



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 30 Hydref 2009
Tabled on 30 October 2009

Mesur Arfaethedig ynghylch Plant a Theuloedd (Cymru)
Proposed Children and Families (Wales) Measure

Brian Gibbons

1

Schedule 1, page 48, after line 17, insert—

'Care Standards Act 2000 (c.14)

- () Amend the Care Standards Act 2000 as follows.
- () In section 55(3)(e)—
 - (a) for “Assembly” in both places where it appears substitute “Welsh Assembly Government”;
 - (b) for “section 79T of that Act” substitute “section 34 of the Children and Families (Wales) Measure 2010”.

Atodlen 1, tudalen 48, ar ôl llinell 18, ychwanegwch –

'Deddf Safonau Gofal 2000 (p.14)

- () Diwygier Deddf Safonau Gofal 2000 fel a ganlyn.
- () Yn adran 55(3)(e) –
 - (a) yn lle “Assembly” yn y ddau le lle y mae’n ymddangos rhodder “Welsh Assembly Government”;
 - (b) yn lle “section 79T of that Act” rhodder “section 34 of the Children and Families (Wales) Measure 2010”.

Brian Gibbons

2

Section 35A, page 30, after line 34, insert –

- ‘() The powers in paragraphs (b) and (c) of subsection (1) do not include power –
 - (a) to require a person to produce any record or document in respect of which a claim to legal professional privilege could be maintained in legal proceedings, or
 - (b) to take copies of such a record or document or to seize and remove it.’.

Adran 35A, tudalen 30, ar ôl llinell 35, ychwanegwch –

- ‘() Nid yw’r pŵer ym mharagraffau (b) ac (c) yn is-adran (1) yn cynnwys pŵer –
 - (a) i’w gwneud yn ofynnol i berson ddangos unrhyw ddogfennau neu gofnodion y gellid cynnal hawliad am fraint broffesiynol gyfreithiol mewn cysylltiad â hwy mewn achos cyfreithiol, neu
 - (b) i gymryd copïau o ddogfennau neu gofnodion o’r fath neu i ymafael ynddynt a’u symud oddi yno.’.

Brian Gibbons

3

Section 9E, page 15, after line 38, insert –

- ‘() The power in subsection (1)(b) does not include power –
 - (a) to require a person to produce any document or record in respect of which a claim to legal professional privilege could be maintained in legal proceedings, or
 - (b) to take copies of such a document or record or to remove it.’.

Adran 9E, tudalen 15, ar ôl llinell 39, ychwanegwch –

- ‘() Nid yw’r pŵer yn is-adran (1)(b) yn cynnwys pŵer –
 - (a) i’w gwneud yn ofynnol i berson ddangos unrhyw ddogfennau neu gofnodion y gellid cynnal hawliad am fraint broffesiynol gyfreithiol mewn cysylltiad â hwy mewn achos cyfreithiol, neu
 - (b) i gymryd copïau o ddogfennau neu gofnodion o’r fath neu eu symud oddi yno.’.

Brian Gibbons

4

Section 9F, page 17, after line 9, insert –

‘() The power in subsection (1) does not include power to require the provision of information, documents or records in respect of which a claim to legal professional privilege could be maintained in legal proceedings.’.

Adran 9F, tudalen 17, ar ôl llinell 10, ychwanegwch –

‘() Nid yw’r pŵer yn is-adran (1) yn cynnwys y pŵer i’w gwneud yn ofynnol i roi gwybodaeth, dogfennau neu gofnodion y gellid cynnal hawliad am ffrainc broffesiynol gyfreithiol mewn cysylltiad â hwy mewn achos cyfreithiol.’.

Brian Gibbons

5

Section 59A, page 42, line 14, leave out ‘a member of the child’s family (“the family member”)’ and insert ‘the child’s parent’.

Adran 59A, tudalen 42, llinell 15, gadewch allan ‘aelod o deulu’r plentyn (“yr aelod o’r teulu”)' ac ychwanegwch ‘rhiant y plentyn’.

Brian Gibbons

6

Section 59A, page 42, line 20, leave out ‘family member’ and insert ‘parent’.

Adran 59A, tudalen 42, llinell 20, gadewch allan ‘yr aelod o’r teulu’ ac ychwanegwch ‘y rhiant’.

Brian Gibbons

7

Section 59A, page 42, line 28, leave out ‘family member’ and insert ‘parent’.

Adran 59A, tudalen 42, llinell 28, gadewch allan ‘aelod o’r teulu’ ac ychwanegwch ‘rhiant’.

Brian Gibbons

8

Section 59A, page 42, line 31, leave out ‘and in section 59B’.

Adran 59A, tudalen 42, llinell 31, gadewch allan ‘ac yn adran 59B’.

Brian Gibbons

9

Section 59A, page 43, line 1, leave out lines 1 to 3.

Adran 59A, tudalen 43, llinell 1, gadewch allan linellau 1 hyd at 4.

Brian Gibbons

10

Section 59A, page 42, after line 36, insert –

- () In this section and in section 59B “parent”, in relation to a child, includes any individual –
 - (a) who is not a parent of the child but who has parental responsibility for the child, or
 - (b) who has care of the child.’.
- () For the purposes of subsection [] –
 - (a) “parental responsibility” has the same meaning as in the Children Act 1989 (c.41);
 - (b) in determining whether an individual has care of a child, any absence of the child at a hospital, children’s home or foster placement and any other temporary absence is to be disregarded.’.

Adran 59A, tudalen 42, ar ôl llinell 36, ychwanegwch –

- () Yn yr adran hon ac yn adran 59B mae “rhiant”, o ran plentyn, yn cynnwys unrhyw unigolyn –
 - (a) nad yw’n rhiant i’r plentyn ond sydd â chyfrifoldeb rhiant dros y plentyn, neu
 - (b) sydd â gofal y plentyn.’.
- () At ddibenion is-adran [] –
 - (a) mae i “cyfrifoldeb rhiant” yr ystyr a roddir i “parental responsibility” yn Neddf Plant 1989 (p.41);
 - (b) wrth benderfynu a yw unigolyn â gofal plentyn, mae unrhyw absenoldeb o ran y plentyn mewn ysbyty, cartref plant neu leoliad maeth ac unrhyw absenoldeb arall dros dro i’w anwybyddu.’.

Brian Gibbons

11

Section 59B, page 43, line 5, leave out ‘member of a child’s family’ and insert ‘child’s parent’.

Adran 59B, tudalen 43, llinell 7, gadewch allan ‘aelod o deulu plentyn’ ac ychwanegwch ‘riant plentyn’.

Brian Gibbons

12

Section 59B, page 43, line 10, leave out ‘family member’ and insert ‘parent’.

Adran 59B, tudalen 43, llinell 11, gadewch allan ‘yr aelod o’r teulu’ ac ychwanegwch ‘y rhiant’.

Brian Gibbons

13

Section 59B, page 43, line 15, leave out ‘family member’ and insert ‘parent’.

Adran 59B, tudalen 43, llinell 17, gadewch allan ‘aelod o’r teulu’ ac ychwanegwch ‘rhiant’.

Brian Gibbons

14

Section 59B, page 43, line 17, leave out ‘family member’ and insert ‘parent’.

Adran 59B, tudalen 43, llinell 18, gadewch allan ‘aelod o’r teulu’ ac ychwanegwch ‘rhiant’.

Brian Gibbons

15

Schedule 1, page 48, after line 27, insert –

‘Education and Inspections Act 2006 (c.40)

() Amend section 162 of the Education and Inspections Act 2006 (as amended by the Education (Wales) Measure 2009) as follows.

() In subsection (5A) –

(a) after paragraph (a) insert –

“(aa) make such provision as appears to them to be appropriate for the purpose of –

(i) repealing any reference in a Measure of the National Assembly for Wales to a children’s services authority (however expressed), and

(ii) replacing it, where it appears to them to be appropriate, with a reference (however expressed) to a Welsh local authority;”;

(b) in paragraph (b), after “paragraph (a)” insert “or paragraph (aa)”.’.

Atodlen 1, tudalen 48, ar ôl llinell 28, ychwanegwch –

‘Deddf Addysg ac Arolygiadau 2006 (p.40)

() Diwygier adran 162 o Ddeddf Addysg ac Arolygiadau 2006 (fel y’i diwygiwyd gan Fesur Addysg (Cymru) 2009) fel a ganlyn.

() Yn is-adran (5A) –

(a) ar ôl paragraff (a) ychwanegwch –

“(aa) make such provision as appears to them to be appropriate for the purpose of –

(i) repealing any reference in a Measure of the National Assembly for Wales to a children’s services authority (however expressed), and

(ii) replacing it, where it appears to them to be appropriate, with a reference (however expressed) to a Welsh local authority;”;

(b) ym mharagraff (b), ar ôl “paragraph (a)” ychwanegwch “or paragraph (aa)”.’.

Brian Gibbons 16

Section 67, page 45, after line 33, insert –

‘() Paragraphs [] to [] of Schedule 1 come into force on the day on which this Measure is approved by Her Majesty in Council.’

Adran 67, tudalen 45, ar ôl llinell 37, ychwanegwch –

‘() Daw paragraffau [] i [] o Atodlen 1 i rym ar y diwrnod y cymeradwyir y Mesur hwn gan Ei Mawrhydi yn y Cyfrin Gyngor.’

Brian Gibbons 17

Schedule 2, page 50, after line 12, column 1, insert ‘Childcare Act 2006 (c.21)’.

Atodlen 2, tudalen 50, ar ôl llinell 12, colofn 1, ychwanegwch ‘Deddf Gofal Plant 2006 (p.21)’.

Brian Gibbons 18

Schedule 2, page 50, after line 12, column 2, insert ‘In Schedule 2, paragraphs 5 to 18.’.

Atodlen 2, tudalen 50, ar ôl llinell 12, colofn 2, ychwanegwch ‘Yn Atodlen 2, paragraffau 5 i 18.’.

Brian Gibbons 19

Schedule 2, page 50, after line 12, column 1, insert ‘Education and Inspections Act 2006 (c.40)’.

Atodlen 2, tudalen 50, ar ôl llinell 12, colofn 1, ychwanegwch ‘Deddf Addysg ac Arolygiadau 2006 (p.40)’.

Brian Gibbons 20

Schedule 2, page 50, after line 12, column 2, insert ‘Section 167.’.

Atodlen 2, tudalen 50, ar ôl llinell 12, colofn 2, ychwanegwch ‘Adran 167.’.

Brian Gibbons 21

Schedule 2, page 50, after line 12, column 1, insert ‘Education and Skills Act 2008 (c.25)’.

Atodlen 2, tudalen 50, ar ôl llinell 12, colofn 1, ychwanegwch ‘Deddf Addysg a Sgiliau 2006 (p.25)’.

Brian Gibbons 22

Schedule 2, page 50, after line 12, column 2, insert ‘Section 158.’.

Atodlen 2, tudalen 50, ar ôl llinell 12, colofn 2, ychwanegwch ‘Adran 158.’.

Brian Gibbons 23

Long title, page 6, line 8, leave out 'the family members with whom they live' and insert 'their parents'.

Teitl hir, tudalen 6, llinell 8, gadewch allan 'aelodau o'r teulu y maent yn byw gyda hwy' ac ychwanegwch 'eu rhieni'.

Brian Gibbons 24

Section 9C, page 14, line 26, leave out '9, section 9A and section'.

Adran 9C, tudalen 14, llinell 26, gadewch allan '9, adran 9A ac adran'.

Brian Gibbons 25

Section 9E, page 15, line 30, leave out '9, section 9A or section'.

Adran 9E, tudalen 15, llinell 31, gadewch allan '9, adran 9A neu adran'.

Brian Gibbons 26

Section 9F, page 16, line 26, leave out '9, section 9A or section'.

Adran 9F, tudalen 16, llinell 31, gadewch allan '9, adran 9A neu adran'.

Brian Gibbons 27

Section 9F, page 16, line 30, leave out '9, section 9A or section 9B;' and insert '9B; or'.

Adran 9F, tudalen 16, llinell 36, gadewch allan '9, adran 9A neu adran 9B;' ac ychwanegwch '9B; neu'.

Brian Gibbons 28

Section 9F, page 17, line 4, leave out '9, section 9A or section'.

Adran 9F, tudalen 17, llinell 6, gadewch allan '9, adran 9A neu adran'.

Brian Gibbons 29

Section 30, page 25, line 32, after 'section' at the second place where it appears, insert '28 or'.

Adran 30, tudalen 25, llinell 32, ar ôl 'adran' yn yr ail le y mae'n ymddangos, ychwanegwch '28 neu'.

Brian Gibbons 30

Section 35A, page 31, line 13, leave out '41' and insert '35'.

Adran 35A, tudalen 31, llinell 15, gadewch allan '41' ac ychwanegwch '35'.

Brian Gibbons 31

Section 50, page 38, line 2, leave out 'either' and insert 'each'.

Adran 50, tudalen 38, llinell 2, gadewch allan 'y naill neu'r llall' ac ychwanegwch 'pob un'.

Brian Gibbons 32

Section 50, page 38, line 5, after 'child' insert 'or the parents'.

Adran 50, tudalen 38, llinell 5, ar ôl 'plentyn' ychwanegwch 'neu'r rhieni'.

Brian Gibbons 33

Section 50, page 38, leave out lines 6 to 8 and insert –

() individuals who are about to become the parents of a child in circumstances where subsection [] applies and, if the local authority thinks it appropriate, any other individual connected with the individuals who are about to become the parents of that child.

() This subsection applies if the local authority is of the opinion that the child is likely to be a child in need if the individual becomes the parent of that child.'

Adran 50, tudalen 38, gadewch allan linellau 6 hyd at 8 ac ychwanegwch –

' () unigolion sydd ar fin dod yn rhieni i blentyn o dan amgylchiadau pan fo is-adran [] yn gymwys ac, os yw'r awdurdod lleol o'r farn ei bod yn briodol unrhyw unigolyn arall sy'n gysylltiedig â'r unigolion sydd ar fin dod yn rhieni i'r plentyn hwnnw.

() Mae'r is-adran hon yn gymwys os yw'r awdurdod lleol o'r farn bod y plentyn yn debygol o fod yn blentyn mewn angen os bydd yr unigolyn yn dod yn rhiant i'r plentyn hwnnw.'

Brian Gibbons 34

Schedule 1, page 47, line 8, leave out 'section 31' and insert 'sections 28 and 35B'.

Atodlen 1, tudalen 47, llinell 8, gadewch allan 'section 31' ac ychwanegwch 'sections 28 and 35B'.

Brian Gibbons 35

Schedule 1, page 47, leave out lines 9 to 10 and insert –

'Senior Courts Act 1981 (c.54)

() Amend the Senior Courts Act 1981 as follows.'

Atodlen 1, tudalen 47, gadewch allan linellau 9 hyd at 10 ac ychwanegwch –

'Deddf Uwchlysoedd 1981 (p.54)

() Diwygier Deddf Uwchlysoedd 1981 fel a ganlyn.'

Brian Gibbons

36

Schedule 2, page 50, line 10, column 1, leave out 'Police Act 1997 (c.50)'.

Atodlen 2, tudalen 50, llinell 10, colofn 1, gadewch allan 'Deddf yr Heddlu 1997 (p.50)'.

Brian Gibbons

37

Schedule 2, page 50, line 10, column 2, leave out 'Section 113F(a) and (b)..'

Atodlen 2, tudalen 50, llinell 10, colofn 2, gadewch allan 'Adran 113F(a) a (b)..'

Brian Gibbons

38

Schedule 1, page 47, line 31 leave out paragraphs 8 to 9.

Atodlen 1, tudalen 47, llinell 31, gadewch allan baragraffau 8 hyd at 9.