



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 452 (Cy. 143) (C. 22)

2016 No. 452 (W. 143) (C. 22)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Gorchymyn Deddf Plant a Phobl
Ifanc 2008 (Cychwyn Rhif 8 a
Darpariaeth Arbed) (Cymru) 2016

The Children and Young Persons
Act 2008 (Commencement No. 8
and Saving Provision) (Wales)
Order 2016

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Hwn yw'r wythfed Gorchymyn Cychwyn a wneir gan Weinidogion Cymru o dan Ddeddf Plant a Phobl Ifanc 2008 ("y Ddeddf") sy'n dwyn i rym ddarpariaethau penodedig yn y Ddeddf o ran Cymru.

This is the eighth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 ("the Act") which brings specified provisions of the Act into force in relation to Wales.

Mae erthygl 2 o'r Gorchymyn hwn yn darparu bod adran 8(1) ac 8(2) i'r graddau y mae'r is-adran honno yn ymwneud â pharagraffau penodedig o Atodlen 1, ac adrannau 10 ac 16 o'r Ddeddf yn dod i rym ar 6 Ebrill 2016 (i'r graddau nad ydynt eisoes mewn grym).

Article 2 of this Order provides that section 8(1) and 8(2) in so far as that subsection relates to specified paragraphs of Schedule 1, and sections 10 and 16 of the Act come into force on 6 April 2016 (in so far as they are not already in force).

Mae adran 8 yn disodli adran 23 o Ddeddf Plant 1989 ("Deddf 1989") gydag adrannau newydd 22A i 22F. Mae'n ailddeddfu'r dyletswyddau ar awdurdodau lleol i ddarparu llety i blant sydd yn eu gofal (adran newydd 22A) ac i gynnal pob plentyn sy'n derbyn gofal mewn ffyrdd eraill ar wahân i'r ddarpariaeth o lety (adran newydd 22B).

Section 8 replaces section 23 of the Children Act 1989 ("the 1989 Act") with new sections 22A to 22F. It re-enacts the duties on local authorities to provide accommodation for children who are in their care (new section 22A) and to maintain all looked after children in other respects apart from the provision of accommodation (new section 22B).

Mae adran 10(1) a (3) yn rhoi yn lle adran 26(2)(k) a (2A) i (2D) o Ddeddf 1989 adrannau newydd 25A a 25B sy'n nodi: y gofynion sy'n ymwneud â phenodi Swyddog Adolygu Annibynnol ar gyfer pob plentyn sy'n derbyn gofal; swyddogaethau'r Swyddog Adolygu Annibynnol; a darpariaeth gysylltiedig sy'n galluogi i swyddogaethau swyddogion CAF/CASS a swyddogion achosion teuluol Cymru gael eu hestyn.

Section 10(1) and (3) replaces section 26(2)(k) and (2A) to (2D) of the 1989 Act with new sections 25A and 25B that set out: requirements regarding the appointment of an Independent Reviewing Officer ('IRO') for each looked after child; the IRO's functions; and an associated provision enabling the functions of CAF/CASS officers and Welsh family proceedings officers to be extended.

Mae adran 16 yn disodli paragraff 17 o Atodlen 2 i Ddeddf 1989, gan estyn y grŵp o blant sy'n derbyn gofal y mae rhaid penodi ar ei gyfer berson annibynnol i ymweld â'r plentyn, ymgyfeillio ag ef a'i gynghori i gynnwys pob un y byddai penodiad yn fuddiol iddo. Caiff yr awdurdod cenedlaethol priodol drwy reoliadau estyn y rheini y mae'r ddyletswydd yn ddyledus iddynt

Section 16 replaces paragraph 17 of Schedule 2 to the 1989 Act, extending the group of looked after children for whom an independent person must be appointed to visit, befriend and advise the child, to include all those for whom an appointment would be in their interests. The appropriate national authority may by regulations extend those to whom the duty is owed

i grwpiau rhagnodedig eraill o blant sy'n derbyn gofal (is-adran (1)(a)).

Mae erthygl 3 yn cynnwys darpariaeth arbed sy'n darparu, er gwaethaf y diwygiadau a wneir i adran 26 o Ddeddf 1989 wrth i ddarpariaeth o fewn adran 10(3) o'r Ddeddf ddod i rym, fod adran 26 yn parhau i gael effaith heb ei diwygio at ddibenion gwneud rheoliadau o dan baragraff 10(2)(1) o Atodlen 6 i Ddeddf Plant 1989 (rheoliadau o ran lleoli plant mewn cartrefi preifat i blant).

NODYN AM Y GORCHMYNION CYCHWYN CYNHARACH

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

Mae'r darpariaethau a ganlyn o'r Ddeddf hon wedi eu dwyn i rym o ran Cymru drwy Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Adran 8(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)
Adran 8(2) (yn rhannol) a pharagraff 4 o Atodlen 1	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)
Adran 8(3) ac Atodlen 2	31 Mawrth 2010	2010/749 (Cy. 77) (C. 51)
Adran 10(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)
Adran 15 (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)
Adran 15 (i'r graddau nad yw eisoes mewn grym)	28 Mawrth 2011	2011/949 (Cy. 135) (C. 37)
Adran 16(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)
Adran 19	28 Mawrth 2011	2011/949 (Cy. 135) (C. 37)
Adran 20(3)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)
Adran 20 (i'r graddau nad yw eisoes mewn grym)	1 Medi 2011	2011/949 (Cy. 135) (C. 37)

to other prescribed groups of looked after children (subsection (1)(a)).

Article 3 contains a saving provision which provides that despite the amendments made to section 26 of the 1989 Act by the coming into force of provision within section 10(3) of the Act, section 26 continues to have effect without amendment for the purposes of making regulations under paragraph 10(2)(1) of Schedule 6 to the Children Act 1989 (regulations as to the placing of children in private children's homes).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of this Act have been brought into force in relation to Wales by Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8(1) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 8(2) (partially) and paragraph 4 of Schedule 1	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 8(3) and Schedule 2	31 March 2010	2010/749 (W. 77) (C. 51)
Section 10(1) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 15 (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 15 (in so far as not already in force)	28 March 2011	2011/949 (W. 135) (C. 37)
Section 16(1) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 19	28 March 2011	2011/949 (W. 135) (C. 37)
Section 20(3)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 20 (in so far as it is not already in force)	1 September 2011	2011/949 (W. 135) (C. 37)

Adran 21(2) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 21(2) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 21 (i'r graddau nad yw eisoes mewn grym)	18 Mawrth 2011	2011/824 (Cy. 123) (C. 32)	Section 21 (in so far as not already in force)	18 March 2011	2011/824 (W. 123) (C. 32)
Adran 22(3) a (5) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 22(3) and (5) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 22 (i'r graddau nad yw eisoes mewn grym)	19 Mehefin 2012	2012/1553 (Cy. 206) (C. 58)	Section 22 (in so far as not already in force)	19 June 2012	2012/1553 (W. 206) (C. 58)
Adran 23(1)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 23(1)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 23 (i'r graddau nad yw eisoes mewn grym)	19 Mehefin 2012	2012/1553 (Cy. 206) (C. 58)	Section 23 (in so far as not already in force)	19 June 2012	2012/1553 (W. 206) (C. 58)
Adran 24	19 Mehefin 2012	2012/1553 (Cy. 206) (C. 58)	Section 24	19 June 2012	2012/1553 (W. 206) (C. 58)
Adran 25(4) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 25(4) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 25 (i'r graddau nad yw eisoes mewn grym)	19 Mehefin 2012	2012/1553 (Cy. 206) (C. 58)	Section 25 (in so far as not already in force)	19 June 2012	2012/1553 (W. 206) (C. 58)
Adran 27	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 27	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 28	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 28	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 29 (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 29 (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 29 (i'r graddau nad yw eisoes mewn grym)	28 Mawrth 2011	2011/949 (Cy. 135) (C. 37)	Section 29 (in so far as it is not already in force)	28 March 2011	2011/949 (W. 135) (C. 37)
Adran 30	6 Ebrill 2009	2009/728 (Cy. 64) (C. 47)	Section 30	6 April 2009	2009/728 (W. 64) (C. 47)
Adran 33	26 Ebrill 2010	2010/1329 (Cy. 112) (C. 81)	Section 33	26 April 2010	2010/1329 (W. 112) (C. 81)
Adran 34	31 Mawrth 2010	2010/749 (Cy. 77) (C. 51)	Section 34	31 March 2010	2010/749 (W. 77) (C. 51)

Adran 35	6 Ebrill 2009	2009/728 (Cy. 64) (C. 47)	Section 35	6 April 2009	2009/728 (W. 64) (C. 47)
Adran 36	1 Medi 2009	2009/1921 (Cy. 175) (C. 91)	Section 36	1 September 2009	2009/1921 (W. 175) (C. 91)
Adran 37	1 Medi 2009	2009/1921 (Cy. 175) (C. 91)	Section 37	1 September 2009	2009/1921 (W. 175) (C. 91)
Adran 38	1 Medi 2009	2009/1921 (Cy. 175) (C. 91)	Section 38	1 September 2009	2009/1921 (W. 175) (C. 91)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu adran 49(5) o Ddeddf 1989	6 Ebrill 2009	2009/728 (Cy. 64) (C. 47)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 49(5) of the 1989 Act	6 April 2009	2009/728 (W. 64) (C. 47)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu adran 12(5) a (6) a diddymu'n rhannol adran 91(1) o Ddeddf 1989	1 Medi 2009	2009/1921 (Cy. 175) (C. 91)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 12(5) and (6) and the repeal in part of section 91(1) of the 1989 Act	1 September 2009	2009/1921 (W. 175) (C. 91)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu'n rhannol adran 12 o Ddeddf Mabwysiadu a Phlant 2002	31 Mawrth 2010	2010/749 (Cy. 77) (C. 51)	Section 42 and Schedule 4 in so far as they relate to the repeal in part of section 12 of the Adoption and Children Act 2002	31 March 2010	2010/749 (W. 77) (C. 51)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu adran 104 o Ddeddf 1989 a diddymu'n rhannol adran 21 o Ddeddf Safonau Gofal 2000	28 Mawrth 2011	2011/949 (Cy. 135) (C. 37)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 104 of the 1989 Act and to the repeal in part of section 21 of the Care Standards Act 2000	28 March 2011	2011/949 (W. 135) (C. 37)

Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu'n rhannol adran 17(6), diddymu adran 23B(4) i (7) a diddymu'n rhannol baragraff 6(1) o Atodlen 2	19 Mehefin 2012	2012/1553 (Cy. 206) (C. 58)	Section 42 and Schedule 4 in so far as they relate to the repeal in part of section 17(6), the repeal of section 23B(4) to (7) and the repeal in part of paragraph 6(1) of Schedule 2	19 June 2012	2012/1553 (W. 206) (C. 58)
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Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym o ran Cymru a Lloegr drwy Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

The following provisions of the Act have been brought into force in relation to England and Wales by Commencement Order made before the date of this Order:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Adran 17	1 Ebrill 2011	2010/2981 (C. 131)	Section 17	1 April 2011	2010/2981 (C. 131)
Adran 18 (yn rhannol)	1 Ionawr 2010	2009/3354 (C. 154)	Section 18 (partially)	1 January 2010	2009/3354 (C. 154)
Adran 18 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2011	2010/2981 (C. 131)	Section 18 (in so far as it is not already in force)	1 April 2011	2010/2981 (C. 131)
Adran 31	1 Ebrill 2009	2009/268 (C. 11)	Section 31	1 April 2009	2009/268 (C. 11)
Adran 32	1 Ebrill 2009	2009/268 (C. 11)	Section 32	1 April 2009	2009/268 (C. 11)

Mae amrywiol ddarpariaethau o'r Ddeddf wedi eu dwyn i rym o ran Lloegr drwy'r Gorchymynion Cychwyn a ganlyn a wnaed cyn dyddiad y Gorchymyn hwn:

Various provisions of the Act have been brought into force in relation to England by the following Commencement Orders made before the date of this Order:

- O.S. 2009/268 (C. 11)
- O.S. 2009/323 (C. 15)
- O.S. 2009/2273 (C. 99)
- O.S. 2009/3354 (C. 154)
- O.S. 2010/2714 (C. 126)
- O.S. 2010/2981 (C. 131)
- O.S. 2011/2703 (C. 95)
- O.S. 2013/2606 (C. 103)

- S.I. 2009/268 (C. 11)
- S.I. 2009/323 (C. 15)
- S.I. 2009/2273 (C. 99)
- S.I. 2009/3354 (C. 154)
- S.I. 2010/2714 (C. 126)
- S.I. 2010/2981 (C. 131)
- S.I. 2011/2703 (C. 95)
- S.I. 2013/2606 (C. 103)

Gweler hefyd adran 44(1) a (2) o'r Ddeddf am y darpariaethau a ddaeth i rym ar 13 Tachwedd 2008 (dyddiad y Cydsyniad Brenhinol).

See also section 44(1) and (2) of the Act for the provisions that came into force on 13 November 2008 (date of Royal Assent).

Gweler hefyd adran 44(9) am y ddarpariaeth a ddaw i rym ar yr un diwrnod ag y daw adran 7(1) o Ddeddf Gofalwyr a Phlant Anabl 2000 (p. 16) i rym at ddiben mewnosod adran 17B yn Neddf 1989 o ran Cymru(1).

See also section 44(9) for the provision which will come into force on the same day as section 7(1) of the Carers and Disabled Children Act 2000 (c. 16) comes into force for the purpose of inserting section 17B into the 1989 Act in relation to Wales(1).

(1) Y diwrnod penodedig i adran 7(1) o Ddeddf Gofalwyr a Phlant Anabl 2000 ddod i rym yw 6 Ebrill 2016.

(1) The appointed day for the coming into force of section 7(1) of the Carers and Disabled Children Act 2000 is 6 April 2016.

2016 Rhif 452 (Cy. 143) (C. 22)

2016 No. 452 (W. 143) (C. 22)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Gorchymyn Deddf Plant a Phobl
Ifanc 2008 (Cychwyn Rhif 8 a
Darpariaeth Arbed) (Cymru) 2016

The Children and Young Persons
Act 2008 (Commencement No. 8
and Saving Provision) (Wales)
Order 2016

Gwnaed

26 Mawrth 2016

Made

26 March 2016

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 44 o Ddeddf Plant a Phobl Ifanc 2008(1) yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by section 44 of the Children and Young Persons Act 2008(1) make the following Order:

Enwi a dehongli

Title and interpretation

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 8 a Darpariaeth Arbed) (Cymru) 2016.

1.—(1) The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 8 and Saving Provision) (Wales) Order 2016.

(2) Yn y Gorchymyn hwn ystyr “y Ddeddf” (“*the Act*”) yw Deddf Plant a Phobl Ifanc 2008.

(2) In this Order “the Act” (“*y Ddeddf*”) means the Children and Young Persons Act 2008.

Y darpariaethau sy'n dod i rym ar 6 Ebrill 2016

Provisions coming into force on 6 April 2016

2. Daw'r darpariaethau a ganlyn o'r Ddeddf (sy'n gwneud diwygiadau i Ddeddf Plant 1989(2)) i rym o ran Cymru ar 6 Ebrill 2016—

2. The following provisions of the Act (which make amendments to the Children Act 1989(2)) come into force in relation to Wales on 6 April 2016—

- (a) adran 8(1)(3) (darparu llety a chynhaliaeth i blant sy'n derbyn gofal gan awdurdod lleol) (i'r graddau nad yw eisoes mewn grym);
- (b) adran 8(2) i'r graddau y mae'n ymwneud ag Atodlen 1, paragraffau 1, 2, 3(1), (2) a (3), 5, 6, 15, 16, 17, 18 ac 21;

- (a) section 8(1)(3) (provision of accommodation and maintenance for children who are looked after by a local authority) (to the extent not already in force);
- (b) section 8(2) in so far as it relates to Schedule 1, paragraphs 1, 2, 3(1), (2) and (3), 5, 6, 15, 16, 17, 18 and 21;

(1) 2008 p. 23.

(2) 1989 p. 41.

(3) Cychwynwyd adran 8 yn rhannol gan erthygl 2(a) o Orchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 3) (Cymru) 2010 (O.S. 2010/749 (Cy. 77) (C. 51)) ac yn rhannol gan erthygl 2(a) a (b) o Orchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 4) (Cymru) 2010 (O.S. 2010/1329 (Cy. 112) (C. 81)) (“Gorchymyn Cychwyn Rhif 4”).

(1) 2008 c. 23.

(2) 1989 c. 41.

(3) Section 8 was commenced in part by article 2(a) of the Children and Young Persons Act 2008 (Commencement No. 3) (Wales) Order 2010 (S.I. 2010/749 (W. 77) (C. 51)) and in part by article 2(a) and (b) of the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010 (S.I. 2010/1329 (W. 112) (C. 81)) (“the No. 4 Commencement Order”).

- (c) adran 10(1) a (3)(1) (swyddogion adolygu annibynnol) (i'r graddau nad yw eisoes mewn grym) ac Atodlen 4 (diddymiadau) i'r graddau y mae'n ymwneud â diddymu adran 26(2)(k) a (2A) i (2D) o Ddeddf Plant 1989;
- (d) adran 16(2) (ymwelwyr annibynnol ar gyfer plant sy'n derbyn gofal gan awdurdod lleol) (i'r graddau nad yw eisoes mewn grym).

Darpariaeth arbed

3. Er i adran 10(3) o'r Ddeddf ddod i rym yn unol ag erthygl 2(c), mae adran 26 o Ddeddf Plant 1989 yn parhau i gael effaith heb ei diwygio at ddbenion paragraff 10(2)(l) o Atodlen 6 i Ddeddf Plant 1989 (rheoliadau o ran lleoli plant mewn cartrefi preifat i blant).

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
26 Mawrth 2016

- (c) section 10(1) and (3)(1) (independent reviewing officers) (to the extent not already in force) and Schedule 4 (repeals) in so far as it relates to the repeal of section 26(2)(k) and (2A) to (2D) of the Children Act 1989;
- (d) section 16(2) (independent visitors for children looked after by a local authority) (to the extent not already in force).

Saving provision

3. Despite the coming into force of section 10(3) of the Act in accordance with article 2(c), section 26 of the Children Act 1989 continues to have effect without amendment for the purposes of paragraph 10(2)(l) of Schedule 6 to the Children Act 1989 (regulations as to the placing of children in private children's homes).

Minister for Health and Social Services, one of the
Welsh Ministers
26 March 2016

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- (1) Cychwynnwyd adran 10 yn rhannol gan Orchymyn Cychwyn Rhif 4.
 - (2) Cychwynnwyd adran 16 yn rhannol gan Orchymyn Cychwyn Rhif 4.

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- (1) Section 10 was commenced in part by the No. 4 Commencement Order.
 - (2) Section 16 was commenced in part by the No. 4 Commencement Order.

