

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 7 Ionawr 2011
Tabled on 7 January 2011

Mesur Arfaethedig ynghylch Hawliau Plant a Phobl Ifanc (Cymru)
Proposed Rights of Children and Young Persons (Wales) Measure

Mae'r gwelliannau â * are u bwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Eleanor Burnham

1

Section 3, Page 4, after line 7 insert –

'() The Welsh Ministers must give due consideration and have regard to the outcome of any consultation in the preparing, making, remaking or revising of the children's scheme under this section.'

Adran 3, tudalen 4, ar ôl llinell 9, ychwanegwch –

'() Rhaid i Weinidogion Cymru roi ystyriaeth ddyladwy a sylw i ganlyniad unrhyw ymgynghori wrth baratoi, gwneud, ail-wneud neu ddiwygio'r cynllun plant o dan yr adran hon.'

Huw Lewis

2

Adran 3, tudalen 4, llinell 3, gadewch allan 'eu cynnwys wrth lunio'r' a rhowch yn eu lle 'rhan mewn llunio'r'.

Ni does angen diwygio'r fersiwn Saesneg. / There is no need to amend the English version.

Huw Lewis

3

Adran 8, tudalen 6, llinell 25, gadewch allan 'unrhyw'.

Ni does angen diwygio'r fersiwn Saesneg. / There is no need to amend the English version.

Huw Lewis

4

Adran 8, tudalen 6, llinell 33, gadewch allan 'unrhyw'.

Ni does angen diwygio'r fersiwn Saesneg. / There is no need to amend the English version.

***Mark Isherwood**

5

Page 5, line 17, leave out section 7.

Tudalen 5, llinell 17, gadewch allan adran 7.

***Mark Isherwood**

6

Page 7, line 17, leave out section 10 and insert -

[] Orders

- (1) Any power of the Welsh Ministers to make an order under this Measure is exercisable by statutory instrument.
- (2) A statutory instrument containing an order made under this Measure may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (3) Before the Welsh Ministers make an order under this Measure they must consult –
 - (a) children and young persons,
 - (b) the Children’s Commissioner for Wales,
 - (c) parents, guardians, carers, or other persons legally responsible for children, and
 - (d) such other persons or bodies as Welsh Ministers consider appropriate.
- (4) If, following that consultation, the Welsh Ministers propose to make an order under this Measure they must lay before the National Assembly for Wales a document which –
 - (a) explains their proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of consultation under subsection (3).
- (5) Where a document relating to proposals is laid before the National Assembly for Wales under subsection (4), no draft of an order under this Measure to give effect to the proposals (with or without modifications) is to be laid before the Assembly in accordance with subsection (2) until after the expiry of the period of 60 days beginning with the day on which the document was laid.
- (6) In calculating the period mentioned in subsection (5) no account is to be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (7) In preparing a draft order under this Measure the Welsh Ministers must consider any representations made during the period mentioned in subsection (5).
- (8) A draft order laid before the National Assembly for Wales in accordance with subsection (2) must be accompanied by a statement of the Welsh Ministers giving details of –
 - (a) any representations considered in accordance with subsection (7), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (4).’.

Tudalen 7, llinell 17, gadewch allan adran 10 a rhowch yn ei le -

[] Gorchmynion

- (1) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchmyn o dan y Mesur hwn yn arferadwy drwy offeryn statudol.
- (2) Ni chaniateir i offeryn statudol sy'n cynnwys gorchmyn a wneir o dan y Mesur hwn gael ei wneud onid oes drafft o'r gorchmyn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo drwy benderfyniad.
- (3) Cyn bod Gweinidogion Cymru yn gwneud gorchmyn o dan y Mesur hwn, rhaid iddynt ymgynghori â'r canlynol –
 - (a) plant a phobl ifanc,
 - (b) Comisiynydd Plant Cymru,
 - (c) rhieni, gwarcheidwaid, gofalwyr, neu bersonau eraill sydd â chyfrifoldeb cyfreithiol dros blant, a
 - (d) unrhyw bersonau neu gyrff eraill y mae Gweinidogion Cymru'n ystyried sy'n addas.
- (4) Os bydd Gweinidogion Cymru, ar ôl yr ymgynghori hwnnw, yn cynnig gwneud gorchmyn o dan y Mesur hwn, rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen –
 - (a) sy'n esbonio eu cynigion,
 - (b) sy'n gosod eu cynigion ar ffurf gorchmyn drafft, a
 - (c) sy'n rhoi manylion yr ymgynghori o dan is-adran (3).
- (5) Pan fo dogfen sy'n ymwneud â chynigion yn cael ei gosod gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (4), rhaid i ddrafft o orchymyn o dan y Mesur hwn i roi effaith i'r cynigion (gydag addasiadau neu hebddynt) beidio â chael ei osod gerbron y Cynulliad yn unol ag is-adran (2) tan ar ôl i'r cyfnod o 60 niwrnod sy'n dechrau ar y diwrnod y cafodd y ddogfen ei gosod ddirwyn i ben.
- (6) Wrth gyfrifo'r cyfnod a grybwyllwyd yn is-adran (5), rhaid peidio ag ystyried unrhyw amser pryd y bydd Cynulliad Cenedlaethol Cymru wedi'i ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.
- (7) Wrth baratoi gorchmyn drafft o dan y Mesur hwn, rhaid i Weinidogion Cymru ystyried unrhyw sylwadau a gyflwynwyd yn ystod y cyfnod a grybwyllwyd yn is-adran (5).
- (8) Ynghyd â gorchmyn drafft a osodir gerbron Cynulliad Cenedlaethol Cymru yn unol ag is-adran (2), rhaid bod datganiad gan Weinidogion Cymru sy'n rhoi manylion –
 - (a) unrhyw sylwadau a ystyriwyd yn unol ag is-adran (7), a
 - (b) unrhyw newidiadau a wnaed i'r cynigion a oedd wedi'u cynnwys yn y ddogfen a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (4).'

***Mark Isherwood**

7

Section 1, page 2, after line 25, insert –

- () In their compliance with their duty under section 1, Welsh Ministers must also have regard to the needs of young people who, by virtue of their age, cease to benefit from the protection of the Convention, and to the need to plan for the transition to adult services.’.

Adran 1, tudalen 2, ar ôl llinell 28, ychwanegwch –

- () Wrth gydymffurfio â’u dyletswydd o dan adran 1, rhaid i Weinidogion Cymru hefyd roi sylw i anghenion pobl ifanc sydd, oherwydd eu hoedran, yn peidio â chael eu hamddiffyn gan y Confensiwn, ac i’r angen i gynllunio ar gyfer symud i wasanaethau i oedolion.’.

***Mark Isherwood**

8

Section 2, page 2, line 29, after ‘1’, insert, ‘and such arrangements should have particular regard to the needs of disadvantaged children’.

Adran 2, tudalen 2, llinell 32, ar ôl ‘1’, ychwanegwch ‘a dylai’r trefniadau hyn roi sylw penodol i anghenion plant difreintiedig’.

***Mark Isherwood**

9

Section 3, page 3, after line 39, insert -

- () parents, guardians, or other persons legally responsible for children, and’.

Adran 3, tudalen 3, ar ôl llinell 40, ychwanegwch -

- () rhieni, gwarcheidwaid, neu bersonau eraill sydd â chyfrifoldeb cyfreithiol dros blant, a’.

***Mark Isherwood**

10

Section 3, page 4, after line 6, insert –

‘() parents, guardians, carers, or other persons legally responsible for children, and’.

Adran 3, tudalen 4, ar ôl llinell 7, ychwanegwch –

‘() rhieni, gwarcheidwaid, gofalwyr, neu bersonau eraill sydd â chyfrifoldeb cyfreithiol dros blant, a’.

***Mark Isherwood**

11

Section 4, page 4, line 29, leave out ‘at or before the end of succeeding period of five years, or of such other length as may be specified in the children’s scheme,’ and insert ‘annually thereafter’.

Adran 4, tudalen 4, llinell 33, gadewch allan ‘ar neu cyn diwedd pob cyfnod dilynol o bum mlynedd, neu o unrhyw hyd arall a bennir yng nghynllun y plant,’ ac yn ei le rhowch ‘yn flynyddol wedyn’.

***Mark Isherwood**

12

Section 10, page 7, line 23, leave out ‘or 7’.

Adran 10, tudalen 7, llinell 23, gadewch allan ‘neu 7’.

***Mark Isherwood**

13

Section 10, page 7, line 19, leave out ‘or 7’.

Adran 10, tudalen 7, llinell 19, gadewch allan ‘neu 7’.

***Mark Isherwood**

14

Section 12, page 8, line 2, leave out 'and Young Persons'.

Adran 12, tudalen 8, llinell 2, gadewch allan 'a Phobl Ifanc'.

***Mark Isherwood**

15

To insert a new Section –

[] Redress

- (1) A child who is aggrieved by an alleged failure of Welsh Ministers to have regard to requirements referred to in section 1(1) (or a representative of that child) may refer that matter to the Children's Commissioner for Wales.
- (2) The Children's Commissioner for Wales may investigate such a matter and make representations to Welsh Ministers regarding the result of that investigation.
- (3) The Children's Commissioner for Wales may also make more general representations to Welsh Ministers regarding the operation of this Measure, which may include recommendations for a more formal system of redress.
- (4) The Public Services Ombudsman for Wales may co-operate with the Children's Commissioner for Wales in the exercise of functions under this section.'

I ychwanegu Adran newydd –

[] Gweud iawn

- (1) Caiff plentyn sydd wedi'i dramgwyddo gan fethiant honedig gan Weinidogion Cymru i roi sylw i'r gofynion y cyfeirir atynt yn adran 1(1) (neu gynrychiolydd y plentyn hwnnw) gyfeirio'r mater hwnnw at Gomisiynydd Plant Cymru.
- (2) Caiff Comisiynydd Plant Cymru ymchwilio i fater o'r fath a chyflwyno sylwadau i Weinidogion Cymru ynghylch canlyniad yr ymchwiliad hwnnw.
- (3) Caiff Comisiynydd Plant Cymru gyflwyno sylwadau mwy cyffredinol hefyd i Weinidogion Cymru ynghylch sut y mae'r Mesur hwn yn cael ei weithredu, a all gynnwys argymhellion ynglŷn â system fwy ffurfiol o wneud iawn.
- (4) Caiff Ombwdsmon Gwasanaethau Cyhoeddus Cymru gydweithredu â Chomisiynydd Plant Cymru wrth arfer swyddogaethau o dan yr adran hon.'