



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2001 Rhif 2190 (Cy.152) (C.70)**

**2001 No. 2190 (W.152) (C.70)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

**GWASANAETHAU LLES  
CYMDEITHASOL, CYMRU**

**SOCIAL WELFARE  
SERVICES, WALES**

**Gorchymyn Deddf Safonau Gofal  
2000 (Cychwyn Rhif 3) (Cymru)  
2001**

**The Care Standards Act 2000  
(Commencement No.3) (Wales)  
Order 2001**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn pennu diwrnod i rai o ddarpariaethau Deddf Safonau Gofal 2000 ('y Ddeddf') ddod i rym.

This Order appoints a day for certain provisions of the Care Standards Act 2000 ('the Act') to come into force.

Mae'n dwyn i rym, ar 1 Gorffennaf, bob pŵer i wneud is-ddeddfwriaeth, ac i baratoi safonau cenedlaethol gofynnol a safonau eraill, sef pwerau sy'n cael eu rhoi i'r Cynulliad gan y Rhannau canlynol o'r Ddeddf (a'r Atodlenni sy'n gysylltiedig â'r Rhannau hynny): Rhan I (Rhagarweiniol); Rhan II (Sefydliadau ac Asiantaethau); Rhan III (Gwasanaethau Awdurdodau Lleol); a Rhan VI (Gwarchod Plant a Gofal Dydd).

It brings into force on 1st July 2001 all powers to make subordinate legislation, and to prepare and publish national minimum standards and other standards, conferred upon the Assembly by the following Parts of the Act (and Schedules associated with those Parts): Part I (Introductory); Part II (Establishments and Agencies); Part III (Local Authority Services); and Part VI (Child Minding and Day Care).

Yn ychwanegol mae'n dod â darpariaethau canlynol y Ddeddf i rym ar y diwrnod hwn. Mae'n dod ag adran 5(b) i rym a'r rhan honno o adran 79 sy'n mewnosod adran 79B(2) newydd yn Neddf Plant 1989 (ac effaith y darpariaethau hyn yw datgan mai'r Cynulliad fydd yr awdurdod cofrestru gofal cymdeithasol dros Gymru). Bydd hyn yn hwyluso gweithgareddau sy'n paratoi ar gyfer dyfodiad i rym y darpariaethau hynny yn y Ddeddf sy'n ei gwneud yn ofynnol i'r Cynulliad gofrestru'r gofal cymdeithasol sy'n cael ei ddarparu yng Nghymru.

It brings into force section 5 (b) and that part of section 79 that inserts a new section 79B(2) into the Children Act 1989 (being provisions that state the Assembly is to be the social care registration authority for Wales). This will facilitate activities that prepare for the coming into force of those provisions of the Act that require the Assembly to register the provision of social care in Wales.

Mae'n dod ag adran 112 i rym hefyd (sy'n diwygio Deddf Awdurdodau Lleol a Gwasanaethau Cymdeithasol 1970 i wneud y pwerau sy'n cael eu rhoi ganddi yn arferadwy mewn perthynas â

It also brings into force section 112 (which amends the Local Authority and Social Services Act 1970 so as to make the powers conferred by it exercisable in

swyddogaethau awdurdodau lleol o dan adran 17 o Ddeddf Iechyd a Gwasanaethau Cymdeithasol a Dyfarniadau Nawdd Cymdeithasol 1983). Bydd hyn yn caniatáu i'r Cynulliad roi canllawiau a chyfarwyddiadau i awdurdodau lleol yng Nghymru mewn perthynas â'u pŵer i godi taliadau am y gwasanaethau lles y maent yn eu darparu.

## NODYN YNGHYLCH GORCHMYNION CYCHWYN CYNHARACH

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

Mae darpariaethau'r Ddeddf y mae cofnod wedi'i wneud mewn perthynas â hwy yn y Tabl isod wedi'u dwyn i rym mewn perthynas â Chymru. Daethpwyd â'r darpariaethau hynny ag '(a)' ar eu hôl i rym gan O.S. 2000/2992 (Cy.192) (C.93), a'r rhai â '(b)' ar eu hôl gan O.S. 2001/139 (Cy.5)(C.7).

Y ddarpariaeth	Y dyddiad mewn grym
Adran 40 (yn rhannol) (b)	1 Chwefror 2001
Adran 40 (y gweddill) (b)	28 Chwefror 2001
Adran 41 (b)	28 Chwefror 2001
Adran 54(1), (3)-(7) (a)	1 Ebrill 2001
Adran 55 ac Atodlen 1 (a)	1 Ebrill 2001
Adran 72 ac Atodlen 2 (a)	13 Tachwedd 2000
Adran 113 (2)-(4) (a)	1 Ebrill 2001
Adran 114 (yn rhannol) (a)	1 Ebrill 2001
Adran 116 ac Atodlen 4 (y ddwy yn rhannol) (b)	28 Chwefror 2001

Mae darpariaethau'r Ddeddf y mae cofnod wedi'i wneud ar eu cyfer yn y Tabl isod wedi'u dwyn i rym mewn perthynas â Chymru, yn ogystal â Lloegr, gan O.S. 2000/2544 (C.72).

Y ddarpariaeth	Y dyddiad cychwyn
Adran 80(8)	2 Hydref 2000
Adran 94	2 Hydref 2000
Adran 96 (yn rhannol)	15 Medi 2000
Adran 96 (y gweddill)	2 Hydref 2000
Adran 99	15 Medi 2000
Adran 100	2 Hydref 2000
Adran 101	2 Hydref 2000
Adran 103	2 Hydref 2000
Adran 116 ac Atodlen 4 (y ddwy yn rhannol)	2 Hydref 2000

relation to the functions of local authorities under section 17 of the Health and Social Services and Social Security Adjudications Act 1983). This will allow the Assembly to issue guidance and directions to local authorities in Wales in relation to their power to levy charges for welfare services they provide.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The provisions of the Act in respect of which an entry is made in the Table below have been brought into force in relation to Wales. Those provisions whose entry is followed by '(a)' were brought into force by S.I. 2000/2992 (W.192) (C.93), and those followed by '(b)' were brought into force by S.I. 2001/139 (W.5)(C.7).

Provision	Date in force
Section 40 (partially) (b)	1st February 2001
Section 40 (remainder) (b)	28th February 2001
Section 41 (b)	28th February 2001
Section 54(1), (3)-(7) (a)	1st April 2001
Section 55 & Schedule 1 (a)	1st April 2001
Section 72 & Schedule 2 (a)	13th November 2000
Section 113 (2)-(4) (a)	1st April 2001
Section 114 (partially) (a)	1st April 2001
Section 116 & Schedule 4 (both partially) (b)	28th February 2001

The provisions of the Act in respect of which an entry is made in the Table below have been brought into force in relation to Wales, as well as England, by S.I. 2000/2544 (C.72).

Provision	Date of Commencement
Section 80(8)	2nd October 2000
Section 94	2nd October 2000
Section 96 (partially)	15th September 2000
Section 96 (remainder)	2nd October 2000
Section 99	15th September 2000
Section 100	2nd October 2000
Section 101	2nd October 2000
Section 103	2nd October 2000
Section 116 and Schedule 4 (both partially)	2nd October 2000

Adran 117(2) ac Atodlen 6  
(y ddwy yn rhannol) 2 Hydref 2000

Yn ychwanegol, mae amryw o ddarpariaethau eraill y Ddeddf wedi'u dwyn i rym mewn perthynas â Lloegr yn unig gan yr offerynnau canlynol: O.S. 2000/2795 (C.79); O.S. 2001/290 (C.17); O.S. 2001/731 (C.26).

Section 117(2) and  
Schedule 6  
(both partially) 2nd October 2000

In addition various other provisions of the Act have been brought into force in relation to England alone by the following instruments: S.I. 2000/2795 (C.79); S.I. 2001/290 (C.17); S.I. 2001/731 (C.26).

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2000 (Cychwyn Rhif 3) (Cymru)  
2001**

**The Care Standards Act 2000  
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Order 2001**

*Wedi'i wneud*

*12 Mehefin 2001*

*Made*

*12th June 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd iddo gan adran 122 o Ddeddf Safonau Gofal 2000 (a):

The National Assembly for Wales makes the following Order in exercise of the powers conferred upon it by section 122 of the Care Standards Act 2000 (a):

**Enwi a dehongli**

1. -(1) Enw'r Gorchymyn hwn yw Gorchymyn Safonau Gofal 2000 (Cychwyn Rhif 3) (Cymru) 2001.

**Citation and interpretation**

1. -(1) This Order may be cited as the Care Standards Act 2000 (Commencement No.3) (Wales) Order 2001.

(2) Yn y Gorchymyn hwn -

(2) In this Order -

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

"the Act" ("y Ddeddf") means the Care Standards Act 2000.

**Diwrnod penodedig**

2. Daw darpariaethau'r Ddeddf a bennir yng ngholofn 1 o'r Tabl a gynhwysir yn yr Atodlen i'r Gorchymyn hwn i rym mewn perthynas â Chymru ar 1 Gorffennaf 2001, ond lle mae dibenion penodol yn cael eu pennu mewn perthynas ag unrhyw ddarpariaeth yng ngholofn 2 o'r Tabl, dim ond at y dibenion hynny y daw'r ddarpariaeth i rym.

**Appointed day**

2. The provisions of the Act specified in column 1 of the Table contained in the Schedule to this Order shall come into force in relation to Wales on 1st July 2001, but where particular purposes are specified in relation to any provision in column 2 of the Table, the provision shall come into force only for those purposes.

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(a) 2000 p.14. Mae'r pŵer yn arferadwy gan "the appropriate Minister". Diffinnir "the appropriate Minister" yn adran 121 (1) i olygu Cynulliad Cenedlaethol Cymru mewn perthynas â Chymru; mewn perthynas â Lloegr, yr Alban neu Ogledd Iwerddon mae'n golygu'r Ysgrifennydd Gwladol.

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(a) 2000 c.14. The power is exercisable by the appropriate Minister. The appropriate Minister is defined in section 121 (1) as meaning the National Assembly for Wales in relation to Wales; in relation to England, Scotland or Northern Ireland it means the Secretary of State.

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

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

12 Mehefin 2001

12th June 2001

*Dafydd Elis Thomas*

Llywydd Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly for Wales

**YR ATODLEN**

**THE SCHEDULE**

Erthygl 2(1)

Article 2(1)

**Y Tabl**

**The Table**

**Darpariaethau'r Ddeddf sy'n dod i rym ar 1 Gorffennaf 2001**

**Provisions of the Act coming into force on 1st July 2001**

Colofn 1 - y ddarpariaeth yn y Ddeddf

Colofn 2- at ba ddiben y mae'r ddarpariaeth i ddod i rym

Column 1 - provision of the Act

Column 2- purpose for which the provision is to come into force

Adrannau 1 (Cartrefi plant), 2 (Ysbytai annibynnol etc.), 3 (Cartrefi gofal), 4 (Diffiniadau sylfaenol eraill), 5 (Yr awdurdodau cofrestru), a 7(7) (Dyletswyddau cyffredinol y Comisiwn).	
Adran 8 (Swyddogaethau cyffredinol y Cynulliad).	Er mwyn galluogi is-ddeddfwriaeth i gael ei gwneud odani.
Adran 9(3)-(5) (Gweithio ar y cyd).	
Adrannau 11 (Y gofyniad i gofrestru), 12 (Ceisiadau am gofrestru), 14 (Dileu cofrestradau), 15 (Ceisiadau gan bersonau cofrestredig).	Er mwyn galluogi is-ddeddfwriaeth i gael ei gwneud odanynt.
Adrannau 16 (Rheoliadau ynghylch cofrestru), 22 (Rheoli sefydliadau ac asiantaethau), 23 (Y safonau cenedlaethol gofynnol), 25 Torri rheoliadau, 33 (Ffurflenni blynyddol), 34 (Datodwyr	

Sections 1 (Children's homes), 2 (Independent hospitals etc.), 3 (Care homes), 4 (Other basic definitions), 5 (Registration authorities), and 7(7) (General duties of the Commission).	
Section 8 (General functions of the Assembly).	For the purposes of enabling subordinate legislation to be made under it.
Section 9(3)-(5) (Co-operative working).	
Sections 11 (Requirement to register), 12 (Applications for registration), 14 (Cancellation of registration), 15 (Applications by registered persons).	For the purposes of enabling subordinate legislation to be made under them.
Sections 16 (Regulations about registration), 22 (Regulation of establishments and agencies), 23 (National minimum standards), 25 Contravention of regulations, 33 (Annual	

(a) 1998 p.38.

(a) 1998 c.38.

<p>etc) a 35 (Marwolaeth person cofrestredig).</p> <p>Adran 36 (Darparu copïau o gofrestrau).</p>	<p>Er mwyn galluogi is-ddeddfwriaeth i gael ei gwneud odani.</p>	<p>returns), 34 (Liquidators etc) and 35 (Death of registered person).</p> <p>Section 36 (Provision of copies of registers).</p>	<p>For the purposes of enabling subordinate legislation to be made under it.</p>
<p>Adrannau 38 (Trosglwyddo staff o dan Ran II), 42 (Y pŵer i estyn cymhwysiad Rhan II), 43 (Rhagarweiniol), 48 (Rheoli gwaith arfer swyddogaethau maethu perthnasol), 49 (Y safonau cenedlaethol gofynnol), 50 (Ffurflenni blynyddol), 51 (Ffi flynyddol), 52 (Torri rheoliadau).</p>		<p>Sections 38 (Transfers of staff under Part II), 42 (Power to extend the application of Part II), 43 (Introductory), 48 (Regulation of the exercise of relevant fostering functions), 49 (National minimum standards), 50 (Annual returns), 51 (Annual fee), 52 (Contravention of regulations).</p>	
<p>Adran 79(1) (Diwygio Deddf Plant 1989 (p.41)).</p>	<p>Er mwyn galluogi is-ddeddfwriaeth i gael ei gwneud o dan ddarpariaeth sy'n cael ei mewnosod ganddi yn Neddf Plant 1989.</p>	<p>Section 79(1) (Amendment of Children Act 1989 (c.41)).</p>	<p>For the purposes of enabling subordinate legislation to be made under a provision inserted by it into the Children Act 1989.</p>
<p>Adran 79(1).</p>	<p>Er mwyn mewnosod y darpariaethau canlynol yn Neddf Plant 1989; adran 79B(2) (Diffiniadau eraill etc); ac adran 79B(9) (sy'n cyflwyno Atodlen 9A i Ddeddf Plant 1989), ond dim ond i'r graddau y mae'n angenrheidiol er mwyn galluogi is-ddeddfwriaeth i gael ei gwneud o dan Atodlen 9A i Ddeddf Plant 1989 (sy'n cael ei mewnosod gan Atodlen 3 i'r Ddeddf).</p>	<p>Section 79(1).</p>	<p>For the purposes of inserting the following provisions into the Children Act 1989: section 79B(2) (Other definitions etc) ; and section 79B(9) (which introduces Schedule 9A to the Children Act 1989), but only to the extent necessary for the purposes of enabling subordinate legislation to be made under Schedule 9A to the Children Act 1989 (which is inserted by Schedule 3 to the Act).</p>
<p>Adran 79(2) (sy'n cyflwyno Atodlen 3 i'r Ddeddf).</p> <p>Adrannau 79(3) a (4) “(cynlluniau ar gyfer trosglwyddo staff)”, 107 (Ysgolion preswyl: y safonau cenedlaethol gofynnol), 108 (Ffi flynyddol am arolygiadau</p>	<p>Er mwyn galluogi is-ddeddfwriaeth i gael ei gwneud o dan ddarpariaeth sy'n cael ei mewnosod yn Neddf Plant 1989 gan Atodlen 3 i'r Ddeddf .</p>	<p>Section 79(2) (which introduces Schedule 3 to the Act).</p> <p>Sections 79(3) and (4), “(schemes for the transfer of staff)”,107 (Boarding schools: national minimum standards), 108 (Annual fee for boarding</p>	<p>For the purposes of enabling subordinate legislation to be made under a provision inserted into the Children Act 1989 by Schedule 3 to the Act.</p>

ysgolion preswyl), 112 (Y taliadau sy'n cael eu codi am wasanaethau lles awdurdodau lleol), 114 (Cynlluniau ar gyfer trosglwyddo staff) a 115 (Effaith y cynlluniau).	
Adran 116 (Mân ddiwygiadau a diwygiadau canlyniadol) (sy'n cyflwyno Atodlen 4 i'r Ddeddf).	Er mwyn dod â'r darpariaethau yn Atodlen 4 a bennir isod i rym.
Adran 117(1) (Darpariaethau trosiannol, eithriadau a diddymadau) (sy'n cyflwyno Atodlen 5 i'r Ddeddf).	Er mwyn dod â'r darpariaethau yn 5 a bennir isod i rym.
Atodlen 3.	Er mwyn galluogi is-ddeddfwriaeth i gael ei gwneud o dan ddarpariaeth a fewnosodwyd ganddi yn Neddf Plant 1989.
Paragraff 5(6) o Atodlen 4 (sy'n diwygio Deddf Mabwysiadu 1976). Paragraff 1 o Atodlen 5. Paragraff 2 o Atodlen 5.	Er mwyn galluogi is-ddeddfwriaeth i gael ei gwneud odano.

school inspections), 112 (Charges for local authority welfare services), 114 (Schemes for the transfer of staff) and 115 (Effect of schemes).	
Section 116 (Minor and consequential amendments) (which introduces Schedule 4 to the Act).	For the purposes of bringing into force the provisions of Schedule 4 specified below.
Section 117(1) (Transitional provisions, savings and repeals) (which introduces Schedule 5 to the Act). Schedule 3.	For the purposes of bringing into force the provisions of Schedule 5 specified below.  For the purposes of enabling subordinate legislation to be made under a provision inserted by it into the Children Act 1989.
Paragraph 5(6) of Schedule 4 (which amends the Adoption Act 1976). Paragraph 1 of Schedule 5. Paragraph 2 of Schedule 5.	For the purposes of enabling subordinate legislation to be made under it.

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**OFFERYNNAU STATUDOL**

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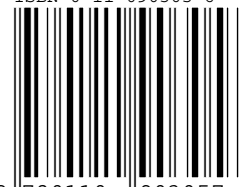
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