



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 16 Hydref 2013
Tabled on 16 October 2013

Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) Social Services and Well-being (Wales) Bill

William Graham

52A

As an amendment to amendment 52, line 2, leave out 'Regulations may require a local authority to', and insert 'A local authority must'.

Fel gwelliant i welliant 52, llinell 2, hepgorer 'Caiff rheoliadau ei gwneud yn ofynnol', a mewnosoder 'Rhaid'.

William Graham

52B

As an amendment to amendment 52, after line 6, insert –

'() Regulations may make provision about the arrangement of advocacy services.'

Fel gwelliant i welliant 52, ar ôl llinell 8, mewnosoder –

'() Caiff rheoliadau wneud darpariaeth ynghylch trefnu gwasanaethau eirioli.'

William Graham

52C

As an amendment to amendment 52, line 7, leave out 'The regulations may specify', and insert 'Regulations under subsection (*subsection to be inserted by amendment 52B*) may, for example, provide for'.

Fel gwelliant i welliant 52, llinell 9, hepgorer 'y rheoliadau bennu', a mewnosoder 'rheoliadau o dan is-adran (*yr is-adran sy'n cael ei fewnosod gan welliant 52B*), er enghraifft, ddarparu ar gyfer'.

William Graham

52D

As an amendment to amendment 52, line 13, leave out 'The'.

Fel gwelliant i welliant 52, llinell 15, hepgorer 'i'r rheoliadau', a mewnosoder 'i reoliadau'.

William Graham

52E

As an amendment to amendment 52, line 15, leave out 'The'.

Fel gwelliant i welliant 52, llinell 17, hepgorer 'y'.

Gwenda Thomas

122A

As an amendment to amendment 122, line 1, leave out 'provision of equipment', and insert 'aids'.

Fel gwelliant i welliant 122, llinell 1, hepgorer 'darparu cyfarpar', a mewnosoder 'cymhorthion'.

Gwenda Thomas

128

Section 1, page 4, after line 12, insert—

- '() makes provision about the steps to be taken by a local authority where an establishment or agency (within the meaning of the Care Standards Act 2000) becomes unable to meet needs in the authority's area because of business failure (sections (*section to be inserted by amendment 155*) to (*section to be inserted by amendment 157*));'.

Adran 1, tudalen 4, ar ôl llinell 12, mewnosoder—

- '() yn gwneud darpariaeth ynghylch y camau i'w cymryd gan awdurdod lleol pan fo sefydliad neu asiantaeth (o fewn yr ystyr a roddir i "establishment" ac "agency" yn Neddf Safonau Gofal 2000) yn methu â diwallu anghenion yn ardal yr awdurdod oherwydd methiant busnes (adrannau (*yr adran sy'n cael ei fewnosod gan welliant 155*) i (*yr adran sy'n cael ei fewnosod gan welliant 157*));'.

Gwenda Thomas

129

Section 31, page 23, line 12, leave out 'the National Health Service (Wales) Act 2006 or the National Health Service Act 2006' and insert 'a health enactment'.

Adran 31, tudalen 23, llinell 12, hepgorer 'Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 neu Ddeddf y Gwasanaeth Iechyd Gwladol 2006' a mewnosoder 'ddeddfiad iechyd'.

Gwenda Thomas **130**

Section 31, page 23, line 16, leave out 'the National Health Service (Wales) Act 2006 or the National Health Service Act 2006' and insert 'a health enactment'.

Adran 31, tudalen 23, llinell 17, hepgorer 'Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 neu Ddeddf y Gwasanaeth Iechyd Gwladol 2006' a mewnosoder 'ddeddfiad iechyd'.

Gwenda Thomas **131**

Section 31, page 23, line 36, after 'care', insert 'by a registered nurse'.

Adran 31, tudalen 23, llinell 37, ar ôl 'nyrsio', mewnosoder 'gan nyrs gofrestredig'.

Gwenda Thomas **132**

Section 31, page 23, line 38, leave out 'the Local Health Board for the area in which the accommodation is provided' and insert 'whichever health body regulations require'.

Adran 31, tudalen 23, llinell 38, hepgorer 'y Bwrdd Iechyd Lleol ar gyfer yr ardal y mae'r llety'n cael ei ddarparu ynddi' a mewnosoder 'ba gorff iechyd bynnag sy'n ofynnol o dan reoliadau'.

Gwenda Thomas **133**

Section 31, page 24, line 5, leave out 'either a Local Health Board or an NHS Trust' and insert 'a health body'.

Adran 31, tudalen 24, llinell 6, hepgorer 'ac naill ai Bwrdd Iechyd Lleol neu Ymddiriedolaeth GIG' a mewnosoder 'a chorff iechyd'.

Gwenda Thomas **134**

Section 31, page 24, line 6, after 'service', insert 'or facility'.

Adran 31, tudalen 24, llinell 7, ar ôl 'gwasanaeth' yn y lle cyntaf y mae'n ymddangos, mewnosoder 'neu gyfleuster'.

Gwenda Thomas **135**

Section 31, page 24, line 7, leave out 'the National Health Service Act (Wales) 2006 or the National Health Service Act 2006' and insert 'a health enactment'.

Adran 31, tudalen 24, llinell 7, hepgorer 'Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 neu Ddeddf y Gwasanaeth Iechyd Gwladol 2006' a mewnosoder 'ddeddfiad iechyd'.

Gwenda Thomas

136

Section 31, page 24, at the beginning of line 14, insert –

‘In this section –

a “health body” (“*corff iechyd*”) means –

- (a) a Local Health Board;
- (b) a clinical commissioning group;
- (c) the National Health Service Commissioning Board;
- (d) a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978;
- (e) a Special Health Board constituted under that section;
- (f) a Health and Social Care trust;

a “health enactment” (“*deddfiad iechyd*”) means –

- (a) the National Health Service (Wales) Act 2006;
- (b) the National Health Service Act 2006;
- (c) the National Health Service (Scotland) Act 1978;
- (d) the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14));
- (e) the Health and Social Care (Reform) Act (Northern Ireland) 2009;’.

Adran 31, tudalen 24, ar ddechrau llinell 15, mewnosoder –

‘Yn yr adran hon –

ystyr “*corff iechyd*” (“*health body*”) yw –

- (a) Bwrdd Iechyd Lleol;
- (b) grŵp comisiynu clinigol;
- (c) Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol;
- (d) Bwrdd Iechyd a gyfansoddwyd o dan adran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978;
- (e) Bwrdd Iechyd Arbennig a gyfansoddwyd o dan yr adran honno;
- (f) ymddiriedolaeth Iechyd a Gofal Cymdeithasol;

ystyr “*deddfiad iechyd*” (“*health enactment*”) yw –

- (a) Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- (b) Deddf y Gwasanaeth Iechyd Gwladol 2006;
- (c) Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978;
- (d) Gorchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972 (O.S. 1972/1265 (N.I. 14));
- (e) Deddf (Diwygio) Iechyd a Gofal Cymdeithasol (Gogledd Iwerddon) 2009;’.

Gwenda Thomas 137

Section 37, page 27, line 18, leave out 'sections 34, 35 and' and insert 'section 34, 35 or'.

Adran 37, tudalen 27, llinell 19, hepgorer 'adrannau 34, 35 a' a mewnosoder 'adran 34, 35 neu'.

Gwenda Thomas 138

Section 37, page 28, line 37, leave out 'sections 34, 35 and' and insert 'section 34, 35 or'.

Adran 37, tudalen 28, llinell 39, hepgorer 'adrannau 34, 35 a' a mewnosoder 'adran 34, 35 neu'.

Gwenda Thomas 139

Section 37, page 29, after line 6, insert –

- '() Regulations under section 34, 35 or 36 must require a local authority to take specified steps to enable relevant persons to make informed choices about the use of direct payments.
- () In subsection (*first subsection to be inserted by amendment 139*) "relevant persons" means persons whose consent must be obtained to the making of direct payments under regulations made under section 34, 35 or 36.'

Adran 37, tudalen 29, ar ôl llinell 6, mewnosoder –

- '() Rhaid i reoliadau o dan adran 34, 35 neu 36 ei gwneud yn ofynnol i awdurdod lleol gymryd camau penodedig i alluogi personau perthnasol i wneud dewisiadau deallus ynghylch y defnydd o daliadau uniongyrchol.
- () Yn is-adran (*yr is-adran cyntaf sy'n cael ei fewnosod gan welliant 139*) ystyr "personau perthnasol" yw personau y mae rhaid cael eu cydsyniad i wneud taliadau uniongyrchol o dan reoliadau a wneir o dan adran 34, 35 neu 36.'

Gwenda Thomas 140

Section 37, page 29, at the beginning of line 31, insert 'made'.

Adran 37, tudalen 29, llinell 32, ar ôl 'reoliadau', mewnosoder 'a wneir'.

Gwenda Thomas 141

Section 37, page 29, line 31, after 'support', insert '(or, in the case of a carer, support)'.

Adran 37, tudalen 29, llinell 33, ar ôl 'chymorth', mewnosoder '(neu, yn achos gofalwr, gymorth)'.

Gwenda Thomas 142

Section 37, page 29, line 33, after 'support', insert '(or, in the case of a carer, support)'.

Adran 37, tudalen 29, llinell 35, ar ôl 'chymorth', mewnosoder '(neu, yn achos gofalwr, gymorth)'.

Gwenda Thomas **143**

Section 77, page 52, line 34, leave out 'directions' and insert 'direction'.

Adran 77, tudalen 52, llinell 34, hepgorer 'gyfarwyddiadau' a mewnosoder 'gyfarwyddyd'.

Gwenda Thomas **144**

Section 77, page 52, line 38, leave out 'sub-paragraph' and insert 'subsection'.

Adran 77, tudalen 52, llinell 38, hepgorer 'is-baragraff' a mewnosoder 'is-adran'.

Gwenda Thomas **145**

Section 77, page 52, after line 39, insert –

'() A direction under subsection (7) –

(a) must be in writing;

(b) may be varied or revoked by a later direction.'

Adran 77, tudalen 52, ar ôl llinell 39, mewnosoder –

'() O ran cyfarwyddyd o dan is-adran (7) –

(a) rhaid iddo fod yn ysgrifenedig;

(b) caniateir iddo gael ei amrywio neu ei ddirymu drwy gyfarwyddyd diweddarach.'

Gwenda Thomas **146**

Section 77, page 53, line 1, leave out 'paragraph' and insert 'section'.

Adran 77, tudalen 53, llinell 1, hepgorer 'y paragraff hwn' a mewnosoder 'yr adran hon'.

Gwenda Thomas **147**

To insert a new section –

'() **Procedure for orders under section 117**

(1) Before making an order under section 117, the Welsh Ministers must consult –

(a) each Safeguarding Board partner for the Safeguarding Board area to which the proposed order relates, and

(b) such other persons as the Welsh Ministers consider appropriate,

on the proposed draft order.

(2) The Welsh Ministers must –

(a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft order,

(b) consider any comments submitted within that period, and

(c) publish a summary of those comments.

(3) If, following that consultation, the Welsh Ministers wish to proceed with the making of

an order under section 117, they must lay a draft order before the National Assembly for Wales.

- (4) A draft order laid under subsection (3) –
- (a) must be accompanied by a statement of the Welsh Ministers giving details of any differences between the draft order consulted on under subsection (1) and the draft order laid under subsection (3), and
 - (b) may not be approved by a resolution of the National Assembly for Wales in accordance with section 165(5) until after the expiry of the period of 60 days beginning with the day on which the draft order is laid.’.

I fewnosod adran newydd –

‘(1) Gweithdrefn ar gyfer gorchmynion o dan adran 117

- (1) Cyn gwneud gorchmyn o dan adran 117, rhaid i Weinidogion Cymru ymgynghori â’r canlynol –
- (a) pob partner Bwrdd Diogelu ar gyfer yr ardal Bwrdd Diogelu y mae’r gorchmyn arfaethedig yn ymwneud â hi, a
 - (b) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol,
- ynghylch y gorchmyn drafft arfaethedig.
- (2) Rhaid i Weinidogion Cymru –
- (a) rhoi cyfnod o 12 wythnos o leiaf i’r personau hynny i gyflwyno sylwadau ar y gorchmyn drafft arfaethedig,
 - (b) ystyried unrhyw sylwadau a gyflwynir o fewn y cyfnod hwnnw, ac
 - (c) cyhoeddi crynodeb o’r sylwadau hynny.
- (3) Os yw Gweinidogion Cymru, ar ôl yr ymgynghoriad hwnnw, yn dymuno bwrw ymlaen i wneud gorchmyn o dan adran 117, rhaid iddynt osod gorchmyn drafft gerbron Cynulliad Cenedlaethol Cymru.
- (4) O ran gorchmyn drafft a osodir o dan is-adran (3) –
- (a) rhaid iddo fynd gyda datganiad gan Weinidogion Cymru yn rhoi manylion unrhyw wahaniaethau rhwng y gorchmyn drafft yr ymgynghorwyd arno o dan is-adran (1) a’r gorchmyn drafft a osodir o dan is-adran (3), a
 - (b) ni chaniateir iddo gael ei gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru yn unol ag adran 165(5) tan ar ôl i’r cyfnod o 60 niwrnod, yn dechrau ar y diwrnod y gosodir y gorchmyn drafft, ddod i ben.’.

Gwenda Thomas

148

Section 144, page 91, after line 13, insert –

- ‘(10) In consequence of the amendment made by subsection (4)(b), in section 66 of the Children Act 2004 (regulations and orders), in subsection (7), after “section” insert “25 or”.’.

Adran 144, tudalen 91, ar ôl llinell 13, mewnosoder –

‘(10) O ganlyniad i’r diwygiad a wneir gan is-adran (4)(b), yn adran 66 o Ddeddf Plant 2004 (rheoliadau a gorchmynion), yn is-adran (7), ar ôl “section” mewnosoder “25 or”.’.

Gwenda Thomas

149

Section 147, page 93, line 4, leave out ‘may’ and insert ‘under subsection (1) must’.

Adran 147, tudalen 93, llinell 4, hepgorer ‘Caiff rheoliadau’ a mewnosoder ‘Rhaid i reoliadau o dan is-adran (1)’.

Gwenda Thomas

150

Section 147, page 93, after line 9, insert –

‘() for sharing information between the following –

- (i) local authorities;
- (ii) Local Health Boards;
- (iii) any teams or persons carrying out partnership arrangements in accordance with regulations under subsection (3)(e);
- (iv) any partnership boards established under regulations under section 149.’.

Adran 147, tudalen 93, ar ôl llinell 8, mewnosoder –

‘() ar gyfer rhannu gwybodaeth rhwng y canlynol –

- (i) awdurdodau lleol;
- (ii) Byrddau Iechyd Lleol;
- (iii) unrhyw dimau neu bersonau sy’n cyflawni trefniadau partneriaeth yn unol â rheoliadau o dan is-adran (3)(e);
- (iv) unrhyw fyrddau partneriaeth a sefydlir o dan reoliadau o dan adran 149.’.

Gwenda Thomas

151

Section 147, page 93, after line 9, insert –

‘() Regulations under subsection (1) may make provision –’.

Adran 147, tudalen 93, ar ôl llinell 8, mewnosoder –

‘() Caiff rheoliadau o dan is-adran (1) wneud darpariaeth –’.

Gwenda Thomas

152

Section 147, page 93, leave out lines 20 to 25.

Adran 147, tudalen 93, hepgorer llinellau 19 hyd at 24.

Gwenda Thomas

153

Section 150, page 95, after line 4, insert—

- ‘() The Welsh Ministers must issue, and from time to time revise, guidance about partnership arrangements made under regulations under section 147.’.

Adran 150, tudalen 95, ar ôl llinell 4, mewnosoder—

- ‘() Rhaid i Weinidogion Cymru ddyroddi, ac o bryd i’w gilydd ddiwygio, canllawiau ynghylch trefniadau partneriaeth a wneir o dan reoliadau o dan adran 147.’.

WITHDRAWN/TYNNWYD YN ÔL

Gwenda Thomas

154

Section 150, page 95, line 6, leave out ‘any guidance given by the Welsh Ministers’ and insert ‘that guidance’.

Adran 150, tudalen 95, llinell 5, hepgorer ‘i unrhyw ganllawiau a roddir gan Weinidogion Cymru’ a mewnosoder ‘i’r canllawiau hynny’.

Gwenda Thomas

155

To insert a new section—

‘() Provider failure: temporary duty on local authority

- (1) This section applies where a person registered under Part 2 of the Care Standards Act 2000 in respect of an establishment or agency (within the meaning of that Act) becomes unable to carry on or manage the establishment or agency because of business failure.
- (2) A local authority must for so long as it considers necessary (and in so far as it is not already required to do so) meet—
 - (a) those of an adult’s needs for care and support, and
 - (b) those of a relevant carer’s needs for support,which were, immediately before the registered person became unable to carry on or manage the establishment or agency, being met in the authority’s area by the establishment or agency (but this is subject to section (*section to be inserted by amendment 156*)).
- (3) A local authority is required to meet needs under subsection (2) regardless of—
 - (a) whether the relevant person is ordinarily resident in its area;
 - (b) whether the authority has carried out a needs assessment or a financial assessment;
 - (c) whether the authority would otherwise have a duty to meet those needs under this Act.
- (4) A local authority may impose a charge for meeting needs under subsection (2) (except in so far as doing so involves the provision of information or advice).
- (5) A charge under subsection (4)—

- (a) may be imposed only in respect of needs which were not, immediately before the registered person became unable to carry on or manage the establishment or agency, being met –
 - (i) under arrangements made by a local authority discharging its duty under section 21 or 26, or exercising its power under section 22 or 29, or
 - (ii) by the provision of accommodation or services all or part of the cost of which was paid for by direct payments made by virtue of section 34 or 36;
 - (b) may cover only the cost that the local authority incurs in meeting those needs.
- (6) Sections 44 to 52 and sections 55 and 56 apply to charging under subsection (4) as they apply to charging under section 43, and accordingly a local authority’s power to impose a charge under that subsection is subject to –
- (a) the provision made in regulations under section 45 or 46 (if any), and
 - (b) the authority’s duties under sections 47, 50 and 51 (if applicable).
- (7) If the relevant person is not ordinarily resident in the area of the local authority which is required to meet needs under subsection (2), the authority –
- (a) must, in meeting needs under that subsection which were being met under arrangements made by another local authority discharging its duty under section 21 or 26 or exercising its power under section 22 or 29, co-operate with that authority;
 - (b) must, in meeting needs under that subsection which were being met under arrangements all or part of the cost of which was paid for by another local authority by means of direct payments made by virtue of section 34 or 36, co-operate with that authority;
 - (c) may recover from the other local authority mentioned in paragraph (a) or (b) the cost it incurs in meeting those of the adult’s needs or the relevant carer’s needs referred to in the paragraph in question.
- (8) Any dispute between local authorities about the application of this section is to be determined under section 164 as if it were a dispute of the type mentioned in subsection (1) of that section.
- (9) In this section and (where relevant) in section (*section to be inserted by amendment 156*) and (*section to be inserted by amendment 157*) –
- “registered person” (“*person cofrestredig*”), in relation to an establishment or agency, means the person registered under Part 2 of the Care Standards Act 2000 in respect of that establishment or agency;
 - “relevant carer” (“*gofalwr perthnasol*”) means a carer who –
 - (a) is an adult, and
 - (b) provides or intends to provide care for another adult;
 - “relevant person” (“*person perthnasol*”) means –
 - (a) in a case involving an adult’s needs for care and support, that adult;
 - (b) in a case involving a relevant carer’s needs for support, the adult needing care.’.

I fewnosod adran newydd –

(1) Methiant darparwr: dyletswydd dros dro ar awdurdod lleol

- (1) Mae'r adran hon yn gymwys pan fo person sydd wedi ei gofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000 mewn cysylltiad â sefydliad neu asiantaeth (o fewn yr ystyr a roddir i "establishment" ac "agency" yn y Ddeddf honno) yn methu â pharhau â'r sefydliad neu ei reoli neu'n methu â pharhau â'r asiantaeth neu ei rheoli oherwydd methiant busnes.
- (2) Rhaid i awdurdod lleol am ba hyd bynnag ag y mae'n ei ystyried yn angenrheidiol (ac i'r graddau nad yw eisoes yn ofynnol iddo wneud hynny) ddiwallu –
 - (a) yr anghenion hynny sydd gan oedolyn am ofal a chymorth, a
 - (b) yr anghenion hynny sydd gan ofalwr perthnasol am gymorth,a oedd, yn union cyn i'r person cofrestredig fethu â pharhau â'r sefydliad neu ei reoli neu fethu â pharhau â'r asiantaeth neu ei rheoli, yn cael eu diwallu yn ardal yr awdurdod gan y sefydliad neu'r asiantaeth (ond mae hyn yn ddarostyngedig i adran (*yr adran sy'n cael ei fewnosod gan welliant 156*)).
- (3) Mae'n ofynnol i awdurdod lleol ddiwallu anghenion o dan is-adran (2) ni waeth –
 - (a) p'un a yw'r person perthnasol yn preswyllo fel arfer yn ei ardal ai peidio;
 - (b) p'un a yw'r awdurdod wedi cynnal asesiad o anghenion neu asesiad ariannol ai peidio;
 - (c) p'un a fyddai dyletswydd fel arall ar yr awdurdod i ddiwallu'r anghenion hynny o dan y Ddeddf hon ai peidio.
- (4) Caniateir i awdurdod lleol osod ffi am ddiwallu anghenion o dan is-adran (2) (ac eithrio i'r graddau y mae gwneud hynny yn cynnwys darparu gwybodaeth neu gyngor).
- (5) Caniateir i ffi o dan is-adran (4) –
 - (a) cael ei gosod dim ond mewn cysylltiad ag anghenion nad oeddent, yn union cyn i'r person cofrestredig fethu â pharhau â'r sefydliad neu ei reoli neu fethu â pharhau â'r asiantaeth neu ei rheoli, yn cael eu diwallu –
 - (i) o dan drefniadau a wnaed gan awdurdod lleol wrth gyflawni ei ddyletswydd o dan adran 21 neu 26, neu wrth arfer ei bŵer o dan adran 22 neu 29, neu
 - (ii) drwy ddarparu llety neu wasanaethau y talwyd ei gost neu eu cost yn llwyr neu'n rhannol drwy daliadau uniongyrchol a wnaed yn rhinwedd adran 34 neu 36;
 - (b) cynnwys dim ond y gost y mae'r awdurdod lleol yn ei thynnu wrth ddiwallu'r anghenion hynny.
- (6) Mae adrannau 44 i 52 ac adrannau 55 a 56 yn gymwys i osod ffi o dan is-adran (4) yn yr un modd ag y maent yn gymwys i osod ffi o dan adran 43, ac yn unol â hynny mae pŵer awdurdod lleol i osod ffi o dan yr is-adran honno yn ddarostyngedig –
 - (a) i'r ddarpariaeth a wneir mewn rheoliadau o dan adran 45 neu 46 (os oes darpariaeth), a
 - (b) i ddyletswyddau'r awdurdod o dan adrannau 47, 50 ac 51 (os ydynt yn gymwys).

- (7) Os nad yw'r person perthnasol yn preswyllo fel arfer yn ardal yr awdurdod lleol y mae'n ofynnol iddo ddiwallu anghenion o dan is-adran (2) –
- (a) rhaid i'r awdurdod, wrth ddiwallu anghenion o dan yr is-adran honno a oedd yn cael eu diwallu o dan drefniadau a wnaed gan awdurdod lleol arall wrth gyflawni ei ddyletswydd o dan adran 21 neu 26 neu wrth arfer ei bŵer o dan adran 22 neu 29, gydweithredu â'r awdurdod hwnnw;
 - (b) rhaid i'r awdurdod, wrth ddiwallu anghenion o dan yr is-adran honno a oedd yn cael eu diwallu o dan drefniadau y talwyd eu cost yn llwyr neu'n rhannol gan awdurdod lleol arall drwy daliadau uniongyrchol a wnaed yn rhinwedd adran 34 neu 36, gydweithredu â'r awdurdod hwnnw;
 - (c) caniateir i'r awdurdod adennill oddi wrth yr awdurdod lleol arall a grybwyllir ym mharagraff (a) neu (b) y gost y mae'n ei thynnu wrth ddiwallu'r anghenion hynny sydd gan yr oedolyn neu'r anghenion hynny sydd gan y gofalwr perthnasol y cyfeirir atynt yn y paragraff o dan sylw.
- (8) Mae unrhyw anghydfod rhwng awdurdodau lleol ynghylch cymhwyso'r adran hon i'w ddyfarnu o dan adran 164 fel pe bai'n anghydfod o'r math a grybwyllir yn is-adran (1) o'r adran honno.
- (9) Yn yr adran hon a (lle y bo'n berthnasol) yn adran (*yr adran sy'n cael ei fewnosod gan welliant 156*) a (*yr adran sy'n cael ei fewnosod gan welliant 157*) –
- ystyr "gofalwr perthnasol" ("*relevant carer*") yw gofalwr –
 - (a) sy'n oedolyn, a
 - (b) sy'n darparu neu sy'n bwriadu darparu gofal i oedolyn arall;
 - ystyr "person cofrestredig" ("*registered person*"), mewn perthynas â sefydliad neu asiantaeth, yw'r person sydd wedi ei gofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000 mewn cysylltiad â'r sefydliad hwnnw neu'r asiantaeth honno;
 - ystyr "person perthnasol" ("*relevant person*") yw –
 - (a) mewn achos sy'n ymwneud ag anghenion oedolyn am ofal a chymorth, yr oedolyn hwnnw;
 - (b) mewn achos sy'n ymwneud ag anghenion gofalwr perthnasol am gymorth, yr oedolyn y mae angen gofal arno.'

Gwenda Thomas

156

To insert a new section –

'() Provider failure: exception to temporary duty

- (1) A local authority is not required to meet needs which were, immediately before the registered person became unable to carry on or manage the establishment or agency, being met –
- (a) under arrangements made or by means of services provided by a local authority in England under –
 - (i) Part 3 of the National Assistance Act 1948,

- (ii) section 45 of the Health Services and Public Health Act 1968,
 - (iii) section 117 of the Mental Health Act 1983,
 - (iv) Schedule 20 to the National Health Service Act 2006, or
 - (v) section 2 of the Carers and Disabled Children Act 2000;
- (b) under arrangements made by a local authority in Scotland discharging its duty under section 12 or 13A of the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- (c) under arrangements made by a Health and Social Care trust under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)) or section 2 of the Carers and Direct Payments Act (Northern Ireland) 2002;
- (d) by the provision of accommodation or services all or part of the cost of which was paid for by direct payments made –
- (i) by virtue of section 57 of the Health and Social Care Act 2001,
 - (ii) as a result of the choice made by the adult pursuant to section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013, or
 - (iii) by virtue of section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002.
- (2) Pending the commencement of section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013, subsection (1)(d)(ii) is to be read as if there were substituted for that sub-paragraph –

“(ii) under section 12B of the Social Work (Scotland) Act 1968, or”.

I fewnosod adran newydd –

(1) Methiant darparwr: eithriad i’r ddyletswydd dros dro

- (1) Nid yw’n ofynnol i awdurdod lleol ddiwallu anghenion a oedd, yn union cyn i’r person cofrestredig fethu â pharhau â’r sefydliad neu ei reoli neu fethu â pharhau â’r asiantaeth neu ei rheoli, yn cael eu diwallu –
- (a) o dan drefniadau a wnaed neu drwy gyfrwng gwasanaethau a ddarparwyd gan awdurdod lleol yn Lloegr o dan –
 - (i) Rhan 3 o Ddeddf Cymorth Gwladol 1948,
 - (ii) adran 45 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968,
 - (iii) adran 117 o Ddeddf Iechyd Meddwl 1983,
 - (iv) Atodlen 20 i Ddeddf y Gwasanaeth Iechyd Gwladol 2006, neu
 - (v) adran 2 o Ddeddf Gofalwyr a Phlant Anabl 2000;
 - (b) o dan drefniadau a wnaed gan awdurdod lleol yn yr Alban wrth gyflawni ei ddyletswydd o dan adran 12 neu 13A o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968 neu adran 25 o Ddeddf Iechyd Meddwl (Gofal a Thriniaeth) (Yr Alban) 2003;
 - (c) o dan drefniadau a wnaed gan ymddiriedolaeth Iechyd a Gofal Cymdeithasol o

- dan Erthygl 15 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972 (O.S. 1972/1265 (N.I. 14)) neu adran 2 o Ddeddf Gofalwyr a Thaliadau Uniongyrchol (Gogledd Iwerddon) 2002;
- (d) drwy ddarparu llety neu wasanaethau y talwyd ei gost neu eu cost yn llwyr neu'n rhannol drwy daliadau uniongyrchol a wnaed –
- (i) yn rhinwedd adran 57 o Ddeddf Iechyd a Gofal Cymdeithasol 2001,
 - (ii) o ganlyniad i'r dewis a wnaed gan yr oedolyn yn unol ag adran 5 o Ddeddf Gofal Cymdeithasol (Cymorth Hunangyfeiriedig) (Yr Alban) 2013, neu
 - (iii) yn rhinwedd adran 8 o Ddeddf Gofalwyr a Thaliadau Uniongyrchol (Gogledd Iwerddon) 2002.
- (2) Wrth ddisgwyl i adran 5 o Ddeddf Gofal Cymdeithasol (Cymorth Hunangyfeiriedig) (Yr Alban) 2013 gychwyn, mae is-adran (1)(d)(ii) i'w darllen fel pe bai'r is-baragraff hwnnw wedi ei amnewid gan yr is-baragraff a ganlyn –
- “(ii) o dan adran 12B o Ddeddf Gwaith Cymdeithasol (Yr Alban) 1968, neu”’.

Gwenda Thomas

157

To insert a new section –

(1) Provider failure: supplementary

- (1) A local authority becomes subject to the duty under section (*section to be inserted by amendment 155*)(2) as soon as it becomes aware of the business failure.
- (2) Section 20 (how to meet needs) and sections 30 to 33 (meeting needs: exceptions and restrictions) apply to meeting needs under section (*section to be inserted by amendment 155*) as they apply to meeting needs under sections 21 to 29.
- (3) Regulations may make provision about the persons whom the local authority must involve in connection with meeting needs under section (*section to be inserted by amendment 155*)(2).
- (4) Where a person whose needs are being met by a local authority under section (*section to be inserted by amendment 155*)(2) is also being provided with continuing NHS care under arrangements made by a Local Health Board no part of whose area is in the local authority's area, the Local Health Board is to be treated as a relevant partner of the authority for the purposes of sections 143 and 145.
- (5) In subsection (4) “continuing NHS care” means services or facilities provided by virtue of sections 3(1)(e) and 12 of the National Health Service (Wales) Act 2006.
- (6) Where a local authority considers it necessary to do so for the purpose of carrying out its duty under section (*section to be inserted by amendment 155*)(2), it may request the registered person, or such other person involved in the establishment or agency's business as it considers appropriate, to provide it with information.
- (7) Regulations must make provision as to the interpretation, for the purposes of section (*section to be inserted by amendment 155*) and this section, of references to business failure or to being unable to do something because of business failure; and the regulations may,

in particular, specify circumstances in which a person is to be treated as unable to carry on or manage an establishment or agency because of business failure.’.

I fewnosod adran newydd –

‘() Methiant darparwr: atodol

- (1) Daw awdurdod lleol yn ddarostyngedig i’r ddyletswydd o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 155*)(2) cyn gynted ag y daw’n ymwybodol o’r methiant busnes.
- (2) Mae adran 20 (sut i ddiwallu anghenion) ac adrannau 30 i 33 (diwallu anghenion: eithriadau a chyfyngiadau) yn gymwys i ddiwallu anghenion o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 155*) yn yr un modd ag y maent yn gymwys i ddiwallu anghenion o dan adrannau 21 i 29.
- (3) Caiff reoliadau wneud darpariaeth ynghylch y personau y mae rhaid i’r awdurdod lleol eu cynnwys mewn cysylltiad â diwallu anghenion o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 155*)(2).
- (4) Pan fo person y mae ei anghenion yn cael eu diwallu gan awdurdod lleol o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 155*)(2) ac y mae gofal parhaus y GIG hefyd yn cael ei ddarparu iddo o dan drefniadau a wnaed gan Fwrdd Iechyd Lleol nad yw unrhyw ran o’i ardal yn ardal yr awdurdod lleol, mae’r Bwrdd Iechyd Lleol i’w drin fel partner perthnasol yr awdurdod at ddibenion adrannau 143 a 145.
- (5) Yn is-adran (4) ystyr “gofal parhaus y GIG” yw gwasanaethau neu gyfleusterau a ddarperir yn rhinwedd adrannau 3(1)(e) a 12 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.
- (6) Pan fo awdurdod lleol yn barnu ei bod yn angenrheidiol gwneud hynny at y diben o gyflawni ei ddyletswydd o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 155*)(2), caiff ofyn i’r person cofrestredig, neu unrhyw berson arall sy’n gysylltiedig â busnes y sefydliad neu’r asiantaeth fel y bernir yn briodol ganddo, i ddarparu gwybodaeth iddo.
- (7) Rhaid i reoliadau wneud darpariaeth ynghlŷn â’r dehongliad, at ddibenion adran (*yr adran sy’n cael ei fewnosod gan welliant 155*) a’r adran hon, o gyfeiriadau at fethiant busnes neu at fethu â gwneud rhywbeth oherwydd methiant busnes; a caiff y rheoliadau, yn benodol, bennu’r amgylchiadau hynny lle y mae person i’w drin fel rhywun sy’n methu â pharhau â sefydliad neu ei reoli neu’n methu â pharhau ag asiantaeth neu ei rheoli oherwydd methiant busnes.’.

Gwenda Thomas

158

Section 163, page 105, line 3, leave out ‘particular type’ and insert ‘type specified in regulations and the adult is living in accommodation in Wales of a type so specified’.

Adran 163, tudalen 105, llinell 3, hepgorer ‘penodol’ a mewnosoder ‘a bennir mewn rheoliadau a bod yr oedolyn yn byw mewn llety yng Nghymru o fath a bennir felly’.

Gwenda Thomas

159

Section 163, page 105, line 4, leave out ‘Part’ and insert ‘Act’.

Adran 163, tudalen 105, llinell 3, hepgorer ‘Rhan’ a mewnosoder ‘Ddeddf’.

Gwenda Thomas **160**

Section 163, page 105, line 6, leave out 'that type' and insert 'a type specified in the regulations'.

Adran 163, tudalen 105, llinell 6, hepgorer 'o'r math hwnnw' a mewnosoder 'o fath a bennir yn y rheoliadau'.

Gwenda Thomas **161**

Section 163, page 105, line 8, leave out 'that type' and insert 'a type so specified'.

Adran 163, tudalen 105, llinell 7, hepgorer 'o'r math hwnnw' a mewnosoder 'o fath a bennir felly'.

Gwenda Thomas **162**

Section 163, page 105, after line 9, insert—

- '() Where, before beginning to live in his or her current accommodation, the adult was living in accommodation of a type so specified (whether or not of the same type as the current accommodation), the reference in subsection (1)(a) to when the adult began to live in accommodation of a type so specified is a reference to the beginning of the period during which the adult has been living in accommodation of one or more of the specified types for consecutive periods.
- () The regulations may make provision for determining for the purposes of subsection (1) whether an adult has needs for care and support which can be met only if the adult is living in accommodation of a type specified in regulations.'

Adran 163, tudalen 105, ar ôl llinell 8, mewnosoder—

- '() Pan fo oedolyn, cyn iddo ddechrau byw yn ei lety presennol, yn byw mewn llety o fath a bennir felly (p'un a yw'r llety o'r un fath â'r llety presennol ai peidio), mae'r cyfeiriad yn is-adran (1)(a) at y cyfnod y dechreuodd yr oedolyn fyw mewn llety o fath a bennir felly yn gyfeiriad at ddechrau'r cyfnod y mae'r oedolyn wedi bod yn byw mewn llety o un neu fwy o'r mathau a bennir am gyfnodau olynol.
- () Caiff y rheoliadau wneud darpariaeth i ddyfarnu at ddibenion is-adran (1) a oes gan oedolyn anghenion am ofal a chymorth na ellir eu diwallu ond os yw'r oedolyn yn byw mewn llety o fath a bennir mewn rheoliadau.'

Gwenda Thomas **163**

Section 163, page 105, line 10, leave out 'the National Health Service (Wales) Act 2006' and insert 'a health enactment'.

Adran 163, tudalen 105, llinell 9, hepgorer 'Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006' a mewnosoder 'ddeddfiad iechyd'.

Gwenda Thomas **164**

Section 163, page 105, line 11, leave out 'Part' and insert 'Act'.

Adran 163, tudalen 105, llinell 10, hepgorer 'Rhan' a mewnosoder 'Ddeddf'.

Gwenda Thomas 165

Section 163, page 105, line 12, after 'resident', insert 'immediately'.

Adran 163, tudalen 105, llinell 11, ar ôl 'arfer', mewnosoder 'yn union'.

Gwenda Thomas 166

Section 163, page 105, after line 15, insert—

'() In subsection (2) "health enactment" means—

- (a) the National Health Service (Wales) Act 2006;
- (b) the National Health Service Act 2006;
- (c) the National Health Service (Scotland) Act 1978;
- (d) the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14));
- (e) the Health and Social Care (Reform) Act (Northern Ireland) 2009.'

Adran 163, tudalen 105, ar ôl llinell 13, mewnosoder—

'() Yn is-adran (2) ystyr "deddfiad iechyd" yw—

- (a) Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- (b) Deddf y Gwasanaeth Iechyd Gwladol 2006;
- (c) Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978;
- (d) Gorchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972 (O.S. 1972/1265 (N.I. 14));
- (e) Deddf (Diwygio) Iechyd a Gofal Cymdeithasol (Gogledd Iwerddon) 2009.'

Gwenda Thomas 167

Section 163, page 105, line 16, leave out subsection (3).

Adran 163, tudalen 105, llinell 14, hepgorer is-adran (3).

Gwenda Thomas 168

Section 163, page 105, line 27, after 'authority', insert 'or a local authority in England'.

Adran 163, tudalen 105, llinell 24, ar ôl 'lleol', mewnosoder 'neu awdurdod lleol yn Lloegr'.

Gwenda Thomas 169

Section 165, page 106, line 19, leave out 'of the Welsh Ministers'.

Adran 165, tudalen 106, llinell 19, hepgorer 'sydd gan Weinidogion Cymru'.

Gwenda Thomas 170

Section 165, page 106, line 21, leave out ‘of the Welsh Ministers’.

Adran 165, tudalen 106, llinell 21, hepgorer ‘sydd gan Weinidogion Cymru’.

Gwenda Thomas 171

Section 165, page 106, line 27, leave out ‘such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit’ and insert ‘incidental, supplementary, consequential, transitory, transitional or saving provision’.

Adran 165, tudalen 106, llinell 28, hepgorer ‘unrhyw ddarpariaeth gysylltiedig, atodol, canlyniadol, darfodol, trosiannol neu arbed y gwêl Gweinidogion Cymru’n dda ei gwneud’ a mewnosoder ‘darpariaeth gysylltiedig, atodol, ganlyniadol, ddarfodol, drosiannol neu arbed’.

Gwenda Thomas 172

Section 165, page 106, after line 28, insert –

‘() Subsections (1) and (2) do not apply to an order which may be made by a court or a justice of the peace.’

Adran 165, tudalen 106, ar ôl llinell 29, mewnosoder –

‘() Nid yw is-adrannau (1) a (2) yn gymwys i orchymyn y caniateir i lys neu ynad heddwch ei wneud.’

Gwenda Thomas 173

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version

Adran 165, tudalen 106, llinell 30, hepgorer ‘unrhyw’.

Gwenda Thomas 174

Section 165, page 106, line 29, after ‘made’, insert ‘by the Welsh Ministers’.

Adran 165, tudalen 106, llinell 30, ar ôl ‘wneir’, mewnosoder ‘gan Weinidogion Cymru’.

Gwenda Thomas 175

Section 165, page 106, line 32, after ‘orders’, insert ‘(whether alone or with other provision)’.

Adran 165, tudalen 106, llinell 34, ar ôl ‘canlynol’, mewnosoder ‘(p’un ai ar eu pennau eu hunain neu ar y cyd â darpariaeth arall)’.

Gwenda Thomas 176

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version

Adran 165, tudalen 106, llinell 35, hepgorer ‘eu gwneud’ a mewnosoder ‘ei wneud’.

Gwenda Thomas

177

Section 165, page 106, line 35, leave out '19, 97' and insert '3(6), 7(3), 9(3), 19, 23(1), 26(1), 27(1), 97, 105(9), 112(4)'.

Adran 165, tudalen 106, llinell 37, hepgorer 'adrannau 19, 97' a mewnosoder 'adran 3(6), 7(3), 9(3), 19, 23(1), 26(1), 27(1), 97, 105(9), 112(4)'.

Gwenda Thomas

178

Section 165, page 107, after line 2, insert—

- '(6) A statutory instrument containing regulations made by the Lord Chancellor under section 85 is subject to annulment in pursuance of a resolution of either House of Parliament.'

Adran 165, tudalen 107, ar ôl llinell 3, mewnosoder—

- '(6) Mae offeryn statudol sy'n cynnwys rheoliadau a wneir gan yr Arglwydd Ganghellor o dan adran 85 yn ddarostyngedig i'w ddirymu yn unol â phenderfyniad gan y naill neu'r llall o ddau Dŷ'r Senedd.'

Gwenda Thomas

179

Section 166, page 108, line 27, after '(“*rheoliadau*”)', insert ', other than in relation to section 85,'.

Adran 166, tudalen 108, llinell 36, ar ôl '(“*regulations*”)', mewnosoder ', ac eithrio mewn perthynas ag adran 85,'.