



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 2091 (Cy. 206)

2013 No. 2091 (W. 206)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Gwasanaethau Cymorth
Mabwysiadu a Gwarcheidiaeth
Arbennig (Cymru) (Diwygio) 2013

The Adoption Support Services and
Special Guardianship (Wales)
(Amendment) Regulations 2013

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau i Rheoliadau Gwasanaethau Cymorth Mabwysiadu (Awdurdodau Lleol) (Cymru) 2005 ("y Rheoliadau Cymorth Mabwysiadu") a Rheoliadau Gwarcheidiaeth Arbennig (Cymru) 2005 ("y Rheoliadau Gwarcheidiaeth Arbennig").

Mae'r Rheoliadau Cymorth Mabwysiadu yn gwneud darpariaeth i awdurdodau lleol yng Nghymru ddarparu gwasanaethau cymorth mabwysiadu fel rhan o'r gwasanaeth y maent yn ei gynnal o dan adran 3(1) o Ddeddf Mabwysiadu a Phlant 2002.

Mae'r Rheoliadau Gwarcheidiaeth Arbennig yn gwneud darpariaeth mewn cysylltiad â gwarcheidiaeth arbennig gan gynnwys gwasanaethau cymorth gwarcheidiaeth arbennig sy'n cynnwys gwasanaethau ar ffurf cymorth ariannol.

Gwneir y diwygiadau o ganlyniad i Ran 1 o Ddeddf Diwygio Lles 2012 er mwyn cynnwys cyfeiriad, o fewn y Rheoliadau Cymorth Mabwysiadu a'r Rheoliadau Gwarcheidiaeth Arbennig, at gredyd cynhwysol yn ogystal â'r cyfeiriad presennol at fuddaliadau a fydd, yn y pen draw, yn cael eu disodli gan gredyd cynhwysol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 ("the Adoption Support Regulations") and the Special Guardianship (Wales) Regulations 2005 ("the Special Guardianship Regulations").

The Adoption Support Regulations make provision for local authorities in Wales to provide adoption support services as part of the service maintained by them under section 3(1) of the Adoption and Children Act 2002.

The Special Guardianship Regulations make provision in respect of special guardianship including special guardianship support services which includes services in the form of financial support.

The amendments are made as a consequence of Part 1 of the Welfare Reform Act 2012 to include reference, within the Adoption Support Regulations and the Special Guardianship Regulations, to universal credit in addition to the existing reference to benefits which will eventually be replaced by universal credit

Mae rheoliad 2 yn diwygio'r Rheoliadau Cymorth Mabwysiadu mewn perthynas â swm y cymorth ariannol sydd i'w ddarparu a pha bryd y dylai cymorth o'r fath beidio â pharhau.

Mae rheoliad 3 yn diwygio'r Rheoliadau Gwarcheidiaeth Arbennig mewn perthynas â pha bryd y dylai cymorth ariannol beidio â pharhau.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Polisi a Strategaethau Gwasanaethau Cymdeithasol, Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Regulation 2 amends the Adoption Support Regulations in relation to the amount of financial support to be provided and when such support should cease.

Regulation 3 amends the Special Guardianship Regulations in relation to when financial support should cease.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Social Services Policy and Strategies Division, the Department for Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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**Rheoliadau Gwasanaethau Cymorth
Mabwysiadu a Gwarcheidiaeth
Arbennig (Cymru) (Diwygio) 2013**

Gwnaed 15 Awst 2013
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 23 Awst 2013
Yn dod i rym 1 Hydref 2013

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt⁽¹⁾ gan adrannau 2(6)(b) a (7), 4(6), 140(1), (7) ac (8) a 142(1) o Ddeddf Mabwysiadu a Phlant 2002⁽²⁾ a chan adrannau 14F(1)(b), (2), (7) ac (8) a 104(1) o Ddeddf Plant 1989⁽³⁾ yn gwneud y Rheoliadau a ganlyn.

Enwi, cychwyn a chymhwysio

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Cymorth Mabwysiadu a Gwarcheidiaeth Arbennig (Cymru) (Diwygio) 2013.

(2) Daw'r Rheoliadau hyn i rym ar 1 Hydref 2013.

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

2013 No. 2091 (W. 206)

**CHILDREN AND YOUNG
PERSONS, WALES**

**The Adoption Support Services and
Special Guardianship (Wales)
(Amendment) Regulations 2013**

Made 15 August 2013
Laid before the National Assembly for Wales
23 August 2013
Coming into force 1 October 2013

The Welsh Ministers, in exercise of the powers conferred on them⁽¹⁾ by sections 2(6)(b) and (7), 4(6), 140(1), (7) and (8) and 142(1) of the Adoption and Children Act 2002⁽²⁾ and by sections 14F(1)(b), (2), (7) and (8) and 104(1) of the Children Act 1989⁽³⁾ make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Adoption Support Services and Special Guardianship (Wales) (Amendment) Regulations 2013.

(2) These Regulations come into force on 1 October 2013.

(3) These Regulations apply in relation to Wales.

(1) Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi, trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weiniogion Cymru ac maent wedi eu breinio bellach ynddynt hwy.
(2) 2002 p.38.
(3) 1989 p.41. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 14F a 104 o Ddeddf Plant 1989 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weiniogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(1) By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the functions of the National Assembly for Wales were transferred to and now vest in the Welsh Ministers.
(2) 2002 c.38.
(3) 1989 c.41. The functions of the Secretary of State under sections 14F and 104 of the Children Act 1989 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Diwygio Rheoliadau Gwasanaethau Cymorth Mabwysiadu (Awdurdodau Lleol) (Cymru) 2005

2.—(1) Mae Rheoliadau Gwasanaethau Cymorth Mabwysiadu (Awdurdodau Lleol) (Cymru) 2005(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli), yn y man priodol yn nhrefn yr wyddor, mewnosoder—

“ystyr “credyd cynhwysol” (“*universal credit*”) yw credyd cynhwysol o dan Ran 1 o Ddeddf Diwygio Lles 2012(2);”.

(3) Yn rheoliad 12 (swm y cymorth ariannol)—

(a) ym mharagraff (6)(b) ar ôl “credyd treth plant” mewnosoder—

“ , elfen y plentyn o gredyd cynhwysol”;

(b) ar ôl paragraff (10) mewnosoder—

“(11) Yn y rheoliad hwn ystyr “elfen y plentyn o gredyd cynhwysol” yw swm sydd wedi ei gynnwys mewn dyfarniad credyd cynhwysol o dan adran 10 o Ddeddf Diwygio Lles 2012 ac unrhyw reoliadau a wneir o dan yr adran honno.”

(4) Yn rheoliad 17(7)(c) (adolygu cymorth ariannol) ar ôl “gymwys i gael” mewnosoder—

“credyd cynhwysol,”.

Diwygio Rheoliadau Gwarcheidiaeth Arbennig (Cymru) 2005

3.—(1) Mae Rheoliadau Gwarcheidiaeth Arbennig (Cymru) 2005(3) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(3), yn y man priodol yn nhrefn yr wyddor, mewnosoder—

“ystyr “credyd cynhwysol” (“*universal credit*”) yw credyd cynhwysol o dan Ran 1 o Ddeddf Diwygio Lles 2012;”.

(3) Yn rheoliad 12(10)(b)(ii) (adolygu'r ddarpariaeth o wasanaethau cymorth gwarcheidiaeth arbennig) ar ôl “yn cael” mewnosoder—

“credyd cynhwysol,”.

Amendment of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005

2.—(1) The Adoption Support Services (Local Authorities) (Wales) Regulations 2005(1) are amended as follows.

(2) In regulation 2(1) (interpretation), at the end of the definition of “related person”, omit the full-stop and insert—

“universal credit” (“*credyd cynhwysol*”) means universal credit under Part 1 of the Welfare Reform Act 2012(2).”

(3) In regulation 12 (amount of financial support)—

(a) in paragraph (6)(b) after “child tax credit” insert—

“ , the child element of universal credit”;

(b) after paragraph (10) insert—

“ (11) In this regulation “the child element of universal credit” means an amount included in an award of universal credit under section 10 of the Welfare Reform Act 2012 and any regulations made under that section.”

(4) In regulation 17(7)(c) (review of financial support) after “qualifies for” insert—

“universal credit,”.

Amendment of the Special Guardianship (Wales) Regulations 2005

3.—(1) The Special Guardianship (Wales) Regulations 2005(3) are amended as follows.

(2) In regulation 1(3), after the definition of “special guardianship support services” omit “and” and insert—

““universal credit” (“*credyd cynhwysol*”) means universal credit under Part 1 of the Welfare Reform Act 2012; and”.

(3) In regulation 12(10)(b)(ii) (review of the provision of special guardianship support services) after “is in receipt of” insert—

“universal credit,”.

(1) O.S. 2005/1512 (Cy.116).

(2) 2012 p.5.

(3) O.S. 2005/1513 (Cy.117).

(1) S.I. 2005/1512 (W.116).

(2) 2012 c.5.

(3) S.I. 2005/1513 (W.117).

Gwenda Thomas

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol, o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

15 Awst 2013

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Deputy Minister for Social Services, under authority of the Minister for Health and Social Services, one of the Welsh Ministers

15 August 2013

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