CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2000 Rhif 3121 (Cy. 199)

COMISIYNYDD PLANT, CYMRU

Rheoliadau Comisiynydd Plant Cymru (Penodi) 2000

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer penodi Comisiynydd Plant Cymru sef swydd a sefydlwyd o dan Ran V o Ddeddf Safonau Gofal 2000.

Yn benodol, mae'r Rheoliadau'n gwneud darpariaeth i'r penodiad gael ei wneud gan Brif Ysgrifennydd y Cynulliad yn dilyn cyngor gan unrhyw bwyllgor o'r Cynulliad a sefydlwyd er mwyn cynghori ynghylch y penodiad a chyngor, ar ôl i ymgeiswyr gael eu cyfweld gan banel dewis, ynghylch eu priodoldeb i gael eu penodi. Mae'r Prif Ysgrifennydd o dan ddyletswydd hefyd i gymryd i ystyriaeth farn plant sy'n byw yng Nghymru ynghylch y penodiad arfaethedig. Mae'r Rheoliadau hefyd yn gwneud darpariaeth ynghylch cyfnod y swydd, ac ynghylch yr amgylchiadau y gellir diswyddo'r Comisiynydd o danynt. O ran eglurder ynghylch cyfrifoldeb cyfreithiol ar gyfer arfer swyddogaethau gan y Prif Ysgrifennydd, mae'r rheoliadau'n cynnwys darpariaeth atodol i ymdrin â swyddogaethau sy'n cael eu harfer felly fel petaent yn swyddogaethau sy'n cael eu harfer gan y Cynulliad.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2000 No. 3121 (W. 199)

CHILDREN'S COMMISSIONER, WALES

The Children's Commissioner for Wales (Appointment) Regulations 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the appointment of the Children's Commissioner for Wales whose office is established under Part V of the Care Standards Act 2000.

In particular the Regulations make provision for the appointment to be made by the Assembly First Secretary following advice from any committee of the Assembly which has been established for the purpose of advising as to the appointment and advice, after candidates are interviewed by a selection panel, as to their suitability for appointment. The First Secretary is also under a duty to take account of the views of children resident in Wales as to the proposed appointment. The Regulations also make provision as to the term of office, and as to the circumstances in which the Commissioner may be relieved of office. By way of clarification as to legal responsibility for the exercise of functions by the First Secretary, the regulations contain incidental provision to treat functions so exercised as the exercise of functions by the Assembly.

OFFERYNNAU STATUDOL

2000 Rhif 3121 (Cy. 199)

COMISIYNYDD PLANT, CYMRU

Rheoliadau Comisiynydd Plant Cymru (Penodi) 2000

Wedi'u gwneud	*23 Tachwedd 2000*
Yn dod i rym	*8 Rhagfyr 2000*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 118(7) o Ddeddf Safonau Gofal 2000(**a**) a pharagraff 2 o Atodlen 2 iddi:

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Comisiynydd Plant Cymru (Penodi) 2000 a deuant i rym ar 8 Rhagfyr 2000.

(2) Yn y Rheoliadau hyn -

ystyr "y Comisiynydd" ("*the Commissioner*") yw Comisiynydd Plant Cymru(**b**);

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "plant perthnasol" ("*relevant children*") yw unrhyw blant sy'n preswylio yng Nghymru sy'n cael eu dethol at ddibenion penodiad penodol yn y fath fodd -

(a) ag y gellid ei benderfynu gan y pwyllgor perthnasol yn unol â chylch gorchwyl y pwyllgor, neu

(b) yn absenoldeb penderfyniad o'r fath, ag y mae'n rhaid i'r Prif Ysgrifennydd ei benderfynu;

ystyr "y Prif Ysgrifennydd" ("the First Secretary") yw'r person a etholir o dro i dro yn Brif Ysgrifennydd y Cynulliad yn unol ag adran 53(1) o Ddeddf Llywodraeth Cymru 1998(**c**);

(a) 2000 p.14.

(b) Sefydlir swydd Comisiynydd Plant Cymru gan adran 72(1) o Ddeddf Safonau Gofal 2000.

(c) 1998 p.38.

STATUTORY INSTRUMENTS

2000 No. 3121 (W. 199)

CHILDREN'S COMMISSIONER, WALES

The Children's Commissioner for Wales (Appointment) Regulations 2000

Made	*23rd November 2000*
Coming into force	*8th December 2000*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by section 118 (7) of and paragraph 2 of Schedule 2 to, the Care Standards Act 2000(**a**):

Citation, commencement, interpretation and application

1.-(1)These Regulations may be cited as the Children's Commissioner for Wales (Appointment) Regulations 2000 and shall come into force on 8th December 2000.

(2) In these Regulations -

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"the Commissioner" ("*y Comisiynydd*") means the Children's Commissioner for Wales(**b**);

"the First Secretary" ("y Prif Ysgrifennydd") means the person elected from time to time as the Assembly First Secretary pursuant to section 53(1) of the Government of Wales Act 1998(**c**);

"relevant children" ("*plant perthnasol*") means such children resident in Wales as are selected for the purposes of a particular appointment in such a manner—

(a) as the relevant committee may determine in accordance with the terms of reference of the committee, or

(b) in the absence of such a determination, as the First Secretary shall determine;

(a) 2000 c.14.

(b) The office of the Children's Commissioner for Wales is established by section 72(1) of the Care Standards Act 2000.

(c) 1998 c.38.

ystyr “pwyllgor perthnasol” (“*relevant committee*”) yw unrhyw bwyllgor y gellid ei sefydlu gan y Cynulliad Cenedlaethol o dro i dro o dan adran 54(1)(b) o Ddeddf Llywodraeth Cymru 1998 er mwyn darparu cyngor a phenderfynu materion sy’n berthnasol i benodi’r Comisiynydd.

(3) Mae’r Rheoliadau hyn yn gymwys i Gymru yn unig.

Penodi’r Comisiynydd

2.-(1) Rhaid i’r Comisiynydd gael ei benodi gan y Prif Ysgrifennydd.

(2) Dim ond ar ôl cymryd y canlynol i ystyriaeth y bydd y Comisynydd yn cael ei benodi-

(a) cyngor pwyllgor perthnasol,

(b) barn plant perthnasol ynghylch unrhyw ymgeiswyr a gafodd eu cyfweld ar gyfer y penodiad, ac

(c) cyngor unrhyw banel dewis, a sefydlwyd er mwyn cyfweld ymgeiswyr, ynghylch eu priodoldeb ar gyfer y penodiad.

(3) Yn ddarostyngedig i reoliad 3, saith mlynedd fydd cyfnod swydd y Comisynydd.

(4) Ni fydd y Comisiynydd yn gymwys i gael ei ailbenodi pan ddaw cyfnod y swydd i ben neu os terfynir hi cyn hynny.

3. Gall y Prif Ysgrifennydd ryddhau’r Comisiynydd o’i swydd cyn i gyfnod y swydd ddod i ben -

(a) ar gais y Comisiynydd,

(b) ar sail camymddwyn, neu

(c) os bydd wedi’i fodloni nad yw’r Comisynydd yn alluog oherwydd gwendid meddyliol neu gorfforol i gyflawni swyddogaethau’r Comisiynydd.

4. Os bydd y Prif Ysgrifennydd yn arfer swyddogaethau a roddir gan y rheoliadau hyn, bydd arfer y swyddogaethau hynny’n cael ei drin fel pe bai’n arfer gan y Cynulliad Cenedlaethol.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998

23 Tachwedd 2000

“a relevant committee” (“*pwyllgor perthnasol*”) means such a committee as may be established by the National Assembly from time to time under section 54(1)(b) of the Government of Wales Act 1998 for the purpose of providing advice and determining matters relating to the appointment of the Commissioner.

(3) These Regulations apply to Wales only.

Appointment of the Commissioner

2.-(1)The Commissioner shall be appointed by the First Secretary.

(2) The appointment of the Commissioner shall be made only after taking account of-

(a) the advice of a relevant committee,

(b) the views of relevant children as to any candidates interviewed for the appointment, and

(c) the advice of any selection panel, established for the purpose of interviewing candidates, as to their suitability for appointment.

(3) Subject to regulation 3, the term of office of the Commissioner shall be seven years.

(4) The Commissioner shall not be eligible for re-appointment upon the expiry or earlier termination of the term of office.

3. The First Secretary may relieve the Commissioner of office prior to the expiry of the term of office -

(a) at the request of the Commissioner,

(b) on the ground of misbehaviour, or

(c) on being satisfied that the Commissioner is incapable by reason of mental or physical infirmity of performing the Commissioner’s functions.

4. Where the First Secretary exercises functions conferred by these regulations, the exercise of such functions shall be treated as that of the National Assembly.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

23rd November 2000

John Marek

Dirpwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

CYNULLIAD CENEDLAETHOL CYMRU

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CHILDREN'S COMMISSIONER, WALES

The Children's Commissioner for Wales (Appointment) Regulations 2000

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ISBN 0-11-090150-9

9 780110 901503

£1.75

W/171/01/01 ` ON