



*Gwnaed yr Offeryn Statudol hwn o ganlyniad i ddiffyg yn O.S. 2022/1066 (Cy. 224) ac fe'i dyroddir yn rhad ac am ddim i bawb y gwyddys iddynt gael yr Offeryn Statudol hwnnw.*

*This Statutory Instrument has been made in consequence of a defect in S.I. 2022/1066 (W. 224) and is being issued free of charge to all known recipients of that Statutory Instrument*

OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2022 Rhif 1188 (Cy. 244)**

**2022 No. 1188 (W. 244)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE, WALES**

**Rheoliadau Gwarchod Plant a Gofal  
Dydd (Anghymhwysu) (Rhif 2)  
(Cymru) 2022**

**The Child Minding and Day Care  
(Disqualification) (No. 2) (Wales)  
Regulations 2022**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn disodli Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwysu) (Cymru) 2022 (O.S. 2022/1066) (Cy. 224) ("Rheoliadau 2022"). Mae'r Rheoliadau hyn yn nodi'r categorïau o bersonau sydd wedi eu hanghymhwysu rhag cofrestru yng Nghymru yn warchodwyr plant neu'n ddarparwyr gofal dydd o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010 (mccc 1) ("y Mesur").

Ni chaiff personau sydd wedi eu hanghymhwysu o dan y Rheoliadau hyn weithredu fel gwarchodwyr plant yng Nghymru, darparu gofal dydd nac ymwneud â rheoli unrhyw ddarpariaeth gofal dydd. Ni chânt ychwaith fod wedi eu cyflogi mewn cysylltiad â gwarchod plant neu ddarparu gofal dydd.

Mae rheoliad 3 o'r Rheoliadau hyn ynghyd ag Atodlen 1 iddynt yn nodi'r gorchmynion a'r penderfyniadau ynglŷn â gofalu am blant y mae person wedi ei anghymhwysu rhag cofrestru mewn cysylltiad â hwy a goruchwyllo'r plant hynny. Mae rheoliad 3, ynghyd ag Atodlenni 2 a 3, hefyd yn nodi categorïau o droseddau yn erbyn plant neu oedolion y mae person wedi ei anghymhwysu rhag cofrestru mewn cysylltiad

**EXPLANATORY NOTE**

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

These Regulations replace the Child Minding and Day Care (Disqualification) (Wales) Regulations 2022 (S.I. 2022/1066) (W. 224) ("the 2022 Regulations"). These Regulations set out the categories of persons who are disqualified from registration in Wales as child minders or providers of day care under Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) ("the Measure").

Persons disqualified under these Regulations must not act as child minders in Wales, provide day care or be concerned in the management of any provision of day care. Nor must they be employed in connection with the provision of child minding or day care.

Regulation 3 together with Schedule 1 to these Regulations sets out orders and determinations for the care and supervision of children in connection with which a person is disqualified from registration. Regulation 3, together with Schedules 2 and 3, also sets out categories of offences against or involving children or adults in respect of which a person is disqualified from registration. Regulation 3(10)

â hwy, neu droseddau sy'n ymwneud â'r plant hynny neu'r oedolion hynny. Mae rheoliad 3(10) yn egluro nad yw anghymhwyso yn gymwys i bersonau sydd wedi bod yn destun gorchmynion gofal neu oruchwylio eu hunain neu i ofalwyr maeth neu rieni mabwysiadol y mae plentyn sy'n destun neu a oedd yn destun gorchymyn gofal neu oruchwylio yn byw gyda hwy, oni wnaed y gorchymyn o ganlyniad i ofal y ceisydd hwnnw am y plentyn.

Mae rheoliad 4 yn nodi'r troseddau a gyflawnir dramor sy'n gymaradwy â'r troseddau a nodir yn y Rheoliadau hyn.

Mae rheoliad 5 yn darparu bod personau sydd wedi eu cynnwys ar y rhestr a gedwir o dan adran 1 o Ddeddf Amddiffyn Plant 1999 (p. 14) wedi eu hanghymhwyso rhag cofrestru.

Mae rheoliad 6(1) a (2) yn darparu bod personau y mae cyfarwyddyd wedi ei wneud mewn cysylltiad â hwy o dan adran 142 o Ddeddf Addysg 2002 (p. 32) (a elwir yn Rhestr 99) wedi eu hanghymhwyso rhag cofrestru.

Mae rheoliad 7 yn nodi bod personau sydd wedi eu gwahardd rhag gweithgarwch rheoleiddiedig sy'n ymwneud â phlant o dan adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p. 47) wedi eu hanghymhwyso rhag cofrestru.

Mae rheoliad 8 yn darparu bod person wedi ei anghymhwyso rhag cofrestru yn warchodwr plant os yw'r person hwnnw yn byw gyda pherson arall sydd wedi ei anghymhwyso o dan y Rheoliadau hyn, neu'n byw ar aelwyd y mae person o'r fath wedi ei gyflogi ynddi ac yn gweithredu neu'n bwriadu gweithredu fel gwarchodwr plant mewn mangre ddomestig sydd hefyd yn gartref iddo.

Mae rheoliad 9 yn darparu ar gyfer hepgor yr anghymhwyso o dan amgylchiadau penodol. Pan fo cydsyniad Gweinidogion Cymru, neu awdurdod lleol cyn 1 Ebrill 2002, wedi ei roi, nid ystyrir bod person wedi ei anghymhwyso.

Mae rheoliad 9(2) yn nodi amgylchiadau pan na fo'r broses hepgor yn gymwys. Mae hyn pan fo unigolyn wedi cyflawni trosedd yn erbyn plentyn, pan fo'r drosedd ei hun wedi ei diddymu ers hynny a phan fo'r llys sy'n dedfrydu wedi gorchymyn bod yr unigolyn yn cael ei anghymhwyso rhag gweithio gyda phlant.

Mae rheoliad 10 yn nodi hawl i apelio i'r Tribiwnlys Haen Gyntaf mewn perthynas ag unrhyw benderfyniad a wneir gan Weinidogion Cymru o ran pa un ai i roi cydsyniad i hepgor anghymhwyso o dan reoliad 9.

clarifies that disqualification does not apply to persons who have been the subject of care or supervision orders themselves or to foster carers or adoptive parents, with whom a child who is or was subject of a care or supervision order, lives, unless the order was made as a result of that applicant's care of the child.

Regulation 4 sets out the offences committed overseas which are comparable to the offences set out in these Regulations.

Regulation 5 provides that persons included on the list kept under section 1 of the Protection of Children Act 1999 (c. 14) are disqualified from registration.

Regulation 6(1) and (2) provides that persons in respect of whom a direction has been made under section 142 of the Education Act 2002 (c. 32) (known as List 99) are disqualified from registration.

Regulation 7 sets out that persons barred from regulated activity relating to children under section 3(2) of the Safeguarding Vulnerable Groups Act 2006 (c. 47) are disqualified from registration.

Regulation 8 provides that a person is disqualified from registration as a childminder if that person lives with another person who is disqualified under these Regulations, or lives in a household in which such a person is employed and acts or intends to act as a childminder on domestic premises which is also their home.

Regulation 9 provides for a waiver of the disqualification in certain circumstances. Where the consent of the Welsh Ministers, or a local authority prior to 1 April 2002, has been given a person is not to be regarded as disqualified.

Regulation 9(2) sets out circumstances where the waiver process does not apply. This is where an individual has committed an offence against a child, where the offence itself has since been repealed and where the sentencing court ordered that the individual is disqualified from working with children.

Regulation 10 sets out a right of appeal to the First-tier Tribunal in relation to any determination made by the Welsh Ministers as to whether to give consent to waive disqualification under regulation 9.

Mae rheoliad 11 yn darparu bod gan berson sydd wedi ei gofrestru o dan Ran 2 o'r Mesur ddyletswydd i ddatgelu gwybodaeth i Weinidogion Cymru am fanylion unrhyw orchymyn, penderfyniad, euogfarn neu sail arall dros anghymhwysio rhag cofrestru o dan y Rheoliadau hyn. Mae'r rhwymedigaeth honno yn gymwys i wybodaeth sy'n ymwneud â'r person cofrestredig (ac i unrhyw berson sy'n byw ar yr un aelwyd â'r person cofrestredig neu sydd wedi ei gyflogi ar yr aelwyd honno lle y mae'r person cofrestredig yn warchodwr plant). Mae methu â chydymffurfio â'r ddyletswydd hon yn drosedd.

Mae rheoliad 12 yn dirymu Rheoliadau 2022 ac yn darparu ar gyfer diwygiad canlyniadol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar [www.llyw.cymru](http://www.llyw.cymru).

Regulation 11 provides that a person registered under Part 2 of the Measure has a duty to disclose information to the Welsh Ministers about the details of any order, determination, conviction or other ground for disqualification from registration under these Regulations. That obligation applies to information relating to the registered person (and to any person living in the same household as the registered person or employed in that household where the registered person is a child minder). Failure to comply with this duty is a criminal offence.

Regulation 12 revokes the 2022 Regulations and provides for a consequential amendment.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

*Gwnaed yr Offeryn Statudol hwn o ganlyniad i ddiffyg yn O.S. 2022/1066 (Cy. 224) ac fe'i dyroddir yn rhad ac am ddim i bawb y gwyddys iddynt gael yr Offeryn Statudol hwnnw.*

*This Statutory Instrument has been made in consequence of a defect in S.I. 2022/1066 (W. 224) and is being issued free of charge to all known recipients of that Statutory Instrument*

---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2022 Rhif 1188 (Cy. 244)**

**2022 No. 1188 (W. 244)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE, WALES**

**Rheoliadau Gwarchod Plant a Gofal  
Dydd (Anghymhwysu) (Rhif 2)  
(Cymru) 2022**

**The Child Minding and Day Care  
(Disqualification) (No. 2) (Wales)  
Regulations 2022**

*Gwnaed* 14 Tachwedd 2022

*Made* 14 November 2022

*Gosodwyd* gerbron *Senedd*  
*Cymru* 15 Tachwedd 2022

*Laid before Senedd Cymru* 15 November 2022

*Yn dod i rym* yn unol â rheoliad 1(2)

*Coming into force in accordance with*  
*regulation 1(2)*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 30(1), (3) a (4), 37(2)(a), 38(2), (3), (4) a (5) a 74(2) o Fesur Plant a Theuluoedd (Cymru) 2010(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by sections 30(1), (3) and (4), 37(2)(a), 38(2), (3), (4) and (5) and 74(2) of the Children and Families (Wales) Measure 2010(1), make the following Regulations:

**Enwi a chychwyn**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwysu) (Rhif 2) (Cymru) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 6 Rhagfyr 2022 yn union ar ôl Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwysu) (Cymru) 2022(2).

**Title and commencement**

1.—(1) The title of these Regulations is the Child Minding and Day Care (Disqualification) (No. 2) (Wales) Regulations 2022.

(2) These Regulations come into force on 6 December 2022 immediately after the Child Minding and Day Care (Disqualification) (Wales) Regulations 2022(2).

---

(1) 2010 mccc 1. Gweler adran 71 am y diffiniadau o "rhagnodi" a "rheoliadau".

(2) O.S. 2022/1066 (Cy. 224).

---

(1) 2010 nawm 1. See section 71 for the definitions of "prescribed" and "regulations".

(2) S.I. 2022/1066 (W. 224).

## Dehongli

### 2.—(1) Yn y Rheoliadau hyn—

ystyr “cyfarwyddyd” (“*direction*”) yw cyfarwyddyd a wneir, neu sy’n cael effaith fel pe bai wedi ei wneud, o dan adran 142 o Ddeddf Addysg 2002(1) ar y sail a nodir yn is-adran (4)(a), (b) neu (d) o’r adran honno(2);

ystyr “Deddf 1989” (“*the 1989 Act*”) yw Deddf Plant 1989(3);

ystyr “Deddf 2000” (“*the 2000 Act*”) yw Deddf Cyfiawnder Troseddol a Gwasanaethau Llysoedd 2000(4);

ystyr “gorchymyn perthnasol” (“*relevant order*”) yw—

(a) gorchymyn a wneir gan Lys y Goron, y Llys Apêl, y Llys Milwrol neu Lys Apêl y Llys Milwrol bod yr unigolyn o dan sylw yn cael ei dderbyn i’r ysbty, neu

(b) gorchymyn gwarcheidiaeth(5);

mae i “mangre ddomestig” (“*domestic premises*”) yr ystyr a roddir gan adran 19(6) o’r Mesur;

ystyr “y Mesur” (“*the Measure*”) yw Mesur Plant a Theuluoedd (Cymru) 2010;

ystyr “wedi ei anghymhwysu” (“*disqualified*”) yw wedi ei anghymhwysu rhag cofrestru yn warchodwr plant neu’n ddarparwr gofal dydd o dan Ran 2 o’r Mesur.

(2) Yn y Rheoliadau hyn, mae person (“P”) wedi ei “gael wedi cyflawni” trosedd—

(a) os yw P wedi ei euogfarnu o drosedd;

(b) os yw P wedi ei ddyfarnu’n ddiuog o drosedd oherwydd gorffwylledd;

(c) os cafwyd bod P o dan anabledd a’i fod wedi gwneud y weithred y mae wedi ei gyhuddo ohoni mewn cysylltiad â throsedd o’r fath;

(d) os yw P, ar neu ar ôl 6 Ebrill 2007, wedi cael rhybuddiad gan swyddog heddlu mewn cysylltiad â throsedd;

## Interpretation

### 2.—(1) In these Regulations—

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989(1);

“the 2000 Act” (“*Deddf 2000*”) means the Criminal Justice and Court Services Act 2000(2);

“direction” (“*cyfarwyddyd*”) means a direction made, or which has effect as if made, under section 142 of the Education Act 2002(3) on the grounds set out in subsection (4)(a), (b) or (d) of that section(4);

“disqualified” (“*wedi ei anghymhwysu*”) means disqualified from registration as a child minder or provider of day care under Part 2 of the Measure;

“domestic premises” (“*mangre ddomestig*”) has the meaning given by section 19(6) of the Measure;

“the Measure” (“*y Mesur*”) means the Children and Families (Wales) Measure 2010;

“relevant order” (“*gorchymyn perthnasol*”) means—

(a) an order made by the Crown Court, the Court of Appeal, the Court Martial or the Court Martial Appeal Court that the individual in question be admitted to hospital, or

(b) a guardianship order(5).

(2) In these Regulations, a person (“P”) has been “found to have committed” an offence if P has been—

(a) convicted of an offence;

(b) found not guilty of an offence by reason of insanity;

(c) found to be under a disability and to have done the act charged against them in respect of such an offence;

(d) on or after 6 April 2007, given a caution in respect of an offence by a police officer;

(1) 2002 p. 32.

(2) Diddymwyd adran 142 gan adran 63(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p. 47) ac Atodlen 10 iddi, yn ddarostyngedig i arbedion a darpariaethau trosiannol a bennir yn erthyglau 4(2) a (3), a 7 o O.S. 2009/2611.

(3) 1989 p. 41.

(4) 2000 p. 43.

(5) Fel y diffinnir “guardianship order” yn adran 30(1) o Ddeddf Cyfiawnder Troseddol a Gwasanaeth Llysoedd 2000 (p. 43) (“Deddf 2000”). Diddymwyd adran 30 gan adran 63(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 ac Atodlen 10 iddi, yn ddarostyngedig i arbedion a bennir yn erthygl 5 o O.S. 2012/2231.

(1) 1989 c. 41.

(2) 2000 c. 43.

(3) 2002 c. 32.

(4) Section 142 was repealed by section 63(2) of, and Schedule 10 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47), subject to savings and transitional provisions specified in articles 4(2) and (3), and 7 of S.I. 2009/2611.

(5) As defined in section 30(1) of the Criminal Justice and Court Services Act 2000 Act (c. 43) (“the 2000 Act”). Section 30 was repealed by section 63(2) of, and Schedule 10 to, the Safeguarding Vulnerable Groups Act 2006, subject to savings specified in article 5 of S.I. 2012/2231.

- (e) os yw P, ar neu ar ôl 8 Ebrill 2013, wedi cael rhybuddiad ieuencid gan swyddog heddlu mewn cysylltiad â throedd y mae P wedi ei chyfaddef<sup>(1)</sup>.

(3) Yn y Rheoliadau hyn, mae P wedi ei gael wedi cyflawni trosedd sy'n "gysylltiedig â" throedd os yw P wedi ei gael wedi cyflawni trosedd fel a ganlyn—

- (a) ceisio cyflawni'r drosedd honno, neu gynllwynio neu ysgogi i'w chyflawni, neu  
(b) cynorthwyo i gyflawni'r drosedd honno, neu annog, cwnsela neu beri ei chyflawni.

### Gofalu am blant a throeddau yn erbyn plant neu oedolion

3.—(1) Yn ddarostyngedig i baragraffau (9), (10) ac (11) a rheoliad 9, mae person ("P") wedi ei anghymhwyso os yw unrhyw un neu ragor o baragraffau (2) i (8) yn gymwys.

(2) Mae unrhyw un neu ragor o'r gorchmynion neu'r penderfyniadau eraill a bennir yn Atodlen 1 wedi eu gwneud—

- (a) mewn cysylltiad â P,  
(b) sy'n atal P rhag cael ei gofrestru mewn perthynas ag unrhyw gyfleuster y mae plant yn derbyn gofal ynddo neu rhag bod yn rhan o reoli unrhyw gyfleuster o'r fath neu rhag ymwneud fel arall â darparu unrhyw gyfleuster o'r fath, neu  
(c) mewn cysylltiad â phlentyn sydd wedi bod yng ngofal P.

(3) Mae gorchymyn wedi ei wneud mewn cysylltiad â P o dan adran 104 o Ddeddf Troseddau Rhywiol 2003<sup>(2)</sup> er bod y drosedd wedi ei diddymu yng Nghymru a Lloegr.

(4) Mae P wedi ei gael wedi cyflawni trosedd yn erbyn plentyn o fewn ystyr "offence against a child" yn adran 26(1) o Ddeddf 2000<sup>(3)</sup> er bod y drosedd wedi ei diddymu.

- (e) on or after 8 April 2013, given a youth caution by a police officer, in respect of an offence which P has admitted<sup>(1)</sup>.

(3) In these Regulations, P has been found to have committed an offence that is "related to" an offence if P has been found to have committed an offence of—

- (a) attempting, conspiring or incitement to commit that offence, or  
(b) aiding, abetting, counselling or procuring the commission of that offence.

### Care of children and offences against children or adults

3.—(1) Subject to paragraphs (9), (10) and (11) and regulation 9, a person ("P") is disqualified if any of paragraphs (2) to (8) apply.

(2) Any of the orders or other determinations specified in Schedule 1 has been made—

- (a) with respect to P,  
(b) which prevents P from being registered in relation to any facility in which children are looked after or from being involved in the management of or otherwise concerned with the provision of any such facility, or  
(c) with respect to a child who has been in P's care.

(3) An order has been made with respect to P under section 104 of the Sexual Offences Act 2003<sup>(2)</sup> despite the offence having been repealed in England and Wales.

(4) P has been found to have committed an offence against a child within the meaning of section 26(1) of the 2000 Act<sup>(3)</sup> despite the offence having been repealed.

(1) Mewnosodwyd adran 66ZA o Ddeddf Trosedd ac Anhrefn 1998 (p. 37) mewn perthynas â rhybuddiadau ieuencid gan adran 135 o Ddeddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwy'r 2012 (p. 10) a daeth i rym ar 8 Ebrill 2013.

(2) 2003 p. 42. Diddymwyd adran 104 o ran Cymru a Lloegr gan adran 113(1) o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 (p. 12) ("Deddf 2014") a pharagraffau 1 a 3 o Atodlen 5 iddi. Mae adran 104 yn parhau mewn grym yng Ngogledd Iwerddon a'r Alban ond mae'n ddarostyngedig i'w diddymu yn yr Alban gan adran 39(1)(a) o Ddeddf Ymddygiad Camdriniol a Niwed Rhywiol (Yr Alban) 2016 (dsa 22) ("Deddf 2016"). Am ddarpariaethau trosiannol ac arbedion gweler adran 114(1), (2), a (4) i (6) o Ddeddf 2014 ac adran 40 o Ddeddf 2016.

(3) Diddymwyd adran 26 gan adran 63(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 ac Atodlen 10 iddi, yn ddarostyngedig i arbedion a bennir yn erthygl 5 o O.S. 2012/2231.

(1) Section 66ZA of the Crime and Disorder Act 1998 (c. 37) in relation to youth cautions was inserted by section 135 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and came into force on 8 April 2013.

(2) 2003 c. 42. Section 104 was repealed in relation to England and Wales by section 113(1) of, and paragraphs 1 and 3 of Schedule 5 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) ("the 2014 Act"). Section 104 remains in force in Northern Ireland and Scotland but is subject to repeal in Scotland by section 39(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) ("the 2016 Act"). For transitional provisions and savings see section 114(1), (2), and (4) to (6) of the 2014 Act and section 40 of the 2016 Act.

(3) Section 26 was repealed by section 63(2) of, and Schedule 10 to, the Safeguarding Vulnerable Groups Act 2006, subject to savings specified in article 5 of S.I. 2012/2231.

(5) Mae P—

(a) wedi ei gael wedi cyflawni unrhyw drosedd a bennir ym mharagraff 1 o Atodlen 2 neu drosedd sy'n gysylltiedig â throedd o'r fath, neu

(b) yn dod o fewn paragraff 2 o'r Atodlen honno, er gwaethaf y ffaith bod y troseddau statudol yn yr Atodlen honno wedi eu diddymu.

(6) Mae P wedi ei gael wedi cyflawni unrhyw drosedd ac eithrio trosedd y cyfeirir ati ym mharagraff (4) neu (5) sy'n ymwneud ag anaf corfforol i blentyn neu farwolaeth plentyn.

(7) Mae P wedi ei gael wedi cyflawni unrhyw drosedd a bennir yn Atodlen 3 neu drosedd sy'n gysylltiedig â throedd o'r fath.

(8) Mae P—

(a) wedi ei gael wedi cyflawni unrhyw drosedd, a gyflawnir yn erbyn person 18 oed neu'n hŷn, a grybwyllir ym mharagraff 2 o Atodlen 4 i Ddeddf 2000(1) neu drosedd sy'n gysylltiedig â throedd o'r fath, neu

(b) wedi ei gyhuddo o unrhyw drosedd, a gyflawnir yn erbyn person 18 oed neu'n hŷn, a grybwyllir ym mharagraff 2 o Atodlen 4 i Ddeddf 2000 neu drosedd sy'n gysylltiedig â throedd o'r fath y mae uwchlys wedi gosod gorchymyn perthnasol mewn cysylltiad â hi,

er gwaethaf y ffaith bod y troseddau statudol yn yr Atodlen honno wedi eu diddymu.

(9) Nid yw P wedi ei anghymhwyso o dan baragraffau (1) i (8) mewn cysylltiad ag unrhyw orchymyn, penderfyniad neu drosedd—

(a) os yw P wedi apelio'n llwyddiannus yn erbyn y gorchymyn, y penderfyniad neu'r euogfarn,

(b) os yw rhybuddiad mewn cysylltiad â'r drosedd honno wedi ei dynnu'n ôl neu ei osod o'r neilltu,

(c) os yw cyfarwyddyd sy'n seiliedig yn gyfan gwbl neu'n rhannol ar y drosedd wedi ei ddirymu, neu

(d) os yw gorchymyn wedi ei wneud o dan adran 12 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000(2) neu adran 79 neu 80 o'r

(5) P—

(a) has been found to have committed any offence specified in paragraph 1 of Schedule 2 or an offence that is related to such an offence, or

(b) falls within paragraph 2 of that Schedule, despite the fact that the statutory offences in that Schedule have been repealed.

(6) P has been found to have committed any offence other than an offence referred to in paragraph (4) or (5) involving bodily injury to, or death of, a child.

(7) P has been found to have committed any offence specified in Schedule 3 or an offence that is related to such an offence.

(8) P has been—

(a) found to have committed any offence, committed against a person aged 18 or over, mentioned in paragraph 2 of Schedule 4 to the 2000 Act(1) or an offence that is related to such an offence, or

(b) charged with any offence, committed against a person aged 18 or over, mentioned in paragraph 2 of Schedule 4 to the 2000 Act or an offence that is related to such an offence in respect of which a relevant order has been imposed by a senior court,

despite the fact that the statutory offences in that Schedule have been repealed.

(9) P is not disqualified under paragraphs (1) to (8) in respect of any order, determination or offence if—

(a) P has successfully appealed against the order, determination or conviction,

(b) a caution in respect of that offence has been withdrawn or set aside,

(c) a direction based wholly or in part on the offence has been revoked, or

(d) an order has been made under section 12 of the Powers of Criminal Courts (Sentencing) Act 2000(2) or section 79 or 80 of the

(1) Diddymwyd Atodlen 4 gan adran 63(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 ac Atodlen 10 iddi.

(2) 2000 p. 6. Diddymwyd adran 12 gan adran 413 o Ddeddf Dedfrydu 2020 (p. 17) ac Atodlen 28 iddi, yn ddarostyngedig i arbedion a darpariaethau trosiannol a bennir yn adrannau 412 a 416(7) a pharagraffau 1, 2, 4 a 5 o Atodlen 27.

(1) Schedule 4 was repealed by section 63(2) of, and Schedule 10 to, the Safeguarding Vulnerable Groups Act 2006.

(2) 2000 c. 6. Section 12 was repealed by paragraph 1 of Schedule 28 to the Sentencing Act 2020 (c. 17), subject to savings and transitional provisions specified in sections 412 and 416(7) and paragraphs 1, 2, 4 and 5 of Schedule 27.

Cod Dedfrydu(1) sy'n rhyddhau P yn ddiamod neu'n amodol mewn cysylltiad â'r drosedd honno.

(10) Nid yw P wedi ei anghymhwysu yn rhinwedd paragraff (2)—

- (a) os yw gorchymyn wedi ei wneud o dan Ddeddf 1989 y lleolwyd P yng ngofal awdurdod lleol dynodedig neu gorff tebyg neu o dan oruchwyliaeth awdurdod neu gorff o'r fath odano, oni bai bod gorchymyn hefyd wedi ei wneud o ganlyniad i ofal P am ei blentyn ei hun, neu
- (b) pan fo P yn ofalwr maeth neu'n rhiant mabwysiadol i blentyn, a bo'r plentyn hwnnw yn cael neu wedi cael ei wneud yn destun gorchymyn gofal neu oruchwyllo o dan Ddeddf 1989, oni bai bod y gorchymyn wedi ei wneud o ganlyniad i ofal P am y plentyn hwnnw.

(11) Nid yw P wedi ei anghymhwysu rhag cofrestru yn rhinwedd paragraff (2) mewn cysylltiad â gwrthod neu ganslo unrhyw gofrestrriad o dan y darpariaethau a nodir ym mharagraff 23(c) o Atodlen 1—

- (a) os yw'r gwrthod neu'r canslo mewn cysylltiad â chofrestru ag asiantaeth gwarchod plant, neu
- (b) os yr unig reswm dros wrthod neu ganslo'r cofrestrriad oedd methu â thalu unrhyw ffi a ragnodir o dan Ran 3 o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(2).

## Troseddau tramor

4.—(1) Yn ddarostyngedig i reoliad 9, mae person ("P") wedi ei anghymhwysu os yw P wedi ei gael wedi gwneud gweithred—

- (a) a oedd yn drosedd o dan y gyfraith a oedd mewn grym mewn gwlad y tu allan i'r Deyrnas Unedig, a
- (b) a fyddai'n drosedd a'i gwnâi'n ofynnol anghymhwysu person rhag cofrestru o dan y Rheoliadau hyn pe bai wedi ei gwneud mewn unrhyw ran o'r Deyrnas Unedig.

(2) Ym mharagraff (1), mae P "wedi ei gael wedi gwneud gweithred a oedd yn drosedd" os yw'r canlynol wedi digwydd o dan y gyfraith a oedd mewn grym mewn gwlad y tu allan i'r Deyrnas Unedig—

- (a) mae P wedi ei euogfarnu o drosedd (pa un a yw P wedi ei gosbi amdani ai peidio),

Sentencing Code(1) discharging P absolutely or conditionally in respect of that offence.

(10) P is not disqualified by virtue of paragraph (2)—

- (a) if an order is made under the 1989 Act under which P was placed in the care or under the supervision of a designated local authority or similar body, unless an order has also been made as a result of P's care of their own child, or
- (b) where P is a foster carer or adoptive parent of a child, and that child is or was made the subject of a care or supervision order under the 1989 Act, unless the order is made as a result of P's care of that child.

(11) P is not disqualified from registration by virtue of paragraph (2) in respect of any refusal or cancellation of registration under the provisions set out in paragraph 23(c) of Schedule 1 if—

- (a) the refusal or cancellation is in respect of registration with a child-minder agency, or
- (b) the sole reason for the refusal or cancellation of registration was the failure to pay any fee prescribed under Part 3 of the Children and Young Persons Act (Northern Ireland) 1968(2).

## Overseas offences

4.—(1) Subject to regulation 9, a person ("P") is disqualified if P has been found to have done an act which—

- (a) constituted an offence under the law in force in a country outside the United Kingdom, and
- (b) would constitute an offence requiring disqualification from registration under these Regulations if it had been done in any part of the United Kingdom.

(2) In paragraph (1), P has been "found to have done an act which constituted an offence" if, under the law in force in a country outside the United Kingdom—

- (a) P has been convicted of an offence (whether or not P has been punished for it),

(1) Mae adran 1(1) o Ddeddf Dedfrydu 2020 yn darparu bod Rhannau 2 i 13 o'r Ddeddf honno gyda'i gilydd yn ffurfio cod o'r enw'r "Sentencing Code".

(2) 1968 p. 34 (G.I.). Diddymwyd adran 127 gan erthygl 185(2) o O.S. 1995/755 (G.I. 2) ac Atodlen 10 iddo.

(1) Section 1(1) of the Sentencing Act 2020 provides that Parts 2 to 13 of that Act together make up a code called the "Sentencing Code".

(2) 1968 c. 34 (N.I.). Section 127 was repealed by article 185(2) of, and Schedule 10 to, S.I. 1995/755 (N.I. 2).



- (b) mae P wedi cael rhybuddiad mewn cysylltiad â throsedd,
- (c) mae llys sy'n arfer awdurdodaeth o dan y gyfraith honno wedi gwneud mewn cysylltiad â throsedd ganfyddiad sy'n gyfwerth â chanfyddiad bod P yn ddiuog oherwydd gorffwylledd, neu
- (d) mae llys o'r fath wedi gwneud mewn cysylltiad â throsedd ganfyddiad sy'n gyfwerth â chanfyddiad bod P o dan anabledd ac iddo wneud y weithred y cyhuddwyd P ohoni.

(3) Nid yw P wedi ei anghymhwyso o dan baragraff (1) mewn cysylltiad ag unrhyw ganfyddiad os yw'r canfyddiad hwnnw, o dan y gyfraith sydd mewn grym yn y wlad o dan sylw, wedi ei wrthdroi.

(4) Mae gweithred sydd i'w chosbi o dan y gyfraith sydd mewn grym mewn gwlad y tu allan i'r Deyrnas Unedig yn drosedd o dan y gyfraith honno at ddibenion y rheoliad hwn ym mha ffordd bynnag y'i disgrifir yn y gyfraith honno.

### Rhestr y Ddeddf Amddiffyn Plant

5. Mae person sydd wedi ei gynnwys yn y rhestr a gedwir o dan adran 1 o Ddeddf Amddiffyn Plant 1999(1) (rhestr o'r rheini y mae'r Ysgrifennydd Gwladol yn ystyried eu bod yn anaddas i weithio gyda phlant) wedi ei anghymhwyso.

### Cyfarwyddyd mewn perthynas â chyflogi athrawon etc.

6.—(1) Yn ddarostyngedig i reoliad 9, mae person ("P") wedi ei anghymhwyso os yw unrhyw un neu ragor o'r darpariaethau a ganlyn yn y rheoliad hwn yn gymwys i P.

(2) Mae P yn ddarostyngedig i gyfarwyddyd.

(3) Mae enw P ar unrhyw restr a gedwir at ddibenion rheoliadau a wneir o dan erthygl 70(2)(e) neu 88A(1) a (2)(b) o Orchymyn Addysg a Llyfrgelloedd (Gogledd Iwerddon) 1986(2).

- (b) P has been cautioned in respect of an offence,
- (c) a court exercising jurisdiction under that law has made in respect of an offence a finding equivalent to a finding that P is not guilty by reason of insanity, or
- (d) such a court has made in respect of an offence a finding equivalent to a finding that P is under a disability and did the act charged against P.

(3) P is not disqualified under paragraph (1) in respect of any finding if, under the law in force in the country concerned, such finding has been reversed.

(4) An act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law for the purposes of this regulation however it is described in that law.

### Protection of Children Act list

5. A person who is included in the list kept under section 1 of the Protection of Children Act 1999(1) (list of those considered by the Secretary of State unsuitable to work with children) is disqualified.

### Direction in relation to the employment of teachers etc.

6.—(1) Subject to regulation 9, a person ("P") is disqualified if any of the following provisions of this regulation apply to P.

(2) P is subject to a direction.

(3) P's name is on any list kept for the purposes of regulations made under article 70(2)(e) or 88A(1) and (2)(b) of the Education and Libraries (Northern Ireland) Order 1986(2).

(1) 1999 p. 14. Diddymwyd adran 1 o'r Ddeddf hon gan adran 63(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 ac Atodlen 10 iddi, yn ddarostyngedig i arbedion a darpariaethau trosiannol a bennir yn erthygl 5 o O.S. 2009/2611.  
 (2) O.S. 1986/594 (G.I. 3). Diwygiwyd erthyglau 70(2)(e) ac 88A(2)(b) gan O.S. 2007/1351 (G.I. 11).

(1) 1999 c. 14. Section 1 of this Act was repealed by section 63(2) of and Schedule 10 to the Safeguarding Vulnerable Groups Act 2006, subject to savings and transitional provisions specified in article 5 of S.I. 2009/2611.  
 (2) S.I. 1986/594 (N.I. 3). Articles 70(2)(e) and 88A(2)(b) were amended by S.I. 2007/1351 (N.I. 11).

## **Personau sydd wedi eu gwahardd rhag gweithgarwch rheoleiddiedig sy'n ymwneud â phlant**

7. Mae person sydd wedi ei wahardd rhag gweithgarwch rheoleiddiedig sy'n ymwneud â phlant o fewn ystyr "barred from regulated activity relating to children" yn adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 wedi ei anghymhwyso.

## **Personau sy'n byw neu'n gweithio mewn mangre lle y mae person sydd wedi ei anghymhwyso yn byw**

8. Yn ddarostyngedig i reoliad 9, mae person ("P") wedi ei anghymhwyso os yw P—

- (a) (i) yn byw ar yr un aelwyd â pherson arall sydd wedi ei anghymhwyso rhag cofrestru, neu
- (ii) yn byw ar aelwyd y mae unrhyw berson o'r fath wedi ei gyflogi ynddi, a
- (b) yn gweithredu neu'n bwriadu gweithredu fel gwarchodwr plant mewn mangre ddomestig a ddefnyddir gan yr aelwyd y mae P yn aelod ohoni.

## **Hepgoriadau**

9.—(1) Yn ddarostyngedig i baragraff (2), pan fyddai person ("P") wedi ei anghymhwyso yn rhinwedd rheoliad 3, 4, 6(1) a (3), neu 8 ond wedi datgelu i Weinidogion Cymru y ffeithiau a fyddai fel arall yn achosi bod P wedi ei anghymhwyso, a phan fo Gweinidogion Cymru wedi rhoi cydsyniad ysgrifenedig ac na fônt wedi tynnu'r cydsyniad hwnnw yn ôl, yna nid yw'r person, oherwydd y ffeithiau a ddatgelwyd felly, i'w ystyried fel pe bai wedi ei anghymhwyso at ddiben y Rheoliadau hyn.

(2) Mewn perthynas â pherson a fyddai wedi ei anghymhwyso yn rhinwedd rheoliad 3(4), nid yw'r rheoliad hwn yn gymwys pan fo llys wedi gwneud gorchymyn o dan adran 28(4), 29(4) neu 29A(2) o Ddeddf 2000(1).

## **Persons barred from regulated activity relating to children**

7. A person who is barred from regulated activity relating to children within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006 is disqualified.

## **Persons living or working on premises where a disqualified person lives**

8. Subject to regulation 9, a person ("P") is disqualified if P—

- (a) (i) lives in the same household as another person who is disqualified from registration, or
- (ii) lives in a household in which any such person is employed, and
- (b) acts or intends to act as a childminder on domestic premises used by the household of which P is a member.

## **Waivers**

9.—(1) Subject to paragraph (2), where a person ("P") would be disqualified by virtue of regulation 3, 4, 6(1) and (3), or 8 but has disclosed to the Welsh Ministers the facts which would otherwise cause P to be disqualified, and the Welsh Ministers have given written consent and have not withdrawn that consent, then the person is not, by reason of the facts so disclosed, to be regarded as disqualified for the purpose of these Regulations.

(2) In relation to a person who would be disqualified by virtue of regulation 3(4), this regulation does not apply where a court has made an order under section 28(4), 29(4) or 29A(2) of the 2000 Act(1).

---

(1) Diddymwyd adrannau 28(4), 29(4) a 29A(2) gan adran 63(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 ac Atodlen 10 iddi, yn ddarostyngedig i arbedion a bennir yn erthygl 5 o O.S. 2012/2231.

---

(1) Sections 28(4), 29(4) and 29A(2) were repealed by section 63(2) of, and Schedule 10 to, the Safeguarding Vulnerable Groups Act 2006, subject to savings specified in article 5 of S.I. 2012/2231.

(3) Nid yw person wedi ei anghymhwyso os yw'r person, cyn 1 Ebrill 2002—

- (a) wedi datgelu'r ffeithiau a fyddai'n anghymhwyso'r person o dan y Rheoliadau hyn i awdurdod lleol priodol o dan baragraff 2 o Atodlen 9 i Ddeddf 1989(1), a
- (b) wedi cael cydsyniad ysgrifenedig yr awdurdod lleol hwnnw.

## Apelau

**10.** Mae unrhyw benderfyniad a wneir gan Weinidogion Cymru o ran pa un ai i roi cydsyniad i hepgor anghymhwyso o dan reoliad 9(1) yn benderfyniad rhagnodedig at ddibenion adran 37(2)(a) o'r Mesur (apelau).

## Dyletswydd datgelu

**11.**—(1) Rhaid i berson sydd wedi ei gofrestru o dan Ran 2 o'r Mesur ("person cofrestredig") ddarparu'r wybodaeth a ganlyn i Weinidogion Cymru—

- (a) manylion unrhyw orchymyn, penderfyniad, euogfarn neu sail arall dros anghymhwyso rhag cofrestru a wneir neu sy'n gymwys mewn perthynas â pherson a restrir ym mharagraff (2) sy'n golygu bod y person hwnnw wedi ei anghymhwyso rhag cofrestru o dan y Rheoliadau hyn;
- (b) y dyddiad pryd y gwnaed y gorchymyn, y penderfyniad neu'r euogfarn neu pryd y cododd unrhyw sail arall dros anghymhwyso rhag cofrestru;
- (c) y corff neu'r llys a wnaeth y gorchymyn, y penderfyniad neu'r euogfarn a'r ddeddfryd, os oes un, a osodwyd;
- (d) mewn perthynas â gorchymyn neu euogfarn, copi o'r gorchymyn perthnasol neu'r gorchymyn llys perthnasol a ardystiwyd gan y corff dyroddi neu'r llys dyroddi.

(2) Y personau y mae rhaid darparu'r wybodaeth y cyfeirir ati ym mharagraff (1) mewn cysylltiad â hwy yw—

- (a) y person cofrestredig, a
- (b) unrhyw berson sy'n byw ar yr un aelwyd â'r person cofrestredig neu sydd wedi ei gyflogi yn yr aelwyd honno.

(3) A person is not disqualified if, prior to 1 April 2002, the person—

- (a) disclosed the facts which would disqualify the person under these Regulations to an appropriate local authority under paragraph 2 of Schedule 9 to the 1989 Act(1), and
- (b) obtained the written consent of that local authority.

## Appeals

**10.** Any determination made by the Welsh Ministers as to whether to give consent to waive disqualification under regulation 9(1) is a prescribed determination for the purposes of section 37(2)(a) of the Measure (appeals).

## Duty of disclosure

**11.**—(1) A person who is registered under Part 2 of the Measure ("registered person") must provide the following information to the Welsh Ministers—

- (a) details of any order, determination, conviction or other ground for disqualification from registration made or applying in relation to a person listed in paragraph (2) which results in that person being disqualified from registration under these Regulations;
- (b) the date when the order, determination or conviction was made or when any other ground for disqualification from registration arose;
- (c) the body or court by which the order, determination or conviction was made and the sentence, if any, imposed;
- (d) in relation to an order or conviction, a copy of the relevant order or court order certified by the issuing body or court.

(2) The persons in respect of whom the information referred to in paragraph (1) must be provided are—

- (a) the registered person, and
- (b) any person who lives in the same household as the registered person or who is employed in that household.

---

(1) Diddymwyd Atodlen 9 o ran Cymru a Lloegr gan adran 79(5) o Ddeddf Safonau Gofal 2000 (p. 14) ac o ran yr Alban gan adran 80 o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001 (dsa 8) ac Atodlen 4 iddi.

---

(1) Schedule 9 was repealed in relation to England and Wales by section 79(5) of the Care Standards Act 2000 (c. 14) and in relation to Scotland by section 80 of, and Schedule 4 to, the Regulation of Care (Scotland) Act 2001 (asp 8).

(3) Rhaid darparu'r wybodaeth y cyfeirir ati ym mharagraff (1) i Weinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol, ond beth bynnag o fewn 14 o ddiwrnodau i'r adeg pan ddaeth y person cofrestredig yn ymwybodol o'r wybodaeth honno neu pan ddylai fod wedi dod yn ymwybodol yn rhesymol ohoni pe bai'r person cofrestredig wedi gwneud ymholiadau rhesymol.

(4) Nid yw'r gofyniad ym mharagraff (2)(b) ond yn gymwys mewn cysylltiad ag aelodau'r aelwyd neu'r rheini sydd wedi eu cyflogi yn aelwyd gwarchodwr plant cofrestredig.

(5) Caiff Gweinidogion Cymru ystyried unrhyw honiad bod person cofrestredig wedi methu â bodloni gofynion y rheoliad hwn wrth arfer eu swyddogaethau o dan Ran 2 o'r Mesur (gan gynnwys canslo cofrestriad yn unol ag adran 31(1) o'r Mesur).

(6) Mae person sydd, heb esgus rhesymol, yn methu â chydymffurfio â gofynion y rheoliad hwn yn euog o drosedd.

(7) Mae person a ddyfernir yn euog o drosedd o dan y rheoliad hwn yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

### **Dirymu a diwygiad canlyniadol**

**12.**—(1) Mae Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwys) (Cymru) 2022 wedi eu dirymu(1).

(2) Yn Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2010(2), yn rheoliad 2(1), yn y diffiniad o "wedi ei anghymhwys", ym mharagraff (a) ar ôl "(Anghymhwys)" mewnosoder "(Rhif 2)".

(3) The information referred to in paragraph (1) must be provided to the Welsh Ministers as soon as reasonably practicable, but in any event within 14 days of the time when the registered person became aware of that information or ought reasonably to have become aware of it if the registered person had made reasonable enquiries.

(4) The requirement in paragraph (2)(b) only applies in respect of household members or those employed in the household of a registered childminder.

(5) Any allegation that a registered person has failed to meet the requirements of this regulation may be taken into account by the Welsh Ministers in the exercise of their functions under Part 2 of the Measure (including cancellation of registration in accordance with section 31(1) of the Measure).

(6) A person who without reasonable excuse fails to comply with the requirements of this regulation is guilty of an offence.

(7) A person found guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Revocation and consequential amendment**

**12.**—(1) The Child Minding and Day Care (Disqualification) (Wales) Regulations 2022 are revoked(1).

(2) In the Child Minding and Day Care (Wales) Regulations 2010(2), in regulation 2(1), in the definition of "disqualified", in paragraph (a) after

(3) "(Disqualification)" insert "(No. 2)".

*Julie Morgan*

Y Dirprwy Weinidog Iechyd a Gwasanaethau  
Cymdeithasol o dan awdurdod y Gweinidog Iechyd a  
Gwasanaethau Cymdeithasol, un o Weinidogion  
Cymru  
14 Tachwedd 2022

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

14 November 2022

(1) O.S. 2022/1066 (Cy. 224). Dirymodd y Rheoliadau hyn Reoliadau Gwarchod Plant a Gofal Dydd (Anghymhwys) (Cymru) 2010 (O.S. 2010/1703 (Cy. 163)).

(2) O.S. 2010/2574 (Cy. 214).

(1) S.I. 2022/1066 (W. 224). Those Regulations revoked the Child Minding and Day Care (Disqualification) (Wales) Regulations 2010 (S.I. 2010/1703 (W. 163)).

(2) S.I. 2010/2574 (W. 214).

GORCHMYNION ETC. SY'N  
YMWNEUD Â GOFALU AM BLANT

ORDERS ETC. RELATING TO THE  
CARE OF CHILDREN

**Gorchmynion gofal, goruchwylio a sefydlogrwydd**

**Care, supervision and permanence orders**

1. Gorchymyn o dan adran 31(1)(a) o Ddeddf 1989 (gorchymyn gofal).

1. An order under section 31(1)(a) of the 1989 Act (care order).

2. Gorchymyn o dan adran 31(1)(b) o Ddeddf 1989 (gorchymyn goruchwylio).

2. An order under section 31(1)(b) of the 1989 Act (supervision order).

3. Gorchymyn o dan erthygl 50(1)(a) o Orchymyn Plant (Gogledd Iwerddon) 1995(1) (gorchymyn gofal).

3. An order under article 50(1)(a) of the Children (Northern Ireland) Order 1995(1) (care order).

4. Gorchymyn o dan erthygl 50(1)(b) o Orchymyn Plant (Gogledd Iwerddon) 1995 (gorchymyn goruchwylio).

4. An order under article 50(1)(b) of the Children (Northern Ireland) Order 1995 (supervision order).

5. Gorchymyn o dan adran 3(3) o Gyfraith Plant a Phobl Ifanc (Guernsey) 1967(2) (gorchymyn person addas neu orchymyn gofal arbennig).

5. An order under section 3(3) of the Children and Young Persons (Guernsey) Law 1967(2) (fit person order or special care order).

6. Gorchymyn a wnaed yn dilyn cais fel y'i caniatawyd o dan adran 48(3) o Gyfraith Plant (Guernsey ac Alderney) 2008(3) (gorchymyn rhianta cymunedol).

6. An order made further to an application as permitted under section 48(3) of the Children (Guernsey and Alderney) Law 2008(3) (community parenting order).

7. Gorchymyn o dan adran 31(1)(a) o Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald)(4) (gorchymyn gofal).

7. An order under section 31(1)(a) of the Children and Young Persons Act 2001(4) (an Act of Tynwald) (care order).

8. Gorchymyn o dan adran 31(1)(b) o Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald) (gorchymyn goruchwylio).

8. An order under section 31(1)(b) of the Children and Young Persons Act 2001 (an Act of Tynwald) (supervision order).

9. Gorchymyn neu benderfyniad a bennir yn Atodlen 4 i Gyfraith Plant (Jersey) 2002(5).

9. An order or determination specified in Schedule 4 to the Children (Jersey) Law 2002(5).

10. Unrhyw orchymyn a fyddai wedi cael ei farnu'n orchymyn gofal yn rhinwedd paragraff 15 o Atodlen 14 i Ddeddf 1989 (darpariaethau trosiannol ar gyfer plant mewn gofal gorfodol) pe bai wedi bod mewn grym yn union cyn y diwrnod y daeth Rhan 4 o Ddeddf 1989 i rym.

10. Any order that would have been deemed to be a care order by virtue of paragraph 15 of Schedule 14 to the 1989 Act (transitional provisions for children in compulsory care) had it been in force immediately before the day on which Part 4 of the 1989 Act came into force.

(1) O.S. 1995/755 (G.I. 2).

(2) Gorchmynion yn y Cyfrin Gyngor Cyfrol XXI, t. 34. Diddymwyd adran 3(3) gan adran 3 o Ordinhad Plant (Diwygiadau Canlyniadol etc.) (Guernsey ac Alderney), 2009 (Rhif VII 2010), a pharagraff 15(1) o Atodlen 1 iddo, yn ddarostyngedig i arbedion a darpariaethau trosiannol yn adran 4 o'r Ordinhad hwnnw ac Atodlen 2 iddo.

(3) Rhif XIV 2009.

(4) 2001 p. 20 (Deddf Tynwald). Ystyr Deddf Tynwald yw Deddf a basiwyd gan Senedd Ynys Manaw.

(5) Cyfraith Jersey 50/2002.

(1) S.I. 1995/755 (N.I. 2).

(2) Orders in Council Vol. XXI, p. 34. Section 3(3) was repealed by section 3 of, and paragraph 15(1) of Schedule 1 to, the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010), subject to savings and transitional provisions in section 4 of, and Schedule 2 to, that Ordinance.

(3) No. XIV of 2009.

(4) 2001 c. 20 (an Act of Tynwald). An Act of Tynwald means an Act passed by the Isle of Man Parliament.

(5) Jersey Law 50/2002.

11. Gorchymyn cyfrifoldeb rhiant a wneir o dan erthygl 7 o Orchymyn Plant (Gogledd Iwerddon) 1995.

12. Gorchymyn amddiffyn plant o dan adran 57 o Ddeddf Plant (Yr Alban) 1995(1) neu o dan adran 37 o Ddeddf Gwrandawiadau Plant (Yr Alban) 2011(2).

13. Gorchymyn sefydlogrwydd a wnaed, neu a drinnir fel pe bai wedi ei wneud, o dan adran 80 o Ddeddf Mabwysiadu a Phlant (Yr Alban) 2007(3).

### Gorchymynion sy'n gosod gofyniad preswyllo neu wahardd

14. Gorchymyn goruchwyllo sy'n gosod gofyniad preswyllo o dan baragraff 5 o Atodlen 6 i Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000(4), adran 12AA o Ddeddf Plant a Phobl Ifanc 1969(5) (gofyniad i fyw mewn llety awdurdod lleol), paragraff 17 o Atodlen 1 i Ddeddf Cyfiawnder Troseddol a Mewnfudo 2008(6) neu baragraff 25 o Atodlen 6 i'r Cod Dedfrydu.

15. Gorchymyn person addas o dan adran 91, 92, 95 neu 97 o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(7), gorchymyn hawliau rhiant o dan adran 104 neu orchymyn ysgol hyfforddi o dan adran 78, adrannau 83 i 90, adran 95 neu adran 97 o'r Ddeddf honno.

16. Gorchymyn gwahardd o dan adran 76 o Ddeddf Plant (Yr Alban) 1995.

17. Gorchymyn goruchwyllo sy'n gosod gofyniad preswyllo o dan baragraff 5 o Atodlen 9 i Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald) (gofyniad i fyw mewn llety a ddarperir gan yr Adran Iechyd a Nawdd Cymdeithasol)(8).

18. Gorchymyn a wneir ar unrhyw adeg, sy'n gosod gofyniad goruchwyllo mewn cysylltiad â phlentyn er mwyn symud y plentyn hwnnw o ofal P, o dan—

11. A parental responsibility order made under article 7 of the Children (Northern Ireland) Order 1995.

12. A child protection order under section 57 of the Children (Scotland) Act 1995(1) or under section 37 of the Children's Hearings (Scotland) Act 2011(2).

13. A permanence order made, or treated as being made, under section 80 of the Adoption and Children (Scotland) Act 2007(3).

### Orders imposing a residence or exclusion requirement

14. A supervision order which imposes a residence requirement under paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000(4), section 12AA of the Children and Young Persons Act 1969(5) (requirement to live in local authority accommodation), paragraph 17 of Schedule 1 to the Criminal Justice and Immigration Act 2008(6) or paragraph 25 of Schedule 6 to the Sentencing Code.

15. A fit person order under section 91, 92, 95 or 97 of the Children and Young Persons Act (Northern Ireland) 1968(7), a parental rights order under section 104 or a training school order under section 78, sections 83 to 90, section 95 or section 97 of that Act.

16. An exclusion order under section 76 of the Children (Scotland) Act 1995.

17. A supervision order which imposes a residence requirement under paragraph 5 of Schedule 9 to the Children and Young Persons Act 2001 (an Act of Tynwald) (requirement to live in accommodation provided by the Department of Health and Social Security)(8).

18. An order made at any time imposing a supervision requirement with respect to a child so as to remove that child from P's care, under—

(1) 1995 p. 36. Diddymwyd adran 57 gan adran 203(2) o Ddeddf Gwrandawiadau Plant (Yr Alban) 2011 (dsa 1) ac Atodlen 6 iddi.

(2) 2011 dsa 1.

(3) 2007 dsa 4.

(4) 2000 p. 6. Fe'i diddymwyd gan adran 149 o Ddeddf Cyfiawnder Troseddol a Mewnfudo 2008 (p. 4) ac Atodlen 28 iddi, yn ddarostyngedig i arbedion a darpariaethau trosiannol a bennir ym mharagraff 1(1) o Atodlen 27 i'r Ddeddf honno.

(5) 1969 p. 54. Fe'i diddymwyd gan adran 165 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000 (p. 6) a Rhan 1 o Atodlen 12 iddi.

(6) 2008 p. 4. Fe'i diddymwyd gan adran 413 o Ddeddf Dedfrydu 2020 (p. 17) ac Atodlen 28 iddi, yn ddarostyngedig i arbedion a darpariaethau trosiannol a bennir yn adrannau 412 a 416 o'r Ddeddf honno, a pharagraffau 1, 2, 4 a 5 o Atodlen 27 iddi.

(7) Diddymwyd y darpariaethau sy'n ymwneud â'r gorchymynion hyn gan O.S. 1995/755 (G.I. 2) ac O.S. 1998/1504 (G.I. 9).

(8) Ers 2021, gelwir yr Adran Iechyd a Nawdd Cymdeithasol ar Ynys Manaw yn Adran Iechyd a Gofal Cymdeithasol.

(1) 1995 c. 36. Section 57 was repealed by section 203(2) of, and Schedule 6 to, the Children's Hearings (Scotland) Act 2011 (asp 1).

(2) 2011 asp 1.

(3) 2007 asp 4.

(4) 2000 c. 6. Repealed by section 149 of and Schedule 28 to the Criminal Justice and Immigration Act 2008 (c. 4), subject to savings and transitional provisions specified in paragraph 1(1) of Schedule 27 to that Act.

(5) 1969 c. 54. Repealed by section 165 of and Part 1 of Schedule 12 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

(6) 2008 c. 4. Repealed by section 413 of and Schedule 28 to the Sentencing Act 2020 (c. 17), subject to savings and transitional provisions specified in sections 412 and 416 of, and paragraphs 1, 2, 4 and 5 of Schedule 27 to, that Act.

(7) The provisions relating to these orders were repealed by S.I. 1995/755 (N.I. 2) and S.I. 1998/1504 (N.I. 9).

(8) The Department of Health and Social Security on the Isle of Man is, since 2021, known as the Department of Health and Social Care.

- (a) adran 44 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(1), neu
- (b) adran 70 o Ddeddf Plant (Yr Alban) 1995(2).

**19.** Gorchymyn a wneir ar unrhyw adeg, sy'n breinio hawliau a phwerau P mewn cysylltiad â phlentyn mewn awdurdod lleol yn yr Alban—

- (a) o dan adran 16 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(3), neu
- (b) yn unol â gorchymyn cyfrifoldebau rhiant o dan adran 86 o Ddeddf Plant (Yr Alban) 1995(4).

**20.** Gorchymyn goruchwylio gorfodol, o fewn ystyr “compulsory supervision order” yn adran 83 o Ddeddf Gwrandawiaidau Plant (Yr Alban) 2011, neu orchymyn goruchwylio gorfodol interim, o fewn ystyr “interim compulsory supervision order” yn adran 86 o'r Ddeddf honno, a wneir ar unrhyw adeg mewn cysylltiad â phlentyn er mwyn symud y plentyn hwnnw o ofal P.

#### **Penderfyniadau mewn perthynas ag addasrwydd P i ddarparu gofal**

**21.** Mewn perthynas â chofrestru cartref plant—

- (a) gwrthod cais P i gofrestru o dan adran 13 o Ddeddf Safonau Gofal 2000,
- (b) canslo cofrestriad P o dan adran 14, 20(1) neu 20(A) o Ddeddf Safonau Gofal 2000,
- (c) canslo cofrestriad unrhyw berson o dan adran 14, 20(1) neu 20(A) o Ddeddf Safonau Gofal 2000 mewn perthynas â chartref plant y mae P wedi bod yn ymwneud â'i reoli, neu y mae gan P unrhyw fuddiant ariannol ynddo, neu
- (d) gwrthod cais P i gofrestru neu ganslo cofrestriad P o dan Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Ansawdd, Gwella a Rheoleiddio) (Gogledd Iwerddon) 2003(5).

**22.** Mewn perthynas â chofrestru gwasanaeth cartref gofal, a ddarperir yn gyfan gwbl neu'n bennaf i bersonau sydd o dan 18 oed, neu wasanaeth llety diogel (mae i bob un yr ystyr a roddir yn Rhan 1 o

- (a) section 44 of the Social Work (Scotland) Act 1968(1), or
- (b) section 70 of the Children (Scotland) Act 1995(2).

**19.** An order made at any time vesting P's rights and powers with respect to a child in a local authority in Scotland—

- (a) under section 16 of the Social Work (Scotland) Act 1968(3), or
- (b) pursuant to a parental responsibilities order under section 86 of the Children (Scotland) Act 1995(4).

**20.** A compulsory supervision order, within the meaning of section 83 of the Children's Hearings (Scotland) Act 2011, or an interim compulsory supervision order, within the meaning of section 86 of that Act, made at any time with respect to a child so as to remove that child from P's care.

#### **Determinations in relation to P's suitability to provide care**

**21.** In relation to registration of a children's home—

- (a) a refusal of P's application for registration under section 13 of the Care Standards Act 2000,
- (b) cancellation of P's registration under section 14, 20(1) or 20(A) of the Care Standards Act 2000,
- (c) cancellation of the registration of any person under section 14, 20(1) or 20(A) of the Care Standards Act 2000 in relation to a children's home which P has been concerned in the management of, or has any financial interest in, or
- (d) 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(5).

**22.** In relation to the registration of a care home service which is provided wholly or mainly to persons under the age of 18, or a secure accommodation service (each has the meaning given in Part 1 of the

(1) 1968 p. 49. Diddymwyd adran 44 gan adran 105(5) o Ddeddf Plant (Yr Alban) 1995 ac Atodlen 5 iddi.  
 (2) Diddymwyd adran 70 gan adran 203(2) o Ddeddf Gwrandawiaidau Plant (Yr Alban) 2011 ac Atodlen 6 iddi.  
 (3) Diddymwyd adran 16 gan adran 105(5) o Ddeddf Plant (Yr Alban) 1995 ac Atodlen 5 iddi.  
 (4) Diddymwyd adran 86 gan adran 120(2) o Ddeddf Mabwysiadu a Phlant (Yr Alban) 2007 (dsa 4) ac Atodlen 3 iddi.  
 (5) O.S. 2003/431 (G.I. 9).

(1) 1968 c. 49. Section 44 was repealed by section 105(5) of, and Schedule 5 to, the Children (Scotland) Act 1995.  
 (2) Section 70 was repealed by section 203(2) of, and Schedule 6 to, the Children's Hearings (Scotland) Act 2011.  
 (3) Section 16 was repealed by section 105(5) of, and Schedule 5 to, the Children (Scotland) Act 1995.  
 (4) Section 86 was repealed by section 120(2) of, and Schedule 3 to, the Adoption and Children (Scotland) Act 2007 (asp 4).  
 (5) S.I. 2003/431 (N.I. 9).

Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1) (“Deddf 2016”)—

- (a) gwrthod cais P i gofrestru o dan adran 7 o Ddeddf 2016,
- (b) gwrthod o dan adran 12 o Ddeddf 2016 gais P i amrywio cofrestriad P (a wneir yn unol ag adran 11(1)(a)(i) neu (ii) o’r Ddeddf honno),
- (c) canslo cofrestriad P o dan adran 15(1)(b) i (f) neu 23(1) o Ddeddf 2016,
- (d) canslo 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, neu wasanaeth llety diogel, y mae P wedi bod yn ymwneud â’i reoli, neu yr oedd gan P fuddiant ariannol ynddo, neu
- (e) gwrthod cais P i gofrestru neu ganslo cofrestriad P o dan Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Ansawdd, Gwella a Rheoleiddio) (Gogledd Iwerddon) 2003.

**23.** Gwrthod ar unrhyw adeg gais P i gofrestru mewn perthynas â chartref gwirfoddol neu gartref plant, neu ganslo cofrestriad cartref gwirfoddol neu gartref plant a oedd yn cael ei gynnal gan P neu yr oedd P fel arall yn ymwneud â’i reoli, neu yr oedd gan P unrhyw fuddiant ariannol ynddo, o dan, yn ôl y digwydd—

- (a) paragraff 1 o Atodlen 5 i Ddeddf 1989(2),
- (b) paragraff 1 neu 4 o Atodlen 6 i Ddeddf 1989(3),
- (c) adran 127 o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(4),
- (d) erthygl 80, 82, 96 neu 98 o Orchymyn Plant (Gogledd Iwerddon) 1995(5),
- (e) Rhan 1 o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001(6) (gwasanaethau cartrefi gofal),

---

(1) 2016 decc 2.

(2) Fe’i diddymwyd o ran Cymru a Lloegr gan adran 117(2) o Ddeddf Safonau Gofal 2000 ac Atodlen 6 iddi.

(3) Fe’i diddymwyd o ran Cymru a Lloegr gan adran 117(2) o Ddeddf Safonau Gofal 2000 ac Atodlen 6 iddi.

(4) Diddymwyd adran 127 gan erthygl 185(2) o O.S. 1995/755 (G.I. 2) ac Atodlen 10 iddo.

(5) Diddymwyd erthyglau 80, 82, 96 a 98 gan erthygl 50(2) o O.S. 2003/431 (G.I. 9) ac Atodlen 5 iddo.

(6) 2001 dsa 8. Diddymwyd Rhan 1 gan adran 106 o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010 (dsa 8) ac Atodlen 14 iddi, gydag arbedion a bennir yn erthygl 2 o O.S.A. 2011/169.

Regulation and Inspection of Social Care (Wales) Act 2016(1) (“the 2016 Act”)—

- (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, or a secure accommodation service, in which P has been concerned in the management, or in which P had any financial interest, or
- (e) 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.

**23.** Refusal at any time of P’s application for registration in relation to a voluntary home or a children’s home, or cancellation of the registration of a voluntary home or children’s home which was carried on by P or which P was otherwise concerned with the management of, or had any financial interest in, under, as the case may be—

- (a) paragraph 1 of Schedule 5 to the 1989 Act(2),
- (b) paragraph 1 or 4 of Schedule 6 to the 1989 Act(3),
- (c) section 127 of the Children and Young Persons Act (Northern Ireland) 1968(4),
- (d) article 80, 82, 96 or 98 of the Children (Northern Ireland) Order 1995(5),
- (e) Part 1 of the Regulation of Care (Scotland) Act 2001(6) (care home services),

---

(1) 2016 anaw 2.

(2) Repealed in relation to England and Wales by section 117(2) of, and Schedule 6 to, the Care Standards Act 2000.

(3) Repealed in relation to England and Wales by section 117(2) of, and Schedule 6 to, the Care Standards Act 2000.

(4) Section 127 was repealed by article 185(2) of, and Schedule 10 to, S.I. 1995/755 (N.I. 2).

(5) Articles 80, 82, 96 and 98 were repealed by article 50(2) of, and paragraph 1 of Schedule 5 to, S.I. 2003/431 (N.I. 9).

(6) 2001 asp 8. Part 1 was repealed by section 106 of, and Schedule 14 to, the Public Services Reform (Scotland) Act 2010 (asp 8), with savings specified in article 2 of S.S.I. 2011/169.



- (f) paragraff 2 neu 4 o Atodlen 6 i Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald)(1), neu
- (g) Rhan 5 o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010(2).

**24. Gwaharddiad a osodir ar unrhyw adeg o dan—**

- (a) adran 69 o Ddeddf 1989, adran 10 o Ddeddf Plant Maeth 1980(3) neu adran 4 o Ddeddf Plant 1958 (pŵer i wahardd maethu preifat)(4),
- (b) erthygl 110 o Orchymyn Plant (Gogledd Iwerddon) 1995 (pŵer i wahardd maethu preifat),
- (c) adran 10 o Ddeddf Plant Maeth (Yr Alban) 1984 (pŵer i wahardd cadw plant maeth)(5), neu
- (d) adran 59 o Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald) (pŵer i wahardd neu osod gwaharddiadau o dan faethu preifat).

**25.** Hysbysiad ysgrifenedig a roddir gan Fwrdd Iechyd a Gwasanaethau Cymdeithasol o dan adran 1(3) o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(6) (gwrthod cydsynio i berson ofalu am y plentyn a'i gynnal).

**26.** Gwrthod ar unrhyw adeg gofrestrriad mewn cysylltiad â darparu meithrinfeydd, gofal dydd, gwarchod plant neu ddarpariaeth gofal plant arall, anghymhwyso rhag cofrestru o'r fath neu ganslo unrhyw gofrestrriad o'r fath o dan—

- (a) adran 1 neu 5 o Ddeddf Rheoleiddio Meithrinfeydd a Gwarchodwyr Plant 1948(7),

- (f) paragraph 2 or 4 of Schedule 6 to the Children and Young Persons Act 2001 (an Act of Tynwald)(1), or
- (g) Part 5 of the Public Services Reform (Scotland) Act 2010(2).

**24. A prohibition imposed at any time under—**

- (a) section 69 of the 1989 Act, section 10 of the Foster Children Act 1980(3) or section 4 of the Children Act 1958 (power to prohibit private fostering)(4),
- (b) article 110 of the Children (Northern Ireland) Order 1995 (power to prohibit private fostering),
- (c) section 10 of the Foster Children (Scotland) Act 1984 (power to prohibit the keeping of foster children)(5), or
- (d) section 59 of the Children and Young Persons Act 2001 (an Act of Tynwald) (power to prohibit or impose restrictions under private fostering).

**25.** A notice in writing given by a Health and Social Services Board under section 1(3) of the Children and Young Persons Act (Northern Ireland) 1968(6) (withholding consent to the care and maintenance of the child being undertaken by a person).

**26.** Refusal at any time of registration in respect of the provision of nurseries, day care, child minding or other provision of childcare, disqualification from such registration or cancellation of any such registration under—

- (a) section 1 or 5 of the Nurseries and Child-Minders Regulation Act 1948(7),

(1) Diddymwyd Atodlen 6 gan adran 199 o Ddeddf Rheoleiddio Gofal 2013 (Deddf Tynwald) (p. 10).

(2) 2010 dsa 8.

(3) 1980 p. 6. Diddymwyd adran 10 gan adran 108 o Ddeddf 1989 ac Atodlen 15 iddi.

(4) 1958 p. 65. Diddymwyd Deddf Plant 1958, gydag arbedion, gan adran 23 o Ddeddf Plant Maeth 1980 ac Atodlen 3 iddi ac adran 22 o Ddeddf Plant Maeth (Yr Alban) 1984 (p. 56) ac Atodlen 3 iddi. Mae Deddf Plant Maeth (Yr Alban) 1984 yn cael effaith yn ddarostyngedig i ddarpariaethau trosiannol a nodir yn y Ddeddf honno.

(5) 1984 p. 56.

(6) Diddymwyd adran 1 gan erthygl 185(2) o O.S. 1995/755 (G.I. 2) ac Atodlen 10 iddo.

(7) 1948 p. 53. Diddymwyd y Ddeddf hon, gydag arbedion, gan adran 108 o Ddeddf 1989 a pharagraffau 33 a 34 o Atodlen 14 ac Atodlen 15 iddi.

(1) Schedule 6 was repealed by section 199 of the Regulation of Care Act 2013 (an Act of Tynwald) (c. 10).

(2) 2010 asp 8.

(3) 1980 c. 6. Section 10 was repealed by section 108 of, and Schedule 15 to, the 1989 Act.

(4) 1958 c. 65. The Children Act 1958 was repealed with savings by section 23 of, and Schedule 3 to, the Foster Children Act 1980 and section 22 of, and Schedule 3 to, the Foster Children (Scotland) Act 1984 (c. 56). The Foster Children (Scotland) Act 1984 has effect subject to transitional provisions set out in that Act.

(5) 1984 c. 56.

(6) Section 1 was repealed by article 185(2) of, and Schedule 10 to, S.I. 1995/755 (N.I. 2).

(7) 1948 c. 53. This Act was repealed with savings by section 108 of, and paragraphs 33 and 34 of Schedule 14 and paragraph 1 of Schedule 15 to, the 1989 Act.

- (b) Rhan 10 neu 10A o Ddeddf 1989(1),
- (c) Pennod 2, 3 neu 4 o Ran 3 o Ddeddf Gofal Plant 2006(2),
- (d) Rhan 11 o Orchymyn Plant (Gogledd Iwerddon) 1995,
- (e) adran 11(5) neu 15 o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(3),
- (f) Rhan 1 o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001(4),
- (g) adran 1 o Ddeddf Rheoleiddio Meithrinfeydd a Gwarchodwyr Plant 1974(5) (Deddf Tynwald),
- (h) adran 65 neu 66(6) o Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald) neu Atodlen 7(7) iddi,
- (i) Rhan III o Gyfraith Amddiffyn Plant (Guernsey) 1972, neu
- (j) Rhan 2 o'r Mesur.

27. Anghymhwysio rhag gweithio gyda phlant ar unrhyw adeg o dan Ddeddf Amddiffyn Plant (Yr Alban) 2003(8).

28. Gwrthod ar unrhyw adeg gais P i gofrestru neu ganslo cofrestrriad P o dan adran 62 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(9) (cofrestru sefydliadau preswyl a sefydliadau eraill).

- (b) Part 10 or 10A of the 1989 Act(1),
- (c) Chapter 2, 3 or 4 of Part 3 of the Childcare Act 2006(2),
- (d) Part 11 of the Children (Northern Ireland) Order 1995,
- (e) section 11(5) or 15 of the Children and Young Persons Act (Northern Ireland) 1968(3),
- (f) Part 1 of the Regulation of Care (Scotland) Act 2001(4),
- (g) section 1 of the Nurseries and Child Minders Regulation Act 1974(5) (an Act of Tynwald),
- (h) section 65 or 66(6) of, or Schedule 7(7) to, the Children and Young Persons Act 2001 (an Act of Tynwald),
- (i) Part III of the Child Protection (Guernsey) Law 1972, or
- (j) Part 2 of the Measure.

27. Disqualification from working with children at any time under the Protection of Children (Scotland) Act 2003(8).

28. Refusal at any time of P's application for registration or cancellation of P's registration under section 62 of the Social Work (Scotland) Act 1968(9) (registration of residential and other establishments).

- 
- (1) Diddymwyd Rhan 10 o ran Cymru a Lloegr gan adran 79 o Ddeddf Safonau Gofal 2000 ac o ran yr Alban gan adran 80 o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001 (dsa 8) ac Atodlen 4 iddi. Diddymwyd Rhan 10A o ran Cymru gan adran 73 o'r Mesur ac Atodlen 2 iddo.
  - (2) 2006 p. 21.
  - (3) Diddymwyd adrannau 11(5) a 15 gan erthygl 185(2) o O.S. 1995/755 (G.I. 2) ac Atodlen 10 iddo.
  - (4) Diddymwyd Rhan 1 gan adran 106 o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010 ac Atodlen 14 iddi, gydag arbedion a bennir yn erthygl 2 o O.S.A. 2011/169.
  - (5) 1974 p. 12 (Deddf Tynwald). Diddymwyd y Ddeddf hon gan adran 105 o Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald) ac Atodlen 13 iddi.
  - (6) 2001 p. 20. Diddymwyd adrannau 65 a 66 gan adran 196 o Ddeddf Rheoleiddio Gofal 2013 (Deddf Tynwald) (p. 10).
  - (7) Diddymwyd Atodlen 7 gan adran 199 o Ddeddf Rheoleiddio Gofal 2013 (Deddf Tynwald).
  - (8) 2003 dsa 5. Diddymwyd y Ddeddf hon gan adran 88 o Ddeddf Amddiffyn Grwpiau Hyglwylf (Yr Alban) 2007 (dsa 14) ac Atodlen 4 iddi, yn ddarostyngedig i ddarpariaethau trosiannol a nodir yn erthyglau 3 i 12 o O.S.A. 2010/180.
  - (9) 1968 p. 49. Diddymwyd adran 62 gan adran 80(1) o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001 ac Atodlen 4 iddi, yn ddarostyngedig i arbedion a bennir yn erthyglau 11 a 13 o O.S.A. 2002/162.

- 
- (1) Part 10 was repealed in relation to England and Wales by section 79 of the Care Standards Act 2000 and in relation to Scotland by section 80 of, and Schedule 4 to, the Regulation of Care (Scotland) Act 2001 (asp 8). Part 10A was repealed in relation to Wales by section 73 of, and Schedule 2 to, the Measure.
  - (2) 2006 c. 21.
  - (3) Sections 11(5) and 15 were repealed by article 185(2) of, and Schedule 10 to, S.I. 1995/755 (N.I. 2).
  - (4) Part 1 was repealed by section 106 of, and Schedule 14 to, the Public Services Reform (Scotland) Act 2010, with savings specified in article 2 of S.S.I. 2011/169.
  - (5) 1974 c. 12 (an Act of Tynwald). This Act was repealed by section 105 of, and Schedule 13 to, the Children and Young Persons Act 2001 (an Act of Tynwald).
  - (6) 2001 c. 20. Sections 65 and 66 were repealed by section 196 of the Regulation of Care Act 2013 (an Act of Tynwald) (c. 10).
  - (7) Schedule 7 was repealed by section 199 of the Regulation of Care Act 2013 (an Act of Tynwald).
  - (8) 2003 asp 5. This Act was repealed by section 88 of, and Schedule 4 to, the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14) subject to transitional provisions set out in articles 3 to 12 of S.S.I. 2010/180.
  - (9) 1968 c. 49. Section 62 was repealed by section 80(1) of, and Schedule 4 to, the Regulation of Care (Scotland) Act 2001, subject to savings specified in articles 11 and 13 of S.S.I. 2002/162.

**29.** Gwrthod ar unrhyw adeg gais P i gofrestru yn ddarparwr asiantaeth gofal plant o dan adran 7 o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001 neu ganslo unrhyw gofrestrriad o'r fath o dan adran 12 neu 18 o'r Ddeddf honno(1).

**30.** Gwrthod ar unrhyw adeg gais P i gofrestru yn ddarparwr asiantaeth gofal plant o dan adran 59 o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010 neu ganslo unrhyw gofrestrriad o'r fath o dan adran 64 neu 65 o'r Ddeddf honno.

**31.** Gwrthod ar unrhyw adeg gais P i gofrestru neu ganslo cofrestrriad P o dan adran 60 o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010.

**32.** Cynnwys enw P ar unrhyw adeg ar restr o bersonau sy'n anaddas i weithio gyda phlant o dan erthygl 3 o Orchymyn Amddiffyn Plant ac Oedolion Hyglwyf (Gogledd Iwerddon) 2003 neu anghymhwysio rhag gweithio gyda phlant o dan Bennod 2 o Ran 2 o'r Gorchymyn hwnnw(2).

**29.** Refusal at any time of P's application for registration as a provider of a child care agency under section 7 of the Regulation of Care (Scotland) Act 2001 or cancellation of any such registration under section 12 or 18 of that Act(1).

**30.** Refusal at any time of P's application for registration as a provider of a child care agency under section 59 of the Public Services Reform (Scotland) Act 2010 or cancellation of any such registration under section 64 or 65 of that Act.

**31.** Refusal at any time of P's application for registration or cancellation of P's registration under section 60 of the Public Services Reform (Scotland) Act 2010.

**32.** Inclusion of P's name at any time on a list of persons unsuitable to work with children under article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 or disqualification from working with children under Chapter 2 of Part 2 of that Order(2).

## ATODLEN 2 Rheoliad 3(5)

### TROSEDDAU STATUDOL SYDD WEDI EU DIDDYMU

**1.—**(1) Trosedd o dan unrhyw un neu ragor o'r adrannau a ganlyn o Ddeddf Troseddau Rhywiol 1956(3)—

- (a) adran 1 (treisio);
- (b) adran 2 neu 3 (caffael menyw drwy fygythiadau neu haeriadau anwir);
- (c) adran 4 (rhoi cyffuriau i gael neu hwyluso cyfathrach);
- (d) adran 5 (cyfathrach â merch o dan 13 oed);
- (e) adran 6 (cyfathrach â merch rhwng 13 ac 16 oed);
- (f) adran 14 neu 15 (ymosod anwedus);
- (g) adran 16 (ymosod gan fwriadu cyflawni sodomiaeth);
- (h) adran 17 (herwyddio menyw drwy rym neu oherwydd ei heiddo);

## SCHEDULE 2 Regulation 3(5)

### REPEALED STATUTORY OFFENCES

**1.—**(1) An offence under any of the following sections of the Sexual Offences Act 1956(3)—

- (a) section 1 (rape);
- (b) section 2 or 3 (procurement of woman by threats or false pretences);
- (c) section 4 (administering drugs to obtain or facilitate intercourse);
- (d) section 5 (intercourse with a girl under 13);
- (e) section 6 (intercourse with a girl between 13 and 16);
- (f) section 14 or 15 (indecent assault);
- (g) section 16 (assault with intent to commit buggery);
- (h) section 17 (abduction of woman by force or for the sake of her property);

---

(1) Diddymwyd adrannau 7, 12 a 18 yn yr Alban gan adran 106 o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010 ac Atodlen 14 iddi, yn ddarostyngedig i arbedion a bennir yn erthygl 21 o O.S.A. 2011/121.

(2) O.S. 2003/417 (G.I. 4). Dirymwyd erthygl 3 a Phennod 2 o Ran 2 o'r Gorchymyn hwnnw gan erthygl 60(2) o O.S. 2007/1351 (G.I. 11) ac Atodlen 8 iddo.

(3) 1956 p. 69. Diddymwyd pob un o'r adrannau y cyfeirir atynt ym mharagraffau (a) i (l) o'r is-baragraff hwn gan adran 140 o Ddeddf Troseddau Rhywiol 2003 ("Deddf 2003") ac Atodlen 7 iddi.

---

(1) Sections 7, 12 and 18 were repealed in Scotland by section 106 to, and Schedule 14 to, the Public Services Reform (Scotland) Act 2010, subject to savings specified in article 21 of S.S.I. 2011/121.

(2) S.I. 2003/417 (N.I. 4). Article 3 and Chapter 2 of Part 2 of that Order were revoked by article 60(2) of, and Schedule 8 to, S.I. 2007/1351 (N.I. 11).

(3) 1956 c. 69. All the sections referred to in paragraphs (a) to (l) of this sub-paragraph were repealed by section 140 of, and Schedule 7 to, the Sexual Offences Act 2003 ("the 2003 Act").

- (i) adran 19 neu 20 (herwgydio merch o dan 18 neu 16 oed);
- (j) adran 24 (cadw menyw mewn puteindy neu mewn mangre arall);
- (k) adran 25 neu 26 (caniatáu i ferch o dan 13 oed, neu rhwng 13 ac 16 oed, ddefnyddio mangre i gael cyfathrach);
- (l) adran 28 (achosi neu annog puteinio merch o dan 16 oed, cyfathrach â hi neu ymosodiad anwedus arni).

(2) Trosedd o dan adran 1 o Ddeddf Anwedduster gyda Phlant 1960 (ymddygiad anwedus tuag at blentyn ifanc)(1).

(3) Trosedd o dan adran 54 o Ddeddf Cyfraith Trosedd 1977 (ysgogi merch o dan 16 oed i gyflawni llogach)(2).

(4) Trosedd o dan adran 3 o Ddeddf Troseddau Rhywiol (Diwygio) 2000 (camfanteisio ar ymddiriedaeth)(3).

(5) Trosedd o dan adran 16 o Ddeddf Plant Maeth 1980(4) neu adran 14 o Ddeddf Plant 1958(5) (troseddau sy'n ymwneud â maethu preifat).

(6) Trosedd o dan adran 63(10) o Ddeddf 1989, paragraff 1(5) o Atodlen 5 iddi neu baragraff 2(3) o Atodlen 6 iddi (troseddau sy'n ymwneud â chartrefi gwirfoddol a chartrefi plant)(6).

(7) Trosedd o dan neu yn rhinwedd unrhyw un neu ragor o'r adrannau a ganlyn o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001(7)—

- (a) adran 21 (troseddau mewn perthynas â chofrestru),
- (b) adran 22 (datganiadau anwir mewn ceisiadau), neu
- (c) adran 29(10) (troseddau o dan reoliadau).

- (i) section 19 or 20 (abduction of girl under 18 or 16);
- (j) section 24 (detention of woman in brothel or other premises);
- (k) section 25 or 26 (permitting girl under 13, or between 13 and 16, to use premises for intercourse);
- (l) section 28 (causing or encouraging prostitution of, intercourse with or indecent assault on, girl under 16).

(2) An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child)(1).

(3) An offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to incest)(2).

(4) An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust)(3).

(5) An offence under section 16 of the Foster Children Act 1980(4) or section 14 of the Children Act 1958(5) (offences relating to private fostering).

(6) An offence under section 63(10) of, paragraph 1(5) of Schedule 5 to, or paragraph 2(3) of Schedule 6 to, the 1989 Act (offences relating voluntary homes and children's homes)(6).

(7) An offence under or by virtue of any of the following sections of the Regulation of Care (Scotland) Act 2001(7)—

- (a) section 21 (offences in relation to registration),
- (b) section 22 (false statements in applications), or
- (c) section 29(10) (offences under regulations).

---

(1) 1960 p. 33. Diddymwyd adran 1 gan adran 140 o Ddeddf 2003 ac Atodlen 7 iddi.  
 (2) 1977 p. 45. Diddymwyd adran 54 gan adran 140 o Ddeddf 2003 ac Atodlen 7 iddi.  
 (3) 2000 p. 44. Diddymwyd adran 3 yng Nghymru a Lloegr gan adran 140 o Ddeddf 2003 ac Atodlen 7 iddi. Fe'i diddymwyd yn yr Alban gan adran 61(2) o Ddeddf Troseddau Rhywiol (Yr Alban) 2009 (dsa 9) ac Atodlen 6 iddi.  
 (4) 1980 p. 6. Diddymwyd y Ddeddf hon gan adran 108(7) o Ddeddf 1989 ac Atodlen 15 iddi.  
 (5) 1958 p. 65. Diddymwyd adran 14 gan adran 23(3) o Ddeddf Plant Maeth 1980 ac Atodlen 3 iddi.  
 (6) Diddymwyd pob un o'r darpariaethau hyn gan adran 117(2) o Ddeddf Safonau Gofal 2000 ac Atodlen 6 iddi.  
 (7) Diddymwyd pob un o'r darpariaethau ym mharagraffau (a) i (c) gan baragraff 37 o Atodlen 14 i Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010.

---

(1) 1960 c. 33. Section 1 was repealed by section 140 of, and Schedule 7 to, the 2003 Act.  
 (2) 1977 c. 45. Section 54 was repealed by section 140 of, and Schedule 7 to, the 2003 Act.  
 (3) 2000 c. 44. Section 3 was repealed in England and Wales by section 140 of, and Schedule 7 to, the 2003 Act. Repealed in Scotland by section 61(2) of, and Schedule 6 to, the Sexual Offences (Scotland) Act 2009 (asp 9).  
 (4) 1980 c. 6. This Act was repealed by section 108(7) of, and Schedule 15 to, the 1989 Act.  
 (5) 1958 c. 65. Section 14 was repealed by section 23(3) of, and Schedule 3 to, the Foster Children Act 1980.  
 (6) Each of these provisions was repealed by section 117(2) of, and Schedule 6 to, the Care Standards Act 2000.  
 (7) Each of the provisions in paragraphs (a) to (c) were repealed by paragraph 37 of Schedule 14 to the Public Services Reform (Scotland) Act 2010.

(8) Trosedd o dan adran 71 o Ddeddf Crwneriaid a Chyfiawnder 2009(1) (caethwasiaeth, caethiwed a llafur o dan orfod neu lafur gorfodol).

2. Mae P yn dod o fewn y paragraff hwn os yw P wedi ei gael wedi cyflawni trosedd o dan unrhyw un neu ragor o'r darpariaethau a ganlyn yn erbyn plentyn neu sy'n ymwneud â phlentyn—

- (a) adran 7 o Ddeddf Troseddau Rhywiol 1956(2) (cyfathrach â pherson diffygiol),
- (b) adran 9 o'r Ddeddf honno (caffael person diffygiol),
- (c) adran 10 o'r Ddeddf honno (llosgach gan ddyn),
- (d) adran 11 o'r Ddeddf honno (llosgach gan fenyw),
- (e) adran 12 o'r Ddeddf honno (sodomiaeth) ac eithrio os oedd y parti arall i'r weithred o anwedduster difrifol yn 16 oed neu'n hŷn ac wedi cydsynio i'r weithred,
- (f) adran 21 o'r Ddeddf honno (herwgydio person diffygiol oddi wrth riant neu warcheidwad),
- (g) adran 22 o'r Ddeddf honno (achosi puteinio menywod),
- (h) adran 23 o'r Ddeddf honno (caffael merch o dan 21 oed),
- (i) adran 27 o'r Ddeddf honno (caniatáu i berson diffygiol ddefnyddio mangre i gael cyfathrach),
- (j) adran 30 o'r Ddeddf honno (dyn yn byw ar enillion puteindra),
- (k) adran 31 o'r Ddeddf honno (menyw yn arfer rheolaeth dros butain),
- (l) adran 128 o Ddeddf Iechyd Meddwl 1959 (cyfathrach rywiol â chleifion)(3),
- (m) adran 4 o Ddeddf Troseddau Rhywiol 1967(4) (caffael eraill i gyflawni gweithredoedd cyfunrhywiol),
- (n) adran 5 o'r Ddeddf honno (byw ar enillion puteindra gwryw),

(8) An offence under section 71 of the Coroners and Justice Act 2009(1) (slavery, servitude and forced or compulsory labour).

2. P falls within this paragraph if P has been found to have committed an offence under any of the following provisions committed against or involving a child—

- (a) section 7 of the Sexual Offences Act 1956(2) (intercourse with defective),
- (b) section 9 of that Act (procurement of defective),
- (c) section 10 of that Act (incest by a man),
- (d) section 11 of that Act (incest by a woman),
- (e) section 12 of that Act (buggery) except if the other party to the act of gross indecency was aged 16 or over and consented to the act,
- (f) section 21 of that Act (abduction of defective from parent or guardian),
- (g) section 22 of that Act (causing prostitution of women),
- (h) section 23 of that Act (procurement of girl under 21),
- (i) section 27 of that Act (permitting defective to use premises for intercourse),
- (j) section 30 of that Act (man living on earnings of prostitution),
- (k) section 31 of that Act (woman exercising control over prostitute),
- (l) section 128 of the Mental Health Act 1959 (sexual intercourse with patients)(3),
- (m) section 4 of the Sexual Offences Act 1967(4) (procuring others to commit homosexual acts),
- (n) section 5 of that Act (living on earning of male prostitution),

---

(1) 2009 p. 25. Diddymwyd adran 71 o ran Cymru a Lloegr gan adran 57(1) o Ddeddf Caethwasiaeth Fodern 2015 a pharagraff 8 o Atodlen 5 iddi.

(2) Diddymwyd pob un o'r darpariaethau yn is-baragraffau (a) i (k) gan adran 140 o Ddeddf 2003 ac Atodlen 7 iddi.

(3) 1959 p. 72. Diddymwyd adran 128 gan adran 140 o Ddeddf 2003 ac Atodlen 7 iddi.

(4) 1967 p. 60. Diddymwyd y darpariaethau yn is-baragraffau (m) ac (n) gan adran 140 o Ddeddf 2003 ac Atodlen 7 iddi.

---

(1) 2009 c. 25. Section 71 was repealed in England and Wales by section 57(1) of, and paragraph 8 of Schedule 5 to, the Modern Slavery Act 2015.

(2) Each of the provisions in sub-paragraphs (a) to (k) were repealed by section 140 of, and Schedule 7 to, the 2003 Act.

(3) 1959 c. 72. Section 128 was repealed by section 140 of, and Schedule 7 to, the 2003 Act.

(4) 1967 c. 60. The provisions in sub-paragraphs (m) and (n) were repealed by section 140 of, and Schedule 7 to, the 2003 Act.

- (o) adran 9(1)(a) o Ddeddf Dwyn 1968(1) (bwrgheriaeth), neu
- (p) trosedd sy'n gysylltiedig â throsedd a bennir yn is-baragraffau (a) i (o).

- (o) section 9(1)(a) of the Theft Act 1968(1) (burglary), or
- (p) an offence that is related to an offence specified in sub-paragraphs (a) to (o).

### ATODLEN 3 Rheoliad 3(7)

## TROSEDDAU PENODEDIG

### Troseddau yng Nghymru a Lloegr

1.—(1) Trosedd o dan adran 1 (trosedd anfon llythyrau etc. gan fwriadu achosi trallod neu bryder) o Ddeddf Cyfathrebiadau Maleisus 1988(2).

(2) Trosedd o dan adran 49 neu 50(9) o Ddeddf 1989 (troseddau sy'n ymwneud â herwydio plentyn mewn gofal).

(3) Trosedd o dan unrhyw un neu ragor o'r adrannau a ganlyn o Ddeddf Diogelwch rhag Aflonyddu 1997(3)—

- (a) adran 4 (rhoi pobl o dan ofn trais), neu
- (b) adran 4A (stelcio sy'n cynnwys ofn trais neu ddychryn neu drallod difrifol)(4).

(4) Trosedd o dan unrhyw un neu ragor o'r adrannau a ganlyn o Ddeddf Terfysgaeth 2000(5)—

- (a) adran 11 (aelodaeth),
- (b) adran 12 (cefnogaeth),
- (c) adran 13 (lifrai),
- (d) adran 15 (codi arian),
- (e) adran 54 (hyfforddiant arfau)(6),
- (f) adran 56 (sefydliad cyfarwyddo terfysgwyr),
- (g) adran 58A (ennyn, cyhoeddi neu gyfathrebu gwybodaeth am aelodau o'r lluoedd arfog etc)(7),

### SCHEDULE 3 Regulation 3(7)

## SPECIFIED OFFENCES

### Offences in England and Wales

1.—(1) An offence under section 1 (offence of sending letters etc. with intent to cause distress or anxiety) of the Malicious Communications Act 1988(2).

(2) An offence under section 49 or 50(9) of the 1989 Act (offences relating to the abduction of a child in care).

(3) An offence under any of the following sections of the Protection from Harassment Act 1997(3)—

- (a) section 4 (putting people in fear of violence), or
- (b) section 4A (stalking involving fear of violence or serious alarm or distress)(4).

(4) An offence under any of the following sections of the Terrorism Act 2000(5)—

- (a) section 11 (membership),
- (b) section 12 (support),
- (c) section 13 (uniform),
- (d) section 15 (fund-raising),
- (e) section 54 (weapons training)(6),
- (f) section 56 (directing terrorist organisation),
- (g) section 58A (eliciting, publishing or communicating information about members of armed forces etc)(7),

(1) 1968 p. 60. Darperir manylion am natur trosedd dan adran 9(1)(a) yn adran 9(2). Diwygiwyd adran 9(2) gan adran 139 o Ddeddf 2003 ac Atodlen 7 iddi.  
 (2) 1988 p. 27.  
 (3) 1997 p. 40.  
 (4) Mewnosodwyd adran 4A gan adran 111(2) o Ddeddf Diogelu Rhyddidau 2012 (p. 9).  
 (5) 2000 p. 11.  
 (6) Diwygiwyd adran 54 gan adran 120 o Ddeddf Gwrthderfysgaeth, Trosedd a Diogelwch 2001 (p. 24), adran 1 o Ddeddf Cyfiawnder Troseddol a'r Llysoedd 2015 (p. 2) (gyda darpariaethau trosiannol sydd wedi eu cynnwys yn O.S. 2015/778) ac adran 99 o Ddeddf Gwrthderfysgaeth 2008 (p. 28) ac Atodlen 9 iddi.  
 (7) Mewnosodwyd adran 38A gan adran 76(1) o Ddeddf Gwrthderfysgaeth 2008 (p. 28). Amnewidiwyd rhan o adran 38A(3) gan adran 7(4) o Ddeddf Gwrthderfysgaeth a Diogelwch y Ffin 2019 (p. 3) ("Deddf 2019"), yn ddarostyngedig i ddarpariaethau trosiannol a nodir yn adran 25(2) o Ddeddf 2019.

(1) 1968 c. 60. Section 9(2) provides detail about the nature of an offence under section 9(1)(a) and was amended by section 140 of, and Schedule 7 to, the 2003 Act.  
 (2) 1988 c. 27.  
 (3) 1997 c. 40.  
 (4) Section 4A was inserted by section 111(2) of the Protection of Freedoms Act 2012 (c. 9).  
 (5) 2000 c. 11.  
 (6) Section 54 was amended by section 120 of the Anti-terrorism, Crime and Security Act 2001 (c. 24), section 1 of the Criminal Justice and Courts Act 2015 (c. 2) (with transitional provisions included in S.I. 2015/778) and section 99 of, and Schedule 9 to, the Counter-Terrorism Act 2008 (c. 28).  
 (7) Section 58A was inserted by section 76(1) of the Counter-Terrorism Act 2008 (c. 28). Part of section 58A(3) was substituted by section 7(4) of the Counter-Terrorism and Border Security Act 2019 (c. 3) ("the 2019 Act"), subject to transitional provisions set out in section of 25(2) of the 2019 Act.

- (h) adran 59 (Cymru a Lloegr), neu
- (i) adran 63 (cyllid terfysgwyr: awdurdodaeth).

(5) Trosedd mewn perthynas â chartref plant o dan neu yn rhinwedd unrhyw un neu ragor o'r darpariaethau a ganlyn o Ddeddf Safonau Gofal 2000—

- (a) adran 11(1) (methiant i gofrestru),
- (b) adran 24 (methiant i gydymffurfio ag amodau),
- (c) adran 25 (torri rheoliadau),
- (d) adran 26 (disgrifiadau anwir o sefydliadau ac asiantaethau), neu
- (e) adran 27 (datganiadau anwir mewn ceisiadau).

(6) Trosedd o dan adran 127 (defnydd amhriodol o rwydwaith cyfathrebu electronig cyhoeddus) o Ddeddf Cyfathrebiadau 2003(1).

(7) Trosedd o dan unrhyw un neu ragor o'r darpariaethau a ganlyn o Ddeddf Troseddau Rhywiol 2003—

- (a) adran 15A (cyfathrebu rhywiol â phlentyn)(2),
- (b) adran 62 neu 63 (cyflawni trosedd neu dresmasu gan fwriadu cyflawni trosedd rywiol),
- (c) adran 64 neu 65 (rhyw â pherthynas sy'n oedolyn),
- (d) adran 67A (voyeuriaeth: troseddau ychwanegol),
- (e) adran 69 (cyfathrach ag anifail)(3), neu
- (f) adran 70 (treiddio'n rhywiol i gorff marw).

(8) Trosedd o dan unrhyw un neu ragor o'r darpariaethau a ganlyn o Ddeddf Terfysgaeth 2006(4)—

- (a) adran 1 (annog terfysgaeth),
- (b) adran 2 (lledaenu cyhoeddiadau terfysgol),
- (c) adran 5 (paratoi gweithredoedd terfysgol),
- (d) adran 6 (hyfforddiant ar gyfer terfysgaeth)(5),

- (h) section 59 (England and Wales), or
- (i) section 63 (terrorist finance: jurisdiction).

(5) An offence in relation to a children's home under or by virtue of any of the following provisions of the Care Standards Act 2000—

- (a) section 11(1) (failure to register),
- (b) section 24 (failure to comply with conditions),
- (c) section 25 (contravention of regulations),
- (d) section 26 (false descriptions of establishments and agencies), or
- (e) section 27 (false statements in applications).

(6) An offence under section 127 (improper use of public electronic communications network) of the Communications Act 2003(1).

(7) An offence under any of the following provisions of the Sexual Offences Act 2003—

- (a) section 15A (sexual communication with a child)(2),
- (b) section 62 or 63 (committing an offence or trespassing with intent to commit a sexual offence),
- (c) section 64 or 65 (sex with an adult relative),
- (d) section 67A (voyeurism: additional offences),
- (e) section 69 (intercourse with an animal)(3), or
- (f) section 70 (sexual penetration of a corpse).

(8) An offence under any of the following provisions of the Terrorism Act 2006(4)—

- (a) section 1 (encouragement of terrorism),
- (b) section 2 (dissemination of terrorist publications),
- (c) section 5 (preparation of terrorist acts),
- (d) section 6 (training for terrorism)(5),

(1) 2003 p. 21. Diwygiwyd adran 127 gan adran 51(1) o Ddeddf Cyfiawnder Troseddol a'r Llysoedd 2015 (p. 2).

(2) Mewnosodwyd adran 15A gan adran 67 o Ddeddf Troseddau Difrifol 2015 (p. 9).

(3) Diddymwyd adran 69 o ran Gogledd Iwerddon gan erthygl 83 o O.S. 2008/1769 (G.I. 2) ac Atodlen 3 iddo, yn ddarostyngedig i arbedion a bennir yn y Gorchymyn hwnnw.

(4) 2006 p. 11.

(5) Diwygiwyd adran 6 gan adran 1(3) o Ddeddf Cyfiawnder Troseddol a'r Llysoedd 2015 (p. 2) ("Deddf 2015") (yn ddarostyngedig i darpariaethau trosiannol a nodir yn adran 1(4) a (5) o Ddeddf 2015) a pharagraff 443 o Atodlen 24 i Ddeddf Dedfrydu 2020 ("Deddf 2020") (yn ddarostyngedig i arbedion a darpariaethau trosiannol yn adran 410 o Ddeddf 2020 ac Atodlen 24 iddi).

(1) 2003 c. 21. Section 127 was amended by section 51(1) of the Criminal Justice and Courts Act 2015 (c. 2).

(2) Section 15A was inserted by section 67 of the Serious Crime Act 2015 (c. 9).

(3) Section 69 was repealed in relation to Northern Ireland by article 83 of and Schedule 3 to S.I. 2008/1769 (N.I. 2), subject to savings specified in that Order.

(4) 2006 c. 11.

(5) Section 6 was amended by section 1(3) of the Criminal Justice and Courts Act 2015 (c. 2) ("the 2015 Act") (subject to transitional provisions set out in section 1(4) and (5) of the 2015 Act) and paragraph 443 of Schedule 24 to the Sentencing Act 2020 ("the 2020 Act") (subject to savings and transitional provisions in section 410 of, and Schedule 24 to, the 2020 Act).

- (e) adran 8 (presenoldeb mewn man a ddefnyddir ar gyfer hyfforddiant terfysgwyr),
- (f) adran 9 (gwneud dyfeisiau neu ddeunyddiau a meddu arnynt), neu
- (g) adran 11 (bygythiadau terfysgol sy'n ymwneud â dyfeisiau, deunyddiau neu gyfleusterau).

(9) Trosedd o dan adran 62 (meddu ar ddelweddau gwaharddedig o blant) o Ddeddf Crwneriaid a Chyfiawnder 2009(1).

(10) Trosedd o dan unrhyw un neu ragor o'r darpariaethau a ganlyn o Ddeddf Cyfiawnder Troseddol a Llysoedd 2015(2)—

- (a) adran 20 (trin yn wael neu esgeulustod bwriadol: trosedd gan weithiwr gofal),
- (b) adran 21 (trin yn wael neu esgeulustod bwriadol: trosedd gan ddarparwr gofal), neu
- (c) adran 33 (datgelu ffotograffau a ffilmiau rhywiol preifat gan fwriadu achosi trallod).

(11) Trosedd o dan unrhyw un neu ragor o'r darpariaethau a ganlyn o Ddeddf Troseddu Difrifol 2015(3)—

- (a) adran 69 (meddu ar lawlyfr i bedoffiliaid)(4), neu
- (b) adran 76 (ymddygiad rheolaethol neu ymddygiad gorfodaethol mewn perthynas agos neu deuluol).

(12) Trosedd o dan unrhyw un neu ragor o'r darpariaethau a ganlyn o Ddeddf Caethwasiaeth Fodern 2015(5)—

- (a) adran 1 (caethwasiaeth, caethiwed a llafur o dan orfod neu lafur gorfodol),
- (b) adran 2 (masnachu pobl),
- (c) adran 4 (cyflawni trosedd gan fwriadu cyflawni trosedd o dan adran 2), neu
- (d) adran 30 (troseddau)(6).

(13) Trosedd o dan adran 5 (cyflenwi, neu gynnig cyflenwi, sylwedd seicoweithredol) o Ddeddf Sylweddau Seicoweithredol 2016(7).

(14) Trosedd mewn perthynas â gwasanaeth cartref gofal, a ddarperir yn gyfan gwbl neu'n bennaf i bersonau sydd o dan 18 oed, neu wasanaeth llety diogel (mae i bob un yr ystyr a roddir yn Rhan 1 o

- (e) section 8 (attendance at a place used for terrorist training),
- (f) section 9 (making and possession of devices or materials), or
- (g) section 11 (terrorist threats relating to devices, materials or facilities).

(9) An offence under section 62 (possession of prohibited images of children) of the Coroners and Justice Act 2009(1).

(10) An offence under any of the following provisions of the Criminal Justice and Courts Act 2015(2)—

- (a) section 20 (ill treatment or wilful neglect: care worker offence),
- (b) section 21 (ill treatment or wilful neglect: care provider offence), or
- (c) section 33 (disclosing private sexual photographs and film with intent to cause distress).

(11) An offence under any of the following provisions of the Serious Crime Act 2015(3)—

- (a) section 69 (possession of paedophile manual)(4), or
- (b) section 76 (controlling or coercive behaviour in an intimate or family relationship).

(12) An offence under any of the following provisions of the Modern Slavery Act 2015(5)—

- (a) section 1 (slavery, servitude and forced or compulsory labour),
- (b) section 2 (human trafficking),
- (c) section 4 (committing offence with intent to commit offence under section 2), or
- (d) section 30 (offences)(6).

(13) An offence under section 5 (supplying, or offering to supply, a psychoactive substance) of the Psychoactive Substances Act 2016(7).

(14) An offence in relation to a care home service, which is provided wholly or mainly to persons under the age of 18, or a secure accommodation service

(1) 2009 p. 25.

(2) 2015 p. 2.

(3) 2015 p. 9.

(4) Diwygiwyd adran 69 gan reoliadau 23 a 24 o O.S. 2016/244.

(5) 2015 p. 30.

(6) Diwygiwyd adran 30 gan erthygl 3 o O.S. 2016/1031 a pharagraff 3(2)(a) a (b) o'r Atodlen iddo.

(7) 2016 p. 2.

(1) 2009 c. 25.

(2) 2015 c. 2.

(3) 2015 c. 9.

(4) Section 69 was amended by regulations 23 and 24 of S.I. 2016/244.

(5) 2015 c. 30.

(6) Section 30 was amended by article 3 of, and paragraph 3(2)(a) and (b) of the Schedule to, S.I. 2016/1031.

(7) 2016 c. 2.



Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (“Deddf 2016”) o dan neu yn rhinwedd unrhyw un neu ragor o’r darpariaethau a ganlyn o Ddeddf 2016—

- (a) adran 5 (gofyniad i gofrestru),
- (b) adran 43 (methiant i gydymffurfio ag amod),
- (c) adran 44 (disgrifiadau anwir),
- (d) adran 45 (methiant gan ddarparwr gwasanaeth i gydymffurfio â gofynion mewn rheoliadau), neu
- (e) adran 47 (datganiadau anwir).

(15) Trosedd o dan adran 70 o Ddeddf 1989 (troseddau sy’n ymwneud â maethu preifat).

(16) Trosedd o dan adran 121 o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014(1) (trosedd priodas o dan orfod: Cymru a Lloegr).

(17) Trosedd o dan unrhyw un neu ragor o’r darpariaethau a ganlyn o Ddeddf Anffurfio Organau Cenhedlu Benywod 2003(2)—

- (a) adran 1 (trosedd anffurfio organau cenhedlu benywod),
- (b) adran 2 (cynorthwyo merch i anffurfio ei horganau cenhedlu ei hun),
- (c) adran 3 (cynorthwyo person nad yw o’r DU i anffurfio dramor organau cenhedlu merch), neu
- (d) adran 3A (methu ag amddiffyn merch rhag risg o anffurfio organau cenhedlu).

### Troseddau yn yr Alban

2.—(1) Trosedd treisio o dan adran 1 o Ddeddf Troseddau Rhywiol (Yr Alban) 2009(3).

(2) Trosedd a bennir yn Atodlen 1 i Ddeddf Gweithdrefn Droseddol (Yr Alban) 1995(4).

(3) Trosedd plagiwm yn y gyfraith gyffredin (dwyn plentyn o dan oedran aeddfedrwydd).

(each has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”) 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).

(15) An offence under section 70 of the 1989 Act (offences relating to private fostering).

(16) An offence under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014(1) (offence of forced marriage: England and Wales).

(17) An offence under any of the following provisions of the Female Genital Mutilation Act 2003(2)—

- (a) section 1 (offence of female genital mutilation),
- (b) section 2 (assisting a girl to mutilate her own genitalia),
- (c) section 3 (assisting a non-UK person to mutilate overseas a girl’s genitalia), or
- (d) section 3A(3) (failing to protect a girl from risk of genital mutilation).

### Offences in Scotland

2.—(1) An offence of rape under section 1 of the Sexual Offences (Scotland) Act 2009(4).

(2) An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995(5).

(3) The common law offence of plagiwm (theft of a child below the age of puberty).

---

(1) 2014 c. 12.

(2) Mewnosodwyd gan adran 72 o Ddeddf Troseddau Difrifol 2015 (p. 9).

(3) 2009 dsa 9.

(4) 1995 p. 46.

---

(1) 2014 c. 12.

(2) 2003 c. 31.

(3) Inserted by section 72 of the Serious Crimes Act 2015 (c. 9).

(4) 2009 asp 9.

(5) 1995 c. 46.

(4) Trosedd o dan adran 52 neu 52A o Ddeddf Llywodraeth Ddinesig (Yr Alban) 1982(1) (troseddau sy'n ymwneud â ffotograffau anweddus o blant).

(5) Trosedd o dan adran 3 o Ddeddf Troseddau Rhywiol (Diwygio) 2000(2) (camfanteisio ar ymddiriedaeth).

(6) Trosedd o dan unrhyw un neu ragor o'r canlynol—

- (a) adran 81, 83 neu 89 o Ddeddf Plant (Yr Alban) 1995(3), adran 59(1) neu 171(2) o Ddeddf Gwrandawiaidau Plant (Yr Alban) 2011 neu adran 17(8) neu 71 o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(4) (troseddau llochesu);
- (b) adran 6 o Ddeddf Herwydio Plant 1984(5) (mynd â phlentyn neu anfon plentyn allan o'r Deyrnas Unedig);
- (c) adran 15 o Ddeddf Plant Maeth (Yr Alban) 1984 (troseddau sy'n ymwneud â maethu preifat).

(7) Trosedd o dan neu yn rhinwedd adran 60(3), 61(3) neu 62(6) o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968(6) (troseddau sy'n ymwneud â sefydliadau preswyl a sefydliadau eraill).

(8) Trosedd mewn perthynas â gwasanaeth cartref gofal, gwarchod plant neu ofal dydd plant, o dan neu yn rhinwedd unrhyw un neu ragor o'r adrannau a ganlyn o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010—

- (a) adran 78 (rheoliadau: gwasanaethau gofal),
- (b) adran 80 (troseddau mewn perthynas â chofrestru o dan Bennod 3), neu

(4) An offence under section 52 or 52A of the Civic Government (Scotland) Act 1982(1) (offences relating to indecent photographs of children).

(5) An offence under section 3 of the Sexual Offences (Amendment) Act 2000(2) (abuse of trust).

(6) An offence under any of the following—

- (a) section 81, 83 or 89 of the Children (Scotland) Act 1995(3), section 59(1) or 171(2) of the Children's Hearings (Scotland) Act 2011 or section 17(8) or 71 of the Social Work (Scotland) Act 1968(4) (harbouring offences);
- (b) section 6 of the Child Abduction Act 1984(5) (taking or sending child out of the United Kingdom);
- (c) section 15 of the Foster Children (Scotland) Act 1984 (offences relating to private fostering).

(7) An offence under or by virtue of section 60(3), 61(3) or 62(6) of the Social Work (Scotland) Act 1968(6) (offences relating to residential and other establishments).

(8) An offence in relation to a care home service, child minding or day care of children, under or by virtue of any of the following sections of the Public Services Reform (Scotland) Act 2010—

- (a) section 78 (regulations: care services),
- (b) section 80 (offences in relation to registration under Chapter 3), or

---

(1) 1982 p. 45. Diwygiwyd adran 52 gan adran 5 o Ddeddf Gweithdrefn Droseddol (Darpariaethau Canlyniadol) (Yr Alban) 1995 (p. 40) ac Atodlen 4 iddi, ac adran 16 o Ddeddf Amddiffyn Plant ac Atal Troseddau Rhywiol (Yr Alban) 2005 (dsa 9). Mewnosodwyd adran 52A gan adran 161 o Ddeddf Cyfiawnder Troseddol 1988 (p. 33). Diwygiwyd adrannau 52 a 52A gan adran 84 o Ddeddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p. 33), adran 19 o Ddeddf Cyfiawnder Troseddol (Yr Alban) 2003 (dsa 7), ac adran 41 o Ddeddf Cyfiawnder Troseddol a Thrywddedu (Yr Alban) 2010 (dsa 13) a pharagraff 13 o Atodlen 7 iddi.

(2) 2000 p. 44. Diddymwyd adran 3 o ran Cymru, Lloegr a Gogledd Iwerddon gan baragraff 45 o Atodlen 6 i Ddeddf Troseddau Rhywiol 2003. Fe'i diddymwyd o ran yr Alban gan Atodlen 6 i Ddeddf Troseddau Rhywiol (Yr Alban) 2009.

(3) Diddymwyd adrannau 81 and 83 gan adran 203(2) o Ddeddf Gwrandawiaidau Plant (Yr Alban) 2001 (dsa 1) ac Atodlen 6 iddi. Diddymwyd adran 89 gan adran 120(2) o Ddeddf Mabwysiadu a Phlant (Yr Alban) 2007 ac Atodlen 3 iddi.

(4) Fe'i diddymwyd gan adran 105(5) o Ddeddf Plant (yr Alban) 1995 ac Atodlen 5 iddi.

(5) 1984 p. 37. Diwygiwyd adran 6 o ran yr Alban gan adran 105(4) o Ddeddf Plant (Yr Alban) 1995 ac Atodlen 4 iddi.

(6) Diddymwyd adrannau 60, 61 a 62 gan adran 80(1) o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001 ac Atodlen 4 iddi, yn ddarostyngedig i arbedion a bennir yn erthyglau 11 a 13 o O.S.A. 2002/162.

---

(1) 1982 c. 45. Section 52 was amended by section 5 of, and Schedule 4 to, the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40) and section 16 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9). Section 52A was inserted by section 161 of the Criminal Justice Act 1988 (c. 33). Sections 52 and 52A were amended by section 84 of the Criminal Justice and Public Order Act 1994 (c. 33), section 19 of the Criminal Justice (Scotland) Act 2003 (asp 7), and section 41 of, and paragraph 13 of Schedule 7 to, the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(2) 2000 c. 44. Section 3 was repealed in relation to England, Wales and Northern Ireland by paragraph 45 of Schedule 6 to the Sexual Offences Act 2003. It was repealed in relation to Scotland by Schedule 6 to the Sexual Offences (Scotland) Act 2009.

(3) Sections 81 and 83 were repealed by section 203(2) of, and Schedule 6 to, the Children's Hearings (Scotland) Act 2011 asp 1. Section 89 was repealed by section 120(2) of, and Schedule 3 to, the Adoption and Children (Scotland) Act 2007.

(4) Repealed by section 105(5) of, and Schedule 5 to, the Children (Scotland) Act 1995.

(5) 1984 c. 37. Section 6 was amended in relation to Scotland by section 105(4) of, and Schedule 4 to, the Children (Scotland) Act 1995.

(6) Sections 60, 61 and 62 were repealed by section 80(1) of and Schedule 4 to, the Regulation of Care (Scotland) Act 2001, subject to savings specified in articles 11 and 13 of S.S.I. 2002/162.

(c) adran 81 (datganiadau anwir mewn cais o dan Bennod 3).

(9) Trosedd o dan adran 122 o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 (trosedd priodas o dan orfod: yr Alban).

### Troseddau yng Ngogledd Iwerddon

3.—(1) Trosedd treisio o dan erthygl 5 o Orchymyn Troseddau Rhywiol (Gogledd Iwerddon) 2008(1).

(2) Trosedd o dan adran 66, 69 neu 70 o Ddeddf Troseddau Rhywiol 2003(2).

(3) Trosedd o dan erthygl 70, 73 neu 74 o Orchymyn Troseddau Rhywiol (Gogledd Iwerddon) 2008.

(4) Trosedd a bennir yn Atodlen 1 i Orchymyn Deddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(3) ac eithrio unrhyw droseddau a bennir o dan Ddeddf Cyfraith Trosedd (Diwygio) 1995 yn yr Atodlen honno.

(5) Trosedd o dan erthygl 3 o Orchymyn Amddiffyn Plant (Gogledd Iwerddon) 1978(4) (ffotograffau anwedus).

(6) Trosedd yn groes i erthygl 9 o Orchymyn Cyfiawnder Troseddol (Gogledd Iwerddon) 1980(5) (ysgogi merch o dan 16 oed i gael cyfathrach rywiol losgachol).

(7) Trosedd yn groes i erthygl 15 o Orchymyn Cyfiawnder Troseddol (Tystiolaeth etc.) (Gogledd Iwerddon) 1988(6) (meddu ar ffotograffau anwedus o blant).

(8) Trosedd o dan adrannau 16 i 19 o Ddeddf Troseddau Rhywiol 2003(7) (camfanteisio ar safle o ymddiriedaeth).

(9) Trosedd o dan Ran 3 o Orchymyn Troseddau Rhywiol (Gogledd Iwerddon) 2008 (troseddau rhywiol yn erbyn plant).

(c) section 81 (false statements in application under Chapter 3).

(9) An offence under section 122 of the Anti-social Behaviour, Crime and Policing Act 2014 (offence of forced marriage: Scotland).

### Offences in Northern Ireland

3.—(1) An offence of rape under article 5 of the Sexual Offences (Northern Ireland) Order 2008(1).

(2) An offence under section 66, 69 or 70 of the Sexual Offences Act 2003(2).

(3) An offence under article 70, 73 or 74 of the Sexual Offences (Northern Ireland) Order 2008.

(4) An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) Order 1968(3) save for any offences specified under the Criminal Law (Amendment) Act 1995 in that Schedule.

(5) An offence under article 3 of the Protection of Children (Northern Ireland) Order 1978(4) (indecent photographs).

(6) An offence contrary to article 9 of the Criminal Justice (Northern Ireland) Order 1980(5) (inciting girl under 16 to have incestuous sexual intercourse).

(7) An offence contrary to article 15 of the Criminal Justice (Evidence etc.) (Northern Ireland) Order 1988(6) (possession of indecent photographs of children).

(8) An offence under sections 16 to 19 of the Sexual Offences Act 2003(7) (abuse of position of trust).

(9) An offence under Part 3 of the Sexual Offences (Northern Ireland) Order 2008 (sexual offences against children).

---

(1) O.S. 2008/1769 (G.I. 2) (“Gorchymyn 2008”).

(2) Diddymwyd adrannau 66, 69 a 70 o ran Gogledd Iwerddon gan erthygl 83 o Orchymyn 2008 ac Atodlen 3 iddo, yn ddarostyngedig i arbedion a bennir yn y Gorchymyn hwnnw.

(3) 1968 p. 34.

(4) O.S. 1978/1047 (G.I. 17). Diwygiwyd erthygl 3 gan adran 84(10) o Ddeddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p. 33) (“Deddf 1994”), adran 41(2) o Ddeddf 2000 a pharagraff 8 o Atodlen 1 i O.S. 2003/1247 (G.I. 13).

(5) O.S. 1980/704 (G.I. 6). Mae erthygl 9 wedi ei dirymu a'i disodli gan erthygl 33 o Orchymyn 2008.

(6) O.S. 1988/1847 (G.I. 17). Diwygiwyd erthygl 15 gan adrannau 84(11) a 86(2) o Ddeddf 1994 ac adran 41(4) o Ddeddf 2000.

(7) Diddymwyd adrannau 16 i 19 yng Ngogledd Iwerddon gan erthygl 83 o Orchymyn 2008 ac Atodlen 3 iddo, yn ddarostyngedig i ddarpariaethau trosiannol ym mharagraff 1 o Atodlen 2 i'r Gorchymyn hwnnw.

---

(1) S.I. 2008/1769 (N.I. 2) (“the 2008 Order”).

(2) Sections 66, 69 and 70 were repealed in relation to Northern Ireland by article 83 of, and Schedule 3 to, the 2008 Order, subject to savings specified in that Order.

(3) 1968 c. 34.

(4) S.I. 1978/1047 (N.I. 17). Article 3 was amended by section 84(10) of the Criminal Justice and Public Order Act 1994 (c. 33) (“the 1994 Act”), section 41(2) of the 2000 Act and paragraph 8 of Schedule 1 to S.I. 2003/1247 (N.I. 13).

(5) S.I. 1980/704 (N.I. 6). Article 9 has been revoked and replaced by article 33 of the 2008 Order.

(6) S.I. 1988/1847 (N.I. 17). Article 15 was amended by sections 84(11) and 86(2) of the 1994 Act and section 41(4) of the 2000 Act.

(7) Sections 16 to 19 were repealed in Northern Ireland by article 83 of and Schedule 3 to the 2008 Order subject to transitional provisions in paragraph 1 of Schedule 2 to that Order.

(10) Trosedd o dan unrhyw un neu ragor o'r canlynol—

- (a) erthygl 68 neu 69(9) o Orchymyn Plant (Gogledd Iwerddon) 1995 (troseddau sy'n ymwneud â herwydio plentyn mewn gofal),
- (b) erthygl 132 o Orchymyn Plant (Gogledd Iwerddon) 1995, neu adran 14 o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(1) (troseddau sy'n ymwneud â gwarchod plant a gofal dydd),
- (c) erthygl 117 o Orchymyn Plant (Gogledd Iwerddon) 1995, neu adran 9(1) o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(2) (troseddau sy'n ymwneud â maethu preifat), neu
- (d) erthygl 79(3), 81(4), 95(3) neu 97(4) o Orchymyn Plant (Gogledd Iwerddon) 1995(3), neu adran 127(5) neu 129(3) o Ddeddf Plant a Phobl Ifanc (Gogledd Iwerddon) 1968(4) (troseddau sy'n ymwneud â chartrefi gwirfoddol a chartrefi plant).

(11) Trosedd yn groes i adran 2 o Ddeddf Masnachu Pobl a Chamfanteisio ar Bobl (Cyfiawnder Troseddol a Chymorth i Ddiodefwr) (Gogledd Iwerddon) 2015(5) (masnachu pobl).

(12) Trosedd yn groes i adran 51 o Ddeddf Cyfiawnder (Gogledd Iwerddon) 2016(6) (datgelu ffotograffau a ffilmiau rhywiol preifat gan fwriadu achosi trallod).

### Troseddau yn Jersey

4. Trosedd yn groes—

- (a) i Ran 7 o Gyfraith Plant (Jersey) 1969(7),
- (b) i Atodlen 4 i Gyfraith Plant (Jersey) 2002(8), neu
- (c) i Gyfraith Gofal Dydd Plant (Jersey) 2002(9).

### Troseddau yn Guernsey

5. Trosedd yn groes—

- (a) i'r 'Loi pour la Punition d'Inceste' (Cyfraith Cosbi Llosgach) 1909(10);

(10) An offence under any of the following—

- (a) article 68 or 69(9) of the Children (Northern Ireland) Order 1995 (offences relating to the abduction of a child in care),
- (b) article 132 of the Children (Northern Ireland) Order 1995, or section 14 of the Children and Young Persons Act(1) (Northern Ireland) 1968 (offences relating to child minding and day care),
- (c) article 117 of the Children (Northern Ireland) Order 1995, or section 9(1) of the Children and Young Persons Act (Northern Ireland) 1968(2) (offences relating to private fostering), or
- (d) article 79(3), 81(4), 95(3) or 97(4) of the Children (Northern Ireland) Order 1995(3), or section 127(5) or 129(3) of the Children and Young Persons Act (Northern Ireland) 1968(4) (offences relating to voluntary homes and children's homes).

(11) An offence contrary to section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015(5) (human trafficking).

(12) An offence contrary to section 51 of the Justice Act (Northern Ireland) 2016(6) (disclosing private sexual photographs and films with intent to cause distress).

### Offences in Jersey

4. An offence contrary to—

- (a) Part 7 of the Children (Jersey) Law 1969(7),
- (b) Schedule 4 to the Children (Jersey) Law 2002(8), or
- (c) the Day Care of Children (Jersey) Law 2002(9).

### Offences in Guernsey

5. An offence contrary to—

- (a) the 'Loi pour la Punition d'Inceste' (Law for the Punishment of Incest) 1909(10);

---

(1) Diddymwyd adran 14 gan O.S. 1995/755 (G.I. 2).  
(2) Diddymwyd adran 9(1) gan O.S. 1995/755 (G.I. 2).  
(3) Dirymwyd erthyglau 79(3), 81(4), 95(3) a 97(4) gan erthygl 50(2) o O.S. 2003/431 (G.I. 9) ac Atodlen 5 iddo.  
(4) Diddymwyd adrannau 127 a 129 gan O.S. 1995/755 (G.I. 2).  
(5) 2015 p. 2 (G.I.).  
(6) 2016 p. 21 (G.I.).  
(7) Cyfraith Jersey 16/1969.  
(8) Cyfraith Jersey 50/2002.  
(9) Cyfraith Jersey 51/2002.  
(10) Gorchymynion yn y Llys Cyfrol IV, t. 288.

---

(1) Section 14 was repealed by S.I. 1995/755 (N.I. 2).  
(2) Section 9(1) was repealed by S.I. 1995/755 (N.I. 2).  
(3) Articles 79(3), 81(4), 95(3) and 97(4) were revoked by article 50(2) of and Schedule 5 to S.I. 2003/431 (N.I. 9).  
(4) Sections 127 and 129 were repealed by S.I. 1995/755 (N.I. 2).  
(5) 2015 c. 2 (N.I.).  
(6) 2016 c. 21 (N.I.).  
(7) Jersey Law 16/1969.  
(8) Jersey Law 50/2002.  
(9) Jersey Law 51/2002.  
(10) Orders in Court Volume IV, p. 288.

- (b) i'r 'Loi relative à la protection des Femmes et des Filles Mineures' (Cyfraith Amddiffyn Menywod a Merched Ifanc) 1914(1);
- (c) i'r 'Loi relative à la Sodomie' (Cyfraith sy'n ymwneud â Sodomiaeth) 1929(2);
- (d) erthygl 7, 9, 10, 11 neu 12, paragraff 1 o erthygl 41 neu baragraff 1, 2, 3 neu 4 o erthygl 51 o'r 'Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes' (Cyfraith sy'n ymwneud ag Amddiffyn Plant a Phobl Ifanc) 1917(3);
- (e) Cyfraith Plant a Phobl Ifanc (Guernsey) 1967;
- (f) Cyfraith Amddiffyn Plant (Beiliaeth Guernsey) 1985(4).

- (b) the 'Loi relative à la protection des Femmes et des Filles Mineures' (Law for the Protection of Women and Young Girls) 1914(1);
- (c) the 'Loi relative à la Sodomie' (Law relating to Sodomy) 1929(2);
- (d) article 7, 9, 10, 11 or 12, paragraph 1 of article 41 or paragraph 1, 2, 3 or 4 of article 51 of the 'Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes' (Law relating to the Protection of Children and Young Persons) 1917(3);
- (e) the Children and Young Persons (Guernsey) Law 1967;
- (f) the Protection of Children (Bailiwick of Guernsey) Law 1985(4).

### Troseddau ar Ynys Manaw

6. Trosedd a bennir yn Atodlen 8 i Ddeddf Plant a Phobl Ifanc 2001 (Deddf Tynwald).

### Offences in the Isle of Man

6. An offence specified in Schedule 8 to the Children and Young Persons Act 2001 (an Act of Tynwald).

### Troseddau eraill

7.—(1) Trosedd yn groes i adran 170 o Ddeddf Rheoli Tollau Tramor a Chartref 1979(5) mewn perthynas â nwyddau y gwaherddir eu mewnforio o dan adran 42 o Ddeddf Cydgrynhoi Tollau 1876(6) (gwaharddiadau a chyfyngiadau) pan oedd y nwyddau gwaharddedig yn cynnwys ffotograffau anwedus o blentyn.

### Other Offences

7.—(1) An offence contrary to section 170 of the Customs and Excise Management Act 1979(5) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876(6) (prohibitions and restrictions) where the prohibited goods included indecent photographs of a child.

- 
- (1) Gorchmynion yn y Cyfrin Gyngor Cyfrol V, t. 74.
  - (2) Gorchmynion yn y Cyfrin Gyngor Cyfrol VIII, t. 273.
  - (3) Gorchmynion yn y Cyfrin Gyngor Cyfrol V, t. 243, fel y'u diwygiwyd gan Loi Supplémentaire à la Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes 1937, Gorchmynion yn y Cyfrin Gyngor XI, t. 116, a Chyfraith Amddiffyn Plant a Phobl Ifanc (Diwygio) 1955, Gorchmynion yn y Cyfrin Gyngor Cyfrol XVI, t. 277.
  - (4) Gorchmynion yn y Cyfrin Gyngor Cyfrol XXIX, t. 103, fel y'u diwygiwyd gan Gyfraith Gweinyddu Cyfiawnder (Beiliaeth Guernsey) 1991, Gorchmynion yn y Cyfrin Gyngor Cyfrol XXXIII, t. 49, Cyfraith Tystiolaeth Droseddol a Darpariaethau Amrywiol (Beiliaeth Guernsey) 2002, Gorchmynion yn y Cyfrin Gyngor Rhif I 2003, a Chyfraith Cyfiawnder Troseddol (Darpariaethau Amrywiol) (Beiliaeth Guernsey), 2006, Gorchmynion yn y Cyfrin Gyngor Rhif XIII 2006.
  - (5) 1979 p. 2. Diwygiwyd adran 170 gan adran 114 o Ddeddf yr Heddlu a Thystiolaeth Droseddol 1984 (p. 60), O.S. 1996/2686, adran 75 o Ddeddf Cyfiawnder Troseddol a Mewnffudo 2008 (p. 4) a pharagraff 8 o Atodlen 17 iddi, adran 111 o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddau a Phlismona 2014 (p. 12), O.S. 2015/664, adran 12 o Ddeddf Cyllid 1988 (p. 39), O.S. 2004/702 (G.I. 3), O.S. 2005/1966 (G.I. 16) ac adran 3 o Ddeddf Cyllid (Rhif 2) 1992 (p. 48) a pharagraff 7 o Atodlen 2 iddi.
  - (6) 1876 p. 36. Diwygiwyd adran 42 gan Ddeddf Cyfraith Statud (Diddymiadau) 1993 (p. 50) a Deddf Cyfraith Statud (Diddymiadau) 2008 (p. 12).

- 
- (1) Orders in Council Volume V, p. 74.
  - (2) Orders in Council Volume VIII, p. 273.
  - (3) Orders in Council Volume V, p. 243, as amended by Loi Supplémentaire à la Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes 1937, Orders in Council Volume XI, p. 116, and the Protection of Children and Young Persons (Amendment) Law 1955, Orders in Council Volume XVI, p. 277.
  - (4) Orders in Council Volume XXIX, p. 103, as amended by the Administration of Justice (Bailiwick of Guernsey) Law 1991, Orders in Council Volume XXXIII, p. 49, the Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law 2002, Order in Council No. I of 2003 and the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006, Order in Council No. XIII of 2006.
  - (5) 1979 c. 2. Section 170 was amended by section 114 of the Police and Criminal Evidence Act 1984 (c. 60), S.I. 1996/2686, section 75 of, and paragraph 8 of Schedule 17 to, the Criminal Justice and Immigration Act 2008 (c. 4), section 111 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), S.I. 2015/664, section 12 of the Finance Act 1988 (c. 39), S.I. 2004/702 (N.I. 3), S.I. 2005/1966 (N.I. 16) and section 3 of, and paragraph 7 of Schedule 2 to, the Finance (No. 2) Act 1992 (c. 48).
  - (6) 1876 c. 36. Section 42 was amended by the Statute Law (Repeals) Act 1993 (c. 50) and the Statute Law (Repeals) Act 2008 (c. 12).

(2) Trosedd yn rhinwedd—

- (a) adran 72 o Ddeddf Troseddau Rhywiol 2003 (troseddau y tu allan i'r Deyrnas Unedig)(1), neu
- (b) adran 16B o Ddeddf Cyfraith Trosedd (Cydgrynhoi) (Yr Alban) 1995(2) (cyflawni troseddau rhywiol penodol y tu allan i'r Deyrnas Unedig).

(3) Trosedd yn groes i adran 32(3) o Ddeddf Plant a Phobl Ifanc 1969 (cadw pobl sy'n absennol yn gaeth). Trosedd yn groes i erthygl 10(2) (trosedd sy'n ymwneud â dianc) neu erthygl 11(1) (trosedd rhwystro bwriadol) o Orchymyn Deddf Gwrandawiaidau Plant (Yr Alban) 2011 (Darpariaethau Canlyniadol, Darpariaethau Trosiannol ac Arbedion) 2013(3).

---

©Hawlfrant y Goron 2022

Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

(2) An offence by virtue of—

- (a) section 72 of the Sexual Offences Act 2003 (offences outside the United Kingdom)(1), or
- (b) section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995(2) (commission of certain sexual offences outside the United Kingdom).

(3) An offence contrary to section 32(3) of the Children and Young Persons Act 1969 (detention of absentees).

(4) An offence contrary to article 10(2) (offence relating to absconding) or article 11(1) (offence of intentional obstruction) of the Children's Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013(3).

---

© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

---

(1) Diddymwyd adran 72 o ran Gogledd Iwerddon gan erthygl 83 o Orchymyn 2008 ac Atodlen 3 iddo, yn ddarostyngedig i arbedion a bennir yn y Gorchymyn hwnnw.  
(2) 1995 p. 39. Diddymwyd adran 16B gan adran 61 o Ddeddf Troseddau Rhywiol (Yr Alban) 2009 (dsa 9) ac Atodlen 6 iddi.  
(3) O.S. 2013/1465.

---

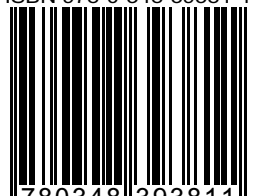
(1) Section 72 was repealed in relation to Northern Ireland by paragraph 1 of Schedule 3 to the 2008 Order, subject to savings specified in that Order.  
(2) 1995 c. 39. Section 16B was repealed by section 61 of and Schedule 6 to the Sexual Offences (Scotland) Act 2009 (asp 9).  
(3) S.I. 2013/1465.



£6.90

<http://www.legislation.gov.uk/id/wsi/2022/1188>

ISBN 978-0-348-39381-1



9 780348 393811