

RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru)

Regulation and Inspection of Social Care (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Caiff y Bil ei ystyried yn y drefn a ganlyn –	
The Bill will be considered in the following order –	
Sections 55 - 63	Adrannau 55 - 63
Section 1	Adran 1
Section 66	Adran 66
Schedule 2	Atodlen 2
Sections 67 - 173	Adrannau 67 - 173
Sections 64 - 65	Adrannau 64 - 65
Sections 174 - 183	Adrannau 174 - 183
Schedule 3	Atodlen 3
Sections 184 - 188	Adrannau 184 - 188
Long title	Teitl hir

Lindsay Whittle

149

Section 55, page 29, after line 22, insert –

'() The details provided under subsection (2)(ii) must state how the authority has satisfied any requirements contained in a code relating to assessing the needs of an individual in accordance with Part 3 and meeting needs under Part 4.'



Adran 55, tudalen 29, ar ôl llinell 25, mewnosoder –

- '() Rhaid i'r manylion a ddarperir o dan is-adran (2)(ii) ddatgan sut y mae'r awdurdod wedi bodloni unrhyw ofynion a gynhwysir mewn cod sy'n ymwneud ag asesu anghenion unigolyn yn unol â Rhan 3 a diwallu anghenion o dan Ran 4.'

Mark Drakeford

74

Section 55, page 30, after line 14, insert –

- '(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'.

Adran 55, tudalen 30, ar ôl llinell 15, mewnosoder –

- '(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'.

Mark Drakeford

75

Section 55, page 30, after line 20, insert –

- '() In preparing a local market stability report, a local authority must –
 - (a) take account of –
 - (i) the assessment it has most recently published under section 14 (needs assessments), and
 - (ii) the plan it has most recently published under section 14A following the assessment, and
 - (b) consult with each Local Health Board with which it carried out the assessment.'

Adran 55, tudalen 30, ar ôl llinell 21, mewnosoder –

- '() Wrth lunio adroddiad ar sefydlogrwydd y farchnad leol, rhaid i awdurdod lleol –
 - (a) ystyried –
 - (i) yr asesiad y mae wedi ei gyhoeddi'n ddiweddaraf o dan adran 14 (asesiadau o anghenion), a
 - (ii) y cynllun y mae wedi ei gyhoeddi'n ddiweddaraf o dan adran 14A ar ôl yr asesiad, a



- (b) ymgynghori â phob Bwrdd Iechyd Lleol y cynhaliodd yr asesiad gydag ef.'.

Mark Drakeford

76

Section 55, page 30, after line 22, insert—

- '() Before making regulations under subsection (2)(a)(iii) the Welsh Ministers must consult any persons they think appropriate.
- () But the requirement to consult does not apply to regulations which—
- (a) amend other regulations made under that subsection, 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 55, tudalen 30, ar ôl llinell 23, mewnosoder—

- '() 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.
- () Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau—
- (a) sy'n diwygio rheoliadau eraill a wneir o dan yr is-adran honno, 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.'

Mark Drakeford

77

Section 55, page 30, after line 32, insert—

- '() 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—
- “(d) the first regulations made under section 144A(2)(b);”.'

Adran 55, tudalen 30, ar ôl llinell 34, mewnosoder—

- '() 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—
- “(d) y rheoliadau cyntaf a wneir o dan adran 144A(2)(b);”.'

Mark Drakeford

78

Section 56, page 31, after line 27, insert—

- '() A reference in subsection (2) to the exercise by a local authority of local authority social services functions includes a reference to the commissioning of any services in connection with those functions.'



Adran 56, tudalen 31, ar ôl llinell 29, mewnosoder –

- '() Mae cyfeiriad yn is-adran (2) at arfer swyddogaethau gwasanaethau cymdeithasol awdurdod lleol gan awdurdod lleol yn cynnwys cyfeiriad at gomisiynu unrhyw wasanaethau mewn cysylltiad â'r swyddogaethau hynny.'

Mark Drakeford

79

Section 56, page 32, after line 6, insert –

- '(6) Before making regulations under subsection (4) the Welsh Ministers must consult any persons they think appropriate.
- (7) But the requirement to consult does not apply to regulations which –
- (a) amend other regulations made under that subsection, 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 56, tudalen 32, ar ôl llinell 6, mewnosoder –

- '(6) Cyn gwneud rheoliadau o dan is-adran (4) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- (7) Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau –
- (a) sy'n diwygio rheoliadau eraill a wneir o dan yr is-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.'

Lindsay Whittle

150

Gyda chefnogaeth / Supported by: Kirsty Williams, Altaf Hussain

Section 56, page 32, after line 6, insert –

- '() **Reviews of local health board commissioning**
- (1) The Welsh Ministers may review the way in which regulated services are commissioned by local health boards.
- (2) In particular, the Welsh Ministers may –
- (a) review the overall commissioning of regulated services by local health boards in Wales;
 - (b) review the way in which regulated services are commissioned by a particular local health board;



- (c) review the commissioning of a particular regulated service (whether exercised by a single local health board or by two or more boards working together);
 - (d) review the commissioning of a regulated service by a particular person or persons.
- (3) The Welsh Ministers must –
- (a) prepare and publish a report of a review conducted under subsection (1), and
 - (b) lay a copy of the report before the National Assembly for Wales.’.

Adran 56, tudalen 32, ar ôl llinell 6, mewnosoder –

‘() Adolygiadau o waith comisiynu bwrdd iechyd lleol

- (1) Caiff Gweinidogion Cymru adolygu’r ffordd y mae gwasanaethau rheoleiddiedig yn cael eu comisiynu gan fyrddau iechyd lleol.
- (2) Yn benodol, caiff Gweinidogion Cymru –
 - (a) adolygu’r ffordd gyffredinol y mae gwasanaethau rheoleiddiedig yn cael eu comisiynu gan fyrddau iechyd lleol yng Nghymru;
 - (b) adolygu’r ffordd y mae gwasanaethau rheoleiddiedig yn cael eu comisiynu gan fwrdd iechyd lleol penodol;
 - (c) adolygu’r ffordd y mae gwasanaeth rheoleiddiedig penodol yn cael ei gomisiynu (pa un ai gan un bwrdd iechyd lleol neu gan ddau fwrdd neu ragor yn gweithio gyda’i gilydd);
 - (d) adolygu’r ffordd y mae gwasanaeth rheoleiddiedig yn cael ei gomisiynu gan berson neu bersonau penodol.
- (3) Rhaid i Weinidogion Cymru –
 - (a) paratoi a chyhoeddi adroddiad o adolygiad a gynhaliwyd o dan is-adran (1), a
 - (b) gosod copi o’r adroddiad gerbron Cynulliad Cenedlaethol Cymru.’.

Lindsay Whittle

151

Section 56, page 32, after line 25, insert –

- ‘() the extent to which paragraphs (b) to (d) have contributed or otherwise to the achievement of the outcomes set out in the statement issued under section 8,.’.



Adran 56, tudalen 32, ar ôl llinell 27, mewnosoder –

'() y graddau y mae paragraffau (b) i (d) wedi cyfrannu neu fel arall at sicrhau'r canlyniadau a nodir yn y datganiad a ddyroddir o dan adran 8,'.

Lindsay Whittle

152

Section 56, page 32, after line 25, insert –

'() how, when commissioning regulated services, the local authority has taken paragraphs (b) to (d) into account,'.

Adran 56, tudalen 32, ar ôl llinell 27, mewnosoder –

'() sut, wrth gomisiynu gwasanaethau rheoleiddiedig, y mae'r awdurdod lleol wedi ystyried paragraffau (b) i (d),'.

Mark Drakeford

80

Section 56, page 34, line 8, after 'subsection', insert 'unless the occupier of the premises consents to the inspector entering and inspecting them'.

Adran 56, tudalen 34, llinell 9, hepgorer 'mangreodded 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 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'.

Mark Drakeford

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.'

Mark Drakeford

82

Section 56, page 35, line 18, after 'a', insert 'registered'.

Adran 56, tudalen 35, llinell 19, ar ôl 'meddygol', mewnosoder 'cofrestredig'.

Mark Drakeford

83

Section 56, page 35, after line 23, insert –

'() 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 –

(a) the person being interviewed or examined wants the third party to be present and the inspector does not object, or



- (b) the inspector wants the third party to be present and the person being interviewed or examined consents.
- () Where an inspector conducts an interview or examination under this section, the inspector must, if requested to do so by –
 - (a) the person being interviewed or examined, or
 - (b) an individual accompanying that person,produce a document showing the inspector's authorisation given under subsection (1) and, in the case of an examination, a document showing that the inspector is a registered medical practitioner or registered nurse.'.

Adran 56, tudalen 35, ar ôl llinell 27, mewnosoder –

- '() At ddibenion is-adrannau (6)(f) a (9), mae cyfweiliad neu archwiliad i'w drin fel pe bai wedi ei gynnal yn breifat er gwaethaf presenoldeb trydydd parti –
 - (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
 - (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.
- () Pan fo arolygydd yn cynnal cyfweiliad neu archwiliad o dan yr adran hon, rhaid i'r arolygydd, os gofynnir iddo wneud hynny gan –
 - (a) y person y cyfwelir ag ef neu y cynhelir archwiliad ohono, neu
 - (b) unigolyn sy'n dod gyda'r person hwnnw,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 gofrestredig.'.

Mark Drakeford

84

Section 58, page 39, after line 27, insert –

- '(6) Before making regulations under this section the Welsh Ministers must consult any persons they think appropriate.
- (7) 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 58, tudalen 39, ar ôl llinell 30, mewnosoder –

- '(6) Cyn gwneud rheoliadau o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- (7) 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.'

Mark Drakeford

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)'.

Mark Drakeford

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'.

Mark Drakeford

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 under that subsection, 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 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 wneir o dan yr is-adran honno, 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.'

Kirsty Williams

159

Gyda chefnogaeth / Supported by: Altaf Hussain

Page 41, after line 25, insert a new section –

'CHAPTER ()

COMMISSIONING AND DISQUALIFICATION

() Commissioning and disqualification

- (1) A person who is involved in the decision-making process of commissioning a regulated service from a service provider must not –
- (a) become an employee of the service provider, or
 - (b) work for the service provider (whether directly, indirectly or via any contractual arrangement),
- during the restricted period.
- (2) The restricted period is 6 months starting with the last day the person was involved in the decision-making process.
- (3) References to the service provider in this section include any subsidiary or holding company of the service provider.
- (4) A person who contravenes this section commits an offence and shall be liable on summary conviction to a fine.'

Tudalen 41, ar ôl llinell 29, mewnosoder adran newydd –

'PENNOD ()

COMISIYNU AC ANGHYMHWYSO

() Comisiynu ac anghymhwysu

- (1) Ni chaniateir i berson sy'n rhan o'r broses o wneud penderfyniadau ynghylch comisiynu gwasanaeth rheoleiddiedig gan ddarparwr gwasanaeth –
- (a) dod yn gyflogai i'r darparwr gwasanaeth, na
 - (b) gweithio i'r darparwr gwasanaeth (pa un ai'n uniongyrchol, yn anuniongyrchol neu drwy drefniant o dan gontract),
- yn ystod y cyfnod cyfyngedig.
- (2) Mae'r cyfnod cyfyngedig yn gyfnod o 6 mis yn dechrau ar y diwrnod olaf yr oedd y person o dan sylw yn rhan o'r broses o wneud penderfyniadau.
- (3) Caiff cyfeiriadau at y darparwr gwasanaeth yn yr adran hon gynnwys unrhyw is-gwmni neu gwmni daliannol y darparwr gwasanaeth.



- (4) Mae person sy'n torri'r adran hon yn cyflawni trosedd ac mae'n agored ar gollfarn ddiannod i ddirwy.'

Mark Drakeford

88

Section 63, page 41, line 31, after 'interpreted', insert '(other than in section 62(3)(a)(i))'.

Adran 63, tudalen 41, llinell 38, ar ôl 'ddechongli', mewnosoder '(ac eithrio yn adran 62(3)(a)(i))'.

Altaf Hussain

116

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 79, page 51, after line 4, insert –

'() domiciliary care workers,'.

Adran 79, tudalen 51, ar ôl llinell 4, mewnosoder –

'() gweithwyr gofal cartref,'.

Altaf Hussain

117

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 79, page 51, after line 4, insert –

'() adult residential care workers,'.

Adran 79, tudalen 51, ar ôl llinell 4, mewnosoder –

'() gweithwyr gofal preswyl i oedolion,'.

Altaf Hussain

118

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 79, page 51, after line 7, insert –

- '() For the purposes of this section "domiciliary care workers" means persons who are employed to provide personal care in the home of and for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.'

Adran 79, tudalen 51, ar ôl llinell 8, mewnosoder –

- '() At ddibenion yr adran hon, ystyr "gweithwyr gofal cartref" yw personau a gyflogir i ddarparu gofal personol i bersonau yn eu cartrefi nad ydynt, oherwydd gwaeledd, gwendid neu anabledd, yn gallu ei ddarparu i'w hunain heb gynhorthwy.'



Altaf Hussain

119

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 79, page 51, after line 7, insert –

‘() For the purposes of this section “adult residential care workers” means persons who are employed by a care home service provider to undertake nursing or personal care for persons in a care home.’.

Adran 79, tudalen 51, ar ôl llinell 8, mewnosoder –

‘() At ddibenion yr adran hon, ystyr “gweithwyr gofal preswyl i oedolion” yw personau a gyflogir gan ddarparwr gwasanaeth cartref gofal i roi gofal nyrsio neu ofal personol i bersonau mewn cartref gofal.’.

Altaf Hussain

120

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 79, page 51, after line 9, insert –

‘() domiciliary care workers;’.

Adran 79, tudalen 51, ar ôl llinell 10, mewnosoder –

‘() gweithwyr gofal cartref;’.

Altaf Hussain

121

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 79, page 51, after line 9, insert –

‘() adult residential care workers;’.

Adran 79, tudalen 51, ar ôl llinell 10, mewnosoder –

‘() gweithwyr gofal preswyl i oedolion;’.

Altaf Hussain

122

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 79, page 51, after line 14, insert –

‘() the part mentioned in subsection (2)((*paragraph to be inserted by amendment 120*)) is the “domiciliary care workers part” of the register;’.

Adran 79, tudalen 51, ar ôl llinell 17, mewnosoder –

‘() y rhan a grybwyllir yn is-adran (2)((*y paragraff sy'n cael ei fewnosod gan welliant 120*)) yw'r “rhan gweithwyr gofal cartref” o'r gofrestr;’.



Altaf Hussain

123

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 79, page 51, after line 14, insert—

'() the part mentioned in subsection (2)((*paragraph to be inserted by amendment 121*)) is the "adult residential care workers part" of the register;'

Adran 79, tudalen 51, ar ôl llinell 17, mewnosoder—

'() y rhan a grybwyllir yn is-adran (2)((*y paragraff sy'n cael ei fewnosod gan welliant 121*)) yw'r "rhan gweithwyr gofal preswyl i oedolion" o'r gofrestr;'

Mark Drakeford

89

Section 116, page 69, line 11, leave out 'in the practice of work'.

Adran 116, tudalen 69, llinell 11, hepgorer 'wrth ymarfer gwaith'.

Mark Drakeford

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;'

Mark Drakeford

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.'

Mark Drakeford

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).'



Mark Drakeford

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)'.

Mark Drakeford

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 '(na chaniateir iddo fod yn gyfnod sy'n hwy na 3 blynedd)' a mewnosoder ', na chaniateir iddo fod yn hwy na 3 blynedd; ond gweler adran 152 ynglŷn ag estyniadau o'r cyfnod hwnnw yn sgil adolygiad'.

Mark Drakeford

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)'.

Mark Drakeford

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)'.

Mark Drakeford

97

Page 92, after line 9, insert a new section –

'() Reviews: further provision about conditional registration and suspension orders

- (1) Subsections (1) and (2) apply to a conditional registration order made under section 151(8)(c), 153(8)(c) or 154(10)(c).
- (2) The order must specify –
 - (a) the conditions with which the person to whom the order relates must comply, and
 - (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.
- (3) The order may specify –
 - (a) that it must be reviewed in accordance with arrangements specified in the order;
 - (b) different conditions that have effect for different periods; but this is subject to the limit mentioned in subsection (2)(b).



- (4) Subsections (5) and (6) apply to a suspension order made under section 151(8)(d) or 152(9)(c).
- (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.
- (6) The order may specify that it must be reviewed in accordance with arrangements specified in the order.’.

Tudalen 92, ar ôl llinell 10, mewnosoder adran newydd –

‘() Adolygiadau: darpariaeth bellach ynghylch gorchmynion cofrestru amodol a gorchmynion atal dros dro

- (1) Mae is-adrannau (1) a (2) yn gymwys i orchymyn cofrestru amodol a wneir o dan adran 151(8)(c), 153(8)(c) neu 154(10)(c).
- (2) Rhaid i’r gorchymyn bennu –
 - (a) yr amodau y mae rhaid i’r person y mae’r gorchymyn yn ymwneud ag ef gydymffurfio â hwy, a
 - (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 ynghlŷn ag estyniadau o’r cyfnod hwnnw yn sgil adolygiad.
- (3) Caiff y gorchymyn bennu –
 - (a) bod rhaid ei adolygu yn unol â threfniadau a bennir yn y gorchymyn;
 - (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).
- (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).
- (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 ynghlŷn ag estyniadau o’r cyfnod hwnnw yn sgil adolygiad.
- (6) Caiff y gorchymyn bennu bod rhaid ei adolygu yn unol â threfniadau a bennir yn y gorchymyn.’.

Mark Drakeford

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.'

Mark Drakeford

99

Section 167, page 100, line 5, leave out –

' –

- (a) within the period of 3 months beginning with the date on which the order was made, and
- (b) within each subsequent period of 3 months beginning with the date of the previous review'

And insert –

'as soon as practicable if –

- () the person in respect of whom the order is made requests a review, and
 - () the request is made no earlier than 3 months after the date on which the order was made.
- () 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'.

Adran 167, tudalen 100, llinell 5, hepgorer –

' –

- (a) o fewn y cyfnod o 3 mis sy'n dechrau â'r dyddiad y gwnaed y gorchymyn, a
- (b) o fewn pob cyfnod dilynol o 3 mis sy'n dechrau â dyddiad yr adolygiad blaenorol'

A mewnosoder –

'cyn gynted ag y bo'n ymarferol –

- () os yw'r person y gwneir y gorchymyn mewn cysylltiad ag ef yn gofyn am adolygiad, a
 - () os gofynnir am yr adolygiad heb fod yn gynharach na 3 mis ar ôl y dyddiad y gwnaed y gorchymyn.
- () 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'.



Mark Drakeford 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'.

Mark Drakeford 101

Section 175, page 104, after line 4, insert—

'() the Education Workforce Council,'.

Adran 175, tudalen 104, ar ôl llinell 4, mewnosoder—

'() Cyngor y Gweithlu Addysg,'.

Lindsay Whittle 153

Section 175, page 104, after line 8, insert—

'() a Community Health Council, and'.

Adran 175, tudalen 104, ar ôl llinell 8, mewnosoder—

'() Cyngor Iechyd Cymuned, ac'.

Lindsay Whittle 154

Section 175, page 104, after line 15, insert—

'(c) "Community Health Council" means a Community Health Council continued or established under section 182 of the National Health Service (Wales) Act 2006.'

Adran 175, tudalen 104, ar ôl llinell 16, mewnosoder—

'(c) ystyr "Cyngor Iechyd Cymuned" yw Cyngor Iechyd Cymuned sy'n parhau neu a sefydlwyd o dan adran 182 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.'

Lindsay Whittle 155

Section 176, page 104, after line 20, insert—

'() Where the Welsh Ministers exercise functions of a regulatory nature under an enactment other than this Act they and a regulatory body must co-operate with each other in the exercise of their relevant functions if they think that such co-operation—

- (a) will have a positive effect on the manner in which those functions are exercised, or
- (b) will assist them in achieving their general objectives.

() In subsection (*first subsection to be inserted by amendment 155*) the functions of the Welsh Ministers include, but are not limited to for example, their functions of inspecting and regulating health care in Wales.'



Adran 176, tudalen 104, ar ôl llinell 22, mewnosoder –

- (1) Pan fo Gweinidogion Cymru yn arfer swyddogaethau o natur reoleiddiol o dan ddeddfiad ac eithrio'r Ddeddf hon, rhaid iddynt hwy a chorff rheoleiddiol gydweithredu wrth arfer eu swyddogaethau perthnasol os bydd cydweithredu o'r fath, yn eu barn hwy –
- (a) yn cael effaith gadarnhaol ar y ffordd y caiff y swyddogaethau hynny eu harfer, neu
 - (b) yn eu helpu i gyflawni eu hamcanion cyffredinol.
- (2) Yn is-adran (*yr is-adran gyntaf sy'n cael ei mewnosod gan welliant 155*) mae swyddogaethau Gweinidogion Cymru yn cynnwys, ond nid yn gyfyngedig i er enghraifft, eu swyddogaethau o arolygu a rheoleiddio gofal iechyd yng Nghymru.

Altaf Hussain

124

Gyda chefnogaeth / Supported by: Kirsty Williams

Page 107, after line 5, insert a new section –

(1) United Nations Principles and Conventions

- (1) Regulatory bodies and relevant authorities exercising functions under this Act in relation to an adult must have due regard to the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991.
- (2) Regulatory bodies and relevant authorities exercising functions under this Act in relation to a child must have due regard to Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 (“the Convention”).
- (3) Regulatory bodies and relevant authorities exercising functions under this Act in relation to a disabled person must have due regard to the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol adopted by the United Nations General Assembly on 13 December 2006 and opened for signature on 30 March 2007.
- (4) For the purposes of subsection (2), Part 1 of the Convention is to be treated as having effect –
 - (a) as set out for the time being in Part 1 of the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011, but
 - (b) subject to any declaration or reservation as set out for the time being in Part 3 of that Schedule.
- (5) Subsection (2) does not apply to the Welsh Ministers (see, instead, the Rights of Children and Young Persons (Wales) Measure 2011).
- (6) In this section, “adult”, “child” and “disabled” have the same meaning as in section 3 of the 2014 Act.



Tudalen 107, ar ôl llinell 5, mewnosoder adran newydd –

'() Egwyddorion a Chonfensiynau'r Cenhedloedd Unedig

- (1) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy'n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas ag oedolyn roi sylw dyledus i Egwyddorion y Cenhedloedd Unedig ar gyfer Pobl Hŷn a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd Unedig ar 16 Rhagfyr 1991.
- (2) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy'n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas â phlentyn roi sylw dyledus i Ran 1 o Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a fabwysiadwyd ac a agorwyd i'w lofnodi, ei gadarnhau a'i gytuno drwy benderfyniad y Cynulliad Cyffredinol 44/25 dyddiedig 20 Tachwedd 1989 ("y Confensiwn").
- (3) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy'n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas â pherson anabl roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anabledau a'i Brotocol Dewisol a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd Unedig ar 13 Rhagfyr 2006 ac a agorwyd i'w lofnodi ar 30 Mawrth 2007.
- (4) At ddibenion is-adran (2), mae Rhan 1 o'r Confensiwn i'w thrin fel pe bai'n cael effaith –
 - (a) fel y nodir am y tro yn Rhan 1 o'r Atodlen i Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011, ond
 - (b) yn ddarostyngedig i unrhyw ddatganiad neu neilltuad fel y nodir am y tro yn Rhan 3 o'r Atodlen honno.
- (5) Nid yw is-adran (2) yn gymwys i Weinidogion Cymru (gweler, yn lle hynny, Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011).
- (6) Yn yr adran hon yr un ystyr sydd i "oedolyn", "plentyn" ac "anabl" ag sydd yn adran 3 o Ddeddf 2014.'

Mark Drakeford

105

Schedule 3, page 124, after line 16, insert –

'() The 2014 Act is amended as follows.

() In section 1 (overview) –

(a) in subsection (9) –

(i) after paragraph (b) insert –

“(ba) requires local authorities to produce –

(i) annual reports about the exercise of social services functions, and

(ii) reports about the stability of local markets for providing care and support,

(sections 144A and 144B);”;

(ii) after paragraph (c) insert –



- “(ca) provides powers for the Welsh Ministers to conduct reviews relating to the exercise of social services functions of local authorities (sections 149A and 149B);”;
- (iii) in paragraph (d), for “161.” substitute “160);
- (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).”;
- (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)”.
- () Section 183 (publicising advocacy services in care homes) is repealed.
- () In section 188(1) (definitions for the purposes of sections 185 to 187), in the definition of “youth detention accommodation”, for paragraph (a) substitute –
- “(a) a secure accommodation service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016);”.
- () In section 189 (provider failure: temporary duty on local authority) –
- (a) for subsection (1) substitute –
- “(1) This section applies where a service provider becomes unable to provide a regulated service because of business failure.”;
- (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”;
- (c) in subsection (5)(a), for “registered person became unable to carry on or manage the establishment or agency” substitute “service provider became unable to provide the regulated service”;
- (d) in subsection (9) –
- (i) the definition of “registered person” is repealed;
- (ii) before the definition of “relevant carer” insert –
- “regulated service” (“*gwasanaeth rheoleiddiedig*”) has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”;
- (iii) at the end insert –
- ““service provider” (“*darparwr gwasanaeth*”) has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”



- () 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”.
- () In section 191 (provider failure: supplementary) –
 - (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”;
 - (b) in subsection (7), for “carry on or manage an establishment or agency” substitute “provide a regulated service”.

Atodlen 3, tudalen 124, ar ôl llinell 16, mewnosoder –

() Mae Deddf 2014 wedi ei diwygio fel a ganlyn.

() Yn adran 1 (trosolwg) –

(a) yn is-adran (9) –

(i) ar ôl paragraff (b) mewnosoder –

“(ba) yn ei gwneud yn ofynnol bod awdurdodau lleol yn llunio –

(i) adroddiadau blynyddol ynghylch arfer swyddogaethau gwasanaethau cymdeithasol, a

(ii) adroddiadau ar sefydlogrwydd marchnadoedd lleol ar gyfer darparu gofal a chymorth,

(adrannau 144A a 144B);”;

(ii) ar ôl paragraff (c) mewnosoder –

“(ca) yn darparu pwerau i Weinidogion Cymru i gynnal adolygiadau sy’n ymwneud ag arfer swyddogaethau gwasanaethau cymdeithasol awdurdodau lleol (adrannau 149A a 149B);”;

(iii) ym mharagraff (d), yn lle “161.” rhodder “160);

(da) yn caniatáu ar gyfer arolygu mangreuedd mewn cysylltiad ag adolygiadau a gynhelir gan Weinidogion Cymru o swyddogaethau gwasanaethau cymdeithasol awdurdodau lleol neu arfer pwerau ymyrryd Gweinidogion Cymru mewn perthynas 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).”;

(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 “darparwr gwasanaeth (o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016)”.

() Mae adran 183 (rhoi cyhoeddusrwydd i wasanaethau eirioli mewn cartrefi gofal) wedi ei diddymu.



- () Yn adran 188(1) (diffiniadau at ddibenion adrannau 185 i 187), yn y diffiniad o "llety cadw ieuencid", yn lle paragraff (a) rhodder –
- “(a) gwasanaeth llety diogel (o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016);”.
- () Yn adran 189 (methiant darparwr: dyletswydd dros dro ar awdurdod lleol) –
- (a) yn lle is-adran (1) rhodder –
- “(1) Mae'r adran hon yn gymwys pan fo darparwr gwasanaeth yn methu â darparu gwasanaeth rheoleiddiedig oherwydd methiant busnes.”;
- (b) yn is-adran (2), yn lle'r geiriau o "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”;
- (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”;
- (d) yn is-adran (9) –
- (i) cyn y diffiniad o "gofalwr perthnasol" rhodder –
- “mae i "darparwr gwasanaeth" ("service provider") yr un ystyr ag yn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016;”;
- (ii) cyn y diffiniad o "person cofrestredig" mewnosoder –
- “mae i "gwasanaeth rheoleiddiedig" ("regulated service") yr un ystyr ag yn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016;”;
- (iii) mae'r diffiniad o "person cofrestredig" wedi ei ddiddymu.
- () Yn adran 190(1) (methiant darparwr: eithriad i'r dyletswydd 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”.
- () Yn adran 191 (methiant darparwr: materion atodol) –
- (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”;
- (b) yn is-adran (7), yn lle "rhedeg sefydliad neu ei reoli neu'n methu â rhedeg asiantaeth neu ei rheoli" rhodder "darparu gwasanaeth rheoleiddiedig”.

Mark Drakeford

106

Schedule 3, page 124, line 17, leave out 'of the 2014 Act'.

Atodlen 3, tudalen 124, llinell 17, hepgorer 'o Ddeddf 2014'.



Mark Drakeford 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;'

Mark Drakeford 108

Schedule 3, page 130, line 17, leave out paragraph 57.

Atodlen 3, tudalen 130, llinell 17, hepgorer paragraff 57.

Mark Drakeford 102

Section 185, page 109, after line 23, insert –

'() section (*section to be inserted by amendment 7*)(7) (regulations varying the evidence to be taken into account when determining whether a person is fit and proper);'

Adran 185, tudalen 109, ar ôl llinell 26, mewnosoder –

'() adran (*yr adran sy'n cael ei fewnosod gan welliant 7*)(7) (rheoliadau sy'n amrywio'r dystiolaeth sydd i'w hystyried wrth ddyfarnu a yw person yn berson addas a phriodol);'

Mark Drakeford 103

Section 185, page 110, line 7, leave out '116(6)' and insert '116'.

Adran 185, tudalen 110, llinell 7, hepgorer '116(6)' a mewnosoder '116'.

Mark Drakeford 104

Section 185, page 110, after line 9, insert –

'() section 135(2)(d) (persons to whom undertakings may be disclosed by SCW);'

Adran 185, tudalen 110, ar ôl llinell 9, mewnosoder –

'() adran 135(2)(d) (personau y caniateir i ymgymeriadau gael eu datgelu iddynt gan GCC);'

Lindsay Whittle 125

Gyda chefnogaeth/ Supported by: Kirsty Williams, Altaf Hussain

Long title, page 1, line 4, after 'the' at the second place where it appears, insert 'commissioning of regulated services by Local Health Boards and the'.

Teitl hir, tudalen 1, llinell 5, ar ôl 'a', mewnosoder 'chomisiynu gwasanaethau rheoleiddiedig gan Fyrddau Iechyd Lleol a'.

