



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2008 Rhif 2689 (Cy.238)

2008 No. 2689 (W.238)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG PERSONS,
WALES**

Rheoliadau Atal Dros Dro
Ddarparwyr Gofal Dydd a
Gwarchodwyr Plant (Cymru)
(Diwygio) 2008

The Suspension of Day Care
Providers and Child Minders
(Wales) (Amendment) Regulations
2008

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 Atal Dros Dro Ddarparwyr Gofal Dydd a Gwarchodwyr Plant (Cymru) 2004 ("Rheoliadau 2004").

These Regulations amend the Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004 ("the 2004 Regulations").

Mae Rheoliadau 2004 yn gosod dan ba amgylchiadau y dichon person sydd wedi cofrestru fel gwarchodwr plant neu ddarparydd gofal dydd gael atal ei gofrestrriad ac mae'n caniatáu hawl i apelio yn erbyn ataliad.

The 2004 Regulations set out the circumstances in which a person registered as a child minder or provider of day care may have their registration suspended and allows for a right of appeal against suspension.

O dan Reoliadau 2004 gwnaed apelau i'r Tribiwnlys sefydlwyd gan adran 9 o Ddeddf Amddiffyn Plant 1999 ("y Tribiwnlys"). Mae'r darpariaethau apelio wedi'i gosod yn erthygl 8 o Reoliadau 2004.

Under the 2004 Regulations appeals were made to the Tribunal established by section 9 of the Protection of Children Act 1999 ("the Tribunal"). The appeal provisions are set out in regulation 8 of the 2004 Regulations.

Yn unol â Deddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007 trosglwyddwyd swyddogaethau presennol y Tribiwnlys i'r Tribiwnlys Haen Gyntaf, a lywodraethir gan Reolau Gweithdrefnau'r Tribiwnlys newydd a wneir yn unol ag adran 22 o Ddeddf 2007.

Pursuant to the Tribunals, Courts and Enforcement Act 2007 the existing functions of the Tribunal have been transferred to the First-tier Tribunal, which shall be governed by new Tribunal Procedures Rules made pursuant to section 22 of the 2007 Act.

Mae'r rheoliadau hyn yn diwygio Rheoliadau 2004 gan gymryd ystyriaeth o'r newidiadau hyn. Maent yn darparu y bydd unrhyw gyfeiriad at y Tribiwnlys yn Rheoliadau 2004 yn cael ei ddisodli gan gyfeiriad at y Tribiwnlys Haen Gyntaf ac maent yn mewnosod diffiniad o'r Tribiwnlys Haen Gyntaf yn rheoliad 2 o Reoliadau 2004.

These regulations amend the 2004 Regulations to take account of these changes. They provide that any reference to the Tribunal in the 2004 Regulations shall be replaced by reference to the First-tier Tribunal and insert into regulation 2 of the 2004 Regulations a definition of the First-tier Tribunal.

Mae'r Rheoliadau hyn hefyd yn diwygio rheol 8(3) o Reoliadau 2004 oedd yn darparu y dichon y Tribiwnlys ddiddymu apêl a gwneud gorchymyn costau fel y'i diffinir yn Rheoliadau Amddiffyn Plant ac Oedolion Hawdd eu Niweidio a Thribiwnlys Safonau Gofal 2002.

Cafodd y ddarpariaeth hon ei chymryd ymaith oherwydd darperir ar gyfer pŵer y Tribiwnlys Haen Gyntaf i ddyfarnu costau gan Ddeddf 2007 ei hun ac fe'i rheoleiddir ganddi a chan Reoliadau Gweithdrefnau'r Tribiwnlys a fydd yn cael eu gwneud o dan adran 22 o Ddeddf 2007.

These Regulations also amend regulation 8(3) of the 2004 Regulations which provided that the Tribunal may strike out an appeal and make a costs order as defined in the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002.

This provision has been removed because the new First-tier Tribunal's power to award costs is provided for, and will be regulated, by the 2007 Act itself and the Tribunal Procedure Rules to be made under section 22 of the 2007 Act.

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**GOFAL CYMDEITHASOL,
CYMRU**

**PLANT A PHOBL IFANC,
CYMRU**

**Rheoliadau Atal Dros Dro
Ddarparwyr Gofal Dydd a
Gwarchodwyr Plant (Cymru)
(Diwygio) 2008**

Gwnaed 8 Hydref 2008

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 10 Hydref 2008

Yn dod i rym 3 Tachwedd 2008

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 79H(1) a (2) a (104)(4) o Ddeddf Plant 1989(1).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Atal Dros Dro Ddarparwyr Gofal Dydd a Gwarchodwyr Plant (Cymru) (Diwygio) 2008 a deuant i rym ar 3 Tachwedd 2008.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

**Diwygio Rheoliadau Atal Dros Dro Ddarparwyr
Gofal Dydd a Gwarchodwyr Plant (Cymru) 2004**

2.—(1) Diwygir Rheoliadau Atal Dros Dro Ddarparwyr Gofal Dydd a Gwarchodwyr Plant (Cymru) 2004(2) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2 (dehongli) —

(1) 1989 p.41. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adran 79(H)(1) a (2) a 104(4) o Ddeddf Plant 1989 drwy i baragraff 30 o Atodlen 11 o Ddeddf Llywodraeth Cymru 2006 ddod yn weithredol (Cy.285).

(2) O.S. 2004/3282.

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**CHILDREN AND YOUNG PERSONS,
WALES**

**The Suspension of Day Care
Providers and Child Minders
(Wales) (Amendment) Regulations
2008**

Made 8 October 2008

*Laid before the National
Assembly for Wales* 10 October 2008

Coming into force 3 November 2008

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 79H(1) and (2) and 104(4) of the Children Act 1989(1).

Title and commencement

1.—(1) The title of these Regulations is the Suspension of Day Care Providers and Child Minders (Wales) (Amendment) Regulations 2008 and they come into force on 3 November 2008.

(2) These Regulations apply in relation to Wales.

**Amendment of the Suspension of Day Care
Providers and Child Minders (Wales) Regulations
2004**

2.—(1) The Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004(2) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) —

(1) 1989 c.41. Functions of the National Assembly for Wales under section 79(H)(1) and (2) and 104(4) of the Children Act 1989 were transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (W.285).

(2) S.I. 2004/3282.

- (a) hepgorer y diffiniad o "gorchymyn costau" ac "y Tribiwnlys";
- (b) mewnosoder y diffiniad canlynol yn y man priodol yn nhrefn yr wyddor—

""y mae i'r ymadrodd "Tribiwnlys Haen Gyntaf" yr un ystyr ag sydd i'r ymadrodd "First-tier Tribunal" yn Ndedd Tribiwnlysoedd, Llysoedd a Gorfodi 2007;".(1)

(3) Yn rheoliad 8 (hawliau i apelio) —

- (a) ym mharagraffau (1) a (2) yn lle "Tribiwnlys", ym mhob man rhodder "Tribiwnlys Haen Gyntaf" a
- (b) ym mharagraff (3) yn lle "Tribiwnlys:" ac yn is-baragraffau (a) a (b) rhodder "bydd y Tribiwnlys Haen Gyntaf yn diddymu'r apêl."

- (a) omit the definitions of "costs order" and "the Tribunal";
- (b) insert the following definition in the appropriate place in alphabetical order —

""First-tier Tribunal" ("*Tribiwnlys Haen Gyntaf*") has the same meaning as in the Tribunals, Courts and Enforcement Act 2007;".(1)

(3) In regulation 8 (rights of appeal) —

- (a) in paragraphs (1) and (2) for "Tribunal", in each place, substitute "First-tier Tribunal"; and
- (b) in paragraph (3) for "Tribunal:" and sub-paragraphs (a) and (b) substitute "First-tier Tribunal shall dismiss the appeal."

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

8 Hydref 2008

8 October 2008

(1) 2007 p.15.

(1) 2007 c.15.

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