



## RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

### Mesur Arfaethedig ynghylch Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru) Proposed Social Care Charges (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

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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

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**Andrew R T Davies**

11

Section 1, page 2, after line 20, insert –

‘(6) When making regulations under this Measure the Welsh Ministers shall aim to ensure that no person who is in receipt of a service to which this Measure applies is in a worse position than would have been the case had the Measure not been made.’.

Adran 1, tudalen 2, ar ôl llinell 20, ychwanegwch –

‘(6) Wrth wneud rheoliadau o dan y Mesur hwn, bydd Gweinidogion Cymru’n anelu at sicrhau na fydd neb sy’n derbyn gwasanaeth y mae’r Mesur hwn yn gymwys iddo mewn sefyllfa waeth na phe na fyddai’r Mesur wedi’i wneud.’.

**Mick Bates**

1

Section 2, page 3, after line 11, insert –

‘(4) A statutory instrument containing regulations made under Section 2(2) must not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.’.

Adran 2, tudalen 3, ar ôl llinell 11, ychwanegwch –

‘(4) Rhaid peidio â gwneud offeryn statudol sy’n cynnwys rheoliadau a wneir o dan Adran 2(2) oni chafodd drafft o’r offeryn ei osod gerbron Cynulliad Cenedlaethol Cymru ac oni chafodd ei gymeradwyo ganddo drwy benderfyniad.’.

**Gwenda Thomas**

9

Section 3, page 3, line 29, leave out subsection (4).

Adran 3, tudalen 3, llinell 31, gadewch allan is-adran (4).

**Mick Bates**

3

Section 5, page 7, line 15, after ‘in’, insert ‘plain language and in’.

Adran 5, tudalen 7, llinell 16, ar ôl ‘mewn’, ychwanegwch ‘iaith glir ac mewn’.

**Mick Bates**

2

Section 5, page 7, line 16, after ‘including’, insert ‘, but not limited to,’.

Adran 5, tudalen 7, llinell 17, ar ôl ‘gynnwys’, ychwanegwch ‘, ond heb fod yn gyfyngedig i hynny,’.

**Mick Bates** 4

Section 5, page 7, line 16, after 'writing', insert ', in person and easy read format'.

Adran 5, tudalen 7, llinell 17, ar ôl 'ysgrifenedig', ychwanegwch ', yn bersonol ac mewn fformat hawdd ei ddarllen'.

**Mick Bates** 5

Section 5, page 7, line 20, after 'statement', insert 'in plain language,'.

Adran 5, tudalen 7, llinell 21, ar ôl 'ddatganiad', ychwanegwch 'mewn iaith glir yn'.

**Mick Bates** 6

Section 5, page 7, line 21, after 'requests', insert '(including, but not limited to, in person and easy read format)'.

Adran 5, tudalen 7, llinell 22, ar ôl 'amdano', ychwanegwch '(gan gynnwys, ond heb fod yn gyfyngedig i hynny, yn bersonol ac mewn fformat hawdd ei ddarllen)'.

**Andrew R T Davies** 12

Section 5, page 7, leave out lines 35 to 36, and insert '(b) before any charge under Section 1 and to which the statement relates is imposed (or altered)'.

Adran 5, tudalen 7, gadewch allan linellau 38 hyd at 39, ac ychwanegwch '(b) cyn y gosodir (neu y newidir) unrhyw ffi o dan Adran 1 ac y mae'r datganiad yn ymwneud â hi'.

**Gwenda Thomas** 10

Section 5, page 7, line 35, leave out 'charge to which the statement relates was imposed (or altered)' and insert 'decision to impose (or alter) the charge was made'.

Adran 5, tudalen 7, llinell 38, gadewch allan 'y gosodwyd (neu newidiwyd) y ffi y mae'r datganiad yn ymwneud â hi' a rhowch yn ei le 'y penderfynwyd gosod (neu newid) y ffi'.

**Andrew R T Davies** 13

Section 6, page 8, line 7, after '5(4)', insert 'or his or her representative'.

Adran 6, tudalen 8, llinell 7, ar ôl '5(4)', ychwanegwch 'neu ei gynrychiolydd'.

**Andrew R T Davies**

14

Section 6, page 8, line 10, after 'individual', insert 'or his or her representative'.

Adran 6, tudalen 8, llinell 11, ar ôl 'unigolyn', ychwanegwch 'neu ei gynrychiolydd'.

**Andrew R T Davies**

16

Section 10, page 12, at the beginning of line 10, insert 'Except where otherwise provided,'.

Adran 10, tudalen 12, ar ddechrau llinell 11, ychwanegwch 'Ac eithrio lle y darperir yn wahanol,'.

**Andrew R T Davies**

15

Section 10, page 12, after line 21, insert -

'(8) The Welsh Ministers must in 2011 and every year after 2011 -

- (a) review any regulations made under this Measure;
- (b) publish a report containing an assessment of the impact of any regulations made under this Measure;
- (c) lay a copy of the report before the National Assembly for Wales.'

Adran 10, tudalen 12, ar ôl llinell 25, ychwanegwch -

'(8) Rhaid i Weinidogion Cymru yn 2011 ac ym mhob blwyddyn ar ôl 2011 -

- (a) adolygu unrhyw reoliadau a wneir o dan y Mesur hwn;
- (b) cyhoeddi adroddiad yn cynnwys asesiad o effaith unrhyw reoliadau a wneir o dan y Mesur hwn;
- (c) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.'

**Mick Bates**

7

Section 11, page 12, after line 30, insert -

'(5) In this Measure "representative" means a person acting on behalf of an individual mentioned in Section 6(1) and (2) who -

- (a) has died,
- (b) is a child,
- (c) is unable to make the complaint themselves because of -
  - (i) physical incapacity; or
  - (ii) lack of capacity within the meaning of the Mental Capacity Act 2005;or
- (d) has requested the representative to act on their behalf.'

Adran 11, tudalen 12, ar ôl llinell 35, ychwanegwch –

- ‘(5) Yn y Mesur hwn ystyr “cynrychiolydd” yw person sy’n gweithredu ar ran unigolyn a grybwyllir yn Adran 6(1) a (2) –
- (a) sydd wedi marw,
  - (b) sydd yn blentyn,
  - (c) nad yw’n gallu gwneud y gŵyn ei hun oherwydd –
    - (i) anallu corfforol, neu
    - (ii) diffyg capasiti o fewn ystyr Deddf Galluedd Meddyliol 2005, neu
  - (d) sydd wedi gofyn i’r cynrychiolydd weithredu ar ei ran.’.

### **Mick Bates**

8

To insert a new Section –

#### **[ ] Appeals against charging decisions**

- (1) The Welsh Ministers shall by regulations make provision for and in connection with an appeal of decisions taken by local authorities under this Measure.
- (2) The Provision that may be made under regulations under subsection (1) includes (but is not limited to) provision –
  - (a) conferring a right upon an individual to whom a statement has been provided under section 5(4) or his or her representative to make an appeal;
  - (b) as to the decisions in respect of which the individual or his or her representative has the right to request an appeal;
  - (c) as to the steps that must be taken in order for a person to exercise the right to make an appeal and the time by which such steps are taken;
  - (d) as to the procedure to be followed and steps taken in connection with, and following the appeal;
  - (e) for and in connection with the appointment of a person or persons independent of the local authority who provided the statement under section 5(4) to hear and determine such appeals;
  - (f) requiring the person or persons who will hear and determine the appeal to provide specified information and assistance to any person who has made an appeal.’.

I ychwanegu Adran newydd –

**[1] Apelau yn erbyn penderfyniadau ar godi ffioedd**

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ar gyfer apêl yn erbyn penderfyniadau a gymerwyd gan awdurdodau lleol o dan y Mesur hwn ac mewn cysylltiad â hwy.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud drwy reoliadau o dan is-adran (1) yn cynnwys (ond heb fod yn gyfyngedig i hynny) darpariaeth –
  - (a) sy'n rhoi hawl i unigolyn y rhoddwyd datganiad iddo o dan adran 5(4) neu ei gynrychiolydd i wneud apêl;
  - (b) sy'n ymwneud a'r penderfyniadau y mae gan yr unigolyn neu ei gynrychiolydd yr hawl i ofyn am apêl;
  - (c) sy'n ymwneud a'r camau y mae'n rhaid eu cymryd er mwyn i berson allu arfer yr hawl i wneud apêl ac erbyn pryd y mae'r camau hynny i'w cymryd;
  - (d) sy'n ymwneud a'r weithdrefn sydd i'w dilyn a'r camau sydd i'w cymryd mewn cysylltiad â'r apêl, ac yn dilyn yr apêl;
  - (e) ar gyfer ac mewn cysylltiad â phenodi person neu bersonau sy'n annibynnol ar yr awdurdod lleol a ddarparodd y datganiad o dan adran 5(4) i glywed a phennu apelau o'r fath;
  - (f) sy'n ei gwneud yn ofynnol i'r person neu'r personau a fydd yn clywed ac yn pennu'r apêl i ddarparu gwybodaeth a chymorth penodol i unrhyw berson sydd wedi gwneud apêl.'.