



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2003 Rhif 896 (Cy.116)**

**2003 No. 896 (W.116)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

**Rheoliadau Gwasanaethau Maethu  
(Cymru) (Diwygio) 2003**

**The Fostering Services (Wales)  
(Amendment) Regulations 2003**

**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 Gwasanaethau Maethu (Cymru) 2003 fel y caiff darpariaethau newydd eu rhoi i reoliad 52 sy'n gwneud darpariaethau trosiannol. O dan y darpariaethau newydd:

These Regulations amend the Fostering Services (Wales) Regulations 2003 so as to substitute the provisions of regulation 52 which makes transitional provision. Under the substituted provisions:

Mae rheoliad 52(1) - (5) yn gwneud darpariaeth ar gyfer personau sy'n parhau i redeg neu reoli asiantaeth faethu a oedd yn bodoli eisoes cyhyd â bod y ceisiadau am gofrestru'r asiantaeth honno wedi eu gwneud erbyn 1 Gorffennaf 2003.

Regulation 52(1) - (5) make provision for persons who continue to carry on or manage a pre existing fostering agency as long as applications for registration in respect of that agency are made by 1st July 2003.

Bydd y Rheoliadau hyn yn gymwys i wasanaethau maethu awdurdodau lleol pan ddeuant i rym. Oherwydd rheoliad 52(6) a (7) byddant hefyd yn gymwys i gorff gwirfoddol a oedd yn bodoli eisoes sy'n parhau i leoli plant gyda rhieni maeth o dan adran 59 o Ddeddf Plant 1989 ac sy'n gwneud cais yn briodol am gael ei gofrestru erbyn 1 Gorffennaf 2003. Nid yw'r Rheoliadau hyn yn gymwys i asiantaeth faethu annibynnol tan iddi gael ei chofrestru, ond mae is-baragraffau (8) i (10) o'r rheoliad hwn yn galluogi awdurdod lleol i ddirprwyo dyletswyddau penodol i asiantaeth faethu annibynnol a oedd yn bodoli eisoes sy'n cael ei rhedeg gan gorff gwirfoddol ac sy'n gwneud cais yn briodol am gael ei chofrestru erbyn 1 Gorffennaf 2003. Mae rheoliad 52(11) yn datgymhwyso rheoliad 20(5) (sy'n cyfyngu'r amgylchiadau pan ganiateir person a gymeradwywyd fel rhiant maeth gan wasanaeth maethu hefyd i gael ei gyflogi i weithio dros y gwasanaeth) mewn rhai achosion.

These Regulations apply to local authority fostering services on their coming into force. By regulation 52(6) and (7) they will also apply to a pre existing voluntary organisation which continues to place children with foster parents under section 59 of the Children Act 1989 and which duly makes an application for registration by 1st July 2003. These Regulations do not apply to an independent fostering agency until it is registered, but sub-paragraphs (8) to (10) of this regulation allow a local authority to delegate certain duties to a pre-existing independent fostering agency which is carried on by a voluntary organisation and which duly makes an application for registration by 1st July 2003. Regulation 52(11) disapplies regulation 20(5) (which limits the circumstances in which a person who is approved as a foster parent by a fostering service may also be employed to work for the purposes of the service), in certain cases.

**2003 Rhif 896 (Cy.116)****2003 No. 896 (W.116)****GOFAL CYMDEITHASOL,  
CYMRU****SOCIAL CARE,  
WALES****Rheoliadau Gwasanaethau Maethu  
(Cymru) (Diwygio) 2003****The Fostering Services (Wales)  
(Amendment) Regulations 2003***Wedi'u gwneud**26 Mawrth 2003**Made**26th March 2003**Yn dod i rym**1 Ebrill 2003**Coming into force**1st April 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 16(2), 22(1), (2)(a) i (c), (e) i (j), (6), (7)(a) i (h), (j), 25(1), 34(1), 35(1), 48(1), 118(5), (6) a (7) o Ddeddf Safonau Gofal 2000(a) ac adrannau 23(2)(a) a (9), 59(2) a 62(3) o Ddeddf Plant 1989(b) a pharagraff 12 o Atodlen 2 iddi, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 16(2), 22(1), (2)(a) to (c), (e) to (j), (6), (7)(a) to (h), (j), 25(1), 34(1), 35(1), 48(1), 118(5), (6) and (7) of the Care Standards Act 2000(a) and sections 23(2)(a) and (9), 59(2) and 62(3) of, and paragraph 12 of Schedule 2 to, the Children Act 1989 (b), hereby makes the following Regulations:

**Enwi, cychwyn a chymhwysu**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Maethu (Cymru) (Diwygio) 2003 a deuant i rym ar 1 Ebrill 2003 yn union ar ôl i Reoliadau Gwasanaethau Maethu (Cymru) 2003(c) ddod i rym.

**Citation, commencement and application**

1.-(1) These Regulations may be cited as the Fostering Services (Wales) (Amendment) Regulations 2003 and shall come into force on 1st April 2003 immediately after the coming into force of the Fostering Services (Wales) Regulations 2003(c).

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

(2) These Regulations apply to Wales only.

**Diwygio Rheoliadau Gwasanaethau Maethu  
(Cymru) 2003**

2.-(1) Mae Rheoliadau Gwasanaethau Maethu (Cymru) 2003 yn cael eu diwygio yn unol â'r rheoliad hwn.

**Amendment of the Fostering Services (Wales)  
Regulations 2003**

2.-(1) The Fostering Services (Wales) Regulations 2003 are amended in accordance with this regulation.

(2) Yn lle rheoliad 52 (darpariaethau trosiannol) rhoddir y rheoliad canlynol

(2) For regulation 52 (transitional provisions) substitute the following regulation-

"52.-(1) Mae'r paragraff hwn yn gymwys i unrhyw berson a oedd, yn union cyn i'r Rheoliadau hyn ddod i rym, naill ai'n rhedeg neu'n rheoli asiantaeth faethu ac sy'n parhau naill ai i'w rhedeg neu i'w rheoli.

"52.-(1) This paragraph applies to any person who immediately prior to the coming into force of these Regulations either carried on or managed and continues to either carry on or manage a fostering agency.

(a) 2000 p.14. Mae'r pwerau'n arferadwy gan y Gweinidog priodol, sef yr "appropriate Minister". Diffinnir yr "appropriate Minister" yn adran 121(1). Mae'n golygu Cynulliad Cenedlaethol Cymru mewn perthynas â Chymru, ac mae'n golygu'r Ysgrifennydd Gwladol mewn perthynas â Lloegr, yr Alban a Gogledd Iwerddon.

(a) 2000 c.14. The powers are exercisable by the appropriate Minister. The "appropriate Minister" is defined in S. section 121(1). It means the National Assembly for Wales, in relation to Wales, it means the Secretary of State in relation to England, Scotland and Northern Ireland.

(b) 1989 p.41.

(b) 1989 c. 41.

(c) O.S. 2003/237 (Cy.35).

(c) S.I. 2003/237 (W.35)

(2) Ni fydd adran 11(1), (5) a (6) o Ddeddf 2000 yn gymwys i berson y mae paragraff (1) yn gymwys iddo ("person anghofrestredig") -

- (a) os gwneir cais yn briodol am gofrestru cyn 1 Gorffennaf 2003 o dan Ran II o Ddeddf 2000, tan yr amser y caniateir y cais am gofrestru, naill ai'n ddiamed neu'n ddarostyngedig yn unig i amodau y cytunwyd arnynt yn ysgrifenedig rhwng y person hwnnw a'r Cynulliad Cenedlaethol; neu
- (b) os caniateir y cais a wnaed yn briodol yn unol ag is-baragraff (a) yn ddarostyngedig i amodau na chytunwyd arnynt felly, neu os yw'n cael ei wrthod-
  - (i) os na ddygir apêl, nes bod y cyfnod o 28 diwrnod ar ôl cyflwyno hysbysiad o benderfyniad y Cynulliad Cenedlaethol i'r person hwnnw wedi dod i ben; neu
  - (ii) os dygir apêl, nes iddi gael ei phenderfynu neu ei gollwng; neu
- (c) tan 1 Gorffennaf 2003 yn achos person anghofrestredig nad yw'n gwneud cais yn unol ag is-baragraff (a).

(3) Mae'r paragraff hwn yn gymwys os -

- (a) yw'r Cynulliad Cenedlaethol yn gwneud cais i ynad heddwch am orchymyn bod adran 11(1), (5) a (6) o Ddeddf 2000 yn gymwys i berson anghofrestredig ac y dylai paragraff (2) o'r rheoliad hwn beidio â bod yn gymwys i'r person anghofrestredig hwnnw; a
- (b) yn nhyb yr ynad, os na wneir y gorchymyn y bydd perygl difrifol i fywyd, iechyd neu les rhywun.

(4) Os yw paragraff (3) yn gymwys-

- (a) caiff yr ynad wneud y gorchymyn y cyfeirir ato yn y paragraff hwnnw;
- (b) bydd adran 11 o Ddeddf 2000 yn gymwys i'r person anghofrestredig, a bydd paragraff (2) o'r rheoliad hwn yn peidio â bod yn gymwys i'r person anghofrestredig, o'r amser pan wneir y gorchymyn.

(5) Bydd adran 20(2), (4) a (5) o Ddeddf 2000 yn gymwys i unrhyw gais a wneir i ynad o dan baragraff (3), ac i unrhyw orchymyn a wneir o dan baragraff (4), fel petai'r cais neu'r gorchymyn (yn ôl y digwydd) wedi ei wneud o dan adran 20(1) o Ddeddf 2000 ac yn gymwys i'r person anghofrestredig.

(6) Mae'r paragraff hwn yn gymwys i asiantaeth faethu sy'n dod o dan adran 4(4)(b) o Ddeddf 2000 (corff gwirfoddol sy'n lleoli plant gyda rhieni maeth o dan adran 59(1) o Ddeddf 1989) sy'n bodoli yn union cyn i'r rheoliadau hyn ddod i rym.

(2) Section 11(1), (5) and (6) of the 2000 Act will not apply to a person to whom paragraph (1) applies ("unregistered person") -

- (a) if an application for registration is duly made before 1st July 2003 under Part II of the 2000 Act, until such time as the application for registration is granted, either unconditionally or subject only to conditions which have been agreed in writing between that person and the National Assembly; or
- (b) if an application duly made in accordance with sub paragraph (a) is granted subject to conditions which have not been so agreed, or refused-
  - (i) if no appeal is brought, until the expiration of the period of 28 days after service on that person of notice of the National Assembly's decision; or
  - (ii) if an appeal is brought, until it is determined or abandoned; or
- (c) until 1st July 2003 in the case of an unregistered person who does not make an application in accordance with sub paragraph (a).

(3) This paragraph applies where -

- (a) the National Assembly applies to a justice of the peace for an order that section 11(1), (5) and (6) of the 2000 Act is to apply to an unregistered person and that paragraph (2) of this regulation should cease to apply to that unregistered person; and
- (b) it appears to the justice that, unless the order is made, there will be a serious risk to a person's life, health or well-being.

(4) Where paragraph (3) applies-

- (a) the justice may make the order referred to in that paragraph;
- (b) section 11 of the 2000 Act will apply to the unregistered person, and paragraph (2) of this regulation is to cease to apply to the unregistered person, from the time when the order is made.

(5) Section 20(2), (4) and (5) of the 2000 Act will apply to any application made to a justice under paragraph (3), and to any order made under paragraph (4), as if the application or order (as the case may be) were made under section 20(1) of the 2000 Act and applied to the unregistered person.

(6) This paragraph applies to a fostering agency falling within section 4(4)(b) of the 2000 Act (a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act) which is in existence immediately prior to the coming into force of these Regulations.

(7) Mae'r Rheoliadau hyn yn gymwys i asiantaeth faethu y mae paragraff (6) yn gymwys iddi, fel petai unrhyw gyfeiriad ynddynt at berson cofrestredig yn gyfeiriad at y person sy'n rhedeg yr asiantaeth(a) -

- (a) os gwneir cais yn briodol am gofrestru cyn 1 Gorffennaf 2003 o dan Ran II o Ddeddf 2000, tan yr amser y caniateir y cais am gofrestru, naill ai'n ddiamed neu'n ddarostyngedig yn unig i amodau y cytunwyd arnynt yn ysgrifenedig rhwng y person hwnnw a'r Cynulliad Cenedlaethol; neu
- (b) os caniateir y cais a wnaed yn briodol yn unol ag is-baragraff (a) yn ddarostyngedig i amodau na chytunwyd arnynt felly, neu os yw'n cael ei wrthod-
  - (i) os na ddygir apêl, nes bod y cyfnod o 28 diwrnod ar ôl cyflwyno hysbysiad o benderfyniad y Cynulliad Cenedlaethol i'r person hwnnw wedi dod i ben; neu
  - (ii) os dygir apêl, nes iddi gael ei phenderfynu neu ei gollwng; neu
- (c) tan 1 Gorffennaf 2003, os na wneir cais yn briodol yn unol ag is-baragraff (a).

(8) Mae'r paragraff hwn yn gymwys i asiantaeth faethu annibynnol sy'n cael ei rhedeg gan gorff gwirfoddol, sy'n bodoli yn union cyn i'r Rheoliadau hyn ddod i rym.

(9) Os yw awdurdod lleol sy'n gofalu am blentyn wedi ei fodloni y dylai'r plentyn gael ei leoli gyda rhieni maeth, caiff wneud trefniadau, yn ddarostyngedig i baragraff (10), i'r dyletswyddau sy'n cael eu gosod arno gan reoliadau 34, 35, 36(1) a 37 gael eu cyflawni ar ei ran gan y corff gwirfoddol y mae paragraff (8) yn gymwys iddo ("darparydd gwirfoddol annibynnol anghofrestredig")-

- (a) os gwneir cais yn briodol am gofrestru cyn 1 Gorffennaf 2003 o dan Ran II o Ddeddf 2000, tan yr amser y caniateir y cais am gofrestru, naill ai'n ddiamed neu'n ddarostyngedig yn unig i amodau y cytunwyd arnynt yn ysgrifenedig rhwng y darparwr hwnnw a'r Cynulliad Cenedlaethol; neu
- (b) os caniateir cais a wnaed yn briodol yn unol ag is-baragraff (a) yn ddarostyngedig i amodau na chytunwyd arnynt felly, neu os yw'n cael ei wrthod-
  - (i) os na ddygir apêl, nes bod y cyfnod o 28 diwrnod ar ôl cyflwyno hysbysiad o benderfyniad y Cynulliad Cenedlaethol i'r darparydd hwnnw wedi dod i ben; neu
  - (ii) os dygir apêl, nes iddi gael ei phenderfynu neu ei gollwng; neu
- (c) tan 1 Gorffennaf, os na wneir cais yn briodol yn unol ag is-baragraff (a).

(10) Ni chaiff awdurdod lleol wneud trefniadau o dan baragraff (9) oni bai-

(7) These Regulations are to apply to a fostering agency to which paragraph (6) applies, as if any reference in them to a registered person is a reference to the person who carries on the agency(a) -

- (a) if an application for registration is duly made before 1st July 2003 under Part II of the 2000 Act, until such time as the application for registration is granted, either unconditionally or subject only to conditions which have been agreed in writing between that person and the National Assembly; or
- (b) if an application duly made in accordance with sub paragraph (a) is granted subject to conditions which have not been so agreed, or if it is refused-
  - (i) if no appeal is brought, until the expiration of the period of 28 days after service on that person of notice of the National Assembly's decision; or
  - (ii) if an appeal is brought, until it is determined or abandoned; or
- (c) until 1st July 2003, if an application is not duly made in accordance with sub paragraph (a).

(8) This paragraph applies to an independent fostering agency which is carried on by a voluntary organisation, which is in existence immediately before the coming into force of these Regulations.

(9) Where a local authority looking after a child is satisfied that the child should be placed with foster parents, they may make arrangements, subject to paragraph (10), for the duties imposed on them by regulations 34, 35, 36(1) and 37 to be discharged on their behalf by the voluntary organisation to which paragraph (8) applies ("an unregistered independent voluntary provider")-

- (a) if an application for registration is duly made before 1st July 2003 under Part II of the 2000 Act, until such time as the application for registration is granted, either unconditionally or subject only to conditions which have been agreed in writing between that provider and the National Assembly; or
- (b) if an application duly made in accordance with sub paragraph (a) is granted subject to conditions which have not been so agreed, or if it is refused-
  - (i) if no appeal is brought, until the expiration of the period of 28 days after service on that provider of notice of the National Assembly's decision; or
  - (ii) if an appeal is brought, until it is determined or abandoned; or
- (c) until 1st July 2003, if an application is not duly made in accordance with sub paragraph (a).

(10) A local authority may not make arrangements under paragraph (9) unless they-

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(a) *Gweler* Adran 121(4) o Ddeddf Safonau Gofal 2000.

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(a) *See* Section 121(4) of the Care Standards Act

- (a) ei fod wedi ei fodloni -
- (i) bod y darparpwydd gwirfoddol annibynnol anghofrestredig â'r gallu i gyflawni'r dyletswyddau ar ei ran; a
  - (ii) mai'r trefniadau hynny yw'r ffordd fwyaf addas o gyflawni'r dyletswyddau hynny; a
- (b) ei fod wedi ymrwymo i gytundeb ysgrifenedig gyda'r darparpwydd gwirfoddol annibynnol anghofrestredig ynghylch y trefniadau, sy'n darparu ar gyfer ymgynghori a chyfnewid gwybodaeth ac adroddiadau rhwng yr awdurdod lleol a'r darparpwydd gwirfoddol annibynnol anghofrestredig.

(11) Ni fydd rheoliad 20(5) yn gymwys i unrhyw berson y byddai'n gymwys iddo, ar wahân i'r rheoliad hwn, os yw'r person eisoes yn cael ei gyflogi ar 1 Ebrill 2003 gan ddarparpwydd gwasanaeth maethu mewn swydd y mae paragraff (6) o'r rheoliad hwnnw yn gymwys iddi."

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

26 Mawrth 2003

Llywydd y Cynulliad Cenedlaethol

- (a) are satisfied -
- (i) as to the capacity of the unregistered independent voluntary provider to discharge duties on their behalf; and
  - (ii) that those arrangements are the most suitable way for those duties to be discharged; and
- (b) enter into a written agreement with the unregistered independent voluntary provider about the arrangements, providing for consultation and exchange of information and reports between the local authority and the unregistered independent voluntary provider.

(11) Regulation 20(5) is not to apply to any person to whom it would, apart from this regulation apply, if the person is on 1st April 2003 already employed by a fostering service provider in a position to which paragraph (6) of that regulation applies."

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

26th March 2003

The Presiding Officer of the National Assembly

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(a) 1998 p.38.

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(a) 1998 c.38.





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CYMRU**

Rheoliadau Gwasanaethau Maethu  
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