



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 1855 (Cy.179)

2002 No. 1855 (W.179)

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Plant (Ymadael â
Gofal) (Diwygio) (Cymru)
2002

The Children (Leaving Care)
(Amendment) (Wales) Regulations
2002

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Plant (Ymadael â Gofal) (Cymru) 2001 ("Rheoliadau 2001"). Mae Rheoliadau 2001 yn gwneud darpariaeth ynghylch cymorth i blant a phobl ifanc 16 oed a throsodd, sy'n derbyn gofal, neu sydd wedi derbyn gofal, gan awdurdod lleol.

These Regulations amend the Children (Leaving Care) Regulations 2001 ("the 2001 Regulations"). The 2001 Regulations make provision about support for children and young people aged 16 and over, who are, or have been, looked after by a local authority.

Mae Rheoliad 3 o Reoliadau 2001 yn cael ei ddiwygio er mwyn i blant sydd wedi'u lleoli gyda rhiant, gyda pherson y mae ganddo gyfrifoldeb rhiant dros y plentyn neu gyda rhywun sy'n meddu ar orchymyn preswyllo o'i blaid o dan adran 23(4) o Ddeddf Plant 1989 ac sydd yn destun gorchymyn gofal, fod yn gymwys i dderbyn cymorth gan yr awdurdod lleol.

Regulation 3 of the 2001 Regulations is amended so that children placed with a parent, a person with parental responsibility or someone with a residence order in their favour under section 23(4) of the Children Act 1989 and who are subject to a care order, are eligible for local authority assistance.

Mae Rheoliad 4 o Reoliadau 2001 yn cael ei ddiwygio er mwyn i blant sydd wedi treulio 6 mis neu fwy yn byw gyda rhiant, gyda pherson y mae ganddo gyfrifoldeb rhiant dros y plentyn neu gyda rhywun sy'n meddu ar orchymyn preswyllo o'i blaid, i ddal i fod yn gymwys i dderbyn cymorth gan yr awdurdod lleol os yw'r lleoliad yn torri lawr wedyn.

Regulation 4 of the 2001 Regulations is amended so that children who have spent 6 months or more living with a parent, a person with parental responsibility or someone with a residence order in their favour, will still be eligible for local authority assistance if the placement subsequently breaks down.

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Wedi'u gwneud 16 Gorffennaf 2002
Yn dod i rym 1 Awst 2002

Made 16th July 2002
Coming into force 1 August 2002

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 23A(3) a 104(4) o Ddeddf Plant 1989(a) a pharagraff 19B(3) o Atodlen 2 iddi, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred by sections 23A(3) and 104(4) and paragraph 19B(3) of Schedule 2 to the Children Act 1989(a), hereby makes the following Regulations:

Enwi, cychwyn a chymhwys

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Plant (Ymadael â Gofal) (Diwygio) (Cymru) 2002 a deuant i rym ar 1 Awst 2002.

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

Citation, commencement and application

1.-(1) These Regulations may be cited as the Children (Leaving Care) (Amendment) (Wales) Regulations 2002 and shall come into force on 1st August 2002.

(2) These Regulations shall apply to Wales only.

**Diwygio Rheoliadau Plant (Ymadael â Gofal)
(Cymru) 2001**

2. Mae Rheoliadau Plant (Ymadael â Gofal) (Cymru) 2001(b) yn cael eu diwygio fel a ganlyn -

(a) yn Rheoliad 3 (Plant cymwys), hepgorwch baragraff (2)(b),

(b) yn Rheoliad 4 (Plant perthnasol) -

(i) yn lle paragraff (4) rhowch -

"(4) Yn ddarostyngedig i baragraff (6), nid yw unrhyw blentyn sydd wedi byw gyda pherson sy'n dod o fewn adran 23(4) o'r Ddeddf ("lleoliad teuluol") am gyfnod parhaus o chwe mis neu fwy i fod yn blentyn perthnasol er ei fod yn dod o fewn adran 23A(2).";

**Amendment of the Children (Leaving Care)
(Wales) Regulations 2001**

2. The Children (Leaving Care) (Wales) Regulations 2001(b) are amended as follows -

(a) in Regulation 3 (Eligible children), paragraph (2)(b) is omitted,

(b) in Regulation 4 (Relevant children) -

(i) for paragraph (4) there is substituted -

"(4) Subject to paragraph (6), any child who has lived with a person falling within section 23(4) of the Act ("a family placement") for a continuous period of six months or more is not to be a relevant child despite falling within section 23A(2).";

(a) 1989 p.41. Mewnosodwyd adran 23A(3) gan Ddeddf Plant (Ymadael â Gofal) 2000. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan y darpariaethau hyn i Gynulliad Cenedlaethol Cymru mewn perthynas â Chymru yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac adran 8(7) o Ddeddf 2000. Diffinnir ystyr "prescribed" yn adran 105(1) o Ddeddf Plant 1989.

(b) O.S. 2001/2189.

(a) 1989 c.41. Section 23A(3) is inserted by the Children (Leaving Care) Act 2000. The functions of the Secretary of State under these provisions are transferred to the National Assembly for Wales in relation to Wales by virtue of article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 8(7) of the 2000 Act. "Prescribed" is defined in section 105(1) of the Children Act 1989.

(b) S.I. 2001/2189.

(ii) ar ôl paragraff (5) mewnosodwch -

"(6) Os

- (a) yw lleoliad teuluol o fewn ystyr paragraff (4) wedi torri lawr ac mae'r plentyn yn peidio â byw gyda'r person o dan sylw, a
- (b) yw cyfnod o chwe mis wedi mynd heibio ers dechrau'r lleoliad teuluol,

mae'r plentyn i'w drin fel plentyn perthnasol."

(ii) after paragraph (5) there is inserted -

"(6) Where

- (a) a family placement within the meaning of paragraph (4) breaks down and the child ceases to live with the person concerned, and
- (b) six months have elapsed since that family placement began,

the child is to be treated as a relevant child."

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)

16 Gorffennaf 2002

16th July 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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