OFFERYNNAU STATUDOL CYMRU

# 2018 Rhif 48 (Cy. 15)

# GOFAL CYMDEITHASOL, CYMRU A LLOEGR

## Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol i Is-ddeddfwriaeth) 2018

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan adran 186 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf").

Mae'r Ddeddf yn cyflwyno system newydd o reoleiddio gwasanaethau gofal a chymorth yng Nghymru, gan ddisodli'r un a sefydlwyd gan Ddeddf Safonau Gofal 2000 ("Deddf 2000").

Mae Rhan 1 o'r Ddeddf yn disodli'r system gofrestru ar gyfer darparwyr gwasanaethau gofal cymdeithasol, a nodir yn Rhannau 1 a 2 o Ddeddf 2000, pan oedd sefydliadau ac asiantaethau yn cael eu cofrestru. Roedd hyn yn ei gwneud yn ofynnol cael cofrestriad ar wahân ar gyfer pob lleoliad lle yr oedd gwasanaeth yn cael ei ddarparu.

Mae'r Ddeddf yn gweithredu dull gwahanol sy'n seiliedig ar y gwasanaeth. Rhaid i ddarparwr gofrestru â Gweinidogion Cymru er mwyn darparu unrhyw wasanaeth gofal a chymorth sydd wedi ei reoleiddio o dan y Ddeddf a bydd y cofrestriad hwnnw yn cynnwys manylion pob un o'r lleoliadau y mae'r darparwr yn darparu'r gwasanaeth rheoleiddiedig ynddo.

WELSH STATUTORY INSTRUMENTS

# 2018 No. 48 (W. 15)

# SOCIAL CARE, ENGLAND AND WALES

## The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act").

The Act introduces a new system of regulation for care and support services in Wales, replacing that established by the Care Standards Act 2000 ("the 2000 Act").

Part 1 of the Act replaces the system of registration for the providers of social care services, set out in Parts 1 and 2 of the 2000 Act, where establishments and agencies were registered. This required a separate registration for each location where a service was provided.

The Act takes a different approach which is service based. A provider must register with the Welsh Ministers in order to provide any care and support service which is regulated under the Act and that registration will contain the details of all the locations at which the provider provides the regulated service.

Mae Rhan 1 o’r Ddeddf wedi ei chychwyn ar 2 Ebrill 2018 mewn perthynas â’r gwasanaethau rheoleiddiedig a ganlyn:

(a) gwasanaeth cartref gofal;

(b) gwasanaeth llety diogel;

(c) gwasanaeth canolfan breswyl i deuluoedd; a

(d) gwasanaeth cymorth cartref.

Bydd sefydliadau ac asiantaethau sy’n darparu gwasanaethau mabwysiadu a maethu, a lleoliadau i oedolion yn parhau’n ddarostyngedig i gofrestriad ac arolygiad o dan Ddeddf 2000 hyd nes y bydd Rhan 1 o’r Ddeddf wedi ei chychwyn yn llawn.

Mae rheoliad 2 ac Atodlen 1 yn gwneud diwygiadau i is-ddeddfwriaeth o ganlyniad i’r cychwyniad rhannol hwn.

Mae rheoliad 3 ac Atodlen 2 yn pennu’r is-ddeddfwriaeth sydd wedi ei dirymu drwy’r Rheoliadau hyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â’r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o’r costau a’r manteision sy’n debygol o ddeillio o gydymffurfio â’r Rheoliadau hyn.

Part 1 of the Act is commenced on 2 April 2018 in relation to the following regulated services:

(a) a care home service;

(b) a secure accommodation service;

(c) a residential family centre service; and

(d) a domiciliary support service.

Establishments and agencies that provide adoption, fostering and adult placements will remain subject to registration and inspection under the 2000 Act until the commencement in full of Part 1 of the Act.

Regulation 2 and Schedule 1 make amendments to secondary legislation as a consequence of this partial commencement.

Regulation 3 and Schedule 2 specify the secondary legislation revoked by these Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

# 2018 Rhif 48 (Cy. 15)

# GOFAL CYMDEITHASOL, CYMRU A LLOEGR

## Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol i Is-ddeddfwriaeth) 2018

*Gwnaed* *17 Ionawr 2018*

*Gosodwyd gerbron Cynulliad Cenedlaethol Cymru* *19 Ionawr 2018*

*Yn dod i rym* *2 Ebrill 2018*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 186 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(**1**), yn gwneud y Rheoliadau a ganlyn:

**Enwi a chychwyn**

**1.**—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol i Is-ddeddfwriaeth) 2018.

(2) Daw'r Rheoliadau hyn i rym ar 2 Ebrill 2018.

**Diwygio**

**2.** Mae Atodlen 1 (diwygiadau o ganlyniad i gychwyn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016) yn cael effaith.

(**1**) 2016 dccc 2.

WELSH STATUTORY INSTRUMENTS

# 2018 No. 48 (W. 15)

# SOCIAL CARE, ENGLAND AND WALES

## The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018

*Made* *17 January 2018*

*Laid before the National Assembly for Wales* *19 January 2018*

*Coming into force* *2 April 2018*

The Welsh Ministers, in exercise of the powers conferred by section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016(**1**), make the following Regulations:

**Title and commencement**

**1.**—(1) The title of these Regulations is the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018.

(2) These Regulations come into force on 2 April 2018.

**Amendments**

**2.** Schedule 1 (amendments consequential upon the commencement of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) has effect.

(**1**) 2016 anaw 2.

**Dirymu**

**3.** Mae Atodlen 2 (dirymiadau) yn cael effaith.

**Revocations**

**3.** Schedule 2 (revocations) has effect.

*Huw Irranca-Davies*

Y Gweinidog Gofal Cymdeithasol a Phlant, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
17 Ionawr 2018

Minister for Children and Social Care, under authority of the Cabinet Secretary for Health and Social Services, one of the Welsh Ministers

17 January 2018

# ATODLEN 1 — Rheoliad 2

## Diwygiadau o ganlyniad i gychwyn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016

**Gorchymyn Deddf Adsefydlu Troseddwyr 1974 (Eithriadau) 1975**

**1.**—(1) Mae Gorchymyn Deddf Adsefydlu Troseddwyr 1974 (Eithriadau) 1975(**1**) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2(1)—

(a) yn lle'r diffiniad o "children's home" rhodder—

""children's home"—

(a) in relation to England, has the meaning given by section 1 of the Care Standards Act 2000(**2**); and

(b) in relation to Wales, means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons under the age of 18.";

(b) yn lle'r diffiniad o "residential family centre" rhodder—

""residential family centre"—

(a) in relation to England, has the meaning given by section 4(2) of the Care Standards Act 2000; and

(b) in relation to Wales, means a place at which a residential family centre service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided;".

(3) Yn Atodlen 1 (proffesiynau, swyddi, cyflogaethau, gwaith a galwedigaethau sydd wedi eu heithrio), yn Rhan 4 (dehongli), yn y diffiniad o "care services", ym mharagraff (i), yn lle'r geiriau mewn cromfachau rhodder—

(**1**) O.S. 1975/1023, a ddiwygiwyd gan O.S. 2014/1707; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.
(**2**) 2000 p. 14.

# SCHEDULE 1 — Regulation 2

## Amendments consequential upon the commencement of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016

**Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

**1.**—(1) The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**1**) is amended as follows.

(2) In article 2(1)—

(a) for the definition of "children's home" substitute—

""children's home"—

(a) in relation to England, has the meaning given by section 1 of the Care Standards Act 2000(**2**); and

(b) in relation to Wales, means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons under the age of 18.";

(b) for the definition of "residential family centre" substitute—

""residential family centre"—

(a) in relation to England, has the meaning given by section 4(2) of the Care Standards Act 2000; and

(b) in relation to Wales, means a place at which a residential family centre service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided;".

(3) In Schedule 1 (excepted professions, offices, employments, work and occupations), in Part 4 (interpretation), in the definition of "care services", in paragraph (i), for the words in parentheses substitute—

(**1**) S.I. 1975/1023, amended by S.I. 2014/1707; there are other amending instruments but none is relevant.
(**2**) 2000 c. 14.

"(where "care home", in relation to England, has the same meaning as in the Care Standards Act 2000, and in relation to Wales, means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over)".

(4) Yn Atodlen 3 (achosion sydd wedi eu heithrio), ar ôl paragraff 17A mewnosoder—

"**17B.** Proceedings relating to registration under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.".

**Rheoliadau Plant (Llety Diogel) 1991**

**2.**—(1) Mae Rheoliadau Plant (Llety Diogel) 1991(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1A, ym mharagraff (1)(b)—

(a) hepgorer "secure";

(b) ar ôl "in Wales", mewnosoder "provided for the purpose of restricting the liberty of children to whom the criteria in paragraph (a) or (b) of section 119(1) of the Social Services and Well-being (Wales) Act 2014 apply".

**Rheoliadau Llochesau (Cartrefi Plant a Lleoliadau Maeth) 1991**

**3.**—(1) Mae Rheoliadau Llochesau (Cartrefi Plant a Lleoliadau Maeth) 1991(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 4(1)(b) (tynnu tystysgrif yn ôl), yn lle "Parts III to V of the Children's Homes (Wales) Regulations 2002" rhodder "Parts 3 to 15 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017(**3**)".

**Gorchymyn y Dreth Gyngor (Anheddau Trethadwy) 1992**

**4.**—(1) Mae Gorchymyn y Dreth Gyngor (Anheddau Trethadwy) 1992(**4**) wedi ei ddiwygio fel a ganlyn.

(**1**) O.S. 1991/1505. Mewnosodwyd rheoliad 1A gan O.S. 2015/1988 (Cy. 261) ac fe'i hamnewidiwyd ar yr un diwrnod gan O.S. 2016/211 (Cy. 84). Mae diwygiadau eraill i'r Rheoliadau hyn nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) O.S. 1991/1507; yr offerynnau diwygio perthnasol yw O.S. 2002/546, 2002/2935 a 2015/541.

(**3**) O.S. 2017/1264 (Cy. 295).

(**4**) O.S. 1992/549.

"(where "care home", in relation to England, has the same meaning as in the Care Standards Act 2000, and in relation to Wales, means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over)".

(4) In Schedule 3 (excepted proceedings), after paragraph 17A insert—

"**17B.** Proceedings relating to registration under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.".

**Children (Secure Accommodation) Regulations 1991**

**2.**—(1) The Children (Secure Accommodation) Regulations 1991(**1**) are amended as follows.

(2) In regulation 1A, in paragraph (1)(b)—

(a) omit "secure";

(b) after "in Wales", insert "provided for the purpose of restricting the liberty of children to whom the criteria in paragraph (a) or (b) of section 119(1) of the Social Services and Well-being (Wales) Act 2014 apply".

**Refuges (Children's Homes and Foster Placements) Regulations 1991**

**3.**—(1) The Refuges (Children's Homes and Foster Placements) Regulations 1991(**2**) are amended as follows.

(2) In regulation 4(1)(b) (withdrawal of a certificate), for "Parts III to V of the Children's Homes (Wales) Regulations 2002" substitute "Parts 3 to 15 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017(**3**)".

**Council Tax (Chargeable Dwellings) Order 1992**

**4.**—(1) The Council Tax (Chargeable Dwellings) Order 1992(**4**) is amended as follows.

(**1**) S.I. 1991/1505. Regulation 1A was inserted by S.I. 2015/1988 (W. 261) and substituted on the same day by S.I. 2016/211 (W. 84). There are other amendments to these Regulations which are not relevant to these Regulations.

(**2**) S.I. 1991/1507; relevant amending instruments are S.I. 2002/546, 2002/2935 and 2015/541.

(**3**) S.I. 2017/1264 (W. 295).

(**4**) S.I. 1992/549.

(2) Yn erthygl 2, yn lle'r diffiniad o "care home" rhodder—

""care home" means—

(a) in relation to England, a care home within the meaning of the Care Standards Act 2000, in respect of which a person is registered in accordance with Part 1 of the Health and Social Care Act 2008(**1**); and

(b) in relation to Wales, a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;".

(3) Yn erthygl 3A, yn lle "Part 2 of the Care Standards Act 2000" rhodder "Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016".

**Rheoliadau'r Dreth Gyngor (Atebolrwydd Perchenogion) 1992**

**5.**—(1) Mae Rheoliadau'r Dreth Gyngor (Atebolrwydd Perchenogion) 1992(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2, o dan y pennawd "residential care homes, etc", yn y cofnod ar gyfer "Class A", yn lle paragraff (a) rhodder—

"(a) in relation to England, a care home, within the meaning of the Care Standards Act 2000, in respect of which a person is registered in accordance with Part 1 of the Health and Social Care Act 2008; and

(aa) in relation to Wales, a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over.".

(2) In article 2, for the definition of "care home" substitute—

""care home" means—

(a) in relation to England, a care home within the meaning of the Care Standards Act 2000, in respect of which a person is registered in accordance with Part 1 of the Health and Social Care Act 2008(**1**); and

(b) in relation to Wales, a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;".

(3) In article 3A, for "Part 2 of the Care Standards Act 2000" substitute "Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016".

**Council Tax (Liability for Owners) Regulations 1992**

**5.**—(1) The Council Tax (Liability for Owners) Regulations 1992(**2**) are amended as follows.

(2) In regulation 2, under the heading "residential care homes, etc", in the entry for "Class A", for paragraph (a) substitute—

"(a) in relation to England, a care home, within the meaning of the Care Standards Act 2000, in respect of which a person is registered in accordance with Part 1 of the Health and Social Care Act 2008; and

(aa) in relation to Wales, a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over.".

(**1**) 2008 p. 14.
(**2**) O.S. 1992/551, fel y'i diwygiwyd gan O.S. 2015/1915; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol

(**1**) 2008 c. 14.
(**2**) S.I. 1992/551, as amended by S.I. 2015/1915; there are other amending instruments but none is relevant.

**Rheoliadau Cynrychiolaeth y Bobl (Cymru a Lloegr) 2001**

**6.**—(1) Mae Rheoliadau Cynrychiolaeth y Bobl (Cymru a Lloegr) 2001(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 53 (gofynion ychwanegol ar gyfer ceisiadau am bleidlais drwy ddirprwy am gyfnod penodol neu amhenodol ar sail nam difrifol ar y golwg neu unrhyw anabledd arall), ar ôl paragraff (2)(k), mewnosoder—

"(ka) the person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 as the provider of a care home service (within the meaning of Part 1 of that Act) which is provided wholly or mainly to persons aged 18 or over;".

**Rheoliadau Deddf yr Heddlu 1997 (Cofnodion Troseddol) 2002**

**7.**—(1) Mae Rheoliadau Deddf yr Heddlu 1997 (Cofnodion Troseddol) 2002(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 5B (gwaith gydag oedolion)—

(a) ym mharagraff (1)(e), ar ôl paragraff (iv), mewnosoder—

"(iva) a regulated service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, in relation to which a requirement to register arises under section 5 of that Act;";

(b) ym mharagraff (6), ar ôl is-baragraff (e), mewnosoder—

"(ea) any form of work carried out, whether or not for gain, at a place which provides a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) which is provided wholly or mainly to adults that gives the person carrying out the work the opportunity to have contact with the adults who are resident at that place;".

(**1**) O.S. 2001/341, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) O.S. 2002/233, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

**Representation of the People (England and Wales) Regulations 2001**

**6.**—(1) The Representation of the People (England and Wales) Regulations 2001(**1**) are amended as follows.

(2) In regulation 53 (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of severe sight-impairment or any other disability), after paragraph (2)(k), insert—

"(ka) the person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 as the provider of a care home service (within the meaning of Part 1 of that Act) which is provided wholly or mainly to persons aged 18 or over;".

**Police Act 1997 (Criminal Records) Regulations 2002**

**7.**—(1) The Police Act 1997 (Criminal Records) Regulations 2002(**2**) are amended as follows.

(2) In regulation 5B (work with adults)—

(a) in paragraph (1)(e), after paragraph (iv), insert—

"(iva) a regulated service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, in relation to which a requirement to register arises under section 5 of that Act;";

(b) in paragraph (6), after sub-paragraph (e), insert—

"(ea)any form of work carried out, whether or not for gain, at a place which provides a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) which is provided wholly or mainly to adults that gives the person carrying out the work the opportunity to have contact with the adults who are resident at that place;".

(**1**) S.I. 2001/341, to which there are amendments not relevant to these Regulations.

(**2**) S.I. 2002/233, to which are amendments not relevant to these Regulations.

(3) Yn rheoliad 5C (gwaith gyda phlant), ar ôl paragraff (j), mewnosoder—

"(ja) registration under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (regulated services);".

**Rheoliadau Datgymhwyso rhag Gofalu am Blant (Lloegr) 2002**

**8.**—(1) Mae Rheoliadau Datgymhwyso rhag Gofalu am Blant (Lloegr) 2002(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (y seiliau dros ddatgymhwyso), ar ôl paragraff (7), mewnosoder—

"(7A) In relation to the registration of a care home (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act")) which is provided wholly or mainly to children—

(a) the person's application for registration has been refused under section 7 of the 2016 Act;

(b) the person's application to vary their registration (in accordance with section 11(1)(a)(i) or (ii) of the 2016 Act) has been refused under section 12 of the 2016 Act;

(c) the person's registration has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act;

(d) the person has been concerned in the management of, or had a financial interest in, a care home service provided wholly or mainly to children in respect of which the registration of any person has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act; or

(e) the person's registration has been varied under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act.".

(3) Yn yr Atodlen (troseddau penodedig), ym mharagraff 1 (troseddau yng Nghymru a Lloegr), ar ôl is-baragraff (2), mewnosoder—

"(3) An offence in relation to a care home service provided wholly or mainly to children under or by virtue of any of the following provisions of the Regulation and Inspection of Social Care (Wales) Act 2016—

(**1**) O.S. 2002/635, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) In regulation 5C (work with children), after paragraph (j), insert—

"(ja) registration under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (regulated services);".

**Disqualification from Caring for Children (England) Regulations 2002**

**8.**—(1) The Disqualification from Caring for Children (England) Regulations 2002(**1**) are amended as follows.

(2) In regulation 2 (grounds for disqualification), after paragraph (7), insert—

"(7A) In relation to the registration of a care home (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act")) which is provided wholly or mainly to children—

(a) the person's application for registration has been refused under section 7 of the 2016 Act;

(b) the person's application to vary their registration (in accordance with section 11(1)(a)(i) or (ii) of the 2016 Act) has been refused under section 12 of the 2016 Act;

(c) the person's registration has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act;

(d) the person has been concerned in the management of, or had a financial interest in, a care home service provided wholly or mainly to children in respect of which the registration of any person has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act; or

(e) the person's registration has been varied under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act.".

(3) In the Schedule (specified offences), in paragraph 1 (offences in England and Wales), after sub-paragraph (2), insert—

"(3) An offence in relation to a care home service provided wholly or mainly to children under or by virtue of any of the following provisions of the Regulation and Inspection of Social Care (Wales) Act 2016—

(**1**) S.I. 2002/635, to which there are amendments not relevant to these Regulations.

(a) section 5 (requirement to register);

(b) section 43 (failure to comply with a condition);

(c) section 44 (false descriptions);

(d) section 45 (failure by service provider to comply with requirements in regulations); or

(e) section 47 (false statements).”.

**Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002**

**9.**—(1) Mae Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli)—

(a) yn y diffiniad o “appropriate office of the National Assembly” hepgorer y paragraffau a ganlyn—

(i) paragraffau (a) a (b),

(ii) ail baragraff (f) (sy’n ymwneud â throsedd a bennir o dan adran 2(4) o Reoliadau Asiantaethau Nyrsys (Cymru) 2003(**2**)),

(iii) paragraff (h);

(b) hepgorer y diffiniadau o “domiciliary care agency” a “placement plan”;

(c) yn y diffiniad o “statement of purpose” hepgorer paragraffau (a), (b), (f) ac (i).

(3) Yn rheoliad 4 (gwybodaeth a dogfennau sydd i gael eu darparu gan geisydd), ym mharagraff (4), yn y tabl, hepgorer y cofnodion sy’n ymwneud ag—

(a) cartref gofal;

(b) cartref plant.

(4) Yn rheoliad 9 (cynnwys tystysgrif), ym mharagraff (e), yn lle “section 4(8)(a) or (9)(a)” rhodder “section 4(8)(a)(iii), (iv), (v), (vii) or (9)(a)(i), (iv), (v), (vi)”.

(5) Yn Atodlen 1 (gwybodaeth sydd i gael ei chyflenwi ar gais i gofrestru fel person sy’n cynnal sefydliad neu asiantaeth)—

(a) yn Rhan 1 (gwybodaeth am y ceisydd)—

(i) ym mharagraff 1, hepgorer is-baragraffau (ba) ac (g),

(**1**) O.S. 2002/919 (Cy. 107); yr offerynnau diwygio perthnasol yw O.S. 2003/237 (Cy. 35), 2003/2527 (Cy. 242), 2004/219 (Cy. 23), 2007/311 (Cy. 28), 2011/1016 (Cy. 153), 2013/225 (Cy. 30), a 2017/52 (Cy. 23).

(**2**) O ganlyniad i wall drafftio, honnwyd bod ail baragraff (f) wedi ei ychwanegu gan Reoliadau Asiantaethau Nyrsys (Cymru) 2003 (O.S. 2003/2527 (Cy. 242)).

(a) section 5 (requirement to register);

(b) section 43 (failure to comply with a condition);

(c) section 44 (false descriptions);

(d) section 45 (failure by service provider to comply with requirements in regulations); or

(e) section 47 (false statements).”.

**Registration of Social Care and Independent Health Care (Wales) Regulations 2002**

**9.**—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**1**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “appropriate office of the National Assembly” omit the following paragraphs—

(i) paragraphs (a) and (b),

(ii) the second paragraph (f) (which relates to an offence specified under section 2(4) of the Nurses Agencies (Wales) Regulations 2003(**2**)),

(iii) paragraph (h);

(b) omit the definitions of “domiciliary care agency” and “placement plan”;

(c) in the definition of “statement of purpose” omit paragraphs (a), (b), (f) and (i).

(3) In regulation 4 (information and documents to be provided by an applicant), in paragraph (4), in the table, omit the entries relating to—

(a) care home;

(b) children’s home.

(4) In regulation 9 (contents of certificate), in paragraph (e), for “section 4(8)(a) or (9)(a)” substitute “section 4(8)(a)(iii), (iv), (v), (vii) or (9)(a)(i), (iv), (v), (vi)”.

(5) In Schedule 1 (information to be supplied on an application for registration as a person who carries on an establishment or agency)—

(a) in Part 1 (information about the applicant)—

(i) in paragraph 1, omit sub-paragraphs (ba) and (g),

(**1**) S.I. 2002/919 (W. 107); relevant amending instruments are S.I. 2003/237 (W. 35), 2003/2527 (W. 242), 2004/219 (W.23), 2007/311 (W. 28), 2011/1016 (W. 153), 2013/225 (W. 30), and 2017/52 (W. 23).

(**2**) As a result of a drafting error a second paragraph (f) was purportedly added by the Nurses Agencies (Wales) Regulations 2003 (S.I. 2003/2527 (W. 242)).

(ii) ym mharagraff 2, hepgorer is-baragraff (ca);

(b) yn Rhan 2 (gwybodaeth am y sefydliad)—

(i) ym mharagraff 5, yn lle "section 4(8)(a) or (9)(a)" rhodder "section 4(8)(a)(iii), (iv), (v), (vii) or (9)(a)(i), (iv), (v), (vi)",

(ii) ym mharagraff 13, yn lle "section 4(8)(a) or (9)(a)" rhodder "section 4(8)(a)(iii), (iv), (v), (vii) or (9)(a)(i), (iv), (v), (vi)";

(c) yn Rhan 3 (gwybodaeth bellach am staff), ym mharagraff 16, hepgorer is-baragraff (ea).

(6) Yn Atodlen 3 (gwybodaeth a dogfennau sydd i gael eu cyflenwi ar gais i gofrestru fel rheolwr sefydliad neu asiantaeth), hepgorer paragraffau 2A, 2B a 2C.

(7) Hepgorer Atodlen 4 (gwybodaeth sydd i gael ei chyflenwi ar gais i gofrestru mewn cysylltiad â chartref gofal) ac Atodlen 5 (gwybodaeth sydd i gael ei chyflenwi ar gais i gofrestru mewn cysylltiad â chartref plant).

**Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 2003**

**10.**—(1) Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 2003([1]) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli), yn lle'r diffiniad o "care home" rhodder—

""care home" means—

(a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and

(b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;".

(3) Yn Atodlen 1 (addasu Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987), yn Nhabl B, yn y cofnod sy'n ymwneud â rheoliad 18, yng ngholofn 2 o reoliad 19A (cartrefi gofal) a fewnosodir, yn lle paragraff (a) a'r "or" sydd yn union ar ei ôl, rhodder—

"(a) a care home in England within the meaning of section 3 of the Care Standards Act 2000;

(1) O.S. 2003/2382, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(ii) in paragraph 2, omit sub-paragraph (ca);

(b) in Part 2 (information about the establishment)—

(i) in paragraph 5, for "section 4(8)(a) or (9)(a)" substitute "section 4(8)(a)(iii), (iv), (v), (vii) or (9)(a)(i), (iv), (v), (vi)",

(ii) in paragraph 13, for "section 4(8)(a) or (9)(a)" substitute "section 4(8)(a)(iii), (iv), (v), (vii) or (9)(a)(i), (iv), (v), (vi)";

(c) in Part 3 (further information about staff), in paragraph 16, omit sub-paragraph (ea).

(6) In Schedule 3 (information and documents to be supplied on an application for registration as the manager of an establishment or agency), omit paragraphs 2A, 2B and 2C.

(7) Omit Schedule 4 (information to be supplied on an application for registration in respect of a care home) and Schedule 5 (information to be supplied on an application for registration in respect of a children's home).

**National Health Service (Travel Expenses and Remission of Charges) Regulations 2003**

**10.**—(1) The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003([1]) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of "care home" substitute—

""care home" means—

(a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and

(b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;".

(3) In Schedule 1 (modifications of the Income Support (General) Regulations 1987), in Table B, in the entry relating to regulation 18, in column 2 of the inserted regulation 19A (care homes), for paragraph (a) and the "or" immediately following it, substitute—

"(a) a care home in England within the meaning of section 3 of the Care Standards Act 2000;

(1) S.I. 2003/2382, to which there are amendments not relevant to these Regulations.

(aa) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) is provided wholly or mainly to persons aged 18 or over; or”.

**Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004**

**11.**—(1) Mae Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) 2004(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn yr Atodlen—

(a) yn Rhan 1 (tramgwyddau penodedig), ar ôl paragraff 4, mewnosoder—

“**4A.** Tramgwydd mewn perthynas â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu’n bennaf i bersonau o dan 18 oed o dan neu yn rhinwedd unrhyw un o ddarpariaethau canlynol Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016—

(a) adran 5 (gofyniad i gofrestru);

(b) adran 43 (methiant i gydymffurfio ag amod);

(c) adran 44 (disgrifiadau anwir);

(ch) adran 45 (methiant gan ddarparwr gwasanaeth i gydymffurfio â gofynion mewn rheoliadau); neu

(d) adran 47 (datganiadau anwir).”;

(b) yn Rhan 2 (personau perthnasol), ar ôl paragraff 25, mewnosoder—

“**25A.** Mewn perthynas â chofrestru gwasanaeth cartref gofal (o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (“Deddf 2016”)) a ddarperir yn gyfan gwbl neu’n bennaf i bersonau o dan 18 oed—

(a) mae cais y person i gofrestru wedi’i wrthod o dan adran 7 o Ddeddf 2016;

(b) mae cais y person i amrywio ei gofrestriad (yn unol ag adran 11(1)(a)(i) neu (ii) o Ddeddf 2016) wedi’i wrthod o dan adran 12 o Ddeddf 2016;

(c) mae cofrestriad y person wedi’i ganslo o dan adran 15(1)(b) i (f) neu 23(1) o Ddeddf 2016;

(**1**) O.S. 2004/2695 (Cy. 235), y mae offerynnau diwygio iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(aa) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) is provided wholly or mainly to persons aged 18 or over; or”.

**Disqualification from Caring for Children (Wales) Regulations 2004**

**11.**—(1) The Disqualification from Caring for Children (Wales) Regulations 2004(**1**) are amended as follows.

(2) In the Schedule—

(a) in Part 1 (specified offences), after paragraph 4, insert—

“**4A.** An offence in relation to a care home service provided wholly or mainly to persons under the age of 18 under or by virtue of any of the following provisions of the Regulation and Inspection of Social Care (Wales) Act 2016—

(a) section 5 (requirement to register);

(b) section 43 (failure to comply with a condition);

(c) section 44 (false descriptions);

(d) section 45 (failure by service provider to comply with requirements in regulations); or

(e) section 47 (false statements).”;

(b) in Part 2 (relevant persons), after paragraph 25, insert—

“**25A.** In relation to the registration of a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016) (“the 2016 Act”)) which is provided wholly or mainly to persons under the age of 18—

(a) the person’s application for registration has been refused under section 7 of the 2016 Act;

(b) the person’s application to vary their registration (in accordance with section 11(1)(a)(i) or (ii) of the 2016 Act) has been refused under section 12 of the 2016 Act;

(c) the person’s registration has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act;

(**1**) S.I. 2004/2695 (W. 235), to which there are amending instruments not relevant to these Regulations.

(ch) mae'r person wedi bod yn ymwneud â rheoli gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i bersonau o dan 18 oed, neu yr oedd ganddo fuddiant ariannol ynddo, ac y mae cofrestriad unrhyw berson wedi'i ganslo ar ei gyfer o dan adran 15(1)(b) i (f) neu 23(1) o Ddeddf 2016; neu

(d) mae cofrestriad y person wedi'i amrywio o dan adran 13(3)(b) neu (4)(b) neu 23(1) o Ddeddf 2016.".

**Rheoliadau Trwyddedu a Rheoli Tai Amlfeddiannaeth a Thai Eraill (Darpariaethau Amrywiol) (Cymru) 2006**

**12.**—(1) Mae Rheoliadau Trwyddedu a Rheoli Tai Amlfeddiannaeth a Thai Eraill (Darpariaethau Amrywiol) (Cymru) 2006(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn Atodlen 1 (adeiladau nad ydynt yn HMOs at unrhyw ddiben yn y Ddeddf (ac eithrio Rhan 1))—

(a) ar ddiwedd paragraff (f), mewnosoder "ac";

(b) hepgorer paragraffau (ff) i (ng);

(c) ar y diwedd mewnosoder—

"(h) Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017.".

**Gorchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007**

**13.**—(1) Mae Gorchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007(**2**) wedi ei ddiwygio fel a ganlyn.

(2) Yn Atodlen 1 (pleidlais absennol yn Etholiadau'r Cynulliad), ym mharagraff 4(2) (gofynion ychwanegol ar gyfer ceisiadau ar sail nam difrifol ar y golwg neu anabledd arall), yn lle paragraff (k), rhodder—

"(k) a person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 as the provider of a care home service (within the meaning of that Part) which is provided wholly or mainly to persons aged 18 or over;".

(**1**) O.S. 2006/1715 (Cy. 177), y mae offerynnau diwygio iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**2**) O.S. 2007/236, a ddiwygiwyd gan O.S. 2017/52 (Cy. 23).

(d) the person has been concerned in the management of, or had a financial interest in, a care home service provided wholly or mainly to persons under the age of 18 in respect of which the registration of any person has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act; or

(e) the person's registration has been varied under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act.".

**Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006**

**12.**—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006(**1**) are amended as follows.

(2) In Schedule 1 (buildings which are not HMOs for any purpose of the Act (excluding Part 1))—

(a) at the end of paragraph (h), insert "and";

(b) omit paragraphs (i) to (k);

(c) at the end insert—

"(i) The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017.".

**National Assembly for Wales (Representation of the People) Order 2007**

**13.**—(1) The National Assembly for Wales (Representation of the People) Order 2007(**2**) is amended as follows.

(2) In Schedule 1 (absent voting at Assembly Elections), in paragraph 4(2) (additional requirements for applications on the grounds of severe sight impairment or other disability), for paragraph (k), substitute—

"(k) a person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 as the provider of a care home service (within the meaning of that Part) which is provided wholly or mainly to persons aged 18 or over;".

(**1**) S.I. 2006/1715 (W. 177), to which there are amending instruments not relevant to these Regulations.
(**2**) S.I. 2007/236, amended by S.I. 2017/52 (W. 23).

**Rheoliadau Adolygu Achosion Plant (Cymru) 2007**

**14.**—(1) Mae Rheoliadau Adolygu Achosion Plant (Cymru) 2007(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(2) (enwi, cychwyn, dehongli a chymhwyso), yn y diffiniad o "gweithiwr dolen gyswllt" ("*link worker*") yn lle'r geiriau "Rheoliadau Cartrefi Plant (Cymru) 2002" rhodder "Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017".

(3) Yn rheoliad 14 (eithriadau i gymhwysiad y Rheoliadau), ym mharagraff (1)—

(a) ar ôl "ysgol" mewnosoder "yn Lloegr";

(b) ar y diwedd, mewnosoder ", neu mewn ysgol yng Nghymru y darperir gwasanaeth cartref gofal ynddi, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 a pharagraff 1(3) o Atodlen 1 iddi.".

**Review of Children's Cases (Wales) Regulations 2007**

**14.**—(1) The Review of Children's Cases (Wales) Regulations 2007(**1**) are amended as follows.

(2) In regulation 1(2) (title, commencement, interpretation and application), in the definition of "link worker" ("*gweithiwr dolen gyswllt*") for "Children's Homes (Wales) Regulations 2002" substitute "Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017".

(3) In regulation 14 (exceptions to application of Regulations), in paragraph (1)—

(a) after "school" insert "in England";

(b) at the end, insert ", or in a school in Wales at which a care home service, within the meaning of Part 1 of and paragraph 1(3) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, is provided.".

**Rheoliadau Lleoli Plant (Cymru) 2007**

**15.**—(1) Mae Rheoliadau Lleoli Plant (Cymru) 2007(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3 (cymhwyso'r Rheoliadau), ym mharagraff (2)—

(a) ar ôl "ysgol" mewnosoder "yn Lloegr";

(b) ar y diwedd, mewnosoder ", neu mewn ysgol yng Nghymru y darperir gwasanaeth cartref gofal ynddi, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 a pharagraff 1(3) o Atodlen 1 iddi.".

**Placement of Children (Wales) Regulations 2007**

**15.**—(1) The Placement of Children (Wales) Regulations 2007(**2**) are amended as follows.

(2) In regulation 3 (application of Regulations), in paragraph (2)—

(a) after "school" insert "in England";

(b) at the end, insert ", or in a school in Wales at which a care home service, within the meaning of Part 1 of and paragraph 1(3) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, is provided.".

**Rheoliadau Mangreoedd etc. Di-fwg (Cymru) 2007**

**16.**—(1) Mae Rheoliadau Mangreoedd etc. Di-fwg (Cymru) 2007(**3**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(3) (enwi, cychwyn, cymhwyso a dehongli), yn lle'r diffiniad o "cartref gofal" ("*care home*") rhodder—

**Smoke-free Premises etc. (Wales) Regulations 2007**

**16.**—(1) The Smoke-free Premises etc. (Wales) Regulations 2007(**3**) are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), for the definition of "care home" ("*catref gofal*") substitute—

(**1**) O.S. 2007/307 (Cy. 26), fel y'i diwygiwyd gan O.S. 2016/216 (Cy. 85); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.
(**2**) O.S. 2007/310 (Cy. 27), fel y'i diwygiwyd gan O.S. 2016/216 (Cy. 85); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.
(**3**) O.S. 2007/787 (Cy. 68), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) S.I. 2007/307 (W. 26), as amended by S.I. 2016/216 (W. 85); there are other amending instruments but none are relevant.
(**2**) S.I. 2007/310 (W. 27), as amended by S.I. 2016/216 (W. 85); there are other amending instruments but none are relevant.
(**3**) S.I. 2007/787 (W. 68), to which there are amendments not relevant to these Regulations.

"ystyr "cartref gofal" ("*care home*") yw lle y darperir gwasanaeth cartref gofal ynddo, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, yn gyfan gwbl neu'n bennaf i bersonau sy'n 18 oed neu drosodd;".

**Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007**

**17.**—(1) Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli), yn lle'r diffiniad o "cartref gofal" ("*care home*") rhodder—

"ystyr "cartref gofal" ("*care home*") yw—

(a) lle yng Nghymru y darperir gwasanaeth cartref gofal ynddo, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, yn gyfan gwbl neu'n bennaf i bersonau sy'n 18 oed neu drosodd, a

(b) cartref gofal yn Lloegr o fewn yr ystyr a roddir gan adran 3 o Ddeddf Safonau Gofal 2000;".

(3) Yn Atodlen 1 (addasu Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987), yn Nhabl B, yn y cofnod sy'n ymwneud â rheoliad 18, yng ngholofn 2, yn rheoliad 19A (cartrefi gofal) a fewnosodir, yn lle paragraff (a) a'r "or" sydd yn union ar ei ôl, rhodder—

"(a) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;

(aa) a care home in England within the meaning of section 3 of the Care Standards Act 2000; or".

**Rheoliadau Atwrneiaeth Arhosol, Atwrneiaeth Barhaus a Gwarcheidwaid Cyhoeddus 2007**

**18.**—(1) Mae Rheoliadau Atwrneiaeth Arhosol, Atwrneiaeth Barhaus a Gwarcheidwaid Cyhoeddus 2007(**2**) wedi eu diwygio fel a ganlyn.

""care home" ("*catref gofal*") means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;".

**National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007**

**17.**—(1) The National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(**1**) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of "care home" ("*cartref gofal*") substitute—

""care home" ("*cartref gofal*") means—

(a) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over, and

(b) a care home in England within the meaning given by section 3 of the Care Standards Act 2000;".

(3) In Schedule 1 (modifications of the Income Support (General) Regulations 1987), in Table B, in the entry relating to regulation 18, in column 2, in the inserted regulation 19A (care homes) for paragraph (a) and the "or" immediately following it, substitute—

"(a) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;

(aa) a care home in England within the meaning of section 3 of the Care Standards Act 2000; or".

**Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007**

**18.**—(1) The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007(**2**) are amended as follows.

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(**1**) O.S. 2007/1104 (Cy. 116), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**2**) O.S. 2007/1253, yr offerynnau diwygio perthnasol yw O.S. 2012/479 a 2017/52 (Cy. 23).

(**1**) S.I. 2007/1104 (W. 116), to which there are amendments not relevant to these Regulations.
(**2**) S.I. 2007/1253, relevant amending instruments are S.I. 2012/479 and 2017/52 (W. 23).

(2) Yn rheoliad 8(4) (personau a gaiff ddarparu tystysgrif atwrneiaeth arhosol), yn lle'r diffiniad o "care home" rhodder—

""care home" means—

(a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and

(b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;".

**Rheoliadau Cyffuriau a Reolir (Goruchwylio Rheolaeth a Defnydd) (Cymru) 2008**

**19.**—(1) Mae Rheoliadau Cyffuriau a Reolir (Goruchwylio Rheolaeth a Defnydd) (Cymru) 2008(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli), yn y diffiniad o "cartref gofal yng Nghymru" ("*Welsh care home*"), yn lle "corff" hyd at y diwedd rhodder "lle y darperir gwasanaeth cartref gofal ynddo, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, yn gyfan gwbl neu'n bennaf i bersonau sy'n 18 oed neu drosodd".

(3) Yn rheoliad 23(dd) (personau perthnasol), yn lle is-baragraff (i) rhodder—

"(i) yn berson sydd wedi'i gofrestru o dan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn ddarparwr gwasanaeth cartref gofal (o fewn ystyr y Rhan honno) a ddarperir yn gyfan gwbl neu'n bennaf i bersonau sy'n 18 oed neu drosodd, neu'n berson sydd wedi'i gofrestru gyda Gofal Cymdeithasol Cymru yn rheolwr(**2**) gwasanaeth cartref gofal o'r fath (y cyfeirir ato yn y paragraff hwn fel "person cofrestredig"), neu".

(**1**) O.S. 2008/3239 (Cy. 286), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) Mae'n ofynnol i unigolyn cyfrifol gwasanaeth rheoleiddiedig (o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("Deddf 2016")) benodi person i reoli'r gwasanaeth rheoleiddiedig, yn yr achos hwn wasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf ar gyfer personau sy'n 18 oed neu drosodd (*gweler* Rhan 1 o Ddeddf 2016). Mae'r gofyniad hwn wedi ei nodi yn rheoliad 67 o Reoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017 (dyletswydd i benodi rheolwr) ac mae'n ofynnol i reolwr sydd wedi ei benodi yn unol â'r ddarpariaeth hon gael ei gofrestru gyda Gofal Cymdeithasol Cymru (*gweler* rheoliad 35(2)(e) o'r Rheoliadau hynny (addasrwydd staff)). Mae i Ofal Cymdeithasol Cymru (Social Care Wales) yr ystyr a roddir gan adran 67 o Ddeddf 2016.

(2) In regulation 8(4) (persons who may provide an LPA certificate), for the definition of "care home" substitute—

""care home" means—

(a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and

(b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;".

**Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008**

**19.**—(1) The Controlled Drugs (Supervision of Management and Use (Wales) Regulations 2008(**1**) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of "Welsh care home" ("*cartref gofal yng Nghymru*"), for "a body" to the end substitute "a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over".

(3) In regulation 23(f) (relevant persons), for sub-paragraph (i) substitute—

"(i) a person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 as the provider of a care home service (within the meaning of that Part) which is provided wholly or mainly to persons aged 18 or over, or a person who is registered with Social Care Wales as the manager(**2**) of such a care home service (referred to in this paragraph as "a registered person"), or".

(**1**) S.I. 2008/3239 (W. 286), to which there are amendments not relevant to these Regulations.

(**2**) The responsible individual of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act")) is required to appoint a person to manage the regulated service, in this case a care home service provided wholly or mainly for persons aged 18 or over (*see* Part 1 of the 2016 Act). This requirement is set out in regulation 67 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager in appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). Social Care Wales (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.

**Rheoliadau Gofal Plant (Anghymhwyso) 2009**

**20.**—(1) Mae Rheoliadau Gofal Plant (Anghymhwyso) 2009(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn Atodlen 1 (gorchmynion etc. sy'n ymwneud â gofal plant), ar ôl paragraff 15, mewnosoder—

"**15A.** In relation to the registration of a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act")) which is provided wholly or mainly to persons under the age of 18—

(a) a refusal of P's application for registration under section 7 of the 2016 Act;

(b) a refusal under section 12 of the 2016 Act of P's application to vary P's registration (made in accordance with section 11(1)(a)(i) or (ii) of that Act);

(c) a cancellation of P's registration under section 15(1)(b) to (f) or 23(1) of the 2016 Act;

(d) a cancellation of the registration of any person under section 15(1)(b) to (f) or 23(1) of the 2016 Act in relation to a care home service provided wholly or mainly to persons under the age of 18 in which P has been concerned in the management, or in which P had any financial interest;

(e) a variation of P's registration under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act; or

(f) a refusal of P's application for registration or cancellation of P's registration under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.".

(3) Yn Atodlen 3 (troseddau penodedig), ym mharagraff 1 (troseddau yng Nghymru a Lloegr), ar ôl is-baragraff (3), mewnosoder—

"(4) An offence in relation to a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act")) provided wholly or mainly to persons under the age of 18 under or by virtue of any of the following provisions of the 2016 Act—

(**1**) O.S. 2009/1547, y mae offerynnau diwygio iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

**The Childcare (Disqualification) Regulations 2009**

**20.**—(1) The Childcare (Disqualification) Regulations 2009(**1**) are amended as follows.

(2) In Schedule 1 (orders etc. relating to the care of children), after paragraph 15, insert—

"**15A.** In relation to the registration of a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act")) which is provided wholly or mainly to persons under the age of 18—

(a) a refusal of P's application for registration under section 7 of the 2016 Act;

(b) a refusal under section 12 of the 2016 Act of P's application to vary P's registration (made in accordance with section 11(1)(a)(i) or (ii) of that Act);

(c) a cancellation of P's registration under section 15(1)(b) to (f) or 23(1) of the 2016 Act;

(d) a cancellation of the registration of any person under section 15(1)(b) to (f) or 23(1) of the 2016 Act in relation to a care home service provided wholly or mainly to persons under the age of 18 in which P has been concerned in the management, or in which P had any financial interest;

(e) a variation of P's registration under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act; or

(f) a refusal of P's application for registration or cancellation of P's registration under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.".

(3) In Schedule 3 (specified offences), in paragraph 1 (offences in England and Wales), after sub-paragraph (3), insert—

"(4) An offence in relation to a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act")) provided wholly or mainly to persons under the age of 18 under or by virtue of any of the following provisions of the 2016 Act—

(**1**) S.I. 2009/1547, to which there are amending instruments not relevant to these Regulations.

(a) section 5 (requirement to register);

(b) section 43 (failure to comply with a condition);

(c) section 44 (false descriptions);

(d) section 45 (failure by service provider to comply with requirements in regulations); or

(e) section 47 (false statements).”.

**Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Lloegr) 2010**

**21.**—(1) Mae Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Lloegr) 2010(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli)—

(a) yn y diffiniad o “appropriate person”, ym mharagraff (c), ar ôl “Care Standards Act 2000”, mewnosoder “or, who is registered as the service provider under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,”;

(b) yn y diffiniad o “registered manager”, ar ôl “Care Standards Act 2000”, mewnosoder “or with Social Care Wales(**2**)”.

(3) Yn rheoliad 6 (trefniadau ar gyfer gofalu am blentyn), ym mharagraff (3)(e), ar ôl “Care Standards Act 2000”, mewnosoder “or, who is registered as the service provider under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

(4) Yn rheoliad 28 (amlder yr ymweliadau), ym mharagraff (7)(b), ar ôl “or agencies)” mewnosoder “or under section 39 of the Regulation and Inspection of Social Care (Wales) Act 2016 (notifying local authorities of certain action under this Part)”.

(**1**) O.S. 2010/959, yr offerynnau diwygio perthnasol yw O.S. 2011/581, 2013/706 a 2015/495.

(**2**) Mae’n ofynnol i unigolyn cyfrifol gwasanaeth rheoleiddiedig (o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (“Deddf 2016”)) benodi person i reoli’r gwasanaeth rheoleiddiedig, yn yr achos hwn wasanaeth llety diogel (*gweler* Rhan 1 o Ddeddf 2016 ac Atodlen 1 iddi), y cyfeirir ato yn y Rheoliadau hyn fel “cartref diogel i blant”. Mae’r gofyniad hwn wedi ei nodi yn rheoliad 67 o Reoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017 (dyletswydd i benodi rheolwr) ac mae’n ofynnol i reolwr sydd wedi ei benodi yn unol â’r ddarpariaeth hon gael ei gofrestru â Gofal Cymdeithasol Cymru (*gweler* rheoliad 35(2)(e) o’r Rheoliadau hynny (addasrwydd staff)). Mae i Ofal Cymdeithasol Cymru (Social Care Wales) yr ystyr a roddir gan adran 67 o Ddeddf 2016.

(a) section 5 (requirement to register);

(b) section 43 (failure to comply with a condition);

(c) section 44 (false descriptions);

(d) section 45 (failure by service provider to comply with requirements in regulations); or

(e) section 47 (false statements).”.

**Care Planning, Placement and Case Review (England) Regulations 2010**

**21.**—(1) The Care Planning, Placement and Case Review (England) Regulations 2010(**1**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “appropriate person”, in paragraph (c), after “Care Standards Act 2000”, insert “or, who is registered as the service provider under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,”;

(b) in the definition of “registered manager”, after “Care Standards Act 2000”, insert “or with Social Care Wales(**2**)”.

(3) In regulation 6 (arrangements for looking after a child), in paragraph (3)(e), after “Care Standards Act 2000”, insert “or, who is registered as the service provider under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

(4) In regulation 28 (frequency of visits), in paragraph (7)(b), after “or agencies)” insert “or under section 39 of the Regulation and Inspection of Social Care (Wales) Act 2016 (notifying local authorities of certain action under this Part)”.

(**1**) S.I. 2010/959, relevant amending instruments are S.I. 2011/581, 2013/706 and 2015/495.

(**2**) The responsible individual of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) is required to appoint a person to manage the regulated service, in this case a secure accommodation service (*see* Part 1 of and Schedule 1 to the 2016 Act), which is referred to in these Regulations as a “secure children’s home”. This requirement is set out in regulation 67 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager in appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). Social Care Wales (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.

**Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwyso) (Cymru) 2010**

**22.**—(1) Mae Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwyso) (Cymru) 2010(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn Atodlen 1 (gorchmynion etc mewn perthynas â gofal plant), ar ôl paragraff 16 mewnosoder—

"**16A.** Mewn perthynas â chofrestru gwasanaeth cartref gofal (o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("Deddf 2016")) a ddarperir yn gyfan gwbl neu'n bennaf i bersonau sydd o dan 18 oed—

(a) gwrthod cais gan P i gofrestru o dan adran 7 o Ddeddf 2016;

(b) gwrthod cais gan P o dan adran 12 o Ddeddf 2016 i amrywio cofrestriad P (a wneir yn unol ag adran 11(1)(a)(i) neu (ii) o Ddeddf 2016);

(c) diddymu cofrestriad P o dan adran 15(1)(b) i (f) neu 23(1) o Ddeddf 2016;

(ch) diddymu cofrestriad unrhyw berson o dan adran 15(1)(b) i (f) neu 23(1) o Ddeddf 2016 mewn perthynas â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i bersonau sydd o dan 18 oed y bu P yn ymwneud â'i reoli neu y bu gan P fuddiant ariannol ynddo;

(d) amrywio cofrestriad P o dan adran 13(3)(b) neu (4)(b) neu 23(1) o Ddeddf 2016; neu

(dd) gwrthod cais P i gofrestru neu ddiddymu cofrestriad P o dan Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Ansawdd, Gwella a Rheoleiddio) (Gogledd Iwerddon) 2003.".

(3) Yn Atodlen 3 (tramgwyddau penodedig), ym mharagraff 1 (tramgwyddau yng Nghymru a Lloegr), ar ôl is-baragraff (4) mewnosoder—

(**1**) O.S. 2010/1703 (Cy. 163), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

**Child Minding and Day Care (Disqualification) (Wales) Regulations 2010**

**22.**—(1) The Child Minding and Day Care (Disqualification) (Wales) Regulations 2010(**1**) are amended as follows.

(2) In Schedule 1 (orders etc relating to the care of children), after paragraph 16 insert—

"**16A.** In relation to the registration of a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act")) which is provided wholly or mainly to persons under the age of 18—

(a) a refusal of P's application for registration under section 7 of the 2016 Act;

(b) a refusal under section 12 of the 2016 Act of P's application to vary P's registration (made in accordance with section 11(1)(a)(i) or (ii) of the 2016 Act);

(c) a cancellation of P's registration under section 15(1)(b) to (f) or 23(1) of the 2016 Act;

(d) a cancellation of the registration of any person under section 15(1)(b) to (f) or 23(1) of the 2016 in relation to a care home service provided wholly or mainly to persons under the age of 18 in which P has been concerned in the management, or in which P had any financial interest;

(e) a variation of P's registration under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act; or

(f) a refusal of P's application for registration or cancellation of P's registration under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.".

(3) In Schedule 3 (specified offences), in paragraph 1 (offences in England and Wales), after sub-paragraph (4) insert—

(**1**) S.I. 2010/1703 (W. 163), to which there are amendments not relevant to these Regulations.

"(5) Tramgwydd mewn perthynas â gwasanaeth cartref gofal (o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("Deddf 2016")) a ddarperir yn gyfan gwbl neu'n bennaf i bersonau sydd o dan 18 oed o dan neu yn rhinwedd unrhyw un o ddarpariaethau canlynol Deddf 2016—

(a) adran 5 (gofyniad i gofrestru);

(b) adran 43 (methiant i gydymffurfio ag amod);

(c) adran 44 (disgrifiadau anwir);

(ch) adran 45 (methiant gan ddarparwr gwasanaeth i gydymffurfio â gofynion mewn rheoliadau); neu

(d) adran 47 (datganiadau anwir).".

**Rheoliadau Adeiladu 2010**

**23.**—(1) Mae Rheoliadau Adeiladu 2010(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 37A (darparu systemau llethu tân awtomatig), ym mharagraff (1)(a), yn lle'r geiriau "as defined" hyd at y diwedd rhodder "means places at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, are provided wholly or mainly to persons aged 18 or over".

**Rheoliadau Ymweliadau â Phlant dan Gadwad a fu'n Derbyn Gofal (Lloegr) 2010**

**24.**—(1) Mae Rheoliadau Ymweliadau â Phlant dan Gadwad a fu'n Derbyn Gofal (Lloegr) 2010(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli)—

(a) yn y diffiniad o "registered manager", yn lle "as a manager of that home" rhodder "or with Social Care Wales(**3**) as a manager of that home";

(**1**) O.S. 2010/2214. Mewnosodwyd rheoliad 37A gan O.S. 2013/2730 (Cy. 264).

(**2**) O.S. 2010/2797, fel y'i diwygiwyd gan O.S. 2013/706; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(**3**) Mae'n ofynnol i unigolyn cyfrifol gwasanaeth rheoleiddiedig (o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("Deddf 2016")) benodi person i reoli'r gwasanaeth rheoleiddiedig, yn yr achos hwn wasanaeth llety diogel (*gweler* Rhan 1 o Ddeddf 2016 ac Atodlen 1 iddi), y cyfeirir ato yn y Rheoliadau hyn fel "cartref diogel i blant". Mae'r gofyniad hwn wedi ei nodi yn rheoliad 67 o Reoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017 (dyletswydd i benodi rheolwr) ac mae'n ofynnol i reolwr sydd wedi ei benodi yn unol â'r ddarpariaeth hon gael ei gofrestru â Gofal Cymdeithasol Cymru (*gweler* rheoliad 35(2)(e) o'r Rheoliadau hynny (addasrwydd staff)). Mae i Ofal Cymdeithasol Cymru (Social Care Wales) yr ystyr a roddir gan adran 67 o Ddeddf 2016.

"(5) An offence in relation to a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (the 2016 Act)) provided wholly or mainly to persons under the age of 18 under or by virtue of any of the following provisions of the 2016 Act—

(a) section 5 (requirement to register);

(b) section 43 (failure to comply with a condition);

(c) section 44 (false descriptions);

(d) section 45 (failure by service provider to comply with requirements in regulations); or

(e) section 47 (false statements).".

**Building Regulations 2010**

**23.**—(1) The Building Regulations 2010(**1**) are amended as follows.

(2) In regulation 37A (provision of automatic fire suppression systems), in paragraph (1)(a), for the words "as defined" to the end substitute "means places at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, are provided wholly or mainly to persons aged 18 or over".

**Visits to Former Looked After Children in Detention (England) Regulations 2010**

**24.**—(1) The Visits to Former Looked After Children in Detention (England) Regulations 2010(**2**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of "registered manager", for "as a manager of that home" substitute "or with Social Care Wales(**3**) as a manager of that home";

(**1**) S.I. 2010/2214. Regulation 37A was inserted by S.I. 2013/2730 (W. 264).

(**2**) S.I. 2010/2797, as amended by S.I. 2013/706; there are other amending instruments but none are relevant.

(**3**) The responsible individual of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act")) is required to appoint a person to manage the regulated service, in this case a secure accommodation service (*see* Part 1 of and Schedule 1 to the 2016 Act), which is referred to in these Regulations as a "secure children's home". This requirement is set out in regulation 67 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). Social Care Wales (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.

(b) yn y diffiniad o “secure children’s home”—

(i) ar ôl “a children’s home” mewnosoder “in England”,

(ii) ar ôl “Care Standards Act 2000”, mewnosoder “or premises in Wales at which a secure accommodation service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided and in respect of which a person is registered under Part 1 of that Act”.

**Gorchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) 2010**

**25.**—(1) Mae Gorchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) 2010(**1**) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 11 (eithriadau gofal dydd i blant), yn lle “y gofelir amdano” hyd at y diwedd rhodder “sy’n cael gwasanaeth cartref gofal, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, mewn lle y darperir gwasanaethau o’r fath ynddo yn gyfan gwbl neu’n bennaf i blant ac y mae person wedi ei gofrestru o dan Ran 1 o’r Ddeddf honno mewn cysylltiad ag ef”.

(3) Yn erthygl 12—

(a) ym mharagraff (a), yn lle “cartref gofal” rhodder “lle y darperir gwasanaeth cartref gofal ynddo, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, yn gyfan gwbl neu’n bennaf i bersonau sy’n 18 oed neu drosodd”;

(b) ym mharagraff (c), yn lle “canolfan breswyl i deuluoedd” rhodder “lle y darperir gwasanaeth canolfan breswyl i deuluoedd ynddo, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016”.

**Rheoliadau Trefniadau ar gyfer Lleoli Plant gan Sefydliadau Gwirfoddol ac Eraill (Lloegr) 2011**

**26.**—(1) Mae Rheoliadau Trefniadau ar gyfer Lleoli Plant gan Sefydliadau Gwirfoddol ac Eraill (Lloegr) 2011(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3 (cymhwyso’r Rheoliadau)—

(a) ar ôl “school” mewnosoder “in England”;

(**1**) O.S. 2010/2839 (Cy. 233), y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn

(**2**) O.S. 2011/582, y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(b) in the definition of “secure children’s home”—

(i) after “a children’s home” insert “in England”,

(ii) after “Care Standards Act 2000”, insert “or premises in Wales at which a secure accommodation service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided and in respect of which a person is registered under Part 1 of that Act”.

**Child Minding and Day Care Exceptions (Wales) Order 2010**

**25.**—(1) The Child Minding and Day Care Exceptions (Wales) Order 2010(**1**) is amended as follows.

(2) In article 11 (day care for children exceptions), for “cared for” to the end substitute “who receives a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, at a place where such services are provided wholly or mainly to children and in respect of which a person is registered under Part 1 of that Act”.

(3) In article 12—

(a) in paragraph (a), for “care home” substitute “place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over”;

(b) in paragraph (c), for “residential family centre” substitute “place at which a residential family centre service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided”.

**Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011**

**26.**—(1) The Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011(**2**) are amended as follows.

(2) In regulation 3 (application of Regulations)—

(a) after “school” insert “in England”;

(**1**) S.I. 2010/2839 (W. 233), to which there are amendments not relevant to these Regulations.

(**2**) S.I. 2011/582, to which there are amendments not relevant to these Regulations.

(b) ar ôl “the 2000 Act”, mewnosoder “or in a school in Wales at which a care home service, within the meaning of Part 1 of and paragraph 1(3) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, is provided”.

**Gorchymyn Etholiadau Comisiynwyr Heddlu a Throseddu 2012**

**27.**—(1) Mae Gorchymyn Etholiadau Comisiynwyr Heddlu a Throseddu 2012(**1**) wedi ei ddiwygio fel a ganlyn.

(2) Yn Atodlen 2 (pleidlais absennol mewn etholiadau comisiynwyr heddlu a throseddu), ym mharagraff 15(2) (gofynion ychwanegol y cyfeirir atynt ym mharagraff 14(4)), ar ôl paragraff (j) mewnosoder—

“(ja) the person registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a care home service (within the meaning of that Act) provided wholly or mainly to persons aged 18 or over where the applicant states that he or she is resident at a place where that service is provided;”.

**Rheoliadau Cynllun Gostyngiadau’r Dreth Gyngor (Gofynion Rhagnodedig) (Lloegr) 2012**

**28.**—(1) Mae Rheoliadau Cynllun Gostyngiadau’r Dreth Gyngor (Gofynion Rhagnodedig) (Lloegr) 2012(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli), yn y diffiniad o “care home”—

(a) yn union cyn “has the meaning”, mewnosoder “in England”;

(b) ar y diwedd, mewnosoder “, and in Wales means a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, which is provided wholly or mainly to adults”.

(**1**) O.S. 2012/1917, fel y’i diwygiwyd gan O.S. 2017/52 (Cy. 52); mae offerynnau diwygio eraill nad ydynt yn berthnasol i’r Rheoliadau hyn.

(**2**) O.S. 2012/2885, y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(b) after “the 2000 Act”, insert “or in a school in Wales at which a care home service, within the meaning of Part 1 of and paragraph 1(3) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, is provided”.

**Police and Crime Commissioner Elections Order 2012**

**27.**—(1) The Police and Crime Commissioner Elections Order 2012(**1**) is amended as follows.

(2) In Schedule 2 (absent voting in PCC elections), in paragraph 15(2) (additional requirements referred to in paragraph 14(4)), after paragraph (j) insert—

“(ja) the person registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a care home service (within the meaning of that Act) provided wholly or mainly to persons aged 18 or over where the applicant states that he or she is resident at a place where that service is provided;”.

**Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012**

**28.**—(1) The Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012(**2**) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “care home”—

(a) immediately before “has the meaning”, insert “in England”;

(b) at the end, insert “, and in Wales means a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, which is provided wholly or mainly to adults”.

(**1**) S.I. 2012/1917, as amended by S.I. 2017/52 (W. 52); there are other amending instruments which are not relevant to these Regulations.

(**2**) S.I. 2012/2885, to which there are amendments not relevant to these Regulations.

**Rheoliadau Bwrdd Comisiynu a Grwpiau Comisiynu Clinigol y Gwasanaeth Iechyd Gwladol (Cyfrifoldebau a Rheolau Sefydlog) 2012**

**29.**—(1) Mae Rheoliadau Bwrdd Comisiynu a Grwpiau Comisiynu Clinigol y Gwasanaeth Iechyd Gwladol (Cyfrifoldebau a Rheolau Sefydlog) 2012(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli), yn y diffiniad o "secure children's home", ar y diwedd, mewnosoder ", or premises in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide a secure accommodation service within the meaning of Part 1 of and Schedule 1 to that Act".

(3) Yn Atodlen 1 (personau ychwanegol y mae gan grŵp comisiynu clinigol gyfrifoldeb drosto), ym mharagraff 1—

(a) yn lle'r diffiniad o ""care home" and "children's home"" rhodder—

""care home"—

(a) in England, has the same meaning as in the Care Standards Act 2000, and

(b) in Wales, means a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, which is provided wholly or mainly to adults;" ;

(b) yn y lle priodol mewnosoder—

""children's home"—

(a) in England, has the same meaning as in the Care Standards Act 2000, and

(b) in Wales, means a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, which is provided wholly or mainly to children;".

**Rheoliadau Gweithdrefn Sylwadau (Cymru) 2014**

**30.**—(1) Mae Rheoliadau Gweithdrefn Sylwadau (Cymru) 2014(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 12(5) (materion sy'n ddarostyngedig i ystyriaeth gydredol), yn lle "22" rhodder "22A".

(**1**) O.S. 2012/2996, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**2**) O.S. 2014/1795 (Cy. 188), fel y'i diwygiwyd gan O.S. 2016/211 (Cy. 84); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

**National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012**

**29.**—(1) The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(**1**) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of "secure children's home", at the end, insert ", or premises in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide a secure accommodation service within the meaning of Part 1 of and Schedule 1 to that Act".

(3) In Schedule 1 (additional persons for whom a CCG has responsibility), in paragraph 1—

(a) for the definition of ""care home" and "children's home"" substitute—

""care home"—

(a) in England, has the same meaning as in the Care Standards Act 2000, and

(b) in Wales, means a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, which is provided wholly or mainly to adults;" ;

(b) in the appropriate place insert—

""children's home"—

(a) in England, has the same meaning as in the Care Standards Act 2000, and

(b) in Wales, means a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, which is provided wholly or mainly to children;".

**Representations Procedure (Wales) Regulations 2014**

**30.**—(1) The Representations Procedure (Wales) Regulations 2014(**2**) are amended as follows.

(2) In regulation 12(5) (matters subject to concurrent consideration), for "22" substitute" "22A".

(**1**) S.I. 2012/2996, to which there are amendments not relevant to these Regulations.
(**2**) S.I. 2014/1795 (W. 188), as amended by S.I. 2016/211 (W. 84); there are other amending instruments but none are relevant.

(3) Yn rheoliad 15(3) (sylwadau a wneir gan "bersonau eraill" o dan adran 174(1)(b) neu (c), (3)(f), (4)(d) a (5)(b) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014), yn lle "22" rhodder "22A".

(4) Ar ôl rheoliad 22 (trin sylwadau ynghylch safonau gofal), mewnosoder—

"**Trin sylwadau ynghylch gwasanaethau rheoleiddiedig**

**22A.**—(1) Ac eithrio pan fo paragraff (2) yn gymwys, mewn unrhyw achos pan fo sylwadau'n ymwneud, yn gyfan gwbl neu'n rhannol, â gwasanaeth rheoleiddiedig, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, rhaid i'r awdurdod lleol sy'n cael y sylwadau hynny, o fewn 2 ddiwrnod gwaith ar ôl eu cael—

(a) anfon manylion am y sylwadau cyfain neu'r rhan honno ohonynt sy'n ymwneud â'r gwasanaeth rheoleiddiedig at y person a gofrestrwyd gan Weinidogion Cymru fel y darparwr gwasanaeth mewn cysylltiad â'r gwasanaeth rheoleiddiedig hwnnw;

(b) gofyn i'r darparwr gwasanaeth, yr anfonir manylion ato o dan is-baragraff (a), roi gwybod i'r awdurdod, o fewn 10 diwrnod gwaith ei fod wedi cael canlyniad yr ystyriaeth o'r sylwadau; ac

(c) rhoi gwybod i'r person sy'n gwneud y sylwadau am y camau a gymerwyd o dan is-baragraffau (a) a (b).

(2) Mae'r paragraff hwn yn gymwys pan fo—

(a) sylwadau eisoes wedi eu hystyried gan y darparwr gwasanaeth; neu

(b) yr awdurdod lleol o'r farn y byddai gweithredu o dan baragraff (1) yn debygol o beryglu neu ragfarnu ymchwiliad gan Weinidogion Cymru.

(3) Mewn unrhyw achos pan fo sylwadau'n ymwneud, yn gyfan gwbl neu'n rhannol, â gwasanaethau a ddarperir gan wasanaeth rheoleiddiedig y cofrestrwyd person mewn cysylltiad ag ef gan Weinidogion Cymru, rhaid i'r awdurdod lleol hysbysu Gweinidogion Cymru os na fu'n bosibl datrys y sylwadau o dan reoliad 17.".

(3) In regulation 15(3) (representations made by "other persons" under section 174(1)(b) or (c), (3)(f), (4)(d) and (5)(b) of the Social Services and Well-being (Wales) Act 2014), for "22" substitute "22A".

(4) After regulation 22 (handling of care standards representations), insert—

"**Handling of regulated services representations**

**22A.**—(1) Except where paragraph (2) applies, in any case where representations relate wholly or partly to a regulated service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, the local authority receiving such representations must, within 2 working days of receipt—

(a) send details of the whole of the representations or that part of any representation which relates to the regulated service to the person registered by the Welsh Ministers as the service provider in respect of that regulated service;

(b) request the service provider to whom the details are sent under sub-paragraph (a) to notify the authority within 10 working days of receipt of the outcome of its consideration of the representations; and

(c) inform the person making the representations of the action taken under sub-paragraphs (a) and (b).

(2) This paragraph applies where—

(a) representations have already been considered by the service provider; or

(b) the local authority is of the opinion that to proceed under paragraph (1) would be likely to compromise or prejudice an investigation by the Welsh Ministers.

(3) In any case where representations relate wholly or partly to services provided by a regulated service in respect of which a person is registered by the Welsh Ministers, the local authority must notify the Welsh Ministers if it has not been possible to resolve the representations under regulation 17.".

**Rheoliadau Gofal a Chymorth (Taliadau Uniongyrchol) 2014**

**31.**—(1) Mae Rheoliadau Gofal a Chymorth (Taliadau Uniongyrchol) 2014(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(3) (enwi, cychwyn a dehongli), yn y diffiniad o "care home", ar y diwedd mewnosoder ", or a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults".

**Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) 2015**

**32.**—(1) Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) 2015(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 11(3) (esemptiad rhag ffioedd ar gyfer carcharorion a phersonau sydd wedi eu cadw'n gaeth mewn llety diogel arall), yn y diffiniad o "other secure accommodation"—

(a) ar ôl paragraff (b) hepgorer "or";

(b) ar ôl paragraff (c) mewnosoder—

"or

(d) premises at which a secure accommodation service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided;".

**Rheoliadau'r Comisiwn Ansawdd Gofal (Aelodaeth) 2015**

**33.**—(1) Mae Rheoliadau'r Comisiwn Ansawdd Gofal (Aelodaeth) 2015(**3**) wedi eu diwygio fel a ganlyn.

(2) Yn yr Atodlen (y seiliau dros anghymhwyso), ar ôl paragraff 23, mewnosoder—

"**23A.**—(1) Unless sub-paragraph (2) applies, the person's registration as a provider of a regulated service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act"), has been—

(a) cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act; or

(**1**) O.S. 2014/2871, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) O.S. 2015/570, fel y'i diwygiwyd gan O.S. 2013/261 a 2014/452; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(**3**) O.S. 2015/1479.

**Care and Support (Direct Payments) Regulations 2014**

**31.**—(1) The Care and Support (Direct Payments) Regulations 2014(**1**) are amended as follows.

(2) In regulation 1(3) (citation, commencement and interpretation), in the definition of "care home", at the end insert ", or a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults".

**National Health Service (Charges for Drugs and Appliances) Regulations 2015**

**32.**—(1) The National Health Service (Charges for Drugs and Appliances) Regulations 2015(**2**) are amended as follows.

(2) In regulation 11(3) (exemption from charges for prisoners and persons detained in other secure accommodation), in the definition of "other secure accommodation"—

(a) after paragraph (b) omit "or";

(b) after paragraph (c) insert—

"or

(d) premises at which a secure accommodation service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided;".

**Care Quality Commission (Membership) Regulations 2015**

**33.**—(1) The Care Quality Commission (Membership) Regulations 2015(**3**) are amended as follows.

(2) In the Schedule (grounds for disqualification), after paragraph 23, insert—

"**23A.**—(1) Unless sub-paragraph (2) applies, the person's registration as a provider of a regulated service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act"), has been—

(a) cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act; or

(**1**) S.I. 2014/2871, to which there are amendments not relevant to these Regulations.

(**2**) S.I. 2015/570, as amended by S.I. 2013/261 and 2014/452; there are other amending instruments but none are relevant.

(**3**) S.I. 2015/1479.

(b) varied under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act.

(2) Paragraph (1) does not apply where—

(a) the decision to cancel or vary has been subject to a direction of the Tribunal under section 26(4)(b) of the 2016 Act;

(b) the cancellation was only by reason of an application for cancellation having been made by the provider of a regulated service pursuant to section 14 of the 2016 Act; or

(c) the variation was only by reason of an application for variation having been made by the provider of a regulated service pursuant to section 11 of the 2016 Act.”.

**Rheoliadau Gofal a Chymorth (Preswylfa Arferol) (Llety Penodedig) (Cymru) 2015**

**34.**—(1) Mae Rheoliadau Gofal a Chymorth (Preswylfa Arferol) (Llety Penodedig) (Cymru) 2015(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(3) (enwi, cychwyn, cymhwyso a dehongli), yn y diffiniad o “llety cartref gofal” (“*care home accommodation*”), yn lle “mewn cartref gofal” hyd at y diwedd rhodder “mewn lle y darperir gwasanaeth cartref gofal ynddo, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, yn gyfan gwbl neu’n bennaf i oedolion”.

**Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015**

**35.**—(1) Mae Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli)—

(a) yn y diffiniad o “person priodol” (“*appropriate person*”), ym mharagraff (c), ar ôl “Ddeddf Safonau Gofal 2000” mewnosoder “neu’r person sydd wedi ei gofrestru o dan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016”;

(b) yn y diffiniad o “gweithiwr dolen gyswllt” (“*link worker*”), yn lle “Rheoliadau Cartrefi Plant (Cymru) 2002” rhodder “Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017”;

(**1**) O.S. 2015/1499 (Cy. 171).
(**2**) O.S. 2015/1818 (Cy. 261).

(b) varied under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act.

(2) Paragraph (1) does not apply where—

(a) the decision to cancel or vary has been subject to a direction of the Tribunal under section 26(4)(b) of the 2016 Act;

(b) the cancellation was only by reason of an application for cancellation having been made by the provider of a regulated service pursuant to section 14 of the 2016 Act; or

(c) the variation was only by reason of an application for variation having been made by the provider of a regulated service pursuant to section 11 of the 2016 Act.”.

**Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 2015**

**34.**—(1) The Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 2015(**1**) are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), in the definition of “care home accommodation” (“*llety cartref gofal*”), for “in a care home” to the end substitute “at a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults”.

**Care Planning, Placement and Case Review (Wales) Regulations 2015**

**35.**—(1) The Care Planning, Placement and Case Review (Wales) Regulations 2015(**2**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “appropriate person” (“*person priodol*”), in paragraph (c), after “Care Standards Act 2000” insert “or the person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”;

(b) in the definition of “link worker” (“*gweithiwr dolen gyswllt*”), for “Children’s Homes (Wales) Regulations 2002” substitute “Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017”;

(**1**) S.I. 2015/1499 (W. 171).
(**2**) S.I. 2015/1818 (W. 261).

(c) yn y diffiniad o "rheolwr cofrestredig" ("*registered manager*"), ar ôl "Ddeddf Safonau Gofal 2000", mewnosoder "neu gyda Gofal Cymdeithasol Cymru"(**1**).

(3) Yn rheoliad 6 (paratoad a chynnwys y cynllun gofal a chymorth), ym mharagraff (3)(e), ar ôl "Ddeddf Safonau Gofal 2000", mewnosoder "neu'r person sydd wedi ei gofrestru o dan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016".

(4) Yn rheoliad 31(7)(b) (amlder yr ymweliadau), ar ôl "sefydliadau neu asiantaethau penodol)" mewnosoder "neu o dan adran 39 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (hysbysu awdurdodau lleol am gamau penodol a gymerir o dan y rhan hon)".

**Rheoliadau Ymweliadau â Phlant dan Gadwad (Cymru) 2015**

**36.**—(1) Mae Rheoliadau Ymweliadau â Phlant dan Gadwad (Cymru) 2015(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 8(3)(c) yn lle "reolwr cofrestredig" rhodder "reolwr"(**3**).

(c) in the definition of "registered manager" ("*rheolwr cofrestredig*"), after "Care Standards Act 2000", insert "or with Social Care Wales"(**1**).

(3) In regulation 6 (preparation and content of the care and support plan), in paragraph (3)(e), after "Care Standards 2000", insert "or the person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016".

(4) In regulation 31(7)(b) (frequency of visits), after "establishments or agencies)" insert "or under section 39 of the Regulation and Inspection of Social Care (Wales) Act 2016 (notifying local authorities of certain action under this part)".

**Visits to Children in Detention (Wales) Regulations 2015**

**36.**—(1) The Visits to Children in Detention (Wales) Regulations 2015(**2**) are amended as follows.

(2) In regulation 8(3)(c) for "registered manager" substitute "manager"(**3**).

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(**1**) Mae'n ofynnol i unigolyn cyfrifol gwasanaeth rheoleiddiedig (o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) ("Deddf 2016")) benodi person i reoli'r gwasanaeth rheoleiddiedig, yn yr achos hwn wasanaeth llety diogel (gweler Rhan 1 o Ddeddf 2016 ac Atodlen 1 iddi), y cyfeirir ato yn y Rheoliadau hyn fel "cartref diogel i blant". Mae'r gofyniad hwn wedi ei nodi yn rheoliad 67 o Reoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017 (dyletswydd i benodi rheolwr) ac mae'n ofynnol i reolwr sydd wedi ei benodi yn unol â'r ddarpariaeth hon gael ei gofrestru â Gofal Cymdeithasol Cymru (gweler rheoliad 35(2)(e) o'r Rheoliadau hynny (addasrwydd staff)). Mae i "Gofal Cymdeithasol Cymru" (Social Care Wales) yr ystyr a roddir gan adran 67 o Ddeddf 2016.

(**2**) O.S. 2015/1823 (Cy. 265).

(**3**) Mae'n ofynnol i unigolyn cyfrifol gwasanaeth rheoleiddiedig (o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) ("Deddf 2016")) benodi person i reoli'r gwasanaeth rheoleiddiedig, yn yr achos hwn wasanaeth llety diogel (gweler Rhan 1 o Ddeddf 2016 ac Atodlen 1 iddi), sy'n un o'r lleoliadau y cyfeirir atynt yn y Rheoliadau hyn fel "sefydliad" (gweler y diffiniad yn rheoliad 2(1) o'r Rheoliadau hyn a hefyd adran 188 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4) i gael y diffiniad o "llety cadw ieuenctid"). Mae'r gofyniad hwn wedi ei nodi yn rheoliad 67 o Reoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017 (dyletswydd i benodi rheolwr) ac mae'n ofynnol i reolwr sydd wedi ei benodi yn unol â'r ddarpariaeth hon gael ei gofrestru â Gofal Cymdeithasol Cymru (gweler rheoliad 35(2)(e) o'r Rheoliadau hynny (addasrwydd staff)). Mae i Ofal Cymdeithasol Cymru (Social Care Wales) yr ystyr a roddir gan adran 67 o Ddeddf 2016.

(**1**) The responsible individual of a regulated service (within the meaning of part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) ("the 2016 Act")) is required to appoint a person to manage the regulated service, in this case a secure accommodation service (*see* Part 1 of and Schedule 1 to the 2016 Act), which is referred in these Regulations as a "secure children's home". This requirement is set out in regulation 67 of the Regulated Service (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). "Social Care Wales" (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.

(**2**) S.I. 2015/1823 (W. 265).

(**3**) The responsible individual of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) ("the 2016 Act")) is required to appoint a person to manage the regulated service, in this case a secure accommodation service (*see* Part 1 of and Schedule 1 to the 2016 Act), which is one of the settings referred to in these Regulations as "an institution" (see definition in regulation 2(1) of these Regulations and also section 188 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) for the definition of "youth detention accommodation"). This requirement is set out in regulation 67 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). Social Care Wales (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.

**Rheoliadau Gofal a Chymorth (Dewis o Lety) (Cymru) 2015**

**37.**—(1) Mae Rheoliadau Gofal a Chymorth (Dewis o Lety) (Cymru) 2015(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(3) (enwi, cychwyn, cymhwyso a dehongli), yn y diffiniad o "llety cartref gofal" ("*care home accommodation*")—

(a) cyn paragraff (a), mewnosoder—

"(za) llety yng Nghymru mewn man y darperir gwasanaeth cartref gofal ynddo, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, yn gyfan gwbl neu'n bennaf i oedolion;";

(b) ym mharagraff (a), yn lle "yng Nghymru neu Loegr" rhodder "yn Lloegr".

**Rheoliadau Gofal a Chymorth (Methiant Busnes) (Cymru) 2015**

**38.**—(1) Mae Rheoliadau Gofal a Chymorth (Methiant Busnes) (Cymru) 2015(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(3) (enwi, cychwyn, cymhwyso a dehongli), yn y diffiniad o "darparwr" ("*a provider*"), ar ôl "wedi ei gofrestru o dan" mewnosoder "Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 mewn cysylltiad â gwasanaeth rheoleiddiedig (o fewn ystyr y Ddeddf honno), neu berson sydd wedi ei gofrestru o dan".

**Rheoliadau Trefniadau Partneriaeth (Cymru) 2015**

**39.**—(1) Mae Rheoliadau Trefniadau Partneriaeth (Cymru) 2015(**3**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 11(4) (aelodaeth o fyrddau partneriaeth rhanbarthol) yn lle'r diffiniad o "darparwr gofal" ("*care provider*") rhodder—

"ystyr "darparwr gofal" ("*care provider*") yw—

(a) person sydd wedi ei gofrestru o dan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 i ddarparu gwasanaeth rheoleiddiedig (o fewn ystyr y Ddeddf honno), a

(**1**) O.S. 2015/1840 (Cy. 268), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**2**) O.S. 2015/1920 (Cy. 286).
(**3**) O.S. 2015/1989 (Cy. 299), fel y'i diwygiwyd gan O.S. 2017/491 (Cy. 103); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

**Care and Support (Choice of Accommodation) (Wales) Regulations 2015**

**37.**—(1) The Care and Support (Choice of Accommodation) (Wales) Regulations 2015(**1**) are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), in the definition of "care home accommodation" ("*llety cartref gofal*")—

(a) before paragraph (a), insert—

"(za) accommodation in Wales in a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults;";

(b) in paragraph (a), omit "Wales or".

**Care and Support (Business Failure) (Wales) Regulations 2015**

**38.**—(1) The Care and Support (Business Failure (Wales) Regulations 2015(**2**) are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), in the definition of "a provider" ("*darparwr*"), after "registered under" insert "Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service (within the meaning of that Act), or a person registered under".

**Partnership Arrangements (Wales) Regulations 2015**

**39.**—(1) The Partnership Arrangements (Wales) Regulations 2015(**3**) are amended as follows.

(2) In regulation 11(4) (membership of regional partnership boards) for the definition of "care provider" ("*darparwr gofal*") substitute—

""care provider" ("*darparwr gofal*") means—

(a) a person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide a regulated service (within the meaning of that Act), and

(**1**) S.I. 2015/1840 (W. 268), to which there are amendments not relevant to these Regulations.
(**2**) S.I. 2015/1920 (W. 286).
(**3**) S.I. 2015/1989 (W. 299), as amended by S.I. 2017/491 (W. 103); there are other amending instruments but none are relevant.

(b) person sydd wedi ei gofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000 mewn cysylltiad â sefydliad neu asiantaeth (o fewn ystyr y Ddeddf honno);".

(3) Yn rheoliad 19(2) (sefydlu a chynnal cronfeydd cyfun), yn lle'r diffiniad o "cartref gofal" ("*care home*") rhodder—

"ystyr "cartref gofal" ("*care home*") yw man y darperir gwasanaeth cartref gofal ynddo, o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016, yn gyfan gwbl neu'n bennaf i oedolion;".

(b) a person registered under Part 2 of the Care Standards Act 2000 in respect of a establishment or agency (within the meaning of that Act);".

(3) In regulation 19(2) (establishment and maintenance of pooled funds), for the definition of "care home" ("*cartref gofal*") substitute—

""care home" ("*cartref gofal*") means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults;".

## ATODLEN 2 — Rheoliad 3

## Dirymiadau

Mae'r offerynnau a ganlyn wedi eu dirymu.

| *Y Rheoliadau sydd wedi eu dirymu* | *Cyfeirnod* |
|---|---|
| Rheoliadau Cartrefi Gofal (Cymru) 2002 | O.S. 2002/324 (Cy. 37) |
| Rheoliadau Cartrefi Plant (Cymru) 2002 | O.S. 2002/327 (Cy. 40) |
| Rheoliadau Canolfannau Preswyl i Deuluoedd (Cymru) 2003 | O.S. 2003/781 (Cy. 92) |
| Rheoliadau Cartrefi Gofal (Diwygio) (Cymru) 2003 | O.S. 2003/947 (Cy. 128)[1] |
| Rheoliadau Cartrefi Gofal (Cymru) (Diwygio Rhif 2) 2003 | O.S. 2003/1004 (Cy. 144) |
| Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004 | O.S. 2004/219 (Cy. 23) |
| Rheoliadau Cartrefi Gofal (Cymru) (Diwygio) 2004 | O.S. 2004/1314 (Cy. 159) |
| Rheoliadau Cartrefi Plant (Cymru) (Diwygiadau Amrywiol) 2007 | O.S. 2007/311 (Cy. 28) |
| Rheoliadau Cartrefi Gofal (Cymru) (Diwygiadau Amrywiol) 2011 | O.S. 2011/1016 (Cy. 153) |
| Rheoliadau Asiantaethau Gofal Cartref (Cymru) (Diwygio) 2013 | O.S. 2013/225 (Cy. 22) |
| Rheoliadau Cartrefi Plant (Cymru) (Diwygio) 2017 | O.S. 2017/51 (Cy. 22) |

[1] Darfuwyd y Rheoliadau hyn i bob effaith wrth ddirymu O.S. 2002/324 (Cy. 37), rheoliad 19(6) drwy O.S. 2009/2541 (Cy. 205), rheoliad 11(1), (4)(dd), ag iddo effaith o 12 Hydref 2009.

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## SCHEDULE 2 — Regulation 3

## Revocations

The following instruments are revoked.

| *Regulations revoked* | *Reference* |
|---|---|
| Care Homes (Wales) Regulations 2002 | S.I. 2002/324 (W. 37) |
| Children's Homes (Wales) Regulations 2002 | S.I. 2002/327 (W. 40) |
| Residential Family Centres (Wales) Regulations 2003 | S.I. 2003/781 (W. 92) |
| Care Homes (Amendment) (Wales) Regulations 2003 | S.I. 2003/947 (W. 128)[1] |
| Care Homes (Wales) (Amendment No. 2) Regulations 2003 | S.I. 2003/1004 (W. 144) |
| Domiciliary Care Agencies (Wales) Regulations 2004 | S.I. 2004/219 (W. 23) |
| Care Home (Wales) (Amendment) Regulations 2004 | S.I. 2004/1314 (W. 159) |
| Children's Homes (Wales) (Miscellaneous Amendments) Regulations 2007 | S.I. 2007/311 (W. 28) |
| Care Homes (Wales) (Miscellaneous Amendments) Regulations 2011 | S.I. 2011/1016 (W. 153) |
| Domiciliary Care Agencies (Wales) (Amendment) Regulations 2013 | S.I. 2013/225 (W. 22) |
| Children's Homes (Wales) (Amendment) Regulations 2017 | S.I. 2017/51 (W. 22) |

[1] These Regulations were effectively spent on the revocation of S.I. 2002/324 (W. 37), regulation 19(6) by S.I. 2009/2541 (W. 205), regulation 11(1), (4)(f), with effect from 12 October 2009.

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# GOFAL CYMDEITHASOL, CYMRU A LLOEGR

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The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018


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