



**HYSBYSIAD YNGHYLCH
GWELLIANNAU
NOTICE OF AMENDMENTS
Cyflwynwyd ar 26 Tachwedd 2009
Tabled on 26 November 2009**

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

Darren Millar

61

Section 10, page 7, at the beginning of line 17, insert 'Except where otherwise provided,'.

Adran 10, tudalen 7, ar ddechrau llinell 19, ychwanegwch 'Ac eithrio lle y darperir yn wahanol,'.

Darren Millar

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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.’.

Darren Millar

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Section 5, page 5, leave out lines 16 to 17, and insert—

- ‘(b) before any charge under section 1 and to which the statement relates is imposed.’.

Adran 5, tudalen 5, gadewch allan linellau 18 hyd at 19, ac ychwanegwch—

- ‘(b) cyn y gosodir unrhyw ffi o dan adran 1 ac y mae’r datganiad yn ymwneud â hi.’.

Darren Millar

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Section 5, page 5, line 2, after ‘statement’, insert ‘in plain language’.

Adran 5, tudalen 5, llinell 2, ar ôl ‘ddatganiad’, ychwanegwch ‘mewn iaith glir yn’.

Darren Millar

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Section 6, page 5, line 24, after ‘5(5)’, insert ‘or his or her representative’.

Adran 6, tudalen 5, llinell 26, ar ôl ‘5(5)’, ychwanegwch ‘neu ei gynrychiolydd’.

Darren Millar

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Section 6, page 5, line 27, after ‘individual’, insert ‘or his or her representative’.

Adran 6, tudalen 5, llinell 29, ar ôl ‘unigolyn’, ychwanegwch ‘neu ei gynrychiolydd’.

Darren Millar

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Section 10, page 7, after line 25, 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 7, ar ôl llinell 30, 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**

68

Section 11, page 7, after line 27, insert—

- ‘() 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 7, ar ôl llinell 33, ychwanegwch—

- ‘() 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 eu hun oherwydd –
 - (i) anallu corfforol, neu
 - (ii) diffyg capasiti o fewn ystyr Deddf Galluedd Meddylion 2005, neu
 - (d) sydd wedi gofyn i’r cynrychiolydd weithredu ar ei ran.’.

***Mick Bates**

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Section 2, page 3, after line 10, 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 10, 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.’

***Mick Bates**

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Section 3, page 3, after line 22, insert—

‘(3) A statutory instrument containing regulations made under section 3(1) 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 3, tudalen 3, ar ôl llinell 23, ychwanegwch—

‘(3) Rhaid peidio â gwneud offeryn statudol sy’n cynnwys rheoliadau a wneir o dan adran 3(1) oni chafodd drafft o’r offeryn ei osod gerbron Cynulliad Cenedlaethol Cymru ac oni chafodd ei gymeradwyo ganddo drwy benderfyniad.’

***Mick Bates**

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Section 4, page 4, after line 21, insert—

‘(9) A statutory instrument containing regulations made under section 4(3) and (5) 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 4, tudalen 4, ar ôl llinell 23, ychwanegwch—

‘(9) Rhaid peidio â gwneud offeryn statudol sy’n cynnwys rheoliadau a wneir o dan adran 4(3) a (5) oni chafodd drafft o’r offeryn ei osod gerbron Cynulliad Cenedlaethol Cymru ac oni chafodd ei gymeradwyo ganddo drwy benderfyniad.’

***Mick Bates**

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Section 5, page 4, line 35, after ‘including’, insert ‘,but not limited to,’.

Adran 5, tudalen 4, llinell 38, ar ôl ‘gynnwys’, ychwanegwch ‘, ond heb fod yn gyfyngedig i hynny,’.

***Mick Bates**

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Section 5, page 4, line 35, after ‘writing’, insert ‘, in person and easy read format’.

Adran 5, tudalen 4, llinell 38, ar ôl ‘ysgrifenedig’, ychwanegwch ‘, yn bersonol ac mewn fformat hawdd ei ddarllen’.

***Mick Bates**

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Section 5, page 4, line 34, after 'in', insert 'plain language and in'.

Adran 5, tudalen 4, llinell 37, ar ôl 'mewn', ychwanegwch 'laith glir ac'.

***Mick Bates**

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Section 5, page 5, line 3, after 'requests', insert '(including, but not limited to, in person and easy read format)'.

Adran 5, tudalen 5, llinell 3, ar ôl 'amdano', ychwanegwch '(gan gynnwys, ond heb fod yn gyfyngedig i hynny, yn bersonol ac mewn fformat hawdd ei ddarllen)'.

***Mick Bates**

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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(5) 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(5) 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 –

[] 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(5) 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(5) 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.