

## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 6 Tachwedd 2015  
Tabled on 6 November 2015

### Bil Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru)

### Regulation and Inspection of Social Care (Wales) Bill

**Mark Drakeford**

**1**

Section 8, page 6, after line 22, insert –

- ‘()
- (a) Evidence is within this subsection if it shows that the person has been responsible for, contributed to or facilitated misconduct or mismanagement in the provision –
    - (a) of a regulated service or a service provided outside Wales which, if provided in Wales, would be a regulated service;
    - (b) of a service which would have fallen within paragraph (a) had the regulatory system established by this Part been operating at the time the service was being provided.
  - (c) When having regard to evidence within subsection (*first subsection to be inserted by amendment 1*), the Welsh Ministers must, among other things, take account of –
    - (a) the seriousness and duration of the misconduct or mismanagement;
    - (b) harm caused to any person, or any evidence of an intent to cause harm;
    - (c) any financial gain made by the person;
    - (d) any action taken by the person to remedy the misconduct or mismanagement.’.

Adran 8, tudalen 6, ar ôl llinell 23, mewnosoder –

- ‘()
- (a) Mae tystiolaeth o fewn yr is-adran hon os yw’n dangos bod y person wedi bod yn gyfrifol am gamymddwyn neu gamreoli, neu wedi cyfrannu ato neu wedi ei hwyluso, wrth ddarparu –
    - (a) gwasanaeth rheoleiddiedig neu wasanaeth a ddarperir y tu allan i Gymru a fyddai’n wasanaeth rheoleiddiedig pe bai’n cael ei ddarparu yng Nghymru;



- (b) gwasanaeth a fyddai wedi dod o fewn paragraff (a) pe bai'r system reoleiddiol sydd wedi ei sefydlu gan y Rhan hon wedi bod yn weithredol ar yr adeg pan oedd y gwasanaeth yn cael ei ddarparu.
- (i) Wrth roi sylw i dystiolaeth o fewn is-adran (*(yr is-adran sy'n cael ei mewnosod gan welliant 1)*), rhaid i Weinidogion Cymru, ymhlith pethau eraill, ystyried –
  - (a) pa mor ddifrifol yw'r camymddwyn neu'r camreoli ac am ba hyd y bu'n digwydd;
  - (b) niwed a achoswyd i unrhyw berson, neu unrhyw dystiolaeth o fwriad i achosi niwed;
  - (c) unrhyw fantais ariannol a enillwyd gan y person;
  - (d) unrhyw gamau a gymerwyd gan y person i unioni'r camymddwyn neu'r camreoli.'

**Mark Drakeford**

2

Section 14, page 10, line 15, leave out subsection (3).

Adran 14, tudalen 10, llinell 15, hepgorer is-adran (3).

**Mark Drakeford**

3

Section 21, page 15, line 3, leave out “caution” and “relevant offence” have’ and insert “relevant offence” has’.

Adran 21, tudalen 15, llinell 3, hepgorer “rhybuddiad” a’.

**Mark Drakeford**

4

Section 54, page 32, after line 10, insert –

- ‘( ) Proceedings in respect of an offence under this Part or regulations made under it may not, without the written consent of the Counsel General to the Welsh Government, be brought by any person other than the Counsel General or the Welsh Ministers.’

Adran 54, tudalen 32, ar ôl llinell 10, mewnosoder –

- ‘( ) Ni chaniateir i achos mewn cysylltiad â throsedd o dan y Rhan hon neu reoliadau a wneir odani, heb gydsyniad ysgrifenedig Cwnsler Cyffredinol Llywodraeth Cymru, gael ei ddwyn gan unrhyw berson ac eithrio'r Cwnsler Cyffredinol neu Weinidogion Cymru.’

**Mark Drakeford**

5

Section 54, page 32, line 11, leave out ‘under’ at the second place where it appears.

Adran 54, tudalen 32, llinell 11, hepgorer ‘o dan’ yn yr ail le y mae’n ymddangos.

**Mark Drakeford**

6

Section 57, page 43, line 13, leave out ‘maintained’ and insert ‘kept’.

Adran 57, tudalen 43, llinell 13, hepgorer ‘gynhelir’ a mewnosoder ‘gedwir’.



**Mark Drakeford** 7

Section 64, page 47, line 32, leave out 'maintain' and insert 'keep'.

Adran 64, tudalen 47, llinell 33, hepgorer 'gynnal' a mewnosoder 'gadw'.

**Mark Drakeford** 8

Section 64, page 48, line 3, leave out 'registration and'.

Adran 64, tudalen 48, llinell 3, hepgorer 'â chofrestru a'r' a mewnosoder 'â'r'.

**Mark Drakeford** 9

Section 64, page 48, line 6, leave out 'in the register'.

Adran 64, tudalen 48, llinell 6, hepgorer 'yn y gofrestr, a pharhau'n gofrestredig ynddi' a mewnosoder ', a pharhau'n gofrestredig'.

**Mark Drakeford** 10

Section 64, page 49, line 1, after 'the', insert 'First-tier'.

Adran 64, tudalen 49, llinell 1, ar ôl 'tribiwnlys', mewnosoder 'Haen Gyntaf'.

**Mark Drakeford** 11

Section 64, page 49, line 2, leave out 'in, and remaining on, the register'.

Adran 64, tudalen 49, llinell 2, hepgorer 'yn y gofrestr, ac aros arni'.

**Mark Drakeford** 12

Section 64, page 49, line 10, leave out 'maintained' and insert 'kept'.

Adran 64, tudalen 49, llinell 11, hepgorer 'chynnal' a mewnosoder 'chadw'.

**Mark Drakeford** 13

Section 65, page 49, line 28, leave out 'maintained' and insert 'kept'.

Adran 65, tudalen 49, llinell 22, hepgorer 'gynhelir' a mewnosoder 'gedwir'.

**Mark Drakeford** 14

Section 65, page 50, line 9, leave out 'which makes provision for' and insert 'for provision about'.

Adran 65, tudalen 50, llinell 9, hepgorer 'sy'n gwneud darpariaeth ar gyfer' a mewnosoder 'am ddarpariaeth ynghylch'.



**Mark Drakeford**

15

Section 72, page 52, line 12, after 'SCW', insert 'by or'.

Adran 72, tudalen 52, llinell 12, ar ôl 'GCC', mewnosoder 'gan neu'.

**Mark Drakeford**

16

Section 72, page 52, line 18, after 'rules', insert 'conferred by or'.

Adran 72, tudalen 52, llinell 17, ar ôl 'rheolau', mewnosoder 'a roddir gan neu'.

**Mark Drakeford**

17

Section 74, page 53, line 14, leave out 'issuing' and insert 'publishing'.

Adran 74, tudalen 53, llinell 15, hepgorer 'dyroddi' a mewnosoder 'cyhoeddi'.

**Mark Drakeford**

18

Section 74, page 53, line 17, leave out ', publishing the code or issuing' and insert 'or publishing the code or'.

Adran 74, tudalen 53, llinell 19, hepgorer ', cyhoeddi'r cod neu ddyroddi canllawiau' a mewnosoder 'neu gyhoeddi'r cod neu ganllawiau'.

**Mark Drakeford**

19

Section 78, page 55, after line 28, insert—

'( ) a person registered under Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) as—

- (i) a child minder, or
- (ii) a provider of day care for children;'

Adran 78, tudalen 55, ar ôl llinell 31, mewnosoder—

'( ) person sydd wedi ei gofrestru o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010 (mccc 1) fel—

- (i) gwarchodwr plant, neu
- (ii) darparwr gofal dydd i blant;'

**Mark Drakeford**

20

Section 79, page 56, line 23, leave out 'maintain' and insert 'keep'.

Adran 79, tudalen 56, llinell 25, hepgorer 'gynnal' a mewnosoder 'gadw'.



**Mark Drakeford** **21**

Section 85, page 59, line 7, after 'must', insert ', on the application of the person to whom the entry relates,'.

Adran 85, tudalen 59, llinell 7, ar ôl 'cofrestrydd', mewnosoder ', ar gais y person y mae'r cofnod yn ymwneud ag ef,'.

**Mark Drakeford** **22**

Section 87, page 60, line 32, after 'entry', insert 'in the register'.

Adran 87, tudalen 60, llinell 35, ar ôl 'cofnod', mewnosoder 'yn y gofrestr'.

**Mark Drakeford** **23**

Section 96, page 65, line 6, leave out 'the application' and insert 'an application made under subsection (2)'.

Adran 96, tudalen 65, llinell 5, hepgorer 'atgyfeirio'r cais' a mewnosoder 'atgyfeirio cais a wneir o dan is-adran (2)'.

**Mark Drakeford** **24**

Section 110, page 71, line 13, leave out 'maintained' and insert 'kept'.

Adran 110, tudalen 71, llinell 15, hepgorer 'gynhelir' a mewnosoder 'gedwir'.

**Mark Drakeford** **25**

Section 116, page 75, line 5, after 'conviction', insert 'or caution'.

Adran 116, tudalen 75, llinell 4, ar ôl 'gollfarn', mewnosoder 'neu rybuddiad'.

**Mark Drakeford** **26**

Section 145, page 90, line 21, leave out 'replacement order was' and insert 'review which led to the replacement order being'.

Adran 145, tudalen 90, llinell 22, hepgorer 'i'r gorchymyn amnewidiol gael ei wneud' a mewnosoder 'yr adolygiad a arweiniodd at wneud y gorchymyn amnewidiol'.

**Mark Drakeford** **27**

Section 145, page 90, line 24, leave out 'replacement order was' and insert 'review which led to the replacement order being'.

Adran 145, tudalen 90, llinell 24, hepgorer 'i'r gorchymyn amnewidiol gael ei wneud' a mewnosoder 'yr adolygiad a arweiniodd at wneud y gorchymyn amnewidiol'.



**Mark Drakeford** 28

Section 155, page 98, line 4, leave out '(1) and (2)' and insert '(2) and (3)'.

Adran 155, tudalen 98, llinell 6, hepgorer '(1) a (2)' a mewnosoder '(2) a (3)'.

**Mark Drakeford** 29

Section 161, page 102, line 29, leave out 'issued' and insert 'published'.

Adran 161, tudalen 102, llinell 31, hepgorer 'ddyroddir' a mewnosoder 'gyhoeddir'.

**Mark Drakeford** 30

Section 161, page 103, line 16, leave out 'issued' and insert 'published'.

Adran 161, tudalen 103, llinell 18, hepgorer 'ddyroddir' a mewnosoder 'gyhoeddir'.

**Mark Drakeford** 31

Section 164, page 104, line 27, leave out 'maintains' and insert 'keeps'.

Adran 164, tudalen 104, llinell 30, hepgorer 'cynnal' a mewnosoder 'cadw'.

**Mark Drakeford** 32

Section 178, page 111, line 12, leave out subsection (1) and insert –

'( ) One regulatory body ("A") may arrange with the other regulatory body ("B") for A and B to act together in exercising jointly one or more relevant functions of A with one or more relevant functions of B.'

Adran 178, tudalen 111, llinell 13, hepgorer 'y cyrff rheoleiddiol drefnu arfer unrhyw un neu ragor o'u swyddogaethau perthnasol ar y cyd' a mewnosoder 'un corff rheoleiddiol ("A") drefnu gyda'r corff rheoleiddiol arall ("B") i A a B weithredu gyda'i gilydd wrth arfer ar y cyd un neu ragor o swyddogaethau perthnasol A gydag un neu ragor o swyddogaethau perthnasol B'.

**Mark Drakeford** 33

Section 178, page 111, line 19, leave out 'enable the regulatory bodies to jointly exercise a relevant function' and insert 'exercise the relevant joint functions on behalf of the regulatory bodies'.

Adran 178, tudalen 111, llinell 20, hepgorer 'galluogi'r cyrff rheoleiddiol i arfer swyddogaeth perthnasol ar y cyd' a mewnosoder 'arfer y cyd-swyddogaethau perthnasol ar ran y cyrff rheoleiddiol'.

**Mark Drakeford** 34

Section 186, page 115, leave out lines 28 to 29.

Adran 186, tudalen 115, hepgorer llinellau 31 hyd at 32.



**Mark Drakeford**

35

Section 186, page 116, line 6, leave out 'maintain' and insert 'keep'.

Adran 186, tudalen 116, llinell 6, hepgorer 'gynnal' a mewnosoder 'gadw'.

**Mark Drakeford**

36

Section 188, page 116, after line 35, insert –

“caution” (“*rhybuddiad*”), in relation to an offence, means –

- (a) a conditional caution given under section 22 of the Criminal Justice Act 2003 (c.44) (conditional cautions for adults) or under section 66A of the Crime and Disorder Act 1998 (c.37) (conditional cautions for children and young persons);
- (b) any other caution given to a person in England and Wales in respect of an offence which, at the time the caution is given, that person has admitted;
- (c) anything corresponding to a caution falling within paragraph (a) or (b) (however described) which –
  - (i) 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, and
  - (ii) is not an alternative to prosecution (within the meaning of section 8AA of the Rehabilitation of Offenders Act 1974 (c.53));’.

Adran 188, tudalen 117, ar ôl llinell 10, mewnosoder –

’ystyr “*rhybuddiad*” (“*caution*”), mewn perthynas â throredd, yw –

- (a) rhybuddiad amodol a roddir o dan adran 22 o Ddeddf Cyfiawnder Troseddol 2003 (p.44) (rhybuddiadau amodol ar gyfer oedolion) neu o dan adran 66A o Ddeddf Trosedd ac Anrhefn 1998 (p.37) (rhybuddiadau amodol ar gyfer plant a phobl ifanc);
- (b) unrhyw rybuddiad arall a roddir i berson yng Nghymru a Lloegr mewn cysylltiad â throredd a gyfaddefwyd gan y person hwnnw ar yr adeg y rhoddir y rhybuddiad;
- (c) unrhyw beth sy’n cyfateb i rybuddiad sy’n dod o fewn paragraff (a) neu (b) (sut bynnag y’i disgrifir) –
  - (i) 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 chyflawni yng Nghymru a Lloegr, a
  - (ii) nad yw’n fesur y caniateir ei roi yn lle erlyniad (o fewn ystyr “*alternative to prosecution*” yn adran 8AA o Ddeddf Adsefydlu Troseddwyd 1974 (p.53));’.



**Mark Drakeford**

**37**

Schedule 3, page 132, line 29, leave out 'maintained' and insert 'kept'.

Atodlen 3, tudalen 132, llinell 30, hepgorer 'maintained' a mewnosoder 'kept'.

