

*Rheoliadau drafft a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 186(4) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ac adran 196(6) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, i'w cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.*

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OFFERYNNAU STATUDOL  
CYMRU DRAFFT

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**2018 Rhif (Cy. )**

**GOFAL CYMDEITHASOL,  
CYMRU A LLOEGR**

**Rheoliadau Deddf Rheoleiddio ac  
Arolygu Gofal Cymdeithasol  
(Cymru) 2016 (Diwygiadau  
Canlyniadol) 2018**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn wedi eu gwneud o dan adran 186 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") sy'n galluogi Gweinidogion Cymru i wneud diwygiadau canlyniadol i ddeddfwriaeth sylfaenol pan fo'n briodol at ddibenion y Ddeddf.

Mae'r Rheoliadau yn ymdrin â diwygiadau canlyniadol i ddeddfwriaeth sylfaenol sy'n codi o gychwyn y darpariaethau yn Rhan 1 o'r Ddeddf sy'n ymwneud â rheoleiddio cartrefi gofal, gwasanaethau llety diogel, gwasanaethau canolfannau preswyl i deuluoedd a gwasanaethau cymorth cartref yng Nghymru. Mae'r rhain yn enghreifftiau o'r hyn y mae'r Ddeddf yn cyfeirio ato fel "gwasanaethau rheoleiddiedig".

Mae pob un o'r rhain yn wasanaethau sydd wedi eu rheoleiddio o dan Ran 2 o Ddeddf Safonau Gofal 2000 ("Deddf 2000"). Mae llawer o'r diwygiadau felly yn rhoi cyfeiriadau at y math priodol o "gwasanaeth rheoleiddiedig" o dan y Ddeddf yn lle cyfeiriadau at un o'r mathau o sefydliad neu asiantaeth a oedd wedi eu rheoleiddio o dan Ddeddf 2000.

Mae'r Rheoliadau hefyd yn cynnwys un diwygiad a wneir o dan adran 198 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("Deddf 2014"). Mae rheoliad 52 yn diwygio adran 86 o Ddeddf 2014 i ddileu geiriad sy'n awgrymu bod angen i lety sy'n cael ei ddarparu, ei gyfarparu neu ei gynnal gan Weinidogion Cymru ar gyfer plant sy'n derbyn gofal fod o angenrheidrwydd yn gartref plant.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

*Rheoliadau drafft a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 186(4) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ac adran 196(6) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, i'w cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.*

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CYMRU DRAFFT

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**2018 Rhif (Cy. )**

**GOFAL CYMDEITHASOL,  
CYMRU A LLOEGR**

**Rheoliadau Deddf Rheoleiddio ac  
Arolygu Gofal Cymdeithasol  
(Cymru) 2016 (Diwygiadau  
Canlyniadol) 2018**

*Gwnaed*

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*Yn dod i rym*

*2 Ebrill 2018*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adran 186 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1) ac adran 198 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(2).

Gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru o dan adran 186(4) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ac adran 196(6) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ac fe'i cymeradwywyd ganddo drwy benderfyniad.

**Enwi**

**1.** Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol) 2018.

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(1) 2016 dccc 2.  
(2) 2014 dccc 4.

## Cychwyn

2.—(1) Daw'r Rheoliadau hyn i rym ar 2 Ebrill 2018 yn ddarostyngedig i baragraffau (2) i (4).

(2) Daw rheoliad 19 i rym ar y diwrnod y daw adran 14 o Ddeddf Gofal Cymunedol (Rhyddhau Gohiriedig etc.) 2003<sup>(1)</sup> i rym.

(3) Daw rheoliad 46 i rym ar y diwrnod y daw paragraff 3 o Atodlen 3 i Ddeddf Mewnfudo 2014<sup>(2)</sup> i rym mewn perthynas â mangreoedd yng Nghymru.

(4) Daw rheoliad 56 i rym ar y diwrnod y daw paragraff 4 o Atodlen 2 i Ddeddf Rhentu Cartrefi (Cymru) 2016<sup>(3)</sup> i rym.

Diwygiadau i ddeddfwriaeth sylfaenol

## Deddf Iechyd Meddwl 1983 (p. 20)

3. Mae Deddf Iechyd Meddwl 1983 wedi ei diwygio fel a ganlyn.

4. Yn adran 119(3)<sup>(4)</sup>—

- (a) hepgorer “or” ar ddiwedd paragraff (a);
- (b) ar ddiwedd paragraff (b) mewnosoder “; or
- (c) premises at which—
  - (i) a care home service,
  - (ii) a secure accommodation service, or
  - (iii) a residential family centre service, within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided by a person registered under Part 1 of that Act.”

5. Yn adran 120(9)<sup>(5)</sup>—

- (a) hepgorer “or” ar ddiwedd paragraff (a);
- (b) ar ddiwedd paragraff (b) mewnosoder “; or
- (c) premises at which—
  - (i) a care home service,
  - (ii) a secure accommodation service, or
  - (iii) a residential family centre service,

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(1) 2003 p. 5.  
(2) 2014 p. 22.  
(3) 2016 dccc 1.  
(4) Amnewidiwyd adran 119(3) gan erthygl 5(1) a (4)(b) o O.S. 2010/813.  
(5) Amnewidiwyd adran 120 gan adran 52(5) o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14) a pharagraffau 1 ac 8 o Atodlen 3 iddi.

within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided by a person registered under Part 1 of that Act.”

**6.** Yn adran 145(1)(1), yn lle'r diffiniad o “care home” rhodder—

““care home”—

- (a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and
- (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”.

### **Deddf Personau Anabl (Gwasanaethau, Ymgynghori a Chynrychioli) 1986 (p. 33)**

**7.**—(1) Mae adran 2(5)(2) o Ddeddf Personau Anabl (Gwasanaethau, Ymgynghori a Chynrychioli) 1986 wedi ei diwygio fel a ganlyn.

(2) Ar ddechrau paragraff (d) mewnosoder “in England,”.

(3) Ar ôl paragraff (d) mewnosoder—

“(da) in Wales, in premises at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over, or”.

### **Deddf Plant 1989 (p. 41)**

**8.** Mae Deddf Plant 1989 wedi ei diwygio fel a ganlyn.

**9.** Yn adran 22C(6)(c)(3), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

**10.** Yn adran 59(1)(aa)(1), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

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- (1) Mewnosodwyd y diffiniad o “care home” yn adran 145 gan baragraff 9(10)(a) o Atodlen 4 i Ddeddf Safonau Gofal 2000 (p. 14).
  - (2) Yn is-adran (5), ym mharagraff (d) mewnosodwyd y geiriau “a care home within the meaning of the Care Standards Act 2000” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 11 o Atodlen 4 iddi.
  - (3) Rhoddwyd adran 22C, ynghyd ag adrannau 22A, 22B a 22D i 22F, yn lle adran 23 fel y'i deddfwyd yn wreiddiol, gan adran 8(1) o Ddeddf Plant a Phobl Ifanc 2008 (p. 23).

**11. Yn adran 63(12)(2)—**

- (a) yn lle “without being treated” rhodder “without being treated—  
(a)”;
- (b) ar ôl “children’s home” mewnosoder “and,  
(b) for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016, as providing a care home service within the meaning of Part 1 of that Act”.

**12. Yn adran 105(1)—**

- (a) yn lle’r diffiniad o “care home”(3) rhodder—  
““care home”—
  - (a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and
  - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;
- (b) yn lle’r diffiniad o “children’s home”(4) rhodder—  
““children’s home”—
  - (a) has the same meaning as it has for the purposes of the Care Standards Act 2000 in respect of a children’s home in England (see section 1 of that Act); and
  - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;”;
- (c) yn y diffiniad o “private children’s home”(5), ar ôl “Care Standards Act 2000” mewnosoder

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(1) Mewnosodwyd paragraff (aa) gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14 o Atodlen 4 iddi, ac fe’i diwygiwyd gan adran 8(2) o Ddeddf Plant a Phobl Ifanc 2008 a pharagraff 2(1) a (2) o Atodlen 1 iddi.

(2) Yn is-adran (12), mewnosodwyd y geiriau “, for the purposes of this Act and the Care Standards Act 2000,” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) ac (11)(c) o Atodlen 4 iddi.

(3) Mewnosodwyd y diffiniad o “care home” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (23)(a)(ii) o Atodlen 4 iddi.

(4) Amnewidiwyd y diffiniad o “children’s home” gan adran 8(2) o Ddeddf Plant a Phobl Ifanc 2008 a pharagraff 3(1) a (3) o Atodlen 1 iddi.

(5) Mewnosodwyd y diffiniad o “private children’s home” gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (23)(a)(vii) o Atodlen 4 iddi.

“or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**13.** Yn Atodlen 7 (effaith mynd dros y terfyn maethu)—

(a) ar ddechrau paragraff 5(1) mewnosoder—

“(A1) This paragraph applies to a person fostering in England.”;

(b) ar ôl paragraff 5 mewnosoder—

“**5A.**—(1) This paragraph applies to a person (P) fostering in Wales.

(2) Sub-paragraph (3) applies where—

(a) P exceeds the usual fostering limit and is not exempted under paragraph 4;

(b) P is exempted under paragraph 4 and exceeds the usual fostering limit by fostering a child not named in the exemption.

(3) Where this paragraph applies, P is not to be treated as fostering and is to be treated for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016 as providing a care home service.

(4) But sub-paragraph (3) does not apply if the children fostered are all siblings in respect of each other.”

**14.** Yn Atodlen 8, ym mharagraff 9(1)(2), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

### **Deddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990 (p. 19)**

**15.** Yn adran 48(1A)(3) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990, ym mharagraff (b), ar ôl “2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

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- (1) Diwygiwyd paragraff 5(1) o Atodlen 7 gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (26) o Atodlen 4 iddi.
- (2) Diwygiwyd paragraff 9(1) gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 14(1) a (27)(b) o Atodlen 4 iddi, ac adran 8(2) o Ddeddf Plant a Phobl Ifanc 2008 a pharagraff 6 o Atodlen 1 iddi.
- (3) Mewnosodwyd is-adran (1A) gan erthygl 8(b) o O.S. 2010/813.

### **Deddf y Diwydiant Dŵr 1991 (p. 56)**

**16.**—(1) Mae Atodlen 4A(1) i Ddeddf y Diwydiant Dŵr 1991 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 8(2)(2)—

(a) ym mharagraff (a), ar ôl “care home” mewnosoder “in England”;

(b) ar ôl paragraff (a) mewnosoder—

“(aa) premises in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), is provided;”;

(c) ym mharagraff (d)(i) hepgorer “; and”;

(d) hepgorer paragraff (d)(ii).

(3) Ym mharagraff 9(3), ar ôl “children’s home” mewnosoder “in England”.

### **Deddf Cyllid Llywodraeth Leol 1992 (p. 14)**

**17.**—(1) Yn Atodlen 1 i Ddeddf Cyllid Llywodraeth Leol 1992, mae’r diffiniad o “care home” ym mharagraff 7(2)(4) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (a), ar ôl “care home” mewnosoder “in England”.

(3) Ar ôl paragraff (a) mewnosoder—

“(aa) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care Act (Wales) 2016 (anaw 2), is provided wholly or mainly to adults; or”.

(4) Ar ddiwedd y diffiniad o “care home” mewnosoder yn eiriau i gloi—

“and in paragraphs (aa) and (b) “adult” means a person aged 18 or over;”.

### **Deddf Addysg 2002 (p. 32)**

**18.** Yn adran 168(2) o Ddeddf Addysg 2002, yn lle paragraff (a) rhodder—

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- (1) Mewnosodwyd Atodlen 4A gan adran 1(2) o Ddeddf y Diwydiant Dŵr 1999 (p. 9) ac Atodlen 1 iddi.
  - (2) Amnewidiwyd paragraff 8 gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 18 o Atodlen 4 iddi.
  - (3) Amnewidiwyd paragraff 9 gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 18 o Atodlen 4 iddi.
  - (4) Mewnosodwyd is-baragraff (2) gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 20(c) o Atodlen 4 iddi.

“(a) require the provision of such information as is required for the purposes of determining whether the school is—

- (i) a children’s home in England (within the meaning of the Care Standards Act 2000), or
- (ii) a provider of a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016);”.

**Deddf Gofal Cymunedol (Rhyddhau Gohiriedig etc.) 2003 (p. 5)**

**19.** Yn adran 14(3) o Ddeddf Gofal Cymunedol (Rhyddhau Gohiriedig etc.) 2003, yn lle’r diffiniad o “care home” rhodder—

““care home”—

- (a) has the same meaning as in the Care Standards Act 2000 (c. 14) in respect of a care home in England, and
- (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over; and”.

**Deddf Troseddau Rhywiol 2003 (p. 42)**

**20.** Mae Deddf Troseddau Rhywiol 2003 wedi ei diwygio fel a ganlyn.

**21.** Yn adran 21(4)(1), ar ôl paragraff (f) mewnosoder—

“(g) a place in Wales at which a care home service is provided.”.

**22.** Yn adran 22(5)—

- (a) yn y diffiniad o “care home”, ar ôl “establishment” mewnosoder “in England”;
- (b) yn y lle priodol mewnosoder—  
““care home service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”;
- (c) yn y diffiniad o “children’s home” hepgorer “and Wales”;
- (d) yn y diffiniad o “community home”, ar ôl “has” mewnosoder “, in relation to England”;

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(1) Diwygiwyd adran 21 gan baragraff 15 o Atodlen 1 i Ddeddf Plant a Phobl Ifanc 2008, a chan O.S. 2008/1779. Mae diwygiadau eraill nad ydynt yn berthnasol.

- (e) yn y diffiniad o “voluntary home” hepgorer “and Wales”.

**23.** Yn adran 42—

- (a) yn is-adran (2)(a), yn lle “or children’s home” rhodder “, children’s home, or premises in Wales at which a secure accommodation service is provided”;
- (b) yn is-adran (2)(b)—
  - (i) hepgorer “in the home”;
  - (ii) ar ôl “of employment” mewnosoder “in the home or the premises”;
- (c) yn is-adran (5)—
  - (i) yn lle’r diffiniad o “care home” rhodder—

““care home” means—

    - (a) an establishment in England which is a care home for the purposes of the Care Standards Act 2000 (c. 14); and
    - (b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;
  - (ii) yn lle’r diffiniad o “children’s home”, rhodder—

““children’s home”—

    - (a) has the meaning given by section 1 of the Care Standards Act 2000 in relation to a children’s home in England, and
    - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons under the age of 18;”;
  - (iii) yn y lle priodol mewnosoder—

““secure accommodation service” has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”.

**Deddf Cyfiawnder Troseddol 2003 (p. 44)**

**24.**—(1) Mae adran 207 o Ddeddf Cyfiawnder Troseddol 2003 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (2)(a)(1) hepgorer “within the meaning of the Care Standards Act 2000 (c. 14)”.

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(1) Diwygiwyd is-adran (2)(a) gan erthygl 14(a)(i) o Orchymyn Deddf Iechyd a Gofal Cymdeithasol 2008 (Diwygiadau Canlyniadol Rhif 2) 2010/813.

(3) Ar ôl is-adran (4A)(1) mewnosoder—

“(4B) In subsection (2), “care home” means—

- (a) a care home in England within the meaning of the Care Standards Act 2000 (c. 14);
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided.”

#### **Deddf Taliadau ar Sail Oedran 2004 (p. 10)**

**25.**—(1) Mae adran 8(1) o Ddeddf Taliadau ar Sail Oedran 2004 wedi ei diwygio fel a ganlyn.

(2) Yn y diffiniad o “care home”—

- (a) ym mharagraff (a)—
  - (i) hepgorer “and Wales”;
  - (ii) ar ôl “Care Standards Act 2000 (c. 14),” hepgorer “and”;
- (b) ar ôl paragraff (a) mewnosoder—

“(aa) in relation to Wales, means a place at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over, and”.

#### **Deddf Treth Incwm (Incwm Masnachu ac Incwm Arall) 2005 (p. 5)**

**26.** Yn adran 726 o Ddeddf Treth Incwm (Incwm Masnachu ac Incwm Arall) 2005, yn lle is-adran (2A)(2) rhodder—

“(2A) A person meets the care registration requirement in relation to care provided in Wales if the person is registered under—

- (a) Part 2 of the Care Standards Act 2000, or
- (b) Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2),

in respect of the provision of the care.”

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(1) Mewnosodwyd is-adran (4A) gan erthygl 14(b) o O.S. 2010/813.

(2) Mewnosodwyd is-adran (2A) gan erthygl 16 o O.S. 2010/813.

## **Deddf Galluedd Meddyliol 2005 (p. 9)**

**27.** Mae Deddf Galluedd Meddyliol 2005 wedi ei diwygio fel a ganlyn.

**28.** Yn adran 35(6)(b)(iii)(1), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)”.

**29.** Yn adran 38, yn lle is-adran (6) rhodder—

“(6) “Care home” means—

- (a) a care home in England within the meaning given in section 3 of the Care Standards Act 2000 (c. 14), and
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over.”

**30.** Yn adran 49(7)(c)(2), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**31.** Yn adran 58(5)(c)(3), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**32.** Yn adran 61(5)(c)(4), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**33.** Yn Atodlen A1(5)—

- (a) ym mharagraff 131(c)(6), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of

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- (1) Diwygiwyd adran 35(6)(b)(iii) gan erthygl 17(1) a (2) o O.S. 2010/813.
  - (2) Diwygiwyd adran 49(7)(c) gan erthygl 17(1) a (4) o O.S. 2010/813.
  - (3) Diwygiwyd adran 58(5)(c) gan erthygl 17(1) a (5) o O.S. 2010/813.
  - (4) Diwygiwyd adran 61(5)(c) gan erthygl 17(1) a (6) o O.S. 2010/813.
  - (5) Mewnosodwyd Atodlen A1 gan adran 50(5) o Ddeddf Iechyd Meddwl 2007 (p. 12) ac Atodlen 7 iddi.
  - (6) Diwygiwyd paragraff 131(c) o Atodlen A1 gan erthygl 17(1) a (7)(a) o O.S. 2010/813.

the Regulation and Inspection of Social Care (Wales) Act 2016”;

(b) yn lle paragraff 178 rhodder—

“178. “Care home” means—

(a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and

(b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over.”;

(c) ym mharagraff 179(b)(1), yn lle “Part 2 of the Care Standards Act 2000 in respect of the care home” rhodder “under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of the care home”.

#### **Deddf Diogelu Grwpiau Hyglwyf 2006 (p. 47)**

**34.** Mae Deddf Diogelu Grwpiau Hyglwyf 2006 wedi ei diwygio fel a ganlyn.

**35.** Yn adran 45(7)—

(a) ar ôl paragraff (c) mewnosoder—

“(ca) the Welsh Ministers in respect of their functions under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);”;

(b) yn lle paragraff (e)(2) rhodder—

“(e) the Welsh Ministers in respect of their functions under Chapter 4 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 and Part 8 of the Social Services and Well-being (Wales) Act 2014 (anaw 4);”.

**36.** Yn Rhan 1 o Atodlen 4, ym mharagraff 1—

(a) yn is-baragraff (11)(a)(3), ar ôl “agency” mewnosoder “, service provider”;

(b) yn is-baragraff (12)—

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- (1) Annwidiwyd paragraff 179 o Atodlen A1 gan erthygl 17(7)(b)(iii) o O.S. 2010/813.
- (2) Diwygiwyd paragraff (e) gan erthyglau 1(1) a 30(b) o O.S. 2009/2610, ac adran 95 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14) a paragraff 91(c) o Atodlen 5 iddi.
- (3) Annwidiwyd is-baragraff (11) gan erthyglau 2 a 3(1) a (4) o O.S. 2010/1154.

- (i) yn y llinell agoriadol, ar ôl “agency” mewnosoder “, service provider”;
- (ii) ar ddiwedd paragraff (b) hepgorer “or”;
- (iii) ar ôl paragraff (b) mewnosoder—
  - “(ba) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,”.

**37.** Yn Rhan 1 o Atodlen 4, ym mharagraff 3(1)—

- (a) ar ôl paragraff (d) mewnosoder—
  - “(da) premises in Wales at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided;”;
- (b) ym mharagraff (e), ar ôl “children’s home” mewnosoder “in England”;
- (c) ar ôl paragraff (e) mewnosoder—
  - “(ea) premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children;”.

**38.** Yn Rhan 2 o Atodlen 4, ym mharagraff 7(7)(1), ar ôl paragraff (d) mewnosoder—

- “(da) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,”.

**Deddf Comisiynydd Pobl Hŷn (Cymru) 2006 (p. 30)**

**39.**—(1) Mae adran 26 o Ddeddf Comisiynydd Pobl Hŷn (Cymru) 2006 wedi ei diwygio fel a ganlyn.

(2) Yn lle is-adran (2) rhodder—

- “(2) “Regulated services in Wales” means—
  - (a) regulated services within the meaning of section 2 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);
  - (b) services provided in Wales by an establishment or agency required to register under Part 2 of the Care Standards Act 2000 (c. 14) to provide the service.”

(3) Hepgorer is-adrannau (3) a (4).

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(1) Diwygiwyd paragraff 7 o Atodlen 4 gan erthyglau 6 a 7(1) a (3) o O.S. 2010/1154.

**Ddeddf Cyfiawnder Troseddol a Mewnfudo 2008 (p. 4)**

**40.** Yn Atodlen 1 i Ddeddf Cyfiawnder Troseddol a Mewnfudo 2008, ym mharagraff 20(2), yn lle paragraff (a)(1) rhodder—

- “(a) treatment as a resident patient in—
- (i) a care home in England within the meaning of the Care Standards Act 2000 (c. 14),
  - (ii) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)) is provided,
  - (iii) an independent hospital, or
  - (iv) a hospital within the meaning of the Mental Health Act 1983 (c. 20), but not in hospital premises where high security psychiatric services within the meaning of that Act are provided;”.

**Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14)**

**41.**—(1) Mae adran 17(3) o Ddeddf Iechyd a Gofal Cymdeithasol 2008 wedi ei diwygio fel a ganlyn.

(2) Ar ddiwedd paragraff (c) hepgorer “and”.

(3) Ar ôl paragraff (c) mewnosoder—

- “(ca) an offence under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) or specified in regulations made under section 45 or 46 of that Act, and”.

**Mesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2)**

**42.** Yn adran 19(7) o Fesur Teithio gan Ddysgwyr (Cymru) 2008, yn lle paragraff (a) rhodder—

- “(a) ystyr “cartref plant” yw mangre lle y mae—
- (i) gwasanaeth cartref gofal yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i blant neu bobl ifanc; neu
  - (ii) gwasanaeth llety diogel yn cael ei ddarparu;
- ac yn y paragraff hwn mae i “gwasanaeth cartref gofal” a “gwasanaeth llety diogel” yr ystyr a

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(1) Diwygiwyd paragraff 20(2)(a) o Atodlen 1 gan erthygl 20(a)(i) a (ii) o O.S. 2010/813.

roddir yn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2);”

### **Mesur y Gymraeg (Cymru) 2011 (mccc 1)**

**43.** Yn Atodlen 6 i Fesur y Gymraeg (Cymru) 2011, yng Ngholofn 1, yn lle “Cyngor Gofal Cymru (“*The Care Council for Wales*”)” rhodder “Gofal Cymdeithasol Cymru (“*Social Care Wales*”)”.

### **Mesur Diogelwch Tân Domestig (Cymru) 2011 (mccc 3)**

**44.**—(1) Mae adran 6 o Fesur Diogelwch Tân Domestig (Cymru) 2011 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1), yn y diffiniad o “preswylfa”—

(a) yn lle paragraff (c) rhodder—

“(c) man yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i bersonau sy’n 18 oed neu’n hŷn,”;

(b) ym mharagraff (e), yn is-baragraff (vi) hepgorer “neu”;

(c) ar ôl paragraff (e) mewnosoder—

“(ea) mangre lle y mae gwasanaeth llety diogel o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn cael ei ddarparu, neu;”;

(d) yn lle paragraff (f)(1) rhodder—

“(f) man lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i blant, ond nid—

(i) sefydliad yn y sector addysg bellach fel y’i diffinnir gan adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992;

(ii) man lle y mae llety yn cael ei ddarparu at ddibenion—

(aa) gwyliau;

(bb) gweithgaredd hamdden, adloniant, chwaraeon, diwylliannol neu addysgol;

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(1) Mewnosodwyd paragraff (f) gan erthygl 2(1) a (3)(b) o O.S. 2013/2723.

oni bai bod plentyn yn cael ei letya  
yno am fwy nag 28 o ddiwrnodau  
mewn unrhyw gyfnod o 12 mis; a”

(3) Ar ôl is-adran (1) mewnosoder—

“(1A) Yn is-adran (1), ystyr “plentyn” yw  
person sydd o dan 18 oed.”

### **Deddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwyr 2012 (p. 10)**

**45.** Yn adran 102 o Ddeddf Cymorth Cyfreithiol,  
Dedfrydu a Chosbi Troseddwyr 2012, yn lle is-adran  
(11) rhodder—

“(11) In this Chapter “secure children’s  
home” means—

- (a) accommodation which is provided in a  
children’s home in England, within the  
meaning of the Care Standards Act  
2000—
  - (i) which provides accommodation  
for the purposes of restricting  
liberty, and
  - (ii) in respect of which a person is  
registered under Part 2 of that Act;
- (b) accommodation in Wales in respect of  
which a person is registered under Part  
1 of the Regulation and Inspection of  
Social Care (Wales) Act 2016 (anaw 2)  
to provide a secure accommodation  
service within the meaning of Part 1 of  
that Act.”

### **Deddf Mewnfudo 2014 (p. 22)**

**46.** Yn Atodlen 3 i Ddeddf Mewnfudo 2014, mae  
paragraff 3(2) wedi ei ddiwygio fel a ganlyn—

- (a) ym mharagraff (a)—
  - (i) hepgorer “in relation to England and  
Wales”;
  - (ii) ar ôl “an establishment” mewnosoder “in  
England”;
- (b) ar ôl paragraff (a) mewnosoder—
  - “(aa) premises in Wales at which a care  
home service within the meaning of  
Part 1 of the Regulation and Inspection  
of Social Care (Wales) Act 2016 (anaw  
2) is provided wholly or mainly to  
persons aged 18 or over;”.

**Deddf Gofal 2014 (p. 23)**

**47.** Mae Deddf Gofal 2014 wedi ei diwygio fel a ganlyn.

**48.** Yn lle adran 8(3) rhodder—

“(3) “Care home”—

- (a) has the meaning given by section 3 of the Care Standards Act 2000 in respect of a care home in England; and
- (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over.”

**49.** Yn adran 50—

(a) yn is-adran (1)—

- (i) yng ngeiriau agoriadol yr is-adran, ar ôl “establishment or agency” mewnosoder “or registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service”;
- (ii) ym mharagraff (a), ar ôl “agency” mewnosoder “or regulated service”;

(b) yn is-adran (2)—

- (i) yng ngeiriau agoriadol yr is-adran, ar ôl “establishment or agency” mewnosoder “or registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service”;
- (ii) ym mharagraff (a), ar ôl “agency” mewnosoder “or regulated service”;

(c) ar ôl is-adran (7) mewnosoder—

“(8) In this section “regulated service” has the meaning given by section 2 of the Regulation and Inspection of Social Care (Wales) Act 2016.  
”

**50.** Yn adran 67(9)(c), yn lle “or Chapter 2 of Part 1 of the Health and Social Care Act 2008” rhodder “, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

**51.** Yn adran 73(1)(b), ar ôl “Care Standards Act 2000” mewnosoder “or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

## **Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)**

52. Yn adran 86(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, ac ym mhennawd yr adran honno, hepgorer “plant”.

## **Deddf Tai (Cymru) 2014 (dccc 7)**

53. Yn adran 70(3) o Ddeddf Tai (Cymru) 2014, yn lle'r diffiniad o “cartref gofal” rhodder—

“O ran “cartref gofal” (“*care home*”)—

- (a) mae iddo'r un ystyr ag a roddir i “care home” yn Neddf Safonau Gofal 2000 mewn cysylltiad â chartref gofal yn Lloegr, a
- (b) ei ystyr yw man yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn cael ei ddarparu;”.

## **Deddf Cyfiawnder Troseddol a'r Llysoedd 2015 (p. 2)**

54.—(1) Mae Atodlen 4 i Ddeddf Cyfiawnder Troseddol a'r Llysoedd 2015 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 1(1), ar ôl paragraff (c) mewnosoder—

“(ca) health care provided at a place in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide—

- (i) a care home service wholly or mainly to children, or
- (ii) a residential family centre service;”.

(3) Ym mharagraff 4, yn y lle priodol mewnosoder—

““care home service” has the meaning given in paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016;”;

““residential family centre service” has the meaning given in paragraph 3 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016.”

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(1) Amnewidiwyd adran 86 gan reoliadau 294 a 301 o O.S. 2016/413 (Cy. 131).

### **Deddf Gwrthderfysgaeth a Diogelwch 2015 (p. 6)**

55.—(1) Mae Rhan 1 o Atodlen 7 i Ddeddf Gwrthderfysgaeth a Diogelwch 2015 wedi ei diwygio fel a ganlyn.

(2) O dan y pennawd “Education, child care etc.”, ar ôl “Registered Holiday Schemes for Disabled Children (England) Regulations 2013 (S.I. 2013/1394).” mewnosoder—

“A person registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) in respect of—

- (a) a care home service provided wholly or mainly to persons under the age of 18, or
- (b) a residential family centre service,

each of which have the same meaning as in Schedule 1 to that Act.”

### **Deddf Rhentu Cartrefi (Cymru) 2016 (dccc 1)**

56. Yn Rhan 2 o Atodlen 2 i Ddeddf Rhentu Cartrefi (Cymru) 2016, yn lle paragraff 4(b) ac (c) rhodder—

- “(b) ysbyty annibynnol, yn yr ystyr sydd i “independent hospital” yn Neddf Safonau Gofal 2000 (p. 14) (gweler adran 2 o’r Ddeddf honno),
- (c) man lle y mae gwasanaeth cartref gofal o fewn ystyr paragraff 1 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i bersonau sy’n 18 oed neu’n hŷn,
- (d) man lle y mae gwasanaeth canolfan breswyl i deuluoedd o fewn ystyr paragraff 3 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu, neu
- (e) man y mae person wedi ei gofrestru o dan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 mewn cysylltiad ag ef i ddarparu—
  - (i) gwasanaeth llety diogel o fewn ystyr paragraff 2 o Atodlen 1 i’r Ddeddf honno, neu
  - (ii) gwasanaeth cartref gofal o fewn ystyr paragraff 1 o Atodlen 1 i’r Ddeddf honno i bersonau sy’n gyfan gwbl neu’n bennaf o dan 18 oed.”

## **Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2)**

57. Mae Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 wedi ei diwygio fel a ganlyn.

58. Yn Atodlen 1—

(a) ym mharagraff 1(4), ar ôl “gwasanaeth cartref gofal”, mewnosoder “oni bai bod paragraff 5A o Atodlen 7 i Ddeddf Plant 1989 yn gymwys (trin maethu fel gwasanaeth cartref gofal pan eir dros y terfyn maethu)”;

(b) ym mharagraff 4(a) ar ôl “y Ddeddf honno” mewnosoder—

“(ond gweler adran 2(4) o Ddeddf Mabwysiadu a Phlant 2002 (p. 38) (dim cais i gofrestru i gael ei wneud o dan Ran 1 o’r Ddeddf hon os yw cymdeithas fabwysiadu yn gorff anghorfforedig)”.

59. Yn Rhan 1 o Atodlen 3, yn lle paragraff 36 rhodder—

“36. Yn adran 197(1) (diffiniadau)—

(a) yn lle’r diffiniad o “cartref gofal” rhodder—

“o ran “cartref gofal” (*“care home”*)—

(a) mae iddo yr un ystyr â “care home” yn Neddf Safonau Gofal 2000 mewn cysylltiad â chartref gofal yn Lloegr; a

(b) ei ystyr yw man yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i oedolion;”;

(b) yn lle’r diffiniad o “cartref plant”, rhodder—

“ystyr “cartref plant” (*“children’s home”*) yw—

(a) cartref plant yn Lloegr o fewn ystyr Deddf Safonau Gofal 2000 y mae person wedi ei gofrestru o dan Ran 2 o’r Ddeddf honno mewn cysylltiad ag ef; a

(b) mangre yng Nghymru lle y mae gwasanaeth cartref gofal o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i blant gan berson sydd

wedi ei gofrestru o dan Ran 1 o'r  
Ddeddf honno;”.”

Y Gweinidog Gofal Cymdeithasol a Phlant, o dan  
awdurdod Ysgrifennydd y Cabinet dros Iechyd a  
Gwasanaethau Cymdeithasol, un o Weinidogion  
Cymru  
Dyddiad