Cynulliad Cenedlaethol Cymru
National Assembly for Wales

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 21 Medi 2010

Tabled on 21 September 2010

Mesur Arfaethedig Iechyd Meddwl (Cymru)

Proposed Mental Health (Wales) Measure

Edwina Hart **1**

Section 2, page 5, line 27, leave out 'provide' and insert 'be responsible for providing'.

Adran 2, tudalen 5, llinell 29, ar ôl 'partneriaid i', ychwanegwch 'fod yn gyfrifol am'.

Edwina Hart **2**

Section 2, page 6, line 2, leave out 'provide' and insert 'be responsible for providing'.

Adran 2, tudalen 6, llinell 2, ar ôl 'partneriaid i', ychwanegwch 'fod yn gyfrifol am'.

Edwina Hart **3**

Section 2, page 6, line 5, leave out 'adults' and insert 'individuals'.

Adran 2, tudalen 6, llinell 5, gadewch allan 'oedolion' a rhowch yn ei le 'unigolion'.

Edwina Hart **4**

Section 2, page 6, line 7, leave out 'descriptions of adult who have been referred for assessment by a primary care provider in relation to whom the adult is not a registered patient' and insert 'categories of individual who would not otherwise be entitled to an assessment'.

Adran 2, tudalen 6, llinell 7, gadewch allan 'ag oedolion o ddisgrifiadau neilltuol sydd wedi eu hatgyfeirio i'w hasesu gan ddarparydd gofal sylfaenol nad yw'r oedolyn yn glaf cofrestredig mewn perthynas ag ef' a rhowch yn ei le 'â chategorïau neilltuol o unigolyn na fyddai ganddynt fel arall hawl i asesiad'.

Edwina Hart **5**

Section 2, page 6, line 12, leave out 'adult' and insert 'individual'.

Adran 2, tudalen 6, llinell 12, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **6**

Section 2, page 6, line 14, after 'including', insert 'a scheme determined by the Welsh Ministers under section 4 and'.

Adran 2, tudalen 6, llinell 14, ar ôl 'gan gynnwys cynllun', ychwanegwch 'a benderfynwyd gan Weinidogion Cymru o dan adran 4 a chynllun'.

Edwina Hart **7**

Section 4, page 6, line 30, leave out 'provide' and insert 'is responsible for providing'.

Adran 4, tudalen 6, llinell 32, gadewch allan 'darparu' a rhowch yn ei le 'bod yn gyfrifol am ddarparu'

Edwina Hart **8**

Section 5, page 7, line 7, leave out 'adult' and insert 'individual'.

Adran 5, tudalen 7, llinell 7, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **9**

Section 5, page 7, line 9, leave out 'adult's' and insert 'individual's'.

Adran 5, tudalen 7, llinell 9, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **10**

Section 5, page 7, line 13, leave out 'adult's' and insert 'individual's'.

Adran 5, tudalen 7, llinell 12, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **11**

Section 5, page 7, line 23, after 'care', insert 'and in the case of a patient who is a child, includes the child's local authority foster parent (within the meaning of section 22C(12) of the Children Act 1989)'.

Adran 5, tudalen 7, llinell 24, ar ôl 'gofal', ychwanegwch 'ac yn achos claf sy'n blentyn, mae'n cynnwys rhiant maeth awdurdod lleol y plentyn (o fewn ystyr adran 22C(12) o Ddeddf Plant 1989)'.

Edwina Hart **12**

Section 5, page 7, line 24, leave out 'adults' and insert 'individuals'.

Adran 5, tudalen 7, llinell 21, gadewch allan 'oedolion' a rhowch yn ei le 'unigolion'.

Edwina Hart **13**

Section 5, page 7, line 27, leave out 'and'.

Adran 5, tudalen 7, llinell 28, gadewch allan 'ac'.

Edwina Hart **14**

Section 5, page 7, after line 27, insert—

'( ) services provided under Part III of the Children Act 1989 (not being secondary mental health services);'.

Adran 5, tudalen 7, ar ôl llinell 28, ychwanegwch—

'( ) gwasanaethau a ddarperir o dan Ran III o Ddeddf Plant 1989 (nad ydynt yn wasanaethau iechyd meddwl eilaidd);'.

Edwina Hart **15**

Section 5, page 7, line 28, leave out 'welfare' and insert 'well-being'.

Adran 5, tudalen 7, llinell 29, gadewch allan 'lles', a rhowch yn ei le 'llesiant'.

Edwina Hart **16**

Section 5, page 7, line 28, after 'services', insert '; and

( ) education or training which may be beneficial to a patient's mental health'.

Adran 5, tudalen 7, llinell 29, ar ôl 'lles', ychwanegwch '; a

( ) addysg neu hyfforddiant a all fod yn llesol i iechyd meddwl claf'.

Edwina Hart **17**

Section 6, page 7, line 32, leave out 'adult' and insert 'individual'.

Adran 6, tudalen 7, llinell 33, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **18**

Section 6, page 7, line 35, leave out 'adult' and insert 'individual'.

Adran 6, tudalen 7, llinell 37, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **19**

Section 6, page 8, line 1, leave out 'adult' and insert 'individual'.
Adran 6, tudalen 8, llinell 1, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **20**

Section 6, page 8, line 19, leave out 'adult' and insert 'individual'.
Adran 6, tudalen 8, llinell 19, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **21**

Section 6, page 8, line 22, leave out 'adult' and insert 'individual'.
Adran 6, tudalen 8, llinell 22, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **22**

Section 7, page 8, line 30, leave out 'adult' and insert 'individual'.
Adran 7, tudalen 8, llinell 32, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **23**

Section 7, page 8, line 33, leave out 'adult' and insert 'individual'.
Adran 7, tudalen 8, llinell 36, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **24**

Section 7, page 8, line 35, leave out 'adult' and insert 'individual'.
Adran 7, tudalen 8, llinell 38, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **25**

Section 7, page 9, line 16, after 'partner', insert '; or

(d) a registered medical practitioner providing services to prisoners under arrangements made between the registered medical practitioner and a person responsible for the provision or running of a contracted out prison (within the meaning of section 84 (4) of the Criminal Justice Act 1991) in Wales.'.

Adran 7, tudalen 9, llinell 17, ar ôl 'awdurdod', ychwanegwch '; neu

(d) gan ymarferydd meddygol cofrestredig sy'n darparu gwasanaethau i garcharorion o dan drefniadau a wnaed rhwng yr ymarferydd meddygol cofrestredig a pherson sy'n gyfrifol am ddarparu neu redeg carchar sydd wedi ei gontractio allan (o fewn ystyr adran 84(4) o Ddeddf Cyfiawnder Troseddol 1991) yng Nghymru.'.

Edwina Hart **26**

Section 7, page 9, line 20, leave out 'adult' and insert 'individual'.

Adran 7, tudalen 9, llinell 22, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **27**

Section 7, page 9, line 21, after 'in', insert—

'( ) regulations made by the Welsh Ministers; or'.

Adran 7, tudalen 9, llinell 23, ar ôl 'bennir', ychwanegwch—

'( ) mewn rheoliadau a wneir gan Weinidogion Cymru; neu'.

Edwina Hart **28**

Section 8, page 9, line 25, leave out 'adult' and insert 'individual'.

Adran 8, tudalen 9, llinell 27, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **29**

Section 8, page 9, line 26, leave out 'adult' and insert 'individual'.

Adran 8, tudalen 9, llinell 29, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **30**

Section 8, page 9, line 27, leave out 'adult' and insert 'individual'.

Adran 8, tudalen 9, llinell 31, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **31**

Section 8, page 9, line 28, leave out 'adult' and insert 'individual'.

Adran 8, tudalen 9, llinell 32, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **32**

Section 8, page 9, line 30, leave out 'adult' and insert 'individual'.

Adran 8, tudalen 9, llinell 34, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **33**

Section 8, page 9, line 31, leave out 'adult' and insert 'individual'.

Adran 8, tudalen 9, llinell 35, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **34**

Section 8, page 9, line 35, leave out 'adults' and insert 'individuals'.

Adran 8, tudalen 9, llinell 39, gadewch allan 'oedolion' a rhowch yn ei le 'unigolion'.

Edwina Hart **35**

Section 8, page 10, line 1, leave out 'adult' and insert 'individual'.

Adran 8, tudalen 10, llinell 1, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **36**

Section 8, page 10, line 1, leave out 'adults' and insert 'individuals'.

Adran 8, tudalen 10, llinell 1, gadewch allan 'oedolion' a rhowch yn ei le 'unigolion'.

Edwina Hart **37**

Section 8, page 10, line 4, leave out 'adult' and insert 'individual'.

Adran 8, tudalen 10, llinell 5, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **38**

Section 8, page 10, line 7, leave out 'adult' and insert 'individual'.

Adran 8, tudalen 10, llinell 8, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **39**

Section 9, page 10, line 12, leave out 'adult's' and insert 'individual's'.

Adran 9, tudalen 10, llinell 12, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **40**

Section 9, page 10, line 15, leave out 'adult's' and insert 'individual's'.

Adran 9, tudalen 10, llinell 15, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **41**

Section 9, page 10, line 18, leave out 'adult's' and insert 'individual's'.

Adran 9, tudalen 10, llinell 17, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **42**

Section 9, page 10, line 24, leave out 'and'.

Adran 9, tudalen 10, llinell 24, gadewch allan 'a'.

Edwina Hart **43**

Section 9, page 10, after line 25, insert—

'(d) services provided under Part III of the Children Act 1989 (not being secondary mental health services);

(e) housing or well-being services; and

(f) education or training which may be beneficial to an individual's mental health.'.

Adran 9, tudalen 10, ar ôl llinell 26, ychwanegwch—

'(d) gwasanaethau a ddarperir o dan Ran III o Ddeddf Plant 1989 (nad ydynt yn wasanaethau iechyd meddwl eilaidd);

(e) gwasanaethau tai neu wasanaethau llesiant; ac

(f) addysg neu hyfforddiant a all fod o fudd i iechyd meddwl unigolyn.'.

Edwina Hart **44**

Section 10, page 10, line 28, leave out 'adult's' and insert 'individual's'.

Adran 10, tudalen 10, llinell 29, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **45**

Section 10, page 10, line 38, leave out 'adult's' and insert 'individual's'.

Adran 10, tudalen 10, llinell 40, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **46**

To insert a new Section—

'Amendment to Children Act 2004

( ) Inclusion of schemes under this Part in Children and Young People's plans

After section 26(1B)(b) of the Children Act 2004 insert the following—

"(c) the scheme for the authority's area under Part 1 of the Mental Health (Wales) Measure 2010.".'.

I ychwanegu Adran newydd—

'Diwygio Deddf Plant 2004

( ) Cynnwys cynlluniau o dan y Rhan hon mewn cynlluniau Plant a Phobl Ifanc

Ar ôl adran 26(1B)(b) o Ddeddf Plant 2004 rhowch y canlynol—

"(c) the scheme for the authority's area under Part 1 of the Mental Health (Wales) Measure 2010.".'.

Edwina Hart **47**

Section 11, page 11, line 13, leave out 'adult' and insert 'individual'.

Adran 11, tudalen 11, llinell 17, gadewch allan 'oedolyn' a rhowch yn ei le ' unigolyn'.

Edwina Hart **48**

Section 11, page 11, line 14, leave out 'provides' and insert 'is responsible for providing'.

Adran 11, tudalen 11, llinell 18, gadewch allan 'darparu' a rhowch yn ei le 'gyfrifol am ddarparu'.

Edwina Hart

Section 11, page 11, line 14, leave out 'adult' and insert 'individual'. **49**

Adran 11, tudalen 11, llinell 19, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **50**

Section 11, page 11, line 15, leave out 'adult' at the first place where it appears and insert 'individual'.

Adran 11, tudalen 11, llinell 20, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **51**

Section 11, page 11, line 15, leave out 'adult' at the second place where it appears and insert 'individual'.

Adran 11, tudalen 11, llinell 21, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **52**

Section 11, page 11, line 16, after 'Wales', insert '; or

( ) a mental health service provider has decided that the individual would be provided with a secondary mental health service if the individual cooperated with its provision'.

Adran 11, tudalen 11, llinell 21, ar ôl 'yng Nghymru', ychwanegwch '; neu

( ) mae darparydd gwasanaeth iechyd meddwl wedi penderfynu y byddai gwasanaeth iechyd meddwl eilaidd yn cael ei ddarparu i'r unigolyn pe byddai'r unigolyn yn cydweithredu â'r ddarpariaeth honno'.

Edwina Hart **53**

Section 12, page 11, line 22, after 'as', insert 'being responsible for'.

Adran 12, tudalen 11, llinell 27, gadewch allan 'sy'n darparu' a rhowch yn ei le 'sy'n gyfrifol am ddarparu'.

Edwina Hart **54**

Section 13, page 12, line 1, leave out 'adult' and insert 'individual'.

Adran 13, tudalen 12, llinell 1, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **55**

Section 13, page 12, line 2, after 'individual', insert 'permanently'.

Adran 13, tudalen 12, llinell 3, ar ôl 'perthnasol', ychwanegwch 'yn barhaol'.

Edwina Hart **56**

Section 13, page 12, line 3, leave out 'cessation of that appointment' and insert 'that permanent cessation'.

Adran 13, tudalen 12, llinell 3, ar ôl 'hwnnw,' ychwanegwch 'yn barhaol'.

Edwina Hart **57**

Section 13, page 12, after line 3, insert—

‘( ) Where the relevant mental health service provider considers that a patient’s care coordinator is for whatever reason temporarily unable to act as such, the provider may appoint an individual to be the patient’s temporary care coordinator to perform in relation to the patient the functions referred to in subsection (1).

( ) A temporary appointment under subsection ( ) ceases when the relevant mental health service provider considers that the individual previously appointed as care coordinator has regained the ability to act as such, in which case that individual’s appointment shall revive.

( ) Arrangements may be made between two Local Health Boards for the functions of one of them under subsection (1) or ( ) to be exercised by the other.

( ) Any arrangements under subsection ( ) do not affect the responsibility of a Local Health Board as relevant mental health service provider under subsection (1) or ( ).’.

Adran 13, tudalen 12, ar ôl llinell 3, ychwanegwch—

‘( ) Pan fo’r darparydd gwasanaeth iechyd meddwl perthnasol o’r farn bod cydgysylltydd gofal claf am ba reswm bynnag yn analluog dros dro i weithredu felly, caiff y darparydd benodi unigolyn yn gydgysylltydd gofal dros dro ar gyfer y claf i gyflawni mewn perthynas â’r claf y swyddogaethau y cyfeirir atynt yn is-adran (1).

( ) Mae penodiad dros dro o dan is-adran () yn terfynu pan fo’r darparydd gwasanaeth iechyd meddwl perthnasol o’r farn bod yr unigolyn a benodwyd yn flaenorol yn gydgysylltydd gofal wedi adennill y gallu i weithredu felly, ac yn yr achos hwnnw adferir penodiad yr unigolyn hwnnw.

( ) Caniateir i drefniadau gael eu gwneud rhwng dau Fwrdd Iechyd Lleol er mwyn i swyddogaethau’r naill o dan is-adran (1) neu ( ) gael eu harfer gan y llall.

Edwina Hart **58**

Section 14, page 12, line 8, leave out ‘provides’ and insert ‘is responsible for providing’.

Adran 14, tudalen 12, llinell 9, gadewch allan ‘darparu’ a rhowch yn ei le ‘gyfrifol am ddarparu’.

Edwina Hart **59**

Section 14, page 12, line 10, leave out ‘does not provide’ and insert ‘is not responsible for providing’.

Adran 14, tudalen 12, llinell 11, gadewch allan ‘darparu’ a rhowch yn ei le ‘gyfrifol am ddarparu’.

Edwina Hart **60**

Section 14, page 12, line 14, leave out 'provides' and insert 'is responsible for providing'.

Adran 14, tudalen 12, llinell 15, gadewch allan 'darparu' a rhowch yn ei le 'gyfrifol am ddarparu'.

Edwina Hart **61**

Section 14, page 12, line 16, leave out 'also provides' and insert 'is also responsible for providing'.

Adran 14, tudalen 12, llinell 17, gadewch allan 'y darparu'r' a rhowch yn ei le 'yn gyfrifol am ddarparu'r'.

Edwina Hart **62**

Section 14, page 12, line 31, leave out 'the patient is provided' and insert 'a local authority is responsible for providing the patient'.

Adran 14, tudalen 12, llinell 32, gadewch allan 'darperir', a rhowch yn ei le 'yw awdurdod lleol yn gyfrifol am ddarparu'.

Edwina Hart **63**

Section 14, page 12, line 31, leave out 'by a local authority'.

Adran 14, tudalen 12, llinell 32, gadewch allan 'gan awdurdod lleol'.

Edwina Hart **64**

Section 14, page 12, line 34, leave out 'provide' and insert 'are responsible for providing'.

Adran 14, tudalen 12, llinell 36, gadewch allan 'darparu' a rhowch yn ei le 'gyfrifol am ddarparu'.

Edwina Hart **65**

Section 15, page 13, after line 10, insert—

'(4) A relevant mental health service provider may terminate the appointment of an individual appointed as a care coordinator under section 13(1).'.

Adran 15, tudalen 13, ar ôl llinell 10, ychwanegwch—

'(4) Caiff darparydd gwasanaeth iechyd meddwl perthnasol derfynu penodiad unigolyn a benodwyd yn gydgysylltydd gofal o dan adran 13(1).'.

Edwina Hart **66**

Section 16, page 13, line 16, leave out 'provides' and insert 'is responsible for providing'.

Adran 16, tudalen 13, llinell 16, ar ôl 'mae'n', ychwanegwch 'gyfrifol am'.

Edwina Hart **67**

Section 16, page 13, line 18, leave out 'provides' and insert 'is responsible for providing for the patient'.

Adran 16, tudalen 13, llinell 18, gadewch allan 'eu darparu', a rhowch yn ei le 'gyfrifol am eu darparu i'r claf'.

Edwina Hart **68**

Section 16, page 13, line 19, leave out 'provided for the patient by' and insert 'the provision of which is the responsibility of'.

Adran 16, tudalen 13, llinell 19, gadewch allan 'a ddarperir i'r claf gan unrhyw ddarparydd gwasanaeth iechyd meddwl arall', a rhowch yn ei le 'y mae unrhyw ddarparydd gwasanaeth iechyd meddwl arall yn gyfrifol am eu darparu'.

Edwina Hart **69**

Section 16, page 13, line 21, leave out 'provides' and insert 'is responsible for providing'.

Adran 16, tudalen 13, llinell 21, ar ôl 'mae'n' ychwanegwch 'gyfrifol am'.

Edwina Hart **70**

Section 17, page 14, after line 33, insert—

'( ) the obligations of persons specified in the regulations in connection with the agreement or determination of care and treatment plans;'.

Adran 17, tudalen 14, ar ôl llinell 36, ychwanegwch—

'( ) rhwymedigaethau personau a bennir yn y rheoliadau mewn cysylltiad â chytuno neu benderfynu ar gynlluniau gofal a thriniaeth;'.

Edwina Hart **71**

Section 17, page 14, line 37, leave out 'adult' and insert 'individual'.

Adran 17, tudalen 14, llinell 41, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **72**

Section 17, page 15, line 13, leave out 'provide mental health services for a relevant patient' and insert 'ensure that mental health services for a relevant patient are provided'.

Adran 17, tudalen 15, llinell 13, gadewch allan 'ddarparu gwasanaethau iechyd meddwl' a rhowch yn ei le 'sicrhau bod gwasanaethau iechyd meddwl yn cael eu darparu'.

Edwina Hart **73**

Section 18, page 15, line 34, after 'including', insert 'arrangements determined by the Welsh Ministers under section 20 and'.

Adran 18, tudalen 15, llinell 36, ar ôl 'trefniadau' yn yr ail le y mae'n ymddangos, ychwanegwch 'a benderfynwyd gan Weinidogion Cymru o dan adran 20 a threfniadau'.

Edwina Hart **74**

Section 21, page 16, line 31, leave out 'provided by' and insert 'the responsibility of'.

Adran 21, tudalen 16, llinell 31, gadewch allan 'chafodd y gwasanaethau eu darparu gan bartner' a rhowch yn ei le 'oedd y gwasanaethau yn gyfrifoldeb partner'.

Edwina Hart **75**

Section 21, page 16, after line 39, insert –

'( ) The reference to an adult being discharged from secondary mental health services includes a discharge that occurred when the adult was a child.'.

Adran 21, tudalen 16, ar ôl llinell 39, ychwanegwch –

'( ) Mae'r cyfeiriad at ryddhau oedolyn o wasanaeth iechyd meddwl eilaidd yn cynnwys rhyddhau a ddigwyddodd pan oedd yr oedolyn yn blentyn.'.

Edwina Hart **76**

Section 23, page 17, after line 18, insert—

‘( ) Where the relevant discharge period begins when an individual is a child and ends when that individual becomes an adult, the Board or authority has the same duty to provide that individual with information about their entitlement to an assessment as it has to provide an adult with such information under subsections (1) and (2).’.

Adran 23, tudalen 17, ar ôl llinell 18, ychwanegwch—

‘( ) Pan fo’r cyfnod rhyddhau perthnasol yn cychwyn pan fo unigolyn yn blentyn ac yn dod i ben pan fo’r unigolyn hwnnw’n dod yn oedolyn, mae’r Bwrdd neu’r awdurdod o dan yr un ddyletswydd i roi gwybodaeth i’r unigolyn hwnnw ynghylch ei hawl i asesiad ag y mae i roi’r cyfryw wybodaeth i oedolyn o dan is-adrannau (1) a (2).’.

Edwina Hart **77**

Section 23, page 17, line 19, leave out ‘subsections (1) and (2)’ and insert ‘this section’.

Adran 33, tudalen 17, llinell 19, gadewch allan ‘is-adrannau (1) a (2)’ a rhowch yn ei le ‘yr adran hon’.

Edwina Hart **78**

Section 23, page 17, line 19, leave out ‘adult’ and insert ‘individual’.

Adran 23, tudalen 17, llinell 19, gadewch allan ‘oedolyn’, a rhowch yn ei le ‘unigolyn’.

Edwina Hart **79**

Section 23, page 17, line 21, leave out ‘adult’ and insert ‘individual’

Adran 23, tudalen 17, llinell 22, gadewch allan ‘oedolyn’ a rhowch yn ei le ‘unigolyn’.

Edwina Hart **80**

Section 24, page 17, line 31, leave out ‘welfare’ and insert ‘well-being’.

Adran 24, tudalen 17, llinell 32, gadewch allan ‘lles’, a rhowch yn ei le ‘llesiant’.

Edwina Hart **81**

Section 27, page 18, line 19, leave out ‘welfare’ and insert ‘well-being’.

Adran 27, tudalen 18, llinell 20, gadewch allan ‘lles’ a rhowch yn ei le ‘llesiant’.

Edwina Hart **82**

Section 27, page 18, line 24, leave out 'welfare' and insert 'well-being'.

Adran 27, tudalen 18, llinell 25, gadewch allan 'lles' a rhowch yn ei le 'llesiant'.

Edwina Hart **83**

To insert a new Section—

'( ) Application of this Part to persons under local authority guardianship

(1) This section applies to an individual—

(a) who has ceased to be under the guardianship of a local authority, and

(b) upon so ceasing, was not being provided with any secondary mental health service.

(2) For the purposes of this Part, the individual is to be treated as having been discharged from secondary mental health services on the date on which the individual ceased to be under the guardianship of the local authority.'.

I ychwanegu Adran newydd—

'( ) Cymhwysiad y Rhan hon i bersonau o dan warcheidiaeth awdurdod lleol

(1) Mae'r adran hon yn gymwys i unigolyn—

(a) sydd wedi peidio â bod o dan warcheidiaeth awdurdod lleol, a

(b) wrth beidio â bod felly, na ddarparwyd iddo wasanaeth iechyd meddwl eilaidd.

(2) At ddibenion y Rhan hon, mae'r unigolyn i'w drin fel un a gafodd ei ryddhau o wasanaethau iechyd meddwl eilaidd ar y dyddiad pan beidiodd yr unigolyn â bod o dan warcheidiaeth yr awdurdod lleol.'.

Edwina Hart **84**

Section 32, page 22, after line 17, insert—

'( ) the patient;'.

Adran 32, tudalen 22, ar ôl llinell 17, ychwanegwch—

'( ) the patient;'.

Edwina Hart **85**

Section 32, page 22, line 26, after 'establishment', insert 'or a person duly authorised on their behalf'.

Adran 32, tudalen 22, llinell 26, ar ôl 'establishment', ychwanegwch 'or a person duly authorised on their behalf'.

Edwina Hart **86**

Section 32, page 22, after line 31, insert—

'( ) the patient;'.

Adran 32, tudalen 22, ar ôl llinell 31, ychwanegwch—

'( ) the patient;'.

Edwina Hart **87**

Section 32, page 22, line 33, after 'in-patient', insert 'or a person duly authorised on their behalf'.

Adran 32, tudalen 22, llinell 33, ar ôl 'in-patient', ychwanegwch 'or a person duly authorised on their behalf'.

Edwina Hart **88**

Section 33, page 23, leave out lines 32 to 33.

Adran 33, tudalen 23, gadewch allan linellau 34 hyd at 35.

Edwina Hart **89**

Section 34, page 24, line 24, leave out 'he is admitted as an in-patient for treatment for, or assessment in relation to, mental disorder to a hospital or registered establishment situated in Wales (whether or not the patient is also admitted for any other purpose) without any application, order, direction or report rendering him' and insert—

'( ) the patient is an in-patient at a hospital or registered establishment situated in Wales;

( ) the patient is receiving treatment for, or assessment in relation to, mental disorder at the hospital or registered establishment; and

( ) no application, order, direction or report renders the patient'.

Adran 34, tudalen 24, llinell 24, gadewch allan 'he is admitted as an in-patient for treatment for, or assessment in relation to, mental disorder to a hospital or registered establishment situated in Wales (whether or not the patient is also admitted for any other purpose) without any application, order, direction or report rendering him', a rhowch yn ei le –

'( ) the patient is an in-patient at a hospital or registered establishment situated in Wales;

( ) the patient is receiving treatment for, or assessment in relation to, mental disorder at the hospital or registered establishment; and

( ) no application, order, direction or report renders the patient'.

Edwina Hart **90**

Section 35, page 25, leave out lines 9 to 26.

Adran 35, tudalen 25, gadewch allan linellau 11 hyd at 28.

Edwina Hart **91**

Section 35, page 26, leave out lines 1 to 3.

Adran 35, tudalen 26, gadewch allan linellau 1 hyd at 3.

Edwina Hart **92**

To insert a new Section—

'( ) Procedures for making regulations under the Mental Health Act 1983

(1) Section 143 of the Mental Health Act 1983 is amended as follows.

(2) In subsection (3A), for "(3D)" substitute "(3DB)".

(3) After subsection (3D) insert—

"(3DA) Subsection (3C) does not apply to regulations to which subsection (3DB) applies.

(3DB) A statutory instrument which contains (alone or with other provisions) the first regulations to be made under any of the following provisions –

(a) section 130E(2),

(b) section 130E(4)(b),

(c) section 130E(5)(b),

(d) section 130F(2)(d),

(e) section 130G(2)(c), or

(f) section 130H(1)(b)(ii),

must not be made unless a draft of the instrument containing the regulations has been laid before, and approved by resolution of, the National Assembly for Wales.". '.

I ychwanegu Adran newydd—

'( ) Gweithdrefnau ar gyfer gwneud rheoliadau o dan Ddeddf Iechyd Meddwl 1983

(1) Diwygir Adran 143 o Ddeddf Iechyd Meddwl 1983 fel a ganlyn.

(2) Yn is-adran (3A), yn lle "(3D)" rhodder "(3DB)".

(3) Ar ôl is-adran (3D) mewnosoder—

"(3DA)Subsection (3C) does not apply to regulations to which subsection (3DB) applies.

(3DB) A statutory instrument which contains (alone or with other provisions) the first regulations to be made under any of the following provisions—

(a) section 130E(2),

(b) section 130E(4)(b),

(c) section 130E(5)(b),

(d) section 130F(2)(d),

(e) section 130G(2)(c), or

(f) section 130H(1)(b)(ii),

must not be made unless a draft of the instrument containing the regulations has been laid before, and approved by resolution of, the National Assembly for Wales.".'.

Edwina Hart **93**

Section 39, page 28, line 27, leave out 'adult' and insert 'individual'.

Adran 39, tudalen 28, llinell 25, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **94**

Page 29, line 14, leave out section 41 and insert—

'( ) Codes of Practice

(1) The Welsh Ministers may prepare, and from time to time revise, one or more codes of practice for the following purposes—

(g) for the guidance of local authorities, Local Health Boards, care coordinators or any other persons in relation to their functions under this Measure;

(h) for the guidance of any persons in connection with the operation of the provisions of this Measure.

(2) The Welsh Ministers must arrange for any such code or revised code to be published.

(3) In performing their functions under this Measure, the persons mentioned in subsection (1)(a) must have regard to any code of practice published under this section.

(4) Before preparing or revising any such code, the Welsh Ministers must consult any persons they consider appropriate.

(5) The Welsh Ministers must lay copies of any such code or revised code before the National Assembly for Wales; and if the National Assembly for Wales passes a resolution requiring the code to be withdrawn, the Welsh Ministers must withdraw the code.

(6) No resolution may be passed by the National Assembly for Wales under subsection (5) in respect of a code or revised code after the expiration of the period of 40 days beginning with the day on which a copy of the code was laid before the Assembly.

(7) For the purposes of subsection (6) no account is to be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.

(8) The Welsh Ministers may revoke any code of practice by direction.

(9) Any direction under subsection (8) must be laid before the National Assembly for Wales.'.

Tudalen 29, llinell 14, gadewch allan adran 41 a rhowch yn ei lle—

'( ) Codau ymarfer

(1) Caiff Gweinidogion Cymru baratoi, ac o bryd i'w gilydd adolygu, un neu ragor o godau ymarfer at y dibenion canlynol—

(a) er mwyn rhoi canllawiau i awdurdodau lleol, Byrddau Iechyd Lleol, cydgysylltwyr gofal neu unrhyw bersonau eraill mewn perthynas â'u swyddogaethau o dan y Mesur hwn;

(b) er mwyn rhoi canllawiau i unrhyw bersonau mewn cysylltiad â gweithrediad darpariaethau'r Mesur hwn.

(2) Rhaid i Weinidogion Cymru drefnu bod unrhyw god o'r fath, neu unrhyw god o'r fath sydd wedi ei adolygu, yn cael ei gyhoeddi.

(3) Wrth gyflawni eu swyddogaethau o dan y Mesur hwn, rhaid i'r personau y cyfeirir atynt yn is-adran (1)(a) roi sylw i unrhyw god ymarfer a gyhoeddir o dan yr adran hon.

(4) Cyn paratoi neu adolygu unrhyw god o'r fath, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y mae Gweinidogion Cymru'n ystyried ei bod yn briodol ymgynghori â hwy.

(5) Rhaid i Weinidogion Cymru osod copïau o unrhyw god o'r fath neu unrhyw god o'r fath sydd wedi ei adolygu gerbron Cynulliad Cenedlaethol Cymru; ac os bydd Cynulliad Cenedlaethol Cymru yn pasio penderfyniad yn ei gwneud yn ofynnol i'r cod gael ei dynnu'n ôl, rhaid i Weinidogion Cymru dynnu'r cod yn ôl.

(6) Ni chaiff Cynulliad Cenedlaethol Cymru basio penderfyniad ynghylch cod neu god wedi ei adolygu o dan is-adran (5) ar ôl i gyfnod o 40 o ddiwrnodau yn dechrau ar y diwrnod y gosodwyd copi o'r cod gerbron y Cynulliad ddod i ben.

(7) At ddibenion is-adran (6), ni chymerir i ystyriaeth unrhyw amser pryd y bydd Cynulliad Cenedlaethol Cymru wedi'i ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.

(8) Caiff Gweinidogion Cymru ddirymu unrhyw god ymarfer drwy gyfarwyddyd.

(9) Rhaid i unrhyw gyfarwyddyd o dan is-adran (8) gael ei osod gerbron Cynulliad Cenedlaethol Cymru.'.

Edwina Hart **95**

Section 45, page 31, line 6, leave out 'adult's' and insert 'individual's'.

Adran 45, tudalen 31, llinell 6, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **96**

Section 45, page 31, after line 10, insert—

'(d) a service provided for a child under Part III of the Children Act 1989 the main purpose of which is to meet a need related to that child's mental health.'.

Adran 45, tudalen 31, ar ôl llinell 10, ychwanegwch—

'(d) gwasanaeth a ddarperir i blentyn o dan Ran III o Ddeddf Plant 1989 a'i brif ddiben yw bodloni angen sy'n ymwneud ag iechyd meddwl y plentyn hwnnw.'.

Edwina Hart **97**

Section 45, page 31, line 19, leave out 'adult's' and insert 'individual's'.

Adran 45, tudalen 31, llinell 20, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **98**

Section 45, page 31, line 21, leave out 'adult' and insert 'individual'.

Adran 45, tudalen 31, llinell 23, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **99**

Section 45, page 31, after line 22, insert—

'(4) The Welsh Ministers may, by order—

(a) specify other services that are to be regarded as secondary mental health services for the purpose of any provision of this Measure;

(b) provide that services that would otherwise be regarded as secondary mental health services for the purposes of any provision of this Measure are not to be so regarded.'.

Adran 45, tudalen 31, ar ôl llinell 23, ychwanegwch—

'(4) Caiff Gweinidogion Cymru, drwy orchymyn—

(a) pennu gwasanaethau eraill sydd i'w hystyried yn wasanaethau iechyd meddwl eilaidd at ddibenion unrhyw un neu ragor o ddarpariaethau'r Mesur hwn;

(b) darparu bod gwasanaethau a fyddai fel arall yn cael eu hystyried yn wasanaethau iechyd meddwl eilaidd i beidio a chael eu hystyried felly at ddibenion unrhyw un neu ragor o ddarpariaethau'r Mesur hwn.'.

Edwina Hart **100**

Section 46, page 31, line 24,, leave out 'welfare' and insert 'well-being'.

Adran 46, tudalen 31, llinell 24, gadewch allan 'lles', a rhowch yn ei le 'llesiant'.

Edwina Hart **101**

Section 46, page 31, line 29, leave out 'other services related to housing or welfare' and insert 'any services related to well- being (including housing)'.

Adran 46, tudalen 31, llinell 29, gadewch allan 'gwasanaethau eraill yn ymwneud â thai neu les', a rhowch yn ei le 'unrhyw wasanaethau yn ymwneud â llesiant (gan gynnwys tai)'.

Edwina Hart **102**

Section 47, page 32, after line 3, insert—

'"child" ("*plentyn*") means a person who has not attained the age of 18;'

Adran 47, tudalen 32, ar ôl llinell 41, ychwanegwch—

'ystyr "plentyn" ("*child*") yw person nad yw wedi cyrraedd 18 mlwydd oed;'.

Edwina Hart **103**

Section 47, page 32, line 7, leave out 'and welfare services" ("*gwasanaethau tai a gwasanaethau lles*")' and insert 'or well-being services" ("*gwasanaethau tai neu wasanaethau llesiant")'.

Adran 47, tudalen 32, llinell 37, gadewch allan 'a gwasanaethau lles ("*housing and welfare*")', a rhowch yn ei le 'neu wasanaethau llesiant ("*housing or well-being*")'.

Edwina Hart **104**

Section 47, page 32, line 25, leave out 'and'.

Adran 47, tudalen 32, llinell 30, gadewch allan 'ac'.

Edwina Hart **105**

Section 47, page 32, line 26, after 'Act', insert –

', and a registered medical practitioner providing services to prisoners under arrangements made between the registered medical practitioner and a person responsible for the provision or running of a contracted out prison (within the meaning of section 84(4) of the Criminal Justice Act 1991) in Wales'.

Adran 47, tudalen 32, llinell 32, ar ôl 'honno', ychwanegwch—

', ac ymarferydd meddygol cofrestredig sy'n darparu gwasanaethau i garcharorion o dan drefniadau a wnaed rhwng yr ymarferydd meddygol cofrestredig a pherson sy'n gyfrifol am ddarparu neu redeg carchar wedi ei gontractio allan (o fewn ystyr adran 84(4) o Ddeddf Cyfiawnder 1991) yng Nghymru'.

Edwina Hart **106**

Section 47, page 32, line 32, leave out 'adult' and insert 'individual'.

Adran 47, tudalen 32, llinell 13, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **107**

Section 47, page 32, line 38, leave out 'adult' and insert 'individual'.

Adran 47, tudalen 32, llinell 19, gadewch allan 'oedolyn' a rhowch yn ei le 'unigolyn'.

Edwina Hart **108**

Section 47, page 33, line 2, leave out 'a person' and insert 'an individual'.

Adran 47, tudalen 32, llinell 25, gadewch allan 'person' a rhowch yn ei le 'unigolyn'.

Edwina Hart **109**

Section 47, page 33, line 8, leave out 'a person' and insert 'an individual'.

Adran 47, tudalen 33, llinell 9, gadewch allan 'person' a rhowch yn ei le 'unigolyn'.

Edwina Hart **110**

Section 47, page 33, line 9, leave out 'person' and insert 'individual'.

Adran 47, tudalen 33, llinell 10, gadewch allan 'person' a rhowch yn ei le 'unigolyn'.

Edwina Hart **111**

Section 47, page 33, after line 13, insert—

'(4) Until the coming into force of section 8(1) of the Children and Young Persons Act 2008, all references to section 22C(12) of the Children Act 1989 are to be read as references to section 23(3) of the Children Act 1989.

(5) References in this Measure to a care coordinator are to be construed as references to a care coordinator acting on behalf of the mental health service provider who had responsibility for appointing the individual as care coordinator under section 13(1) or ( ), unless the context otherwise requires.'.

Adran 47, tudalen 33, ar ôl llinell 14, ychwanegwch—

'(4) Hyd nes y daw adran 8(1) o Ddeddf Plant a Phobl Ifanc 2008 i rym, mae pob cyfeiriad at adran 22C(1) o Ddeddf Plant 1989 i'w ddarllen fel cyfeiriad at adran 23(3) o Ddeddf Plant 1989.

(5) Mae cyfeiriadau yn y Mesur hwn at gydgysylltydd gofal i'w dehongli fel cyfeiriadau at gydgysylltydd gofal sy'n gweithredu ar ran y darparydd gwasanaeth iechyd meddwl a oedd yn gyfrifol am benodi'r unigolyn fel cydgysylltydd gofal o dan adran 13(1) neu ( ), oni bai bod y cyd-destun yn mynnu fel arall.'.

Edwina Hart **112**

Section 48, page 33, line 25, leave out '(other than regulations under section 42 or 43)' and insert 'or an order under section 49(3)(b)'.

Adran 48, tudalen 33, llinell 28, gadewch allan '(ac eithrio rheoliadau o dan adran 42 neu 43)', a rhowch yn ei le 'neu orchymyn o dan adran 49(3)(b)'.

Edwina Hart **113**

Section 48, page 33, after line 27, insert –

'( ) Subsection (3) does not apply to regulations and orders to which subsections ( ) and ( ) apply.'.

Adran 48, tudalen 33, ar ôl llinell 29, ychwanegwch—

'( ) Nid yw is-adran (3) yn gymwys i reoliadau a gorchmynion y mae is-adrannau ( ) a ( ) yn gymwys iddynt.'.

Edwina Hart **114**

Section 48, page 33, line 28, leave out 'regulations under section 42 or 43', and insert '(alone or with other provisions)—

(a) an order under section 49(3)(a) or section ( ); or

(b) regulations under section 7(6)(a), 22(1)(b), 22(2), 42, or 43'.

Adran 48, tudalen 33, llinell 30, gadewch allan 'rheoliadau o dan adran 42 neu 43', a rhowch yn ei le '(yn unigol neu ynghyd â darpariaeth arall)—

(a) gorchymyn o dan adran 49(3)(a) neu adran ( ); neu

(b) rheoliadau o dan adran 7(6)(a), 22(1)(b), 22(2), 42 neu 43'.

Edwina Hart **115**

Section 48, page 33, line 31, leave out subsections (5) to (7) and insert—

'( ) A statutory instrument containing (alone or with other provisions) the first regulations to be made under section 17 (1) (c) or 17 (8) 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 48, tudalen 33, llinell 33, gadewch allan is-adrannau (5) hyd at (7), a rhowch yn eu lle—

'( ) Rhaid peidio a gwneud offeryn statudol sy'n cynnwys (yn unigol neu ynghyd â darpariaethau eraill) y rheoliadau cyntaf i gael eu gwneud o dan adran 17(1)(c) neu 17(8) onid oes drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo drwy benderfyniad.'.

Edwina Hart **116**

Schedule 1, page 35, after line 26, insert –

'8 In section 134(3A)(b)(i) after "130A" insert "or section 130E".'.

Atodlen 1, tudalen 35, ar ôl llinell 26, ychwanegwch –

'8 Yn adran 134(3A)(b)(i) ar ôl "130A" mewnosoder "or section 130E".'.