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OFFERYNNAU STATUDOL CYMRU

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**2018 Rhif 195 (Cy. 44)**

**GOFAL CYMDEITHASOL, CYMRU A LLOEGR**

**Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal  
Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol) 2018**

*Gwnaed - - - - 15 Chwefror 2018*

*Yn dod i rym yn unol ag erthygl 2*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adran 186 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1) ac adran 198 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(2).

Gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru o dan adran 186(4) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ac adran 196(6) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ac fe'i cymeradwywyd ganddo drwy benderfyniad.

**Enwi**

1. Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol) 2018.

**Cychwyn**

2.—(1) Daw'r Rheoliadau hyn i rym ar 2 Ebrill 2018 yn ddarostyngedig i baragraffau (2) i (4).

(2) Daw rheoliad 19 i rym ar y diwrnod y daw adran 14 o Ddeddf Gofal Cymunedol (Rhyddhau Gohiriedig etc.) 2003(3) i rym.

(3) Daw rheoliad 46 i rym ar y diwrnod y daw paragraff 3 o Atodlen 3 i Ddeddf Mewnfudo 2014(4) i rym mewn perthynas â mangreoedd yng Nghymru.

(4) Daw rheoliad 56 i rym ar y diwrnod y daw paragraff 4 o Atodlen 2 i Ddeddf Rhentu Cartrefi (Cymru) 2016(5) i rym.

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(1) 2016 decc 2.  
(2) 2014 decc 4.  
(3) 2003 p. 5.  
(4) 2014 p. 22.  
(5) 2016 decc 1.

*Diwygiadau i ddeddfwriaeth sylfaenol***Deddf Iechyd Meddwl 1983 (p. 20)**

3. Mae Deddf Iechyd Meddwl 1983 wedi ei diwygio fel a ganlyn.
4. Yn adran 119(3)(6)—
- (a) hepgorer “or” ar ddiwedd paragraff (a);
  - (b) ar ddiwedd paragraff (b) mewnosoder “; or
  - (c) premises at which—
    - (i) a care home service,
    - (ii) a secure accommodation service, or
    - (iii) a residential family centre service,
 within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided by a person registered under Part 1 of that Act.”
5. Yn adran 120(9)(7)—
- (a) hepgorer “or” ar ddiwedd paragraff (a);
  - (b) ar ddiwedd paragraff (b) mewnosoder ““, or
  - (c) premises at which—
    - (i) a care home service,
    - (ii) a secure accommodation service, or
    - (iii) a residential family centre service,
 within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided by a person registered under Part 1 of that Act.”
6. Yn adran 145(1)(8), yn lle’r diffiniad o “care home” rhodder—
- ““care home”—
- (a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and
  - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”.

**Deddf Personau Anabl (Gwasanaethau, Ymgynghori a Chynrychioli) 1986 (p. 33)**

- 7.—(1) Mae adran 2(5)(9) o Ddeddf Personau Anabl (Gwasanaethau, Ymgynghori a Chynrychioli) 1986 wedi ei diwygio fel a ganlyn.
- (2) Ar ddechrau paragraff (d) mewnosoder “in England,”.
  - (3) Ar ôl paragraff (d) mewnosoder—

(6) Amnewidiwyd adran 119(3) gan erthygl 5(1) a (4)(b) o [O.S. 2010/813](#).

(7) Amnewidiwyd adran 120 gan adran 52(5) o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14) a pharagraffau 1 ac 8 o Atodlen 3 iddi.

(8) Mewnosodwyd y diffiniad o “care home” yn adran 145 gan baragraff 9(10)(a) o Atodlen 4 i Ddeddf Safonau Gofal 2000 (p. 14).

(9) Yn is-adran (5), ym mharagraff (d) mewnosodwyd y geiriau “a care home within the meaning of the Care Standards Act 2000” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 11o Atodlen 4 iddi.

“(da) in Wales, in premises at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over, or”.

### **Deddf Plant 1989 (p. 41)**

**8.** Mae Deddf Plant 1989 wedi ei diwygio fel a ganlyn.

**9.** Yn adran 22C(6)(c)(10), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

**10.** Yn adran 59(1)(aa)(11), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**11.** Yn adran 63(12)(12)—

(a) yn lle “without being treated” rhodder “without being treated—

(a)”;

(b) ar ôl “children’s home” mewnosoder “and,

(b) for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016, as providing a care home service within the meaning of Part 1 of that Act”.

**12.** Yn adran 105(1)—

(a) yn lle’r diffiniad o “care home”(13) rhodder—

““care home”—

(a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and

(b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;

(b) yn lle’r diffiniad o “children’s home”(14) rhodder—

““children’s home”—

(a) has the same meaning as it has for the purposes of the Care Standards Act 2000 in respect of a children’s home in England (see section 1 of that Act); and

(b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;”;

(c) yn y diffiniad o “private children’s home”(15), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**13.** Yn Atodlen 7 (effaith mynd dros y terfyn maethu)—

(10) Rhoddwyd adran 22C, ynghyd ag adrannau 22A, 22B a 22D i 22F, yn lle adran 23 fel y’i deddfwyd yn wreiddiol, gan adran 8(1) o Ddeddf Plant a Phobl Ifanc 2008 (p. 23).

(11) Mewnosodwyd paragraff (aa) gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14 o Atodlen 4 iddi, ac fe’i diwygiwyd gan adran 8(2) o Ddeddf Plant a Phobl Ifanc 2008 a pharagraff 2(1) a (2) o Atodlen 1 iddi.

(12) Yn is-adran (12), mewnosodwyd y geiriau “, for the purposes of this Act and the Care Standards Act 2000,” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) ac (11)(c) o Atodlen 4 iddi.

(13) Mewnosodwyd y diffiniad o “care home” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (23)(a)(ii) o Atodlen 4 iddi.

(14) Amnewidiwyd y diffiniad o “children’s home” gan adran 8(2) o Ddeddf Plant a Phobl Ifanc 2008 a pharagraff 3(1) a (3) o Atodlen 1 iddi.

(15) Mewnosodwyd y diffiniad o “private children’s home” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (23)(a)(vii) o Atodlen 4 iddi.

- (a) ar ddechrau paragraff 5(16) mewnosoder—  
“(A1) This paragraph applies to a person fostering in England.”;
- (b) ar ôl paragraff 5 mewnosoder—  
“5A.—(1) This paragraph applies to a person (P) fostering in Wales.  
(2) Sub-paragraph (3) applies where—  
(a) P exceeds the usual fostering limit and is not exempted under paragraph 4;  
(b) P is exempted under paragraph 4 and exceeds the usual fostering limit by fostering a child not named in the exemption.  
(3) Where this paragraph applies, P is not to be treated as fostering and is to be treated for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016 as providing a care home service.  
(4) But sub-paragraph (3) does not apply if the children fostered are all siblings in respect of each other.”

14. Yn Atodlen 8, ym mharagraff 9(1)(17), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

#### Deddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990 (p. 19)

15. Yn adran 48(1A)(18) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990, ym mharagraff (b), ar ôl “2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

#### Deddf y Diwydiant Dŵr 1991 (p. 56)

- 16.—(1) Mae Atodlen 4A(19) i Ddeddf y Diwydiant Dŵr 1991 wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 8(2)(20)—  
(a) ym mharagraff (a), ar ôl “care home” mewnosoder “in England”;  
(b) ar ôl paragraff (a) mewnosoder—  
“(aa) premises in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), is provided;”;
- (c) ym mharagraff (d)(i) hepgorer “; and”;  
(d) hepgorer paragraff (d)(ii).
- (3) Ym mharagraff 9(21), ar ôl “children’s home” mewnosoder “in England”.

#### Deddf Cyllid Llywodraeth Leol 1992 (p. 14)

17.—(1) Yn Atodlen 1 i Ddeddf Cyllid Llywodraeth Leol 1992, mae’r diffiniad o “care home” ym mharagraff 7(2)(22) wedi ei ddiwygio fel a ganlyn.

- (2) Ym mharagraff (a), ar ôl “care home” mewnosoder “in England”.

(16) Diwygiwyd paragraff 5(1) o Atodlen 7 gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (26) o Atodlen 4 iddi.  
(17) Diwygiwyd paragraff 9(1) gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (27)(b) o Atodlen 4 iddi, ac adran 8(2) o Ddeddf Plant a Phobl Ifanc 2008 a pharagraff 6 o Atodlen 1 iddi.  
(18) Mewnosodwyd is-adran (1A) gan erthygl 8(b) o O.S. 2010/813.  
(19) Mewnosodwyd Atodlen 4A gan adran 1(2) o Ddeddf y Diwydiant Dŵr 1999 (p. 9) ac Atodlen 1 iddi.  
(20) Amnewidiwyd paragraff 8 gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 18 o Atodlen 4 iddi.  
(21) Amnewidiwyd paragraff 9 gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 18 o Atodlen 4 iddi.  
(22) Mewnosodwyd is-baragraff (2) gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 20(c) o Atodlen 4 iddi.

(3) Ar ôl paragraff (a) mewnosoder—

“(aa) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care Act (Wales) 2016 (anaw 2), is provided wholly or mainly to adults; or”.

(4) Ar ddiwedd y diffiniad o “care home” mewnosoder yn eiriau i gloi—  
“and in paragraphs (aa) and (b) “adult” means a person aged 18 or over;”.

### **Deddf Addysg 2002 (p. 32)**

18. Yn adran 168(2) o Ddeddf Addysg 2002, yn lle paragraff (a) rhodder—

“(a) require the provision of such information as is required for the purposes of determining whether the school is—

(i) a children’s home in England (within the meaning of the Care Standards Act 2000), or

(ii) a provider of a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016);”.

### **Deddf Gofal Cymunedol (Rhyddhau Gohiriedig etc.) 2003 (p. 5)**

19. Yn adran 14(3) o Ddeddf Gofal Cymunedol (Rhyddhau Gohiriedig etc.) 2003, yn lle’r diffiniad o “care home” rhodder—

““care home”—

(a) has the same meaning as in the Care Standards Act 2000 (c. 14) in respect of a care home in England, and

(b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over; and”.

### **Deddf Troseddau Rhywiol 2003 (p. 42)**

20. Mae Deddf Troseddau Rhywiol 2003 wedi ei diwygio fel a ganlyn.

21. Yn adran 21(4)(23), ar ôl paragraff (f) mewnosoder—

“(g) a place in Wales at which a care home service is provided.”.

22. Yn adran 22(5)—

(a) yn y diffiniad o “care home”, ar ôl “establishment” mewnosoder “in England”;

(b) yn y lle priodol mewnosoder—

““care home service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”;

(c) yn y diffiniad o “children’s home” hepgorer “and Wales”;

(d) yn y diffiniad o “community home”, ar ôl “has” mewnosoder “, in relation to England”;

(e) yn y diffiniad o “voluntary home” hepgorer “and Wales”.

23. Yn adran 42—

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(23) Diwygiwyd adran 21 gan baragraff 15 o Atodlen 1 i Ddeddf Plant a Phobl Ifanc 2008, a chan O.S. 2008/1779. Mae diwygiadau eraill nad ydynt yn berthnasol.

- (a) yn is-adran (2)(a), yn lle “or children’s home” rhodder “, children’s home, or premises in Wales at which a secure accommodation service is provided”;
- (b) yn is-adran (2)(b)—
  - (i) hepgorer “in the home”;
  - (ii) ar ôl “of employment” mewnosoder “in the home or the premises”;
- (c) yn is-adran (5)—
  - (i) yn lle’r diffiniad o “care home” rhodder—
    - ““care home” means—
      - (a) an establishment in England which is a care home for the purposes of the Care Standards Act 2000 (c. 14); and
      - (b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;
  - (ii) yn lle’r diffiniad o “children’s home”, rhodder—
    - ““children’s home”—
      - (a) has the meaning given by section 1 of the Care Standards Act 2000 in relation to a children’s home in England, and
      - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons under the age of 18;”;
  - (iii) yn y lle priodol mewnosoder—
    - ““secure accommodation service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”.

#### **Deddf Cyfiawnder Troseddol 2003 (p. 44)**

- 24.**—(1) Mae adran 207 o Ddeddf Cyfiawnder Troseddol 2003 wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2)(a)(**24**) hepgorer “within the meaning of the Care Standards Act 2000 (c. 14)”.
  - (3) Ar ôl is-adran (4A)(**25**) mewnosoder—
    - “(4B) In subsection (2), “care home” means—
      - (a) a care home in England within the meaning of the Care Standards Act 2000 (c. 14);
      - (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided.”

#### **Deddf Taliadau ar Sail Oedran 2004 (p. 10)**

- 25.**—(1) Mae adran 8(1) o Ddeddf Taliadau ar Sail Oedran 2004 wedi ei diwygio fel a ganlyn.
- (2) Yn y diffiniad o “care home”—
    - (a) ym mharagraff (a)—
      - (i) hepgorer “and Wales”;
      - (ii) ar ôl “Care Standards Act 2000 (c. 14),” hepgorer “and”;
    - (b) ar ôl paragraff (a) mewnosoder—

(24) Diwygiwyd is-adran (2)(a) gan erthygl 14(a)(i) o Orchymyn Deddf Iechyd a Gofal Cymdeithasol 2008 (Diwygiadau Canlyniadol Rhif 2) 2010/813.

(25) Mewnosodwyd is-adran (4A) gan erthygl 14(b) o O.S. 2010/813.

“(aa) in relation to Wales, means a place at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over, and”.

### **Deddf Treth Incwm (Incwm Masnachu ac Incwm Arall) 2005 (p. 5)**

**26.** Yn adran 726 o Ddeddf Treth Incwm (Incwm Masnachu ac Incwm Arall) 2005, yn lle is-adran (2A)(26) rhodder—

“(2A) A person meets the care registration requirement in relation to care provided in Wales if the person is registered under—

- (a) Part 2 of the Care Standards Act 2000, or
- (b) Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), in respect of the provision of the care.”

### **Deddf Galluedd Meddyliol 2005 (p. 9)**

**27.** Mae Deddf Galluedd Meddyliol 2005 wedi ei diwygio fel a ganlyn.

**28.** Yn adran 35(6)(b)(iii)(27), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

**29.** Yn adran 38, yn lle is-adran (6) rhodder—

“(6) “Care home” means—

- (a) a care home in England within the meaning given in section 3 of the Care Standards Act 2000 (c. 14), and
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over.”

**30.** Yn adran 49(7)(c)(28), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**31.** Yn adran 58(5)(c)(29), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**32.** Yn adran 61(5)(c)(30), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**33.** Yn Atodlen A1(31)—

- (a) ym mharagraff 131(c)(32), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”;

(26) Mewnosodwyd is-adran (2A) gan erthygl 16 o O.S. 2010/813.

(27) Diwygiwyd adran 35(6)(b)(iii) gan erthygl 17(1) a (2) o O.S. 2010/813.

(28) Diwygiwyd adran 49(7)(c) gan erthygl 17(1) a (4) o O.S. 2010/813.

(29) Diwygiwyd adran 58(5)(c) gan erthygl 17(1) a (5) o O.S. 2010/813.

(30) Diwygiwyd adran 61(5)(c) gan erthygl 17(1) a (6) o O.S. 2010/813.

(31) Mewnosodwyd Atodlen A1 gan adran 50(5) o Ddeddf Iechyd Meddwl 2007 (p. 12) ac Atodlen 7 iddi.

(32) Diwygiwyd paragraff 131(c) o Atodlen A1 gan erthygl 17(1) a (7)(a) o O.S. 2010/813.

- (b) yn lle paragraff 178 rhodder—
- “178. “Care home” means—
- (a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over.”;
- (c) ym mharagraff 179(b)(33), yn lle “Part 2 of the Care Standards Act 2000 in respect of the care home” rhodder “under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of the care home”.

### Deddf Diogelu Grwpiau Hyglwyf 2006 (p. 47)

34. Mae Deddf Diogelu Grwpiau Hyglwyf 2006 wedi ei diwygio fel a ganlyn.
35. Yn adran 45(7)—
- (a) ar ôl paragraff (c) mewnosoder—
- “(ca) the Welsh Ministers in respect of their functions under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”;
- (b) yn lle paragraff (e)(34) rhodder—
- “(e) the Welsh Ministers in respect of their functions under Chapter 4 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 and Part 8 of the Social Services and Well-being (Wales) Act 2014 (anaw 4);”.
36. Yn Rhan 1 o Atodlen 4, ym mharagraff 1—
- (a) yn is-baragraff (11)(a)(35), ar ôl “agency” mewnosoder “, service provider”;
- (b) yn is-baragraff (12)—
- (i) yn y llinell agoriadol, ar ôl “agency” mewnosoder “, service provider”;
- (ii) ar ddiwedd paragraff (b) hepgorer “or”;
- (iii) ar ôl paragraff (b) mewnosoder—
- “(ba) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”.
37. Yn Rhan 1 o Atodlen 4, ym mharagraff 3(1)—
- (a) ar ôl paragraff (d) mewnosoder—
- “(da) premises in Wales at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided;”;
- (b) ym mharagraff (e), ar ôl “children’s home” mewnosoder “in England”;
- (c) ar ôl paragraff (e) mewnosoder—
- “(ea) premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;”.

(33) Amnewidiwyd paragraff 179 o Atodlen A1 gan erthygl 17(7)(b)(iii) o O.S. 2010/813.

(34) Diwygiwyd paragraff (e) gan erthyglau 1(1) a 30(b) o O.S. 2009/2610, ac adran 95 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14) a pharagraff 91(c) o Atodlen 5 iddi.

(35) Amnewidiwyd is-baragraff (11) gan erthyglau 2 a 3(1) a (4) o O.S. 2010/1154.



38. Yn Rhan 2 o Atodlen 4, ym mharagraff 7(7)(36), ar ôl paragraff (d) mewnosoder—

“(da) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,”.

#### **Deddf Comisiynydd Pobl Hŷn (Cymru) 2006 (p. 30)**

39.—(1) Mae adran 26 o Ddeddf Comisiynydd Pobl Hŷn (Cymru) 2006 wedi ei diwygio fel a ganlyn.

(2) Yn lle is-adran (2) rhodder—

“(2) “Regulated services in Wales” means—

- (a) regulated services within the meaning of section 2 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);
- (b) services provided in Wales by an establishment or agency required to register under Part 2 of the Care Standards Act 2000 (c. 14) to provide the service.”

(3) Hepgorer is-adrannau (3) a (4).

#### **Deddf Cyfiawnder Troseddol a Mewnfudo 2008 (p. 4)**

40. Yn Atodlen 1 i Ddeddf Cyfiawnder Troseddol a Mewnfudo 2008, ym mharagraff 20(2), yn lle paragraff (a)(37) rhodder—

“(a) treatment as a resident patient in—

- (i) a care home in England within the meaning of the Care Standards Act 2000 (c. 14),
- (ii) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)) is provided,
- (iii) an independent hospital, or
- (iv) a hospital within the meaning of the Mental Health Act 1983 (c. 20), but not in hospital premises where high security psychiatric services within the meaning of that Act are provided;”.

#### **Deddf Iechyd a Gofal Cymdeithasol 2008 (p. 14)**

41.—(1) Mae adran 17(3) o Ddeddf Iechyd a Gofal Cymdeithasol 2008 wedi ei diwygio fel a ganlyn.

(2) Ar ddiwedd paragraff (c) hepgorer “and”.

(3) Ar ôl paragraff (c) mewnosoder—

“(ca) an offence under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) or specified in regulations made under section 45 or 46 of that Act, and”.

#### **Mesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2)**

42. Yn adran 19(7) o Fesur Teithio gan Ddysgwyr (Cymru) 2008, yn lle paragraff (a) rhodder—

“(a) ystyr “cartref plant” yw mangre lle y mae—

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(36) Diwygiwyd paragraff 7 o Atodlen 4 gan erthyglau 6 a 7(1) a (3) o O.S. 2010/1154.

(37) Diwygiwyd paragraff 20(2)(a) o Atodlen 1 gan erthygl 20(a)(i) a (ii) o O.S. 2010/813.

- (i) gwasanaeth cartref gofal yn cael ei ddarparu'n gyfan gwbl neu'n bennaf i blant neu bobl ifanc; neu
  - (ii) gwasanaeth llety diogel yn cael ei ddarparu;
- ac yn y paragraff hwn mae i "gwasanaeth cartref gofal" a "gwasanaeth llety diogel" yr ystyr a roddir yn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2);".

### Mesur y Gymraeg (Cymru) 2011 (mccc 1)

43. Yn Atodlen 6 i Fesur y Gymraeg (Cymru) 2011, yng Ngholofn 1, yn lle "Cyngor Gofal Cymru ("The Care Council for Wales")" rhodder "Gofal Cymdeithasol Cymru ("Social Care Wales")".

### Mesur Diogelwch Tân Domestig (Cymru) 2011 (mccc 3)

44.—(1) Mae adran 6 o Fesur Diogelwch Tân Domestig (Cymru) 2011 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1), yn y diffiniad o "preswylfa"—

(a) yn lle paragraff (c) rhodder—

“(c) man yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu'n gyfan gwbl neu'n bennaf i bersonau sy'n 18 oed neu'n hŷn;”;

(b) ym mharagraff (e), yn is-baragraff (vi) hepgorer "neu";

(c) ar ôl paragraff (e) mewnosoder—

“(ea) mangre lle y mae gwasanaeth llety diogel o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn cael ei ddarparu, neu;”;

(d) yn lle paragraff (f)(38) rhodder—

“(f) man lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu'n gyfan gwbl neu'n bennaf i blant, ond nid—

(i) sefydliad yn y sector addysg bellach fel y'i diffinnir gan adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992;

(ii) man lle y mae llety yn cael ei ddarparu at ddibenion—

(aa) gwyliau;

(bb) gweithgaredd hamdden, adloniant, chwaraeon, diwylliannol neu addysgol;

oni bai bod plentyn yn cael ei letya yno am fwy nag 28 o ddiwrnodau mewn unrhyw gyfnod o 12 mis; a”.

(3) Ar ôl is-adran (1) mewnosoder—

“(1A) Yn is-adran (1), ystyr "plentyn" yw person sydd o dan 18 oed.”

### Deddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwy 2012 (p. 10)

45. Yn adran 102 o Ddeddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwy 2012, yn lle is-adran (11) rhodder—

(38) Mewnosodwyd paragraff (f) gan erthygl 2(1) a (3)(b) o O.S. 2013/2723.

- “(11) In this Chapter “secure children’s home” means—
- (a) accommodation which is provided in a children’s home in England, within the meaning of the Care Standards Act 2000—
    - (i) which provides accommodation for the purposes of restricting liberty, and
    - (ii) in respect of which a person is registered under Part 2 of that Act;
  - (b) accommodation in Wales in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) to provide a secure accommodation service within the meaning of Part 1 of that Act.”

**Deddf Mewnfudo 2014 (p. 22)**

46. Yn Atodlen 3 i Ddeddf Mewnfudo 2014, mae paragraff 3(2) wedi ei ddiwygio fel a ganlyn—
- (a) ym mharagraff (a)—
    - (i) hepgorer “in relation to England and Wales”;
    - (ii) ar ôl “an establishment” mewnosoder “in England”;
  - (b) ar ôl paragraff (a) mewnosoder—
    - “(aa) premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over;”.

**Deddf Gofal 2014 (p. 23)**

47. Mae Deddf Gofal 2014 wedi ei diwygio fel a ganlyn.
48. Yn lle adran 8(3) rhodder—
- “(3) “Care home”—
- (a) has the meaning given by section 3 of the Care Standards Act 2000 in respect of a care home in England; and
  - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over.”
49. Yn adran 50—
- (a) yn is-adran (1)—
    - (i) yng ngeiriau agoriadol yr is-adran, ar ôl “establishment or agency” mewnosoder “or registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service”;
    - (ii) ym mharagraff (a), ar ôl “agency” mewnosoder “or regulated service”;
  - (b) yn is-adran (2)—
    - (i) yng ngeiriau agoriadol yr is-adran, ar ôl “establishment or agency” mewnosoder “or registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service”;
    - (ii) ym mharagraff (a), ar ôl “agency” mewnosoder “or regulated service”;
  - (c) ar ôl is-adran (7) mewnosoder—
    - “(8) In this section “regulated service” has the meaning given by section 2 of the Regulation and Inspection of Social Care (Wales) Act 2016.”

50. Yn adran 67(9)(c), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

51. Yn adran 73(1)(b), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

#### **Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)**

52. Yn adran 86(39) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, ac ym mhennawd yr adran honno, hepgorer “plant”.

#### **Deddf Tai (Cymru) 2014 (dccc 7)**

53. Yn adran 70(3) o Ddeddf Tai (Cymru) 2014, yn lle’r diffiniad o “cartref gofal” rhodder—

“O ran “cartref gofal” (“*care home*”)—

- (a) mae iddo’r un ystyr ag a roddir i “care home” yn Neddf Safonau Gofal 2000 mewn cysylltiad â chartref gofal yn Lloegr, a
- (b) ei ystyr yw man yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn cael ei ddarparu;”.

#### **Deddf Cyfiawnder Troseddol a’r Llysoedd 2015 (p. 2)**

54.—(1) Mae Atodlen 4 i Ddeddf Cyfiawnder Troseddol a’r Llysoedd 2015 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 1(1), ar ôl paragraff (c) mewnosoder—

“(ca) health care provided at a place in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide—

- (i) a care home service wholly or mainly to children, or
- (ii) a residential family centre service;”.

(3) Ym mharagraff 4, yn y lle priodol mewnosoder—

““care home service” has the meaning given in paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016;” a

““residential family centre service” has the meaning given in paragraph 3 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016.”

#### **Deddf Gwrthderfysgaeth a Diogelwch 2015 (p. 6)**

55.—(1) Mae Rhan 1 o Atodlen 7 i Ddeddf Gwrthderfysgaeth a Diogelwch 2015 wedi ei diwygio fel a ganlyn.

(2) O dan y pennawd “Education, child care etc.”, ar ôl “Registered Holiday Schemes for Disabled Children (England) Regulations 2013 (S.I. 2013/1394).” mewnosoder—

“A person registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) in respect of—

- (a) a care home service provided wholly or mainly to persons under the age of 18, or
- (b) a residential family centre service,

each of which have the same meaning as in Schedule 1 to that Act.”

### **Deddf Rhentu Cartrefi (Cymru) 2016 (dccc 1)**

**56.** Yn Rhan 2 o Atodlen 2 i Ddeddf Rhentu Cartrefi (Cymru) 2016, yn lle paragraff 4(b) ac (c) rhodder—

- “(b) ysbyty annibynnol, yn yr ystyr sydd i “independent hospital” yn Neddf Safonau Gofal 2000 (p. 14) (gweler adran 2 o’r Ddeddf honno),
- (c) man lle y mae gwasanaeth cartref gofal o fewn ystyr paragraff 1 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i bersonau sy’n 18 oed neu’n hŷn,
- (d) man lle y mae gwasanaeth canolfan breswyl i deuluoedd o fewn ystyr paragraff 3 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu, neu
- (e) man y mae person wedi ei gofrestru o dan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 mewn cysylltiad ag ef i ddarparu—
  - (i) gwasanaeth llety diogel o fewn ystyr paragraff 2 o Atodlen 1 i’r Ddeddf honno, neu
  - (ii) gwasanaeth cartref gofal o fewn ystyr paragraff 1 o Atodlen 1 i’r Ddeddf honno i bersonau sy’n gyfan gwbl neu’n bennaf o dan 18 oed.”

### **Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2)**

**57.** Mae Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 wedi ei diwygio fel a ganlyn.

**58.** Yn Atodlen 1—

- (a) ym mharagraff 1(4), ar ôl “gwasanaeth cartref gofal”, mewnosoder “oni bai bod paragraff 5A o Atodlen 7 i Ddeddf Plant 1989 yn gymwys (trin maethu fel gwasanaeth cartref gofal pan eir dros y terfyn maethu)”;
- (b) ym mharagraff 4(a) ar ôl “y Ddeddf honno” mewnosoder—

“(ond gweler adran 2(4) o Ddeddf Mabwysiadu a Phlant 2002 (p. 38) (dim cais i gofrestru i gael ei wneud o dan Ran 1 o’r Ddeddf hon os yw cymdeithas fabwysiadu yn gorff anghorfforedig))”.

**59.** Yn Rhan 1 o Atodlen 3, yn lle paragraff 36 rhodder—

“**36.** Yn adran 197(1) (diffiniadau)—

- (a) yn lle’r diffiniad o “cartref gofal” rhodder—

“o ran “cartref gofal” (“*care home*”)—

  - (a) mae iddo yr un ystyr â “care home” yn Neddf Safonau Gofal 2000 mewn cysylltiad â chartref gofal yn Lloegr; a
  - (b) ei ystyr yw man yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i oedolion;”;
- (b) yn lle’r diffiniad o “cartref plant”, rhodder—

““ystyr “cartref plant” (“*children’s home*”) yw—

- (a) cartref plant yn Lloegr o fewn ystyr Deddf Safonau Gofal 2000 y mae person wedi ei gofrestru o dan Ran 2 o'r Ddeddf honno mewn cysylltiad ag ef; a
- (b) mangre yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu'n gyfan gwbl neu'n bennaf i blant gan berson sydd wedi ei gofrestru o dan Ran 1 o'r Ddeddf honno;”.

*Huw Irranca-Davies*

Y Gweinidog Gofal Cymdeithasol a Phlant, o  
dan awdurdod Ysgrifennydd y Cabinet dros  
Iechyd a Gwasanaethau Cymdeithasol, un o  
Weinidogion Cymru

15 Chwefror 2018

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## NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan adran 186 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") sy'n galluogi Gweinidogion Cymru i wneud diwygiadau canlyniadol i ddeddfwriaeth sylfaenol pan fo'n briodol at ddibenion y Ddeddf.

Mae'r Rheoliadau yn ymdrin â diwygiadau canlyniadol i ddeddfwriaeth sylfaenol sy'n codi o gychwyn y darpariaethau yn Rhan 1 o'r Ddeddf sy'n ymwneud â rheoleiddio cartrefi gofal, gwasanaethau llety diogel, gwasanaethau canolfannau preswyl i deuluoedd a gwasanaethau cymorth cartref yng Nghymru. Mae'r rhain yn enghreifftiau o'r hyn y mae'r Ddeddf yn cyfeirio ato fel "gwasanaethau rheoleiddiedig".

Mae pob un o'r rhain yn wasanaethau sydd wedi eu rheoleiddio o dan Ran 2 o Ddeddf Safonau Gofal 2000 ("Deddf 2000"). Mae llawer o'r diwygiadau felly yn rhoi cyfeiriadau at y math priodol o "gwasanaeth rheoleiddiedig" o dan y Ddeddf yn lle cyfeiriadau at un o'r mathau o sefydliad neu asiantaeth a oedd wedi eu rheoleiddio o dan Ddeddf 2000.

Mae'r Rheoliadau hefyd yn cynnwys un diwygiad a wneir o dan adran 198 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("Deddf 2014"). Mae rheoliad 52 yn diwygio adran 86 o Ddeddf 2014 i ddileu geiriad sy'n awgrymu bod angen i lety sy'n cael ei ddarparu, ei gyfarparu neu ei gynnal gan Weinidogion Cymru ar gyfer plant sy'n derbyn gofal fod o angenrheidrwydd yn gartref plant.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.