CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 139 (Cy. 5) (C. 7)

PLANT A PHERSONAU IFANC, CYMRU

Gorchymyn Deddf Safonau Gofal 2000 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) 2001

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dwyn i rym ddarpariaethau penodol o Ddeddf Safonau Gofal 2000 ("y Ddeddf") yng Nghymru.

Mae'n dwyn i rym adran 40 o'r Ddeddf, sy'n diwygio Deddf Plant 1989 er mwyn ei gwneud yn ofynnol i gartrefi plant sy'n cael eu gweithredu'n breifat ac sy'n lletya a gofalu am lai na phedwar o blant (cartrefi bach i blant) gael eu cofrestru gyda'r awdurdod lleol y lleolir hwy yn ei ardal. Bydd adran 40 yn dod i rym ar 1 Chwefror 2001 er mwyn galluogi ceisiadau cofrestru i gael eu gwneud, ac ar 28 Chwefror 2001 i bob diben arall. Mae'r Gorchymyn yn gwneud darpariaeth drosiannol fel nad yw cartref bach i blant y mae cais cofrestru wedi'i wneud yn briodol ar ei gyfer erbyn 28 Chwefror 2001 i gael ei drin fel cartref plant anghofrestredig hyd nes bod y broses gofrestru ar ei gyfer wedi'i chwblhau. Mesurau interim yw'r rhain a fydd yn cael eu diddymu, maes o law, pan fydd Rhan II o'r Ddeddf, a fydd yn sefydlu cynllun newydd ar gyfer cofrestru pob cartref plant, gan gynnwys cartrefi bach, yn cael ei gweithredu'n llawn. O ganlyniad, mae'r Gorchymyn hefyd yn dwyn i rym fân ddiwygiad i adran 66 o Ddeddf Plant 1989 sy'n ymwneud â'r diffiniad o faethu preifat.

Mae'r Gorchymyn hefyd yn dwyn i rym, o 28 Chwefror 2001 ymlaen, adran 41 o'r Ddeddf. Mae honno yn diwygio Deddf Plant 1989 i ddarparu y gellir

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CHILDREN AND YOUNG PERSONS, WALES

The Care Standards Act 2000 (Commencement No.2 and Transitional Provisions) (Wales) Order 2001

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order brings into force certain provisions of the Care Standards Act 2000 ("the Act") in Wales.

It brings into force section 40 of the Act, which amends the Children Act 1989 so as to require privately operated children's homes accommodating and caring for less than four children (small children's homes) to be registered with the local authority in whose area they are located. Section 40 will come into force on 1st February 2001 for the purpose of enabling applications for registration to be made, and on 28th February 2001 for all other purposes. The Order makes transitional provision so that a small children's home in respect of which an application for registration has been duly made by 28th February 2001 is not to be treated as an unregistered children's home until the registration process for it has been completed. These are interim measures to be repealed, in due course, when Part II of the Act, which will establish a new scheme for the registration of all children's homes, including small homes, is fully implemented. Consequentially the Order also brings into force a minor amendment to section 66 of the Children Act 1989 relating to the definition of private fostering.

The Order also brings into force, as of 28th February 2001, section 41 of the Act. This amends the Children Act 1989 to provide that the registration of a children's

dileu cofrestriad cartref plant o unrhyw ddisgrifiad hyd yn oed os yw'r cartref wedi peidio â bod, megis pan yw'r perchennog yn ei gau cyn i unrhyw achos gorfodi ddod i ben. Bydd canlyniadau'r dileu gan hynny yn gymwys p'un a yw'r cartref yn bodoli ai peidio ar ddyddiad y dileu. Mae hwn hefyd yn fesur interim nes gweithredir Rhan II o'r Ddeddf.

home of any description may be cancelled even if the home has ceased to exist, such as where the proprietor closes it before the conclusion of any enforcement action. The consequences of cancellation will therefore apply whether or not the home has ceased to exist at the date of cancellation. This is also an interim measure pending implementation of Part II of the Act.

NODYN AR Y GORCHMYNION CYCHWYN BLAENOROL

NOTE AS TO EARLIER COMMENCEMENT ORDERS

Mae darpariaethau canlynol y Ddeddf wedi cael, neu ar fin cael, eu dwyn i rym mewn perthynas â Chymru gan O.S. 2000/2992 (Cy.192)(C.93)

The following provisions of the Act have been, or are to be, brought into force in relation to Wales by S.I. 2000/2992 (W.192) (C.93)

Darpariaeth/Provision	*Dyddiad cychwyn/Date of commencement*
Adran/Section 72	13.11.00
Atodlen/Schedule 2	13.11.00
Adran/Section 54(1), (3)-(7)	01.04.01
Adran/Section 55 ac Atodlen 1/and Schedule 1	01.04.01
Adran/Section 113 (2)-(4)	01.04.01
Adran/Section 114 (yn rhannol) / (partially)	01.04.01

Mae darpariaethau canlynol y Ddeddf wedi cael eu dwyn i rym mewn perthynas â Chymru, yn ogystal â Lloegr, gan O.S. 2000/2544 (C.72).

The following provisions of the Act have been brought into force in relation to Wales, as well as England, by S.I.2000/2544 (C.72).

Darpariaeth/Provision	*Dyddiad cychwyn/Date of commencement*
Adran/Section 96 (yn rhannol) / (partially)	15.09.00
Adran/Section 99	15.09.00
Adran/Section 80(8) (yn rhannol) / (partially)	02.10.00
Adran/Section 94	02.10.00
Adran/Section 96 (y gweddill) / (remainder)	02.10.00
Adran/Section 100	02.10.00
Adran/Section 101	02.10.00
Adran/Section 103	02.10.00
Adran/Section 116 ac Atodlen 4/and Schedule 4 (yn rhannol) (partially)	02.10.00
Adran/Section 117(2) ac Atodlen 6/and Schedule 6 (yn rhannol) / (partially)	02.10.00

Yn ychwanegol, mae darpariaethau amrywiol eraill o'r Ddeddf wedi'u dwyn i rym mewn perthynas â Lloegr yn unig gan O.S. 2000/2795 (C.79).

In addition various other provisions of the Act have been brought into force in relation to England alone by S.I. 2000/2795 (C.79).

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PLANT A PHERSONAU IFANC, CYMRU

Gorchymyn Deddf Safonau Gofal 2000 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) 2001

Wedi'i wneud *23 Ionawr 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 118(7) a 122 o Ddeddf Safonau Gofal 2000(**a**).

Enwi, dehongli a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Safonau Gofal 2000 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) 2001.

(2) Yn y Gorchymyn hwn, onid yw'r cyd-destun yn mynnu fel arall -

ystyr "cartref bach i blant" ("*small children's home*") yw cartref o fewn ystyr adran 63 o Ddeddf 1989, sy'n darparu (neu sydd fel arfer yn darparu neu y bwriedir iddo ddarparu) gofal a llety i nifer nad yw'n fwy na thri o blant ar unrhyw un adeg;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Safonau Gofal 2000;

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Plant 1989(**b**).

(3) Mae'r Gorchymyn hwn yn gymwys i Gymru.

Dyddiau penodedig

2.-(1) At ddibenion galluogi cais cofrestru i gael ei wneud o dan is-baragraffau (1) a (2) o baragraff 1 o Atodlen 6 i Ddeddf 1989 yn unig, 1 Chwefror 2001 yw'r dydd a benodir i adran 40 o'r Ddeddf (ymestyn dros dro ystyr "cartref plant") ddod i rym.

(a) 2000 p.14. Mae'r pwerau'n arferadwy gan y Gweinidog priodol. Diffinnir y Gweinidog priodol yn adran 121(1) fel Cynulliad Cenedlaethol Cymru mewn perthynas â Chymru ac fel yr Ysgrifennydd Gwladol mewn perthynas â Lloegr, yr Alban a Gogledd Iwerddon.

(b) 1989 p.41.

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2001 No. 139 (W. 5) (C. 7)

CHILDREN AND YOUNG PERSONS, WALES

The Care Standards Act 2000 (Commencement No.2 and Transitional Provisions) (Wales) Order 2001

Made *23rd January 2001*

The National Assembly for Wales makes the following Order in exercise of the powers conferred upon it by sections 118(7) and 122 of the Care Standards Act 2000(**a**).

Citation, interpretation and application

1.-(1) This Order may be cited as the Care Standards Act 2000 (Commencement No.2 and Transitional Provisions) (Wales) Order 2001.

(2) In this Order, unless the context otherwise requires -

"the Act" ("*y Ddeddf*") means the Care Standards Act 2000;

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989(**b**);

a "small children's home" ("*cartref bach i blant*") means a home within the meaning of section 63 of the 1989 Act, which provides (or usually provides or is intended to provide) care and accommodation for not more than three children at any one time.

(3) This Order applies to Wales.

Appointed Days

2.-(1) For the purposes only of enabling an application for registration to be made under sub-paragraphs (1) and (2) of paragraph 1 of Schedule 6 to the 1989 Act, 1st February 2001 is the day appointed for the coming into force of section 40 (temporary extension of meaning of "children's home") of the Act.

(a) 2000 c.14. The powers are exercisable by the appropriate Minister. The appropriate Minister is defined in section 121(1) as the National Assembly for Wales in relation to Wales and as the Secretary of State in relation to England, Scotland and Northern Ireland.

(b) 1989 c.41.

(2) 28 Chwefror 2001 yw'r dydd a benodir i ddarpariaethau canlynol y Ddeddf ddod i rym -

(a) adran 40 i'r graddau nad yw mewn grym eisoes, ac adran 41 (darpariaeth dros dro ynghylch dileu cofrestriad); a

(b) adran 116 (mân ddiwygiadau a diwygiadau canlyniadol), i'r graddau y mae'n berthnasol i is-baragraff (15) o baragraff 14 o Atodlen 4 i'r Ddeddf.

Darpariaethau Trosiannol

3.-(1) Os yw person sy'n rhedeg cartref bach i blant wedi gwneud cais cofrestru yn briodol cyn 28 Chwefror 2001 o dan is-baragraffau (1) a (2) o baragraff 1 o Atodlen 6 i Ddeddf 1989, bydd paragraffau canlynol yr erthygl hon yn gymwys.

(2) Ni fydd adran 63(1) a (10) o Ddeddf 1989 yn gymwys i'r person hwnnw-

(a) nes yr adeg y caniateir y cais, naill ai'n ddiamod neu'n ddarostyngedig i'r amodau hynny a grybwyllir ym mharagraff (3); neu

(b) os caniateir y cais yn ddarostyngedig i amodau heblaw rheini a grybwyllir ym mharagraff (3), neu os gwrthodir y cais-

(i) os na ddygir apêl, hyd nes y daw 28 diwrnod i ben ar ôl cyflwyno hysbysiad o benderfyniad yr awdurdod lleol; a

(ii) os dygir apêl, hyd nes y penderfynir arni neu ei gollwng.

(3) Dyma'r amodau-

(a) unrhyw amodau (os oes rhai) o'r math a grybwyllir ym mharagraff 5(2) o Atodlen 6 i Ddeddf 1989 (amodau y cytunwyd arnynt); neu

(b) amod na chaiff y cartref letya a gofalu am fwy na thri o blant.

(4) Ni fydd paragraffau 1(9) a 7(3) o Atodlen 6 i Ddeddf 1989 yn gymwys i'r cais.

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

23 Ionawr 2001

Llywydd y Cynulliad Cenedlaethol

(2) 28th February 2001 is the day appointed for the coming into force of the following provisions of the Act-

(a) section 40 in so far as it is not already in force, and section 41 (temporary provision about cancellation of registration); and

(b) section 116 (minor and consequential amendments), in so far as it relates to sub-paragraph (15) of paragraph 14 of Schedule 4 to the Act.

Transitional Provisions

3.-(1) Where a person carrying on a small children's home has before 28th February 2001 duly made an application for registration under sub-paragraphs (1) and (2) of paragraph 1 of Schedule 6 to the 1989 Act, the following paragraphs of this article apply.

(2) Section 63(1) and (10) of the 1989 Act shall not apply to that person-

(a) until such time as the application is granted, either unconditionally or subject to such conditions as are mentioned in paragraph (3); or

(b) if the application is granted subject to conditions other than such as are mentioned in paragraph (3), or refused-

(i) if no appeal is brought, until the expiration of 28 days after the service of notice of the local authority's decision; and

(ii) if an appeal is brought, until it is determined or abandoned.

(3) The conditions are-

(a) such conditions (if any) of the type mentioned in paragraph 5(2) of Schedule 6 to the 1989 Act (agreed conditions); or

(b) a condition that no more than three children may be accommodated and cared for in the home.

(4) Paragraphs 1(9) and 7(3) of Schedule 6 to the 1989 Act shall not apply to the application.

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

23rd January 2001

D. Elis Thomas

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

CYNULLIAD CENEDLAETHOL CYMRU

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ISBN 0-11-090155-X

£2.00

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