



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

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

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

Caiff y Mesur ei ystyried yn y drefn a ganlyn –
The Measure will be considered in the following order –

Sections 1-12	Adrannau 1-12
New Sections	Adrannau Newydd
Long Title	Teitl Hir

Huw Lewis

1

Section 1, page 2, line 5, leave out 'The Welsh Ministers must, in making any relevant decision' and insert 'From the beginning of May 2014, the Welsh Ministers must, when exercising any of their functions'.

Adran 1, tudalen 2, llinell 5, gadewch allan 'Rhaid i Weinidogion Cymru, wrth wneud unrhyw benderfyniad perthnasol' a rhowch yn ei le 'Oddi ar ddechrau Mai 2014, rhaid i Weinidogion Cymru, wrth arfer unrhyw un neu ragor o'u swyddogaethau'.

Eleanor Burnham

13

Supported by/Gyda chefnogaeth: Darren Millar

Section 1, page 2, line 5, leave out ‘in making any relevant decision’ and insert ‘in the exercise of their functions’.

Adran 1, tudalen 2, llinell 5 gadewch allan ‘wrth wneud unrhyw benderfyniad perthnasol’ ac yn ei le rhowch ‘wrth arfer eu swyddogaethau’.

Huw Lewis

2

Section 1, page 2, line 13, leave out subsections (2) and (3) and insert –

- ‘() From the beginning of May 2012 until the end of April 2014, the Welsh Ministers must, in making any decision which falls within subsection (), have due regard to the requirements of Part 1 of the Convention and the Protocols.
- () A decision falls within this subsection if it is a decision about any of the following –
 - (a) provision proposed to be included in an enactment;
 - (b) formulation of a new policy;
 - (c) a review of or change to an existing policy.
- () References in this Measure to the Welsh Ministers’ duty under this section are –
 - (a) from the beginning of May 2012 until the end of April 2014, to the duty in subsection (); and
 - (b) from the beginning of May 2014, to the duty in subsection ().’.

Adran 1, tudalen 2, llinell 12, gadewch allan is- adrannau (2) a (3) a rhowch yn eu lle-

- '() Oddi ar ddechrau Mai 2012 hyd at ddiwedd Ebrill 2014, rhaid i Weinidogion Cymru, wrth wneud unrhyw benderfyniad sydd yn dod o fewn is-adran (), roi sylw dyledus i ofynion Rhan 1 o'r Confensiwn a'r Protocolau.
- () Mae penderfyniad yn dod o dan yr is-adran hon os yw'r penderfyniad yn ymwneud ag unrhyw un neu ragor o'r canlynol –
 - (a) darpariaeth y bwriedir ei chynnwys mewn deddfiad;
 - (b) fformiwleiddio polisi newydd;
 - (c) adolygiad o bolisi sydd eisoes mewn bod neu newid i bolisi sydd eisoes mewn bod.
- () Mae cyfeiriadau yn y Mesur hwn at ddyletswydd Gweinidogion Cymru o dan yr adran hon yn cyfeirio –
 - (a) oddi ar ddechrau Mai 2012 hyd at ddiwedd Ebrill 2014, at y ddyletswydd yn is-adran (); a
 - (b) oddi ar ddechrau Mai 2014, at y ddyletswydd yn is-adran ()'.

Eleanor Burnham

14

Supported by/Gyda chefnogaeth: Darren Millar

Section 1, page 2, line 13, leave out subsection (2).

Adran 1, tudalen 2, llinell 12, gadewch allan is-adran (2).

Eleanor Burnham

15

Supported by/Gyda chefnogaeth: Darren Millar

Section 1, page 2, line 16, leave out 'for the purposes of subsection (2)'.

Adran 1, tudalen 2, llinell 15, gadewch allan 'at ddibenion is-adran (2)'.

Darren Millar

22

Supported by/Gyda chefnogaeth: Eleanor Burnham

Section 1, page 2, after line 19, 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 19, ychwanegwch –

- () Wrth gydymffurfio â’u dyletswydd o dan adran 1, rhaid hefyd i Weinidogion Cymru 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.’.

Huw Lewis

3

Section 2, page 2, line 22, leave out paragraph (a).

Adran 2, tudalen 2, llinell 22, gadewch allan baragraff (a).

Darren Millar

25

Supported by/Gyda chefnogaeth: Eleanor Burnham

Section 2, page 2, line 25, after ‘1’, insert, ‘such arrangements should have particular regard to the needs of disadvantaged children’.

Adran 2, tudalen 2, llinell 26, ar ôl ‘1’, ychwanegwch ‘dylai’r trefniadau hyn roi sylw penodol i anghenion plant difreintiedig’.

Darren Millar

17

Supported by/Gyda chefnogaeth: Eleanor Burnham

Section 3, page 3, after line 22, insert new subsection –

- () Before publishing the children’s scheme in draft, the Welsh Ministers must consult the following persons –
- () children and young persons,
 - () the Children’s Commissioner for Wales,
 - () parents, guardians, carers, or other persons legally responsible for children, and
 - () such other persons or bodies as Welsh Ministers consider appropriate.’.

Adran 3, tudalen 3, ar ôl llinell 23, ychwanegwch is-adran newydd –

- () Cyn cyhoeddi’r cynllun plant ar ffurf drafft, rhaid i Weinidogion Cymru ymgynghori â’r personau canlynol –
- () plant a phobl ifanc,
 - () Comisiynydd Plant Cymru,
 - () rhieni, gwarcheidwaid, gofalwyr, neu bersonau eraill sydd â chyfrifoldeb cyfreithiol dros blant, ac
 - () unrhyw bersonau neu gyrff eraill sy’n briodol ym marn Gweinidogion Cymru.’.

Huw Lewis

4

Section 3, page 3, after line 27, insert –

- () In preparing a draft to be published under subsection (3), the Welsh Ministers must ensure that –
- (a) children and young persons,
 - (b) the Children’s Commissioner for Wales, and
 - (c) such other persons or bodies as the Welsh Ministers consider appropriate, are involved in the preparation of the draft.’

Adran 3, tudalen 3, ar ôl llinell 28, ychwanegwch –

- ‘() Wrth lunio drafft i’w gyhoeddi o dan is-adran (3), rhaid i Weinidogion Cymru sicrhau bod –
- (a) plant a phobl ifanc,
 - (b) Comisiynydd Plant Cymru, ac
 - (c) unrhyw bobl neu gyrrff eraill y mae Gweinidogion Cymru yn barnu eu bod yn briodol,
- yn cael eu cynnwys wrth lunio’r drafft.’

Eleanor Burnham

16

Supported by/Gyda chefnogaeth: Darren Millar

Section 3, page 3, after line 32 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 3, ar ôl llinell 34, 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.’.

Darren Millar

18

Supported by/Gyda chefnogaeth: Eleanor Burnham

Section 3, page 3, after line 32, insert –

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

Adran 3, tudalen 3, ar ôl llinell 34, ychwanegwch—

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

Darren Millar

19

Supported by/Gyda chefnogaeth: Eleanor Burnham

Section 4, page 4, line 16, 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 17, 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’.

Darren Millar

20

Supported by/Gyda chefnogaeth: Eleanor Burnham

Page 5, line 1, leave out section 7.

Tudalen 5, llinell 1, gadewch allan adran 7.

Huw Lewis

5

Section 8, page 6, line 11, leave out ‘such amendments to this Measure as they consider appropriate’ and insert ‘amendments to section 1(1), 8(1), 8(2) or 8(3) of, or the Schedule to, this Measure’.

Adran 8, tudalen 6, llinell 10, gadewch allan ‘i’r Mesur hwn sydd yn briodol yn eu barn hwy’ a rhowch yn eu lle ‘i adran 1(1), 8(1), 8(2) neu 8(3) o’r Mesur hwn neu i’r Atodlen i’r Mesur hwn’.

Huw Lewis

6

Section 8, page 6, line 20, leave out 'such amendments to this Measure as they consider appropriate' and insert 'amendments to section 1 (1), 8(1), 8(2) or 8(3) of, or the Schedule to, this Measure'.

Adran 8, tudalen 6, llinell 18, gadewch allan 'i'r Mesur hwn sydd yn briodol yn eu barn hwy' a rhowch yn eu lle 'i adran 1(1), 8(1), 8(2) neu 8(3) o'r Mesur hwn neu i'r Atodlen i'r Mesur hwn'.

Huw Lewis

7

Section 8, page 6, line 25, leave out 'such amendments to Part 3 of the Schedule as they consider appropriate' and insert 'amendments to Part 3 of the Schedule'.

Adran 8, tudalen 6, llinell 24, gadewch allan 'sydd yn eu barn hwy yn briodol'.

Huw Lewis

8

Section 9, page 6, line 34, after 'Measure', insert 'or Act'.

Adran 9, tudalen 6, llinell 32, ar ôl 'Mesur', ychwanegwch 'neu Ddeddf'.

Huw Lewis

9

Section 9, page 6, line 37, after 'Measure', insert 'or Act'.

Adran 9, tudalen 6, llinell 35, gadewch allan 'Fesurau'r' a rhowch 'Fesurau neu Ddeddfau'r' yn ei le.

Darren Millar

21

Supported by/Gyda chefnogaeth: Eleanor Burnham

Section 10, page 7, line 5, leave out 'or 7'.

Adran 10, tudalen 7, llinell 5, gadewch allan 'neu 7'.

Huw Lewis

10

Section 10, page 7, line 8, leave out subsection (3) and insert –

- '() No proceedings may take place in the Assembly for the purpose of approving the draft of an instrument containing an order under section 6 or 7 before the end of the period of 40 days as defined in subsection ().
- () A draft of a statutory instrument containing an order under section 8 must be laid before the Assembly before the instrument is made and the instrument must not be made before the end of the period of 40 days as defined in subsection ().
- () Section 6(1) of the Statutory Instruments Act 1946 does not apply to a draft of an instrument containing an order under section 8.
- () For the purposes of subsections () and (), the period of 40 days begins on the day on which the draft instrument is laid before the Assembly, disregarding any time during which the Assembly is dissolved or is in recess for more than four days.'

Adran 10, tudalen 7, llinell 8, gadewch allan is-adran (3) a rhowch yn ei lle-

- '() Ni chaniateir i unrhyw drafodion gael eu cynnal yn y Cynulliad er mwyn cymeradwyo drafft offeryn sy'n cynnwys gorchymyn o dan adran 6 neu 7 cyn diwedd y cyfnod o 40 niwrnod fel y'i diffinnir yn is-adran ().
- () Rhaid i ddrafft o offeryn statudol sy'n cynnwys gorchymyn o dan adran 8 gael ei osod gerbron y Cynulliad cyn i'r offeryn gael ei wneud a rhaid peidio â gwneud yr offeryn cyn diwedd y cyfnod o 40 niwrnod fel y'i diffinnir yn is-adran ().
- () Nid yw adran 6(1) o Ddeddf Offerynnau Statudol 1946 yn gymwys i ddrafft o offeryn sy'n cynnwys gorchymyn o dan adran 8.
- () At ddibenion is-adrannau () a (), mae'r cyfnod o 40 niwrnod yn dechrau ar y diwrnod pryd y gosodir yr offeryn drafft gerbron y Cynulliad, heb gymryd i ystyriaeth unrhyw amser pryd y bydd y Cynulliad wedi ei ddiddymu neu ar doriad am fwy na phedwar diwrnod.'

Huw Lewis

11

Section 11, page 7, line 11, leave out subsection (1).

Adran 11, tudalen 7, llinell 11, gadewch allan is-adran (1).

Huw Lewis

12

Section 11, page 7, line 13, leave out 'The other sections of this Measure come' and insert 'This Measure comes'.

Adran 11, tudalen 7, llinell 13, gadewch allan 'Daw gweddill adrannau'r' a rhowch yn eu lle 'Daw'r'.

Darren Millar

23

Supported by/Gyda chefnogaeth: Eleanor Burnham

Section 12, page 7, line 16, leave out 'and Young Persons'.

Adran 12, tudalen 7, llinell 16, gadewch allan 'a Phobl Ifanc'.

Darren Millar

24

Supported by/Gyda chefnogaeth: Eleanor Burnham

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 i’r 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 mae’r Mesur hwn yn gweithredu, gan 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.’