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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2010 Rhif 2954 (Cy.246)**

**2010 No. 2954 (W.246)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Addysg (Contractau  
Rhianta a Gorchmynion Rhianta)  
(Cymru) 2010**

**The Education (Parenting  
Contracts and Parenting Orders)  
(Wales) Regulations 2010**

**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 gwneud darpariaeth ynghylch gorchmynion rhianta a chontractau rhianta o dan Ran 2 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 ("y Ddeddf", fel y'i diwygiwyd gan Bennod 2 o Ran 7 o Ddeddf Addysg ac Arolygiadau 2006).

These Regulations make provision in relation to parenting orders and parenting contracts under Part 2 of the Anti-social Behaviour Act 2003 ("the Act", as amended by Chapter 2 of Part 7 of the Education and Inspections Act 2006).

Maent yn rhagnodi amodau sydd i'w bodloni cyn y gellir gwneud cais am orchymyn rhianta o dan adran 20 o'r Ddeddf. Mae rheoliadau 3 a 4 yn rhagnodi'r amod o ran gwahardd yn barhaol ac o ran gwahardd am gyfnod gosodedig, sef bod rhaid gwneud y cais o fewn y cyfnod perthnasol. Mae rheoliadau 5 a 6 yn rhagnodi'r amod pan ymddengys fod y disgybl wedi ymgymryd ag ymddygiad y gellid yn haeddiannol ei wahardd o'i herwydd. Eto rhaid hefyd wneud y cais o fewn y cyfnod perthnasol. Mae rheoliadau 4 a 6 yn eu tro yn diffinio'r cyfnod perthnasol.

They prescribe conditions to be fulfilled before an application can be made for a parenting order under section 20 of the Act. Regulations 3 and 4 prescribe the condition in respect of both permanent and fixed term exclusions, namely that the application must be made within the relevant period. Regulations 5 and 6 prescribe the condition where it appears that the pupil has engaged in behaviour warranting exclusion. Again the application must also be made within the relevant period. Regulations 4 and 6 respectively define the relevant period.

Mae rheoliad 7 yn atal awdurdod lleol, awdurdod A, rhag ymrwymo i gontract rhianta na gwneud cais am orchymyn rhianta, pan fo'r disgybl dan sylw yn mynychu ysgol yn ardal awdurdod arall, awdurdod B, oni bai bod gan awdurdod A gytundeb gydag awdurdod B sy'n caniatáu i awdurdod A wneud hynny, neu bod y disgybl yn byw yn ardal awdurdod A a'i fod wedi cael ei wahardd yn barhaol. Mae hefyd yn atal awdurdod A rhag ymrwymo i gontract rhianta na gwneud cais am orchymyn rhianta pan fo'r disgybl dan sylw yn mynychu ysgol yn ardal awdurdod A a'i fod wedi'i wahardd yn barhaol, ond yn byw yn ardal awdurdod B, oni bai bod gan awdurdod A gytundeb gydag awdurdod B sy'n caniatáu i awdurdod A wneud hynny.

Regulation 7 restricts a local authority, authority A, from entering into a parenting contract or applying for a parenting order, where the pupil concerned attends a school in the area of another authority, authority B, unless authority A has an agreement with authority B that authority A may do so, or the pupil lives in authority A's area and has been excluded permanently. It also restricts authority A from entering into a parenting contract or applying for a parenting order where the pupil whom it concerns attends a school in authority A's area and has been permanently excluded, but resides in authority B's area, unless authority A has an agreement with authority B that authority A may do so.

Mae rheoliad 8 yn gosod rhwymedigaeth ar gyrff a gânt ymrwymo i gontract rhianta neu a gânt wneud cais am orchymyn rhianta i ymgynghori â'i gilydd cyn gwneud hynny.

Mae rheoliad 9 yn gosod rhwymedigaeth ar gyrff i geisio gwybodaeth oddi wrth ei gilydd y tybiant yn rhesymol y gallasai fod yn berthnasol i'w galluogi i benderfynu a ddylent ymrwymo i gontract rhianta neu wneud cais am orchymyn rhianta, er mwyn osgoi lluosowgrwydd o gontractau a gorchmynion ynghylch yr un plentyn, ac er mwyn penderfynu ar gynnwys y contract neu'r gorchymyn.

Mae rheoliad 10 yn rhagnodi at ddibenion adran 22A(2)(e) o'r Ddeddf bod awdurdodau lleol a chyrff llywodraethu i gyllido costau contractau rhianta a gorchmynion rhianta, er y caniateir iddynt adennill y costau hyn oddi wrth ei gilydd drwy gytundeb.

Wrth arfer eu swyddogaethau yn ymwneud â chontractau rhianta a gorchmynion rhianta, rhaid i ysgolion ac awdurdodau lleol roi sylw i ganllawiau a roddwyd gan Weinidogion Cymru yn unol ag adran 19(9) o'r Ddeddf o ran contractau ac adran 21(5) o'r Ddeddf o ran gorchmynion.

Mae rheoliadau 11 a 12 yn dirymu Rheoliadau Addysg (Gorchmynion Rhianta) (Cymru) 2006 y cymerir eu lle gan y Rheoliadau hyn ac yn gwneud darpariaethau trosiannol. Mae Rheoliadau 2006 yn parhau i fod yn gymwys i orchmynion rhianta a wnaed neu y gwnaed cais amdanynt cyn 5 Ionawr 2011.

Regulation 8 obliges bodies who may enter into a parenting contract or apply for parenting order to consult one another before doing so.

Regulation 9 obliges bodies to seek from one another information which they reasonably consider may be relevant to enable them to decide whether or not to enter into a parenting contract or apply for a parenting order, to avoid multiple contracts and orders in relation to the same child, and to determine the content of a contract or order.

Regulation 10 prescribes for the purpose of section 22A(2)(e) of the Act that local authorities and governing bodies are to fund the costs of parenting contracts and parenting orders, though they may recover these costs from one another by agreement.

In exercising their functions relating to parenting contracts and parenting orders, schools and local authorities must have regard to guidance issued by the Welsh Ministers pursuant to section 19(9) of the Act in relation to contracts and section 21(5) of the Act in relation to orders.

Regulations 11 and 12 revoke the Education (Parenting Orders) (Wales) Regulations 2006 which these Regulations replace and make transitional provisions. The 2006 Regulations continue to apply to parenting orders made or applied for before 5 January 2011.

**2010 Rhif 2954 (Cy.246)**

**ADDYSG, CYMRU**

**Rheoliadau Addysg (Contractau  
Rhianta a Gorchmynion Rhianta)  
(Cymru) 2010**

*Gwnaed* 13 Rhagfyr 2010

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 14 Rhagfyr 2010

*Yn dod i rym* 5 Ionawr 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru, gan adrannau 20(1) a (2A), 22A, 24 a 94 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003(1) ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Rheoliadau a ganlyn:

**Enwi, cychwyn a chymhwyso**

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Contractau Rhianta a Gorchmynion Rhianta) (Cymru) 2010 a deuant i rym ar 5 Ionawr 2011.

- (2) Mae'r Rheoliadau hyn yn gymwys o ran—
- (a) awdurdodau lleol a chyrff llywodraethu ysgolion a gynhelir yng Nghymru; a
  - (b) disgyblion sydd, neu oedd yn union cyn cael eu gwahardd yn barhaol, yn ddisgyblion cofrestredig mewn ysgolion a gynhelir yng Nghymru.

**Dehongli**

2.–(1) Yn y Rheoliadau hyn—  
ystyr "contract rhianta" ("*parenting contract*") yw contract rhianta o dan adran 19 o'r Ddeddf;

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(1) 2003 p.38. Mewnosodwyd adran 20(2A) gan adran 98, ac adran 22A gan adran 99 o Ddeddf Addysg ac Arolygiadau 2006 (p.40).  
(2) Trosglwyddwyd y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 20, 22A, 24 a 94 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 i Weiniogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

**2010 No. 2954 (W.246)**

**EDUCATION, WALES**

**The Education (Parenting  
Contracts and Parenting Orders)  
(Wales) Regulations 2010**

*Made* 13 December 2010

*Laid before the National  
Assembly for Wales* 14 December 2010

*Coming into force* 5 January 2011

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by sections 20(1) and (2A), 22A, 24 and 94 of the Anti-social Behaviour Act 2003(1) and now vested in them(2) make the following Regulations:

**Title, commencement and application**

1.–(1) The title of these Regulations is the Education (Parenting Contracts and Parenting Orders) (Wales) Regulations 2010 and they come into force on 5 January 2011.

- (2) These Regulations apply in relation to—
- (a) local authorities and governing bodies of maintained schools in Wales; and
  - (b) pupils who are, or were immediately before permanent exclusion, registered pupils at maintained schools in Wales.

**Interpretation**

2.–(1) In these Regulations—  
"the Act" ("*y Ddeddf*") means the Anti-social Behaviour Act 2003;

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(1) 2003 c.38. Section 20(2A) was inserted by section 98, and section 22A by section 99, of the Education and Inspections Act 2006 (c.40).  
(2) The powers conferred on the National Assembly for Wales in sections 20, 22A, 24 and 94 of the Anti-social Behaviour Act 2003 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

mae i "diwrnod ysgol" yr ystyr a roddir i "school day" gan adran 579(1) o Ddeddf Addysg 1996(1);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Ymddygiad Gwrthgymdeithasol 2003;

ystyr "gorchymyn rhianta" ("*parenting order*") yw gorchymyn rhianta o dan adran 20 o'r Ddeddf;

ystyr "Rheoliadau 2006" ("*the 2006 Regulations*") yw Rheoliadau Addysg (Gorchymynion Rhianta) (Cymru) 2006(2); ac

ystyr "ymddygiad perthnasol" ("*relevant behaviour*") yw ymddygiad o'r math a grybwyllir yn adran 20(2A)(a) o'r Ddeddf (fel y'i darllenir gydag adran 20(2B) o'r Ddeddf).

(2) At ddibenion y Rheoliadau hyn—

- (a) mae gwaharddiad yn dechrau ar y diwrnod cyntaf yr oedd y gwaharddiad yn ymwneud ag ef (ac, mewn perthynas â gwaharddiad, dehonglir "dechrau", ac ymadroddion cyffelyb, yn unol â hynny); a
- (b) pan fo'r disgybl yn cael ei wahardd yn ystod diwrnod ysgol ond cyn dechrau unrhyw sesiwn brynhawn ar y diwrnod hwnnw, mae'r diwrnod hwnnw i gael ei drin at y dibenion hyn fel y diwrnod cyntaf y mae'r gwaharddiad yn ymwneud ag ef.

#### **Yr amodau a ragnodir ar gyfer gorchymynion rhianta pan fo'r disgybl wedi cael ei wahardd**

3. At ddibenion adran 20(1)(b) o'r Ddeddf, yr amod a ragnodir yw fod rhaid i'r cais gael ei wneud o fewn y cyfnod perthnasol.

4.—(1) At ddibenion rheoliad 3, yn achos disgybl a gafodd ei wahardd am gyfnod gosodedig, y "cyfnod perthnasol" yw pa un bynnag o'r canlynol sy'n gymwys, ac os yw'r ddau yn gymwys pa un bynnag sy'n dod i ben ddiwethaf—

- (a) y cyfnod o 40 niwrnod ysgol sy'n dechrau gyda'r diwrnod ysgol nesaf ar ôl y diwrnod y gorffennodd y corff llywodraethu (neu mewn achos o wahardd disgybl o uned cyfeirio disgyblion, yr awdurdod lleol) ystyried y gwaharddiad, neu os na chafodd ei ystyried yn y modd hwnnw, ar y diwrnod y dechreuodd;
- (b) y cyfnod o 6 mis sy'n dechrau ar y diwrnod pan ymrwymodd rhiant i'r disgybl i gcontract rhianta.

(2) At ddibenion rheoliad 3, yn achos disgybl a gafodd ei wahardd yn barhaol, y "cyfnod perthnasol" yw pa un bynnag o'r canlynol sy'n gymwys, ac os yw'r ddau yn gymwys pa un bynnag sy'n dod i ben ddiwethaf—

(1) 1996 p.56.

(2) O.S. 2006/1277 (Cy.122).

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Education (Parenting Orders) (Wales) Regulations 2006(1);

"parenting contract" ("*contract rhianta*") means a parenting contract under section 19 of the Act;

"parenting order" ("*gorchymyn rhianta*") means a parenting order under section 20 of the Act;

"relevant behaviour" ("*ymddygiad perthnasol*") means behaviour of the kind mentioned in section 20(2A)(a) of the Act (as read with section 20(2B) of the Act); and

"school day" ("*diwrnod ysgol*") has the meaning given to it by section 579(1) of the Education Act 1996(2).

(2) For the purposes of these Regulations—

- (a) an exclusion begins on the first day to which the exclusion relates (and, in relation to an exclusion, "beginning", and similar expressions, are construed accordingly); and
- (b) where the pupil is excluded during the course of a school day but before the beginning of any afternoon session on that day, that day is to be treated for these purposes as the first day to which the exclusion relates.

#### **Prescribed conditions for parenting orders where the pupil has been excluded**

3. For the purposes of section 20(1)(b) of the Act, the prescribed condition is that the application must be made within the relevant period.

4.—(1) For the purposes of regulation 3, in the case of a pupil excluded for a fixed period, the "relevant period" is whichever of the following is applicable, and if both are applicable whichever expires the later—

- (a) the period of 40 school days beginning with the next school day after the day on which consideration of the exclusion was completed by the governing body (or in the case of an exclusion from a pupil referral unit, the local authority) or, if it was not so considered, the day on which it began;
- (b) the period of 6 months beginning with the day on which a parent of the pupil entered into a parenting contract.

(2) For the purposes of regulation 3, in the case of a pupil excluded permanently, the "relevant period" is whichever of the following is applicable, and if both are applicable whichever expires the later—

(1) S.I. 2006/1277 (W.122).

(2) 1996 c.56.

- (a) y cyfnod o 40 niwrnod ysgol sy'n dechrau ar y diwrnod ysgol nesaf ar ôl-
  - (i) y diwrnod pan benderfynodd panel apelau a gyfansoddwyd o dan reoliadau a wnaed o dan adran 52 o Ddeddf Addysg 2002(1) gadarnhau'r gwaharddiad;
  - (ii) y diwrnod pan wnaeth y rhiant ddatganiad ysgrifenedig nad yw'r rhiant yn bwriadu dwyn apêl o dan y rheoliadau hynny;
  - (iii) y diwrnod y rhoddwyd y gorau i apêl a dducwyd o fewn yr amser a ganiateir i ddwyn apêl; neu
  - (iv) os na fu apêl (ac nad yw paragraff (ii) o'r is-baragraff hwn yn gymwys), y diwrnod olaf y gallesid bod wedi dwyn apêl arno; neu
- (b) y cyfnod o chwe mis sy'n dechrau ar y diwrnod pan ymrwymodd rhiant i'r disgybl i gcontract rhianta.

**Yr amodau a ragnodir ar gyfer gorchmynion rhianta pan fo'r disgybl wedi ymgymryd ag ymddygiad perthnasol**

5. At ddibenion adran 20(2A)(b) o'r Ddeddf, yr amod a ragnodir yw fod rhaid i'r cais gael ei wneud o fewn y cyfnod perthnasol.

6. At ddibenion rheoliad 5, y "cyfnod perthnasol" yw pa un bynnag o'r canlynol sy'n gymwys, ac os yw'r ddau yn gymwys pa un bynnag sy'n dod i ben ddiwethaf-

- (a) y cyfnod o 40 niwrnod ysgol sy'n dechrau ar y diwrnod ysgol nesaf ar ôl y diwrnod pan ddigwyddodd yr ymddygiad perthnasol (neu, os digwyddodd yr ymddygiad dros gyfnod o fwy nag un diwrnod, y diwrnod ysgol nesaf ar ôl y diwrnod diwethaf y digwyddodd yr ymddygiad arno);
- (b) y cyfnod o chwe mis sy'n dechrau ar y diwrnod pan ymrwymodd rhiant i'r disgybl i gcontract rhianta.

**Y terfyn ar bŵer awdurdod lleol i ymrwymo i gcontract rhianta neu i wneud cais am orchymyn rhianta**

7.-(1) Ac eithrio mewn achos a grybwyllir ym mharagraff (3), ni chaiff awdurdod lleol ymrwymo i gcontract rhianta na gwneud cais am orchymyn rhianta os nad yw'r ysgol, y byddid fel arall yn ymrwymo i'r contract neu'n gwneud y cais yn ei chylech ("yr ysgol dan sylw"), yn ardal yr awdurdod hwnnw.

(2) Ac eithrio mewn achos a grybwyllir ym mharagraff (4), ni chaiff awdurdod lleol ymrwymo i gcontract rhianta na gwneud cais am orchymyn rhianta

- (a) the period of 40 school days beginning with the next school day after-
  - (i) the day on which an appeal panel constituted under regulations made under section 52 of the Education Act 2002 (1) decided to uphold the exclusion;
  - (ii) the day on which the parent stated in writing that the parent does not intend to bring an appeal under those regulations;
  - (iii) the day on which an appeal brought within the time for bringing an appeal has been abandoned; or
  - (iv) if there was no appeal (and paragraph (ii) of this sub-paragraph does not apply), the last day on which an appeal could have been brought; or
- (b) the period of six months beginning with the day on which a parent of the pupil entered into a parenting contract.

**Prescribed conditions for parenting orders where the pupil has engaged in relevant behaviour**

5. For the purposes of section 20(2A)(b) of the Act, the prescribed condition is that an application must be made within the relevant period.

6. For the purposes of regulation 5, the "relevant period" is whichever of the following is applicable, and if both are applicable whichever expires the later-

- (a) the period of 40 school days beginning with the next school day after the day on which the relevant behaviour occurred (or, if the behaviour occurred over a period of more than one day, the next school day after the last day on which it occurred);
- (b) the period of six months beginning with the day on which a parent of the pupil entered into a parenting contract.

**Limit on the power of a local authority to enter into a parenting contract or apply for a parenting order**

7.-(1) Except in a case mentioned in paragraph (3), a local authority may not enter into a parenting contract or apply for a parenting order where the school by reference to which the contract would otherwise be entered into or the application would otherwise be made ("the school in question") is not in the area of the authority.

(2) Except in a case mentioned in paragraph (4), a local authority may not enter into a parenting contract or apply for a parenting order where the child by

(1) 2002 p.32

(1) 2002 c.32

os nad yw'r plentyn, y byddid fel arall yn ymrwymo i'r contract neu'n gwneud y cais yn ei gylch ("y plentyn dan sylw"), yn preswyllo yn ardal yr awdurdod hwnnw.

(3) Caiff awdurdod lleol ymrwymo i gontract rhianta, neu wneud cais am orchymyn rhianta, pan nad yw'r ysgol dan sylw yn ardal yr awdurdod—

- (a) os oes gan yr awdurdod gytundeb â'r awdurdod lleol lle mae'r ysgol dan sylw wedi'i lleoli y caiff yr awdurdod cyntaf, yn yr amgylchiadau hynny, ymrwymo i gontract rhianta, neu wneud cais am orchymyn rhianta; neu
- (b) os yw'r plentyn dan sylw yn preswyllo yn ardal yr awdurdod a bod y plentyn wedi cael ei wahardd yn barhaol.

(4) Caiff awdurdod lleol ymrwymo i gontract rhianta, neu wneud cais am orchymyn rhianta, pan nad yw'r plentyn dan sylw yn preswyllo yn ardal yr awdurdod—

- (a) os yw'r ysgol dan sylw yn ardal yr awdurdod;  
a
- (b) os yw'r plentyn—
  - (i) yn ddisgybl cofrestredig yn yr ysgol; neu
  - (ii) wedi cael ei wahardd yn barhaol o'r ysgol,

os oes gan yr awdurdod gytundeb â'r awdurdod lleol lle mae'r plentyn dan sylw yn preswyllo y caiff yr awdurdod cyntaf, yn yr amgylchiadau hynny, ymrwymo i gontract rhianta, neu wneud cais am orchymyn rhianta.

### **Dyletswydd i ymgynghori**

8. Mewn unrhyw achos pan fo gan fwy nag un awdurdod lleol neu gorff llywodraethu'r pŵer i ymrwymo i gontract rhianta neu pan fo gan fwy nag un awdurdod lleol y pŵer i wneud cais am orchymyn rhianta, rhaid i'r awdurdod lleol neu'r corff llywodraethu sy'n bwriadu arfer y pŵer ymgynghori â phob corff perthnasol arall.

### **Darparu gwybodaeth**

9.—(1) Pan fo awdurdod lleol neu gorff llywodraethu ("A") yn bwriadu ymrwymo i gontract rhianta neu (yn achos yr awdurdod lleol) wneud cais am orchymyn rhianta, rhaid iddo, mewn perthynas â'r ymrwymiad neu'r cais hwnnw, ofyn am wybodaeth gan unrhyw awdurdod lleol neu gorff llywodraethu arall ("B") ynglŷn â'r plentyn y bwriedir ymrwymo i gontract yn ei gylch neu wneud cais am orchymyn yn ei gylch ag sy'n rhesymol angenrheidiol i alluogi'r awdurdod lleol neu'r corff llywodraethu—

- (a) i benderfynu pa un ai i ymrwymo i gontract neu i wneud cais o'r fath (yn ôl y digwydd) ai peidio;

reference to whom the contract would otherwise be entered into or the application would otherwise be made ("the child in question") does not reside in the area of the authority.

(3) A local authority may enter into a parenting contract, or apply for a parenting order, where the school in question is not in the area of the authority where—

- (a) the authority has an agreement with the local authority where the school in question is situated that the first authority may enter into a parenting contract or apply for a parenting order in the circumstances; or
- (b) the child in question resides in the area of the authority and the child has been permanently excluded.

(4) A local authority may enter into a parenting contract or apply for a parenting order where the child in question does not reside in the area of the authority if—

- (a) the school in question is in the area of the authority; and
- (b) the child—
  - (i) is a registered pupil at the school; or
  - (ii) has been permanently excluded from the school,

where the authority has an agreement with the local authority where the child in question resides that the first authority may enter into a parenting contract or apply for a parenting order in those circumstances.

### **Duty to consult**

8. Where in any case more than one local authority or governing body has the power to enter into a parenting contract or more than one local authority has the power to apply for a parenting order, the local authority or governing body proposing to exercise the power must consult each other relevant body.

### **Provision of information**

9.—(1) Where a local authority or governing body ("A") proposes to enter into a parenting contract or (in the case of the local authority) apply for a parenting order they must, in relation to that entry or application, request information from any other local authority or governing body ("B") in relation to the child by reference to whom the contract is proposed to be entered into or application for the order made as is reasonably necessary to enable them to—

- (a) decide whether or not to enter into such contract or make such application (as the case may be);

- (b) i osgoi ymrwymo i gontract rhianta neu wneud cais am orchymyn rhianta (yn ôl y digwydd) pan fo contract rhianta neu orchymyn rhianta eisoes yn bod ynghylch y plentyn hwnnw neu fod ymrwymo i gontract rhianta neu wneud cais am orchymyn rhianta yn ei gylch ar ddigwydd; ac
- (c) i wneud penderfyniad sy'n seiliedig ar wybodaeth ynglŷn â thelerau contract o'r fath neu gynnwys y cais (yn ôl y digwydd) gyda golwg ar ymrwymo i'r contract mwyaf addas neu gael gwneud y gorchymyn mwyaf addas yn holl amgylchiadau'r achos.

(2) Rhaid i B, pan gaiff gais o dan baragraff (1), roi i A'r fath wybodaeth ag sydd yn ei feddiant neu dan ei reolaeth ag a allai fod yn rhesymol angenrheidiol at y dibenion a osodir ym mharagraff (1).

(3) Pan fo A yn gwneud cais am wybodaeth o dan baragraff (1), caniateir iddo ddatgelu i B y fath wybodaeth ag a allai fod yn rhesymol angenrheidiol i alluogi B i gyflawni ei ddyletswydd o dan baragraff (2).

#### **Costau gorchymyn rhianta neu gontract rhianta**

**10.**—(1) Rhaid i'r awdurdod lleol sy'n gwneud y cais neu'r awdurdod lleol neu'r corff llywodraethu sy'n ymrwymo i'r contract ddwyn y costau sy'n gysylltiedig â gofynion gorchymynion rhianta neu'r costau sy'n gysylltiedig â chontractau rhianta, gan gynnwys ymhob achos gostau darparu rhaglenni cwnsela neu gyfarwyddyd.

(2) Caniateir i awdurdod lleol neu gorff llywodraethu adennill y costau a ddygir ganddynt o dan baragraff (1) oddi wrth awdurdod lleol neu gorff llywodraethu arall drwy gytundeb.

#### **Dirymu**

**11.** Yn ddarostyngedig i reoliad 12, dirymir Rheoliadau 2006.

#### **Darpariaethau Trosiannol**

**12.**—(1) Mae Rheoliadau 2006 yn parhau yn gymwys i orchymynion rhianta o dan adran 20 o'r Ddeddf a wnaed, neu y gwnaed cais amdanynt, cyn 5 Ionawr 2011.

(2) Nid yw rheoliad 7 o'r Rheoliadau hyn yn gymwys i gontract rhianta a ymrwymwyd iddo nac i orchymyn rhianta a wnaed, neu y gwnaed cais amdano, cyn 5 Ionawr 2011.

(3) Nid yw rheoliad 10 o'r Rheoliadau hyn, i'r graddau y mae'n gymwys i'r costau sy'n gysylltiedig â chontractau rhianta, yn gymwys i gontract o'r fath a ymrwymwyd iddo cyn 5 Ionawr 2011.

- (b) avoid the entry into a parenting contract or application for a parenting order (as the case may be) where a parenting contract or parenting order exists in relation to that child or the entry into a parenting contract or application for a parenting order is pending; and
- (c) make an informed decision about the terms of such a contract or the content of the application (as the case may be) with a view to the most appropriate contract being entered into or order being made in all the circumstances of the case.

(2) B must, on receipt of a request under paragraph (1), provide to A such information in its possession or control as may be reasonably necessary for the purposes set out in paragraph (1).

(3) Where A makes a request for information under paragraph (1), they may disclose to B such information as may be reasonably necessary to enable B to fulfil their duty under paragraph (2).

#### **Costs of parenting order or parenting contract**

**10.**—(1) The costs associated with the requirements of parenting orders or the costs associated with parenting contracts, including in each case the costs of providing counselling or guidance programmes, must be borne by the local authority making the application or the local authority or governing body entering into the contract.

(2) A local authority or governing body may recover the costs they incur under paragraph (1) from another local authority or governing body by agreement.

#### **Revocation**

**11.** Subject to regulation 12, the 2006 Regulations are revoked.

#### **Transitional provisions**

**12.**—(1) The 2006 Regulations continue to apply to parenting orders under section 20 of the Act, made, or applied for, before 5 January 2011.

(2) Regulation 7 of these Regulations does not apply to a parenting contract entered into or parenting order made, or applied for before 5 January 2011.

(3) Regulation 10 of these Regulations, insofar as it applies to the costs associated with parenting contracts, does not apply to such a contract entered into before 5 January 2011.

*Leighton Andrews*

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

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

13 Rhagfyr 2010

13 December 2010

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