



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 3443 (Cy.278)

2001 No. 3443 (W.278)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Plant (Eu Hamddiffyn
rhag Tramgwyddwyr) (Diwygio)
(Cymru) 2001

The Children (Protection from
Offenders) (Amendment) (Wales)
Regulations 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note does not form part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Asiantaethau Mabwysiadu 1983 a Rheoliadau Lleoliadau Maeth (Plant) 1991 mewn perthynas â Chymru.

These Regulations amend the Adoption Agencies Regulations 1983 and the Foster Placement (Children) Regulations 1991 in respect of Wales.

Prif effaith y diwygiadau yw y caniateir i awdurdodau lleol ac eraill arfer eu disgresiwn, wrth ystyried pa mor addas yw person i fabwysiadu neu i faethu plentyn, os yw'r person wedi ei gollfarnu neu wedi'i rybuddio am dramgwydd o ymosodiad sy'n peri gwir niwed corfforol ('ymosod' yn yr Alban) a gyflawnwyd pan oedd o dan 18 oed. Cyn y diwygio, yr oedd collfarn neu rybudd o'r fath yn atal awdurdodau lleol ac eraill rhag ystyried y person ar gyfer mabwysiadu neu faethu.

The main effect of the amendments is to permit local authorities and others to exercise their discretion in considering the suitability of a person to adopt or foster a child where the person has been convicted of or cautioned for an offence of assault occasioning actual bodily harm ('assault' in Scotland) committed when they were under the age of 18. Prior to the amendment such a conviction or caution prevented local authorities and others from considering the person for adoption or fostering.

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Wedi'u gwneud 16 Hydref 2001
Yn dod i rym 1 Tachwedd 2001

Made 16th October 2001
Coming into force 1st November 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 9(2) a (3) o Ddeddf Mabwysiadu 1976(a) ac adran 23(2) o Ddeddf Plant 1989(b) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(c):

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon the Secretary of State by section 9(2) and (3) of the Adoption Act 1976(a) and section 23(2) of the Children Act 1989(b) and now vested in the National Assembly for Wales(c):

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Plant (Eu Hamddiffyn rhag Tramgwyddwyr) (Diwygio) (Cymru) 2001 a deuant i rym ar 1 Tachwedd 2001.

Citation, commencement and application

1.-(1) These Regulations may be cited as the Children (Protection from Offenders) (Amendment) (Wales) Regulations 2001 and shall come into force on 1st November 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

(2) These Regulations apply to Wales.

**Diwygio Rheoliadau Asiantaethau Mabwysiadu
1983 a Rheoliadau Lleoliadau Maeth (Plant) 1991**

2.-(1) Diwygir Atodlen 2 (diffiniad o gollfarn benodedig) o Reoliadau Asiantaethau Mabwysiadu 1983(ch) ac Atodlen 4 (diffiniad o gollfarn benodedig) o Reoliadau Lleoliadau Maeth (Plant) 1991(d) yn unol â darpariaethau canlynol y rheoliad hwn.

**Amendment of the Adoption Agencies Regulations
1983 and of the Foster Placement (Children)
Regulations 1991**

2.-(1) Schedule 2 (definition of specified offence) of the Adoption Agencies Regulations 1983(d) and Schedule 4 (definition of specified offence) of the Foster Placement (Children) Regulations 1991(e) are amended in accordance with the following provisions of this regulation.

(2) Ym mharagraff 2 o'r ddwy Atodlen ar ôl is-baragraff (a) mewnosodwch -

(2) In paragraph 2 of each Schedule after subparagraph (a) insert -

(a) 1976 p.36.

(a) 1976 c.36.

(b) 1989 p.41.

(b) 1989 c.41.

(c) Cafodd swyddogaethau'r Ysgrifennydd Gwladol mewn perthynas â'r pwerau uchod eu trosglwyddo, mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) The functions of the Secretary of State in relation to the foregoing powers were transferred, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(ch) O.S. 1983/1964, a addaswyd gan O.S. 1996/971 ac a ddiwygiwyd gan O.S. 1997/649, O.S. 1997/2308 ac, mewn perthynas â Lloegr yn unig, O.S. 1999/2768.

(d) S.I. 1983/1964, modified by S.I. 1996/971 and amended by S.I. 1997/649, S.I. 1997/2308 and, in relation to England only, S.I. 1999/2768.

(d) O.S. 1991/910, a ddiwygiwyd gan O.S. 1995/2015, O.S. 1997/2308 ac, mewn perthynas â Lloegr yn unig, O.S. 1999/2768.

(e) S.I. 1991/910, amended by S.I. 1995/2015, S.I. 1997/2308 and, in relation to England only, S.I. 1999/2768.

"(aa) in a case where the offender was under 18 at the time the offence was committed, an offence contrary to section 47 of the Offences Against the Person Act 1861(a) (assault occasioning actual bodily harm); or".

(3) Ym mharagraff 9 o'r ddwy Atodlen hepgorwch "other than", a mewnosodwch -"except for -

(a) in a case where the offender was under 18 at the time the offence was committed, an offence of assault; or

(b) ".

(4) Ym mharagraff 13 o'r ddwy Atodlen -

(a) ar ôl is-baragraff (a) mewnosodwch yr is-baragraff canlynol -

"(aa) in a case where the offender was under 18 at the time the offence was committed, an offence contrary to section 47 of the Offences Against the Person Act 1861 (assault occasioning actual bodily harm); or"; ac

(b) yn is-baragraff (b) hepgorwch "other than" a rhoddwch "1885" yn lle "1985".

(5) Hefgorir paragraff 14.

"(aa) in a case where the offender was under 18 at the time the offence was committed, an offence contrary to section 47 of the Offences Against the Person Act 1861(a) (assault occasioning actual bodily harm); or".

(3) In paragraph 9 of each Schedule omit "other than", and insert -"except for -

(a) in a case where the offender was under 18 at the time the offence was committed, an offence of assault; or

(b) ".

(4) In paragraph 13 of each Schedule -

(a) after sub-paragraph (a) insert the following sub-paragraph -

"(aa) in a case where the offender was under 18 at the time the offence was committed, an offence contrary to section 47 of the Offences Against the Person Act 1861 (assault occasioning actual bodily harm); or"; and

(b) in sub-paragraph (b) omit "other than", and for "1985" substitute "1885".

(5) Paragraph 14 is omitted.

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

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

D. Elis-Thomas

16 Hydref 2001

16th October 2001

Llywydd Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly for Wales

(dd) 1861 p.100.

(e) 1998 p.38.

(a) 1861 c.100.

(b) 1998 c.38.

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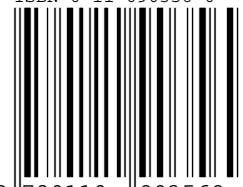
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