At ddibenion is-adrannau (6)(f) a (9), mae cyfweliad neu archwiliad i'w drin fel pe bai wedi ei gynnal yn breifat er gwaethaf presenoldeb trydydd parti—</p> <p>(a) os yw'r person y cyfwelir ag ef neu y cynhelir archwiliad ohono yn dymuno i'r trydydd parti fod yn bresennol ac nad yw'r arolygydd yn gwrthwynebu, neu</p> <p>(b) os yw'r arolygydd yn dymuno i'r trydydd parti fod yn bresennol a bod y person y cyfwelir ag ef neu y cynhelir archwiliad ohono yn cydsynio.</p> <p>( ) Pan fo arolygydd yn cynnal cyfweliad neu archwiliad o dan yr adran hon, rhaid i'r arolygydd, os gofynnir iddo wneud hynny gan—</p> <p>(a) y person y cyfwelir ag ef neu y cynhelir archwiliad ohono, neu</p> <p>(b) unigolyn sy'n dod gyda'r person hwnnw,</p>	<p>The purpose of this amendment is to amend section 161 of the Social Services and Well-being (Wales) Act 2014 (being inserted into that Act by section 56) to insert two new subsections.</p> <p>The effect of this amendment will be to make further provision in relation to an inspector's powers of entry and inspection as they apply to the exercise of social services functions by local authorities. The first new subsection makes further provision about interviews in private and the second new subsection makes provision requiring Welsh Ministers to produce authorisation documentation under certain circumstances.</p>

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	examination, a document showing that the inspector is a registered medical practitioner or registered nurse .’	gyflwyno dogfen sy’n dangos awdurdodiad yr arolygydd a roddir o dan is-adran (1) ac, yn achos archwiliad, ddogfen sy’n dangos bod yr arolygydd yn ymarferydd meddygol cofrestredig neu’n nyrs gofrestrdig.’.	
84	<p>Section 58, page 39, after line 27, insert -</p> <p>‘(6) Before making regulations under this section the Welsh Ministers must consult any persons they think appropriate.</p> <p>(7) But the requirement to consult does not apply to regulations which -</p> <p>(a) amend other regulations made under this section, and</p> <p>(b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.’.</p>	<p>Adran 58, tudalen 39, ar ôl llinell 30, mewnosoder—</p> <p>‘(6) Cyn gwneud rheoliadau o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy’n briodol yn eu barn hwy.</p> <p>(7) Ond nid yw’r gofyniad i ymgynghori yn gymwys i reoliadau—</p> <p>(a) sy’n diwygio rheoliadau eraill a wneir o dan yr adran hon, a</p> <p>(b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth diwygio.’.</p>	<p>The purpose of this amendment is to amend section 58 to insert two new subsections.</p> <p>The effect of the first new subsection is to add to the requirements in relation to the regulation making power in subsection (4) to require the Welsh Ministers to consult any persons they think appropriate when making regulations about the market oversight regime. The effect of the second new subsection is to set out the circumstances in which the requirement to consult in the first new subsection will not apply. This will be where regulations amend other regulations under that subsection or where the regulations do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.</p>
85	Section 62, page 41, line 15, after ‘support’, insert ‘(within the meaning of the 2014 Act)’.	Adran 62, tudalen 41, llinell 17, ar ôl ‘cymorth’, mewnosoder ‘(o fewn ystyr Deddf 2014)’.	<p>The purpose of this amendment is to amend section 62(3)(a)(i).</p> <p>The effect of this amendment is to make it</p>

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			explicit that the 'care and support' for the purposes of this provision is as defined with reference to the wider definition in section 4 of the Social Services and Well-being (Wales) Act 2014 as opposed to the definition of care and support in section 3 of the Bill.
86	Section 62, page 41, after line 18, insert—  '( ) the effect on the exercise of local authority social services functions (within the meaning of the 2014 Act) of the commissioning by local authorities of services in connection with those functions during such period as may be prescribed, and'.	Adran 62, tudalen 41, ar ôl llinell 21, mewnosoder—  '( ) effaith comisiynu gwasanaethau gan awdurdodau lleol mewn cysylltiad â swyddogaethau gwasanaethau cymdeithasol awdurdodau lleol (o fewn ystyr Deddf 2014) ar arferiad y swyddogaethau hynny yn ystod unrhyw gyfnod a ragnodir, a'.	The purpose of this amendment is to amend section 62(3)(a) to insert a new sub paragraph.  The effect of this amendment is to extend the areas which must be included in a national market stability report to incorporate an assessment of any services commissioned by each local authority for the purposes of, or in connection with, exercising a local authority social services function.
87	Section 62, page 41, after line 25, insert -  '(5) Before making regulations under subsection (3)(a)(iii) the Welsh Ministers must consult any persons they think appropriate.  (6) But the requirement to consult does not apply to regulations which -  (a) amend other regulations made	Adran 62, tudalen 41, ar ôl llinell 29, mewnosoder—  '(5) Cyn gwneud rheoliadau o dan is-adran (3)(a)(iii) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.  (6) Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau—  (a) sy'n diwygio rheoliadau eraill a	The purpose of this amendment is to amend section 62 to insert new subsections.  The effect of this amendment is to add additional requirements to the regulation making power in subsection 3(a)(iii). The first new subsection requires Welsh Ministers to consult any persons they think appropriate when making regulations that prescribe any further matters relating to the

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	<p>under that subsection, and</p> <p>(b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.’.</p>	<p>wneir o dan yr is-adran honno, a</p> <p>(b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i'w diwygio.’.</p>	<p>provision of care and support that must be contained within a national market stability report. The effect of the second new subsection is to set out the circumstances in which the requirement to consult will not apply. This will be where regulations amend other regulations under that subsection or where the regulations do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended</p>
88	<p>Section 63, page 41, line 31, after ‘interpreted’, insert ‘(other than in section 62(3)(a)(i))’.</p>	<p>Adran 63, tudalen 41, llinell 38, ar ôl ‘ddehongli’, mewnosoder ‘(ac eithrio yn adran 62(3)(a)(i))’.</p>	<p>The purpose of the amendment is to amend the description of the definition of care and support in section 63.</p> <p>Section 63 is the interpretation section for Part 1 of the Bill. Section 63 currently defines “care and support” with reference to the definition in section 3 of the Bill. However, in consequence of amendment 85, that reference must be qualified because the definition of care and support for the purpose of preparing a national market stability report is the wider definition in the 2014 Act. The effect of this amendment is to qualify the definition of “care and support”.</p>

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89	Section 116, page 69, line 11, leave out 'in the practice of work'.	Adran 116, tudalen 69, llinell 11, hepgorer 'wrth ymarfer gwaith'.	<p>The purpose of this amendment is to remove the words 'in the practice of work' from the description of serious misconduct for the purposes of the grounds of impairment of fitness to practise.</p> <p>The effect of this amendment is to remove unnecessary wording from the description of serious misconduct and make it clear that serious misconduct will be a ground of impairment whether it is serious misconduct as a social care worker or otherwise.</p>
90	Section 116, page 69, after line 33, insert— '( ) the Nursing and Midwifery Council;'	Adran 116, tudalen 69, ar ôl llinell 33, mewnosoder— '( ) y Cyngor Nyrsio a Bydwreigiaeth;'	<p>The purpose of this amendment is to insert the Nursing and Midwifery Council into the list of relevant bodies whose determinations can be relied upon as a ground of impairment.</p> <p>The effect of the amendment is that a person's fitness to practise can be regarded as impaired if the Nursing and Midwifery Council makes a determination as to the registered person's fitness to practise.</p>
91	Section 116, page 70, after line 2, insert— '(e) a prescribed body.'	Adran 116, tudalen 70, ar ôl llinell 2, mewnosoder— '(e) corff rhagnodedig.'	<p>The purpose of this amendment is to add to the list of relevant bodies whose determinations can be relied upon as a ground of impairment a prescribed body.</p> <p>The effect of the amendment is that the Welsh Ministers may prescribe in</p>

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			regulations additional bodies whose determinations can be relied upon as a ground of impairment.
92	Section 131, page 77, after line 18, insert—  ‘(c) any person to whom notice of the referral was given under section 122(2)(c), (d) or (e) or 126(3).’.	Adran 131, tudalen 77, ar ôl llinell 18, mewnosoder—  ‘(c) i unrhyw berson y rhoddwyd hysbysiad o’r atgyfeirio iddo o dan adran 122(2)(c), (d) neu (e) neu 126(3).’.	The purpose of this amendment is to insert the wording ‘any person to whom notice of the referral was given under section 122(2)(c)(d) or (e) or 126(3) into the subsection listing the persons to whom Social Care Wales must give notice of a determination that a fitness to practise or interim orders panel may not commence or continue proceeding in respect of a matter.  The effect of this amendment is to require Social Care Wales to give notice of a determination about the cancellation of referral to a fitness to practise panel to any person who has been given notice of the onward referral to a fitness to practise panel.
93	Section 133, page 78, line 13, after ‘150’, insert ‘(except to the extent that rules may be made under section 135(4) or 136(6) about undertakings agreed, confirmed or varied, or warnings given, on a review carried out under section 150)’.	Adran 133, tudalen 78, llinell 13, ar ôl ‘150’, mewnosoder ‘(ac eithrio i’r graddau y caniateir i reolau gael eu gwneud o dan adran 135(4) neu 136(6) ynghylch ymgymeriadau y cytunir arnynt, a gadarnheir neu a amrywir, neu rybuddion a roddir, yn sgil adolygiad a gynhelir o dan adran 150)’.	The purpose of this amendment is to insert additional wording which sets out the circumstances in which Chapter 3 of Part 6 of the Bill applies to review proceedings.  The effect of this amendment is to make it explicit that Chapter 3 is relevant to review proceedings in so far as rules made under specific sections of the Bill in Chapter 3 can also make provision about disposals agreed

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94	Section 138, page 80, line 32, leave out '(which must not be a period exceeding 3 years)' and insert ', which must not exceed 3 years; but see section 152 regarding extensions of that period on review'.	Adran 138, tudalen 80, llinell 35, hepgorer 'e(na chaniateir iddo fod yn gyfnod sy'n hwy na 3 blynedd)' a mewnosoder 'e, na chaniateir iddo fod yn hwy na 3 blynedd; ond gweler adran 152 yngl.n ag estyniadau o'r cyfnod hwnnw yn sgil adolygiad'.	<p>following review proceedings.</p> <p>The purpose of this amendment is to delete the existing wording and replace it with 'which must not exceed three years; but see section 152 regarding extensions of that period on review'. The amendment inserts a reference to the section of the Bill which allows for the 3 year period to be extended.</p> <p>The effect of this amendment is to make it explicit that the maximum 3 year time period for which a conditional registration order can have effect can be extended on review and to provide a reference to the relevant section of the Bill which enables an order to be extended. This ensures that there is a consistent approach with the drafting in subsection (3) which deals with the maximum periods for suspension orders.</p>
95	Section 140, page 82, line 4, leave out '137(3)' and insert '137(5)'.	Adran 140, tudalen 82, llinell 4, hepgorer '137(3)' a mewnosoder '137(5)'.	The purpose of this amendment is to remove the reference to section '137(3)' and to insert a reference to section 137(5) such that SCW must only give notice of the right of appeal when a panel disposes of cases in any of the ways specified in section 137(5) to (9). SCW is not required

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			<p>to give notice when a case is disposed of in the ways specified in sections 137(3) and 137(4) which deal with consensual disposals by a fitness to practise panel. Sections 137(5)-137(9) deal with non-consensual disposals by a fitness to practise panel.</p> <p>The effect of this amendment is to remove the requirement for SCW to give notice to the registered person of the right of appeal in fitness to practise cases that are disposed of on a consensual basis. There is no right of appeal for such cases as the way in which the case has been disposed of has been agreed by the registered person. It restricts the requirement to give notice of the right of appeal only to cases in which there is a right of appeal: those cases disposed of on a non-consensual basis.</p>
96	Section 140, page 82, line 6, leave out '137(3)' and insert '137(5)'.	Adran 140, tudalen 82, llinell 7, hepgorer '137(3)' a mewnosoder '137(5)'.	Consequential to amendment 95.
97	<p>Page 92, after line 9, insert a new section—</p> <p><b>'( )      Reviews: further provision about conditional registration and suspension orders</b></p> <p>(1) Subsections (1) and (2) apply to a conditional registration order made under</p>	<p>Tudalen 92, ar ôl llinell 10, mewnosoder adran newydd—</p> <p><b>'( )      Adolygiadau: darpariaeth bellach ynghylch gorchmynion cofrestru amodol a gorchmynion atal dros dro</b></p> <p>(1) Mae is-adrannau (1) a (2) yn gymwys i</p>	<p>The purpose of this amendment is to insert a new section – Reviews: further provision about conditional registration and suspension orders.</p> <p>The effect of this section is to replicate the provision in section 138 about conditional registration and suspension orders such</p>

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	<p>section 151(8)(c), 153(8)(c) or 154(10)(c).</p> <p>(2) The order must specify—</p> <p>(a) the conditions with which the person to whom the order relates must comply, and</p> <p>(b) the period for which the order is to have effect, which must not exceed 3 years; but see section 152 regarding extensions of that period on review.</p> <p>(3) The order may specify—</p> <p>(a) that it must be reviewed in accordance with arrangements specified in the order;</p> <p>(b) different conditions that have effect for different periods; but this is subject to the limit mentioned in subsection (2)(b).</p> <p>(4) Subsections (5) and (6) apply to a suspension order made under section 151(8)(d) or 152(9)(c).</p> <p>(5) The order must specify the period for which it is to have effect, which must not exceed 3 years; but see section 153 regarding extensions of that period on review.</p> <p>(6) The order may specify that it must be</p>	<p>orchymyn cofrestru amodol a wneir o dan adran 151(8)(c), 153(8)(c) neu 154(10)(c).</p> <p>(2) Rhaid i'r gorchymyn bennu—</p> <p>(a) yr amodau y mae rhaid i'r person y mae'r gorchymyn yn ymwneud ag ef gydymffurfio â hwy, a</p> <p>(b) y cyfnod y mae'r gorchymyn i gael effaith ar ei gyfer, na chaniateir iddo fod yn hwy na 3 blynedd; ond gweler adran 152 ynglŷn ag estyniadau o'r cyfnod hwnnw yn sgil adolygiad.</p> <p>(3) Caiff y gorchymyn bennu—</p> <p>(a) bod rhaid ei adolygu yn unol â threfniadau a bennir yn y gorchymyn;</p> <p>(b) amodau gwahanol sy'n cael effaith ar gyfer cyfnodau gwahanol; ond mae hyn yn ddarostyngedig i'r terfyn a grybwyllir yn is-adran (2)(b).</p> <p>(4) Mae is-adrannau (5) a (6) yn gymwys i orchymyn atal dros dro a wneir o dan adran 151(8)(d) neu 152(9)(c).</p> <p>(5) Rhaid i'r gorchymyn bennu'r cyfnod y mae'r gorchymyn i gael effaith ar ei gyfer, na chaniateir iddo fod yn hwy na 3 blynedd; ond gweler adran 153 ynglŷn ag estyniadau o'r</p>	<p>that they will also apply when such orders are made on review. Without such provision a fitness to practise panel could make a new order which does not comply with the conditions in section 138. The effect is that there is no difference between the orders imposed on a registered person by a fitness to practise panel in fitness to practise proceedings or by a fitness to practise panel in review proceedings.</p>

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	reviewed in accordance with arrangements specified in the order.’.	cyfnod hwnnw yn sgil adolygiad. (6) Caiff y gorchymyn bennu bod rhaid ei adolygu yn unol â threfniadau a bennir yn y gorchymyn.’.	
98	Section 163, page 98, after line 29, insert -  (5) Before making regulations under this section the Welsh Ministers must consult any persons they think appropriate.  (6) But the requirement to consult does not apply to regulations which -  (a) amend other regulations made under this section, and  (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.’.	Adran 163, tudalen 98, ar ôl llinell 33, mewnosoder—  (5) Cyn gwneud rheoliadau o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy’n briodol yn eu barn hwy.  (6) Ond nid yw’r gofyniad i ymgynghori yn gymwys i reoliadau—  (a) sy’n diwygio rheoliadau eraill a wneir o dan yr adran hon, a  (b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i’w diwygio.’.	The purpose of this amendment is to amend section 163 to insert new subsections.  The effect of this amendment is to make additional requirements in relation to the regulation making power in section 163. The first new subsection requires Welsh Ministers to consult any persons they think appropriate when making regulations about the designation of regulated activity (which are subject to the affirmative procedure) under Part 7 of the Bill.  The effect of the second new subsection is to qualify the duty to consult by setting out the circumstances in which the requirement to consult will not apply. This will be where regulations amend other regulations under this section or where the regulations do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.
99	Section 167, page 100, line 5, leave out—	Adran 167, tudalen 100, llinell 5, hepgorer—	The purpose of this amendment is to replace subsection (1) and (3) with new

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	<p>‘—</p> <p>(a) within the period of 3 months beginning with the date on which the order was made, and</p> <p>(b) within each subsequent period of 3 months beginning with the date of the previous review.</p> <p>And insert—</p> <p>‘as soon as practicable if—</p> <p>(a) the person in respect of whom the order is made requests a review, and</p> <p>(b) the request is made no earlier than 3 months after the date on which the order was made.</p> <p>( ) If an interim prohibition order is reviewed under subsection (1), a fitness to practise panel must review the order within each subsequent period of 3 months beginning with the date of the review under that subsection.’.</p>	<p>‘—</p> <p>(a) o fewn y cyfnod o 3 mis sy’n dechrau â’r dyddiad y gwnaed y gorchymyn, a</p> <p>(b) o fewn pob cyfnod dilynol o 3 mis sy’n dechrau â dyddiad yr adolygiad blaenorol’</p> <p>A mewnosoder—</p> <p>‘cyn gynted ag y bo’n ymarferol—</p> <p>(a) os yw’r person y gwneir y gorchymyn mewn cysylltiad ag ef yn gofyn am adolygiad, a</p> <p>(b) os gofynnir am yr adolygiad heb fod yn gynharach na 3 mis ar ôl y dyddiad y gwnaed y gorchymyn.</p> <p>( ) Os adolygir gorchymyn gwahardd interim o dan is-adran (1), rhaid i banel addasrwydd i ymarfer adolygu’r gorchymyn o fewn pob cyfnod dilynol o 3 mis sy’n dechrau â dyddiad yr adolygiad o dan yr is-adran honno’.</p>	<p>provision in relation to the timing of when interim prohibition orders must be reviewed.</p> <p>The effect is to provide that 3 months following the making of an interim prohibition order, the person in respect of whom the order was made can make an application for the order to be reviewed. If such an application is made SCW must review the order as soon as practicable and within each subsequent period of 3 months beginning with the date of the previous review.</p>
100	Section 168, page 100, line 14, leave out ‘The Welsh Ministers must by regulations’ and insert ‘Regulations under section 163 must’.	Adran 168, tudalen 100, llinell 12, hepgorer ‘Weinidogion Cymru drwy reoliadau’ a mewnosoder ‘reoliadau o dan adran 163’.	The purpose of this amendment is to delete the words ‘The Welsh Ministers must by regulations’ and insert the words ‘Regulations under section 163 must’ so that the duty to make provision about

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			<p>appeals in section 168 only applies if regulations are made under section 163.</p> <p>The effect of this amendment is to make it explicit that the Welsh Ministers do not have a duty to make separate regulations to provide for a right of appeal to the tribunal against prohibition orders and decisions taken in relation to prohibition orders until such time as a barring scheme is introduced via regulations under section 163. The amendment makes it clear that if the Welsh Minister makes regulations under section 163 those regulations must provide for an appeal process as set out in section 168.</p>
101	<p>Section 175, page 104, after line 4, insert –  ‘() the Education Workforce Council,’.</p>	<p>Adran 175, tudalen 104, ar ôl llinell 4, mewnosoder—  ‘() Cyngor y Gweithlu Addysg,’.</p>	<p>The purpose of this amendment is to list the Education Workforce Council as a relevant authority.</p> <p>The effect of this amendment is to include the Education Workforce Council as a relevant authority for the purposes of the Bill so that the provisions in relation to co-operation and sharing information which apply to relevant authorities also apply to the Education Workforce Council.</p>
102	<p>Section 185, page 109, after line 23, insert—  ‘() section (<i>section to be inserted by</i></p>	<p>Adran 185, tudalen 109, ar ôl llinell 26, mewnosoder—  ‘() adran (<i>yr adran sy'n cael ei fewnosod gan</i></p>	<p>The purpose of this amendment is to insert a new sub paragraph into subsection (2) of section 185. The effect of this amendment</p>

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	<p><i>amendment 7)(7) (regulations varying the evidence to be taken into account when determining whether a person is fit and proper);’.</i></p>	<p><i>welliant 7)(7) (rheoliadau sy’n amrywio’r dystiolaeth sydd i’w hystyried wrth ddyfarnu a yw person yn berson addas a phriodol);’.</i></p>	<p>is to add to the list of regulation making powers which are subject to approval by resolution of the National Assembly for Wales.</p> <p>The <del>first</del> new sub paragraph relates to the power to vary the evidence to which Welsh Ministers must have regard when deciding whether a person is a fit and proper person to be a service provider or responsible individual, inserted by amendment 7.</p>
103	<p>Section 185, page 110, line 7, leave out ‘116(6)’ and insert ‘116’.</p>	<p>Adran 185, tudalen 110, llinell 7, hepgorer ‘116(6)’ a mewnosoder ‘116’.</p>	<p>The purpose of this amendment is to make all regulations made under section 116 subject to the procedure in section 185(2).</p> <p>The effect of the amendment is that regulations made under 116(1) and (4) (amendment 91) must follow the affirmative procedure. If regulations are made therefore to add a new body to those bodies who are considered a relevant body under subsection (4) the affirmative procedure must be followed.</p>
104	<p>Section 185, page 110, after line 9, insert –  ‘( ) section 135(2)(d) (persons to whom undertakings may be disclosed by SCW);’.</p>	<p>Adran 185, tudalen 110, ar ôl llinell 9, mewnosoder—  ‘( ) adran 135(2)(d) (personau y caniateir i ymgymeriadau gael eu datgelu iddynt gan GCC);’.</p>	<p>The purpose of this amendment is to insert additional regulations into the list of regulations in this section which are subject to the affirmative procedure.</p> <p>The effect of this amendment is to provide that regulations which prescribe persons to</p>

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			whom Social Care Wales is required to disclose details of undertakings to, are to made under the affirmative procedure.
105	<p>Schedule 3, page 124, after line 16, insert—</p> <p>‘( ) The 2014 Act is amended as follows.</p> <p>( ) In section 1 (overview)—</p> <p>(a) in subsection (9)—</p> <p>(i) after paragraph (b) insert—</p> <p>“(ba) requires local authorities to produce—</p> <p>(i) annual reports about the exercise of social services functions, and</p> <p>(ii) reports about the stability of local markets for providing care and support, (sections 144A and 144B);”;</p> <p>(ii) after paragraph (c) insert—</p> <p>“(ca) provides powers for the Welsh Ministers to conduct reviews relating to the exercise of social services functions of local authorities</p>	<p>Atodlen 3, tudalen 124, ar ôl llinell 16, mewnosoder—</p> <p>‘( ) Mae Deddf 2014 wedi ei diwygio fel a ganlyn.</p> <p>( ) Yn adran 1 (trosolwg)—</p> <p>(a) yn is-adran (9)—</p> <p>(i) ar ôl paragraff (b) mewnosoder—</p> <p>“(ba) yn ei gwneud yn ofynnol bod awdurdodau lleol yn llunio—</p> <p>(i) adroddiadau blynyddol ynghylch arfer swyddogaethau gwasanaethau cymdeithasol, a</p> <p>(ii) adroddiadau ar sefydlogrwydd marchnadoedd lleol ar gyfer darparu gofal a chymorth, (adrannau 144A a 144B);”;</p> <p>(ii) ar ôl paragraff (c) mewnosoder—</p>	<p>The purpose of this amendment is to amend Schedule 3 of the Bill to insert additional provision which makes consequential amendments to section 1, section 183, section 188(1), section 189, section 190(1) and section 191 of the Social Services and Well-being (Wales) Act 2014.</p> <p>The effect of this amendment is to amend the 2014 Act in the following way:</p> <p>The overview section 1 of the 2014 Act is to be amended to provide further overview information in relation to the provisions which are being inserted into that Act by the Bill.</p> <p>Section 183 is to be repealed. This is a provision that amends section 22 of the Care Standards Act to add to the list of requirements that regulations under that section may deal with, namely to make provision requiring persons carrying or managing a care home to publicise advocacy services available to them by virtue of section 181 of the 2014 Act.</p> <p>Section 188 is an interpretation section for the purposes of sections 185 to 187 of the</p>

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	<p>(iii) (sections 149A and 149B);”; in paragraph (d), for “161.” substitute “160);</p> <p>(da) allows for the inspection of premises in connection with reviews of local authority social services functions conducted by the Welsh Ministers or the exercise of the Welsh Ministers’ powers of intervention in relation to those functions, and for the Welsh Ministers to request information in connection with such reviews and makes related provision (sections 161 to 161C).”;</p> <p>(b) in subsection (15)(c), for “an establishment or agency (within the meaning of the Care Standards Act 2000)” substitute “a service provider (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016)”.</p> <p>( ) Section 183 (publicising advocacy services in care homes) is repealed.</p> <p>( ) In section 188(1) (definitions for the</p>	<p>“(ca) yn darparu pwerau i Weinidogion Cymru i gynnal adolygiadau sy’n ymwneud ag arfer swyddogaethau gwasanaethau cymdeithasol awdurdodau lleol (adrannau 149A a 149B);”;</p> <p>(iii) ym mharagraff (d), yn lle “161.” rhodder “160);</p> <p>(da) yn caniatáu ar gyfer arolygu mangreoedd mewn cysylltiad ag adolygiadau a gynhelir gan Weinidogion Cymru o swyddogaethau gwasanaethau cymdeithasol awdurdodau lleol neu arfer pwerau ymyrryd Gweinidogion Cymru mewnperthynas â’r swyddogaethau hynny, ac i Weinidogion Cymru ofyn am wybodaeth mewn cysylltiad ag adolygiadau o’r fath ac yn gwneud darpariaeth gysylltiedig (adrannau 161 i 161C).”;</p> <p>(b) yn is-adran (15)(c), yn lle “sefydliad neu asiantaeth (o fewn yr ystyr a roddir i “establishment” ac “agency” yn Neddf Safonau Gofal 2000)” rhodder</p>	<p>2014 Act. Section 188(1)(a) currently makes reference to a “secure children’s home”. This reference is to be removed and replaced with a reference to a “secure accommodation service” in consequence of the change to the name of the equivalent service in the Bill (see Schedule 1 paragraph 2).</p> <p>Section 189, section 190(1) and section 191 are provisions that are concerned with provider failure. Those provisions currently make reference to establishments and agencies within the meaning of the Care Standards Act 2000. The effect of the amendment is to replace references to establishments and agencies with references to regulated services and service providers registered under the Bill as a consequence of the repeal of Parts 1 and 2 of the Care Standards Act 2000 in relation to social care provision in Wales.</p>

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	<p>purposes of sections 185 to 187), in the definition of “youth detention accommodation”, for paragraph (a) substitute—</p> <p>“(a) a secure accommodation service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016);”.</p> <p>( ) In section 189 (provider failure: temporary duty on local authority)—</p> <p>(a) for subsection (1) substitute—</p> <p>“(1) This section applies where a service provider becomes unable to provide a regulated service because of business failure.”;</p> <p>(b) in subsection (2), for the words from “registered” to “agency” where it second occurs substitute “service provider became unable to provide the regulated service, being met in the authority’s area by the service provider”;</p> <p>(c) in subsection (5)(a), for “registered person became unable</p>	<p>“darparwr gwasanaeth (o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016)”.</p> <p>( ) Mae adran 183 (rhoi cyhoeddusrwydd i wasanaethau eirioli mewn cartrefi gofal) wedi ei diddymu.</p> <p>( ) Yn adran 188(1) (diffiniadau at ddibenion adrannau 185 i 187), yn y diffiniad o “llety cadw ieuencid”, yn lle paragraff (a) rhodder—</p> <p>“(a) gwasanaeth llety diogel (o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016);”.</p> <p>( ) Yn adran 189 (methiant darparwr: dyletswydd dros dro ar awdurdod lleol)—</p> <p>(a) yn lle is-adran (1) rhodder—</p> <p>“(1) Mae’r adran hon yn gymwys pan fo darparwr gwasanaeth yn methu â darparu gwasanaeth rheoleiddiedig oherwydd methiant busnes.”;</p> <p>(b) yn is-adran (2), yn lle’r geiriau o</p>	

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	<p>to carry on or manage the establishment or agency” substitute “service provider became unable to provide the regulated service”;</p> <p>(d) in subsection (9)—</p> <p>(i) the definition of “registered person” is repealed;</p> <p>(ii) before the definition of “relevant carer” insert—</p> <p>“regulated service” (“gwasanaeth rheoleiddiedig”) has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”;</p> <p>(iii) at the end insert—</p> <p>““service provider” (“darparwr gwasanaeth”) has the same meaning as in Part 1 of the Regulation and</p>	<p>“person” hyd at “asiantaeth” yn yr ail le y mae’n digwydd rhodder “darparwr gwasanaeth fethu â darparu’r gwasanaeth rheoleiddiedig, yn cael eu diwallu yn ardal yr awdurdod gan y darparwr gwasanaeth”;</p> <p>(c) yn is-adran (5)(a), yn lle “person cofrestredig fethu â rhedeg y sefydliad neu ei reoli neu fethu â rhedeg yr asiantaeth neu ei rheoli” rhodder “darparwr gwasanaeth fethu â darparu’r gwasanaeth rheoleiddiedig”;</p> <p>(d) yn is-adran (9)—</p> <p>(i) cyn y diffiniad o “gofalwr perthnasol” rhodder—</p> <p>“mae i “darparwr gwasanaeth” (“service provider”) yr un ystyr ag yn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016;”;</p> <p>(ii) cyn y diffiniad o “person cofrestredig” mewnosoder—</p> <p>“mae i “gwasanaeth rheoleiddiedig” (“regulated service”) yr</p>	

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p style="text-align: right;">Inspection of Social Care (Wales) Act 2016.”</p> <p>( ) In section 190(1) (provider failure: exception to temporary duty), for “registered person became unable to carry on or manage the establishment or agency” substitute “service provider became unable to provide the regulated service”.</p> <p>( ) In section 191 (provider failure: supplementary)—</p> <p>(a) in subsection (6), for “registered person, or such other person involved in the establishment or agency’s” substitute “service provider, or such other person involved in the service provider’s”;</p> <p>(b) in subsection (7), for “carry on or manage an establishment or agency” substitute “provide a regulated service”.</p>	<p style="text-align: right;">un ystyr ag yn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016;”;</p> <p>(iii) mae’r diffiniad o “person cofrestredig” wedi ei ddiddymu.</p> <p>( ) Yn adran 190(1) (methiant darparwr: eithriad i’r ddyletswydd dros dro), yn lle “person cofrestredig fethu â rhedeg y sefydliad neu ei reoli neu fethu â rhedeg yr asiantaeth neu ei rheoli” rhodder “darparwr gwasanaeth fethu â darparu’r gwasanaeth rheoleiddiedig”.</p> <p>( ) Yn adran 191 (methiant darparwr: materion atodol)—</p> <p>(a) yn is-adran (6), yn lle “person cofrestredig, neu unrhyw berson arall sy’n gysylltiedig â busnes y sefydliad neu’r asiantaeth” rhodder “darparwr gwasanaeth, neu unrhyw berson arall sy’n gysylltiedig â busnes y darparwr gwasanaeth”;</p> <p>(b) yn is-adran (7), yn lle “rhedeg sefydliad neu ei reoli neu’n methu â rhedeg asiantaeth neu ei rheoli” rhodder “darparu gwasanaeth</p>	

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		rheoleiddiedig”.	
106	Schedule 3, page 124, line 17, leave out 'of the 2014 Act'.	Atodlen 3, tudalen 124, llinell 17, hepgorer 'o Ddeddf 2014'.	<p>The purpose of this amendment is to remove the reference to 'the 2014 Act' in paragraph 36 of Schedule 3</p> <p>The effect of this amendment is to remove superfluous wording as a consequence of the first paragraph inserted into Schedule by amendment G105 which introduces the amendments which are to be made to the Social Services and Well-being (Wales) Act 2014.</p>
107	Schedule 3, page 126, after line 8, insert -  '() a person engaged in the provision of personal care for any person in England;'	Atodlen 3, tudalen 126, ar ôl llinell 8, mewnosoder—  '() a person engaged in the provision of personal care for any person in England;'	<p>The purpose of this amendment is to insert a further amendment to the consequential amendments to the Care Standards Act 2000 which lists the persons who may be treated as social care workers by regulations. This will include 'a person engaged in the provision of personal care for any person in England;'</p> <p>The effect of this amendment is that there is no change to the legal effect of section 55 of the Care Standards Act 2000, save that it will only now apply in England.</p>
108	Schedule 3, page 130, line 17, leave out paragraph 57.	Atodlen 3, tudalen 130, llinell 17, hepgorer paragraff 57.	The purpose of this amendment is to remove the paragraph which amends section 93 of the Social Services and Well-

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			<p>being (Wales) Act 2014.</p> <p>The effect of this amendment is to reflect the intention for this amendment to be made instead under the regulations to be made under section 198 of the 2014 Act. These regulations are expected to be in force prior to the commencement of the Bill.</p>