



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2008 Rhif 2687 (Cy.237)

2008 No. 2687 (W.237)

CREDYDAU TRETH, CYMRU

TAX CREDITS, WALES

Cynllun Credydau Treth
(Cymeradwyo Darparwyr Gofal
Plant) (Cymru) (Diwygio) 2008

The Tax Credits (Approval of
Child Care Providers) (Wales)
(Amendment) Scheme 2008

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Cynllun)

(This note is not part of the Scheme)

Mae'r offeryn hwn yn diwygio Cynllun Credydau Treth (Cymeradwyo Darparwyr Gofal Plant) (Cymru) 2007 ("Cynllun 2007").

This instrument amends the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007 ("the 2007 Scheme").

Mae Cynllun 2007 yn darparu ar gyfer cymeradwyo darparwyr gofal plant at ddibenion adran 12(5) o Ddeddf Credydau Treth 2002. Yn benodol, mae'n darparu ar gyfer gweithredu system ar gyfer penderfynu ar geisiadau am gymeradwyaeth ac ar gyfer yr hawl i apelio yn erbyn penderfyniad i wrthod cymeradwyaeth neu i'w thynnu'n ôl.

The 2007 Scheme provides for the approval of child care providers for the purposes of section 12(5) of the Tax Credits Act 2002. In particular, it provides for the operation of a system for the determination of applications for approval and a right to appeal against a refusal or withdrawal of approval.

O dan Gynllun 2007 gwnaed apelau i'r Tribiwnlys a sefydlwyd gan adran 9 o Ddeddf Amddiffyn Plant 1999 ("y Tribiwnlys") ac ymdrinid ag apelau o'r fath yn unol â Rheoliadau Tribiwnlys Amddiffyn Plant ac Oedolion Hawdd eu Niweidio a Safonau Gofal 2002. Mae'r darpariaethau apelio wedi'u gosod yn erthygl 11 o Gynllun 2007.

Under the 2007 Scheme appeals were made to the Tribunal established by section 9 of the Protection of Children Act 1999 ("the Tribunal") and such appeals were dealt with in accordance with the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002. The appeal provisions are set out in article 11 of the 2007 Scheme.

Yn unol â Deddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007 trosglwyddwyd swyddogaethau presennol y Tribiwnlys i'r Tribiwnlys Haen Gyntaf, a lywodraethir gan Reolau Gweithdrefnau'r Tribiwnlys newydd a wneir yn unol ag adran 22 o Ddeddf 2007.

Pursuant to the Tribunals, Courts and Enforcement Act 2007 the existing functions of the Tribunal have been transferred to the First-tier Tribunal, which shall be governed by new Tribunal Procedure Rules made pursuant to section 22 of the 2007 Act.

Mae'r offeryn hwn yn diwygio Cynllun 2007 gan gymryd ystyriaeth o'r newidiadau hyn. Mae'n darparu y bydd unrhyw gyfeiriad at y Tribiwnlys yng Nghynllun 2007 yn cael ei ddisodli gan gyfeiriad at y Tribiwnlys Haen Gyntaf ac mae'n mewnosod diffiniad o'r Tribiwnlys Haen Gyntaf yn erthygl 2 o Gynllun 2007.

This instrument amends the 2007 Scheme to take account of these changes. It provides that any reference to the Tribunal in the 2007 Scheme shall be replaced by a reference to the First-tier Tribunal and inserts into article 2 of the 2007 Scheme a definition of the First-tier Tribunal.

Mae hefyd yn diwygio erthygl 11 o Gynllun 2007 drwy fewnosod paragraff (2) newydd sy'n cymhwysu

It also amends article 11 of the 2007 Scheme by inserting a new paragraph (2) which applies the

Rheolau Gweithdrefnau'r Tribiwnlys at unrhyw apêl o dan Gynllun 2007 ac yn hepgor paragraffau (3) a (4).

Tribunal Procedure Rules to any appeal under the 2007 Scheme and omits paragraphs (3) and (4).

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TAX CREDITS, WALES

**Cynllun Credydau Treth
(Cymeradwyo Darparwyr Gofal
Plant) (Cymru) (Diwygio) 2008**

**The Tax Credits (Approval of
Child Care Providers) (Wales)
(Amendment) Scheme 2008**

Gwnaed 8 Hydref 2008

Made 8 October 2008

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 10 Hydref 2008

*Laid before the National
Assembly for Wales* 10 October 2008

Yn dod i rym 3 Tachwedd 2008

Coming into force 3 November 2008

Mae Gweinidogion Cymru, sef yr awdurdod priodol o dan adran 12(6) o Ddeddf Credydau Treth 2002(1), yn gwneud y diwygiadau a ganlyn i'r Cynllun Credydau Treth (Cymeradwyo Darparwyr Gofal Plant) (Cymru) 2007(2) drwy arfer y pwerau a roddwyd gan adrannau 12(5), (7) ac (8) a 65(3) a (9) o'r Ddeddf honno(3) ac ar ôl ymgynghori â'r Cyngor Cyfiawnder Gweinyddol a Thribiwnlysoedd (4).

The Welsh Ministers, being the appropriate national authority under section 12(6) of the Tax Credits Act 2002(1), make the following amendments to the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007(2) in exercise of the powers conferred by sections 12(5), (7) and (8) and 65(3) and (9) of that Act(3) and after consultation with the Administrative Justice and Tribunals Council (4).

Enwi a chychwyn

1.—(1) Enw'r offeryn hwn yw Cynllun Credydau Treth (Cymeradwyo Darparwyr Gofal Plant) (Cymru) (Diwygio) 2008 a daw i rym ar 3 Tachwedd 2008.

Title and commencement

1.—(1) The title of this instrument is the Tax Credits (Approval of Child Care Providers) (Wales) (Amendment) Scheme 2008 and it comes into force on 3 November 2008.

2. Mae'r offeryn hwn yn gymwys o ran Cymru.

2. This instrument applies in relation to Wales.

**Diwygio Cynllun Credydau Treth (Cymeradwyo
Darparwyr Gofal Plant) (Cymru) 2007**

3.—(1) Diwygir Cynllun Credydau Treth (Cymeradwyo Darparwyr Gofal Plant) (Cymru) 2007 fel a ganlyn.

**Amendment of the Tax Credits (Approval of Child
Care Providers) (Wales) Scheme 2007**

3.—(1) The Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007 is amended as follows.

(1) 2002 p.21.

(2) O.S. 2007/226 (Cy.20).

(3) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 12(5), (7) ac (8) a 65(3) a (9) o Ddeddf Credydau Treth 2002 i Weinidogion Cymru drwy weithrediad paragraff 30 o Atodlen 11 i Deddf Llywodraeth Cymru 2006.

(4) Deddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007, Atodlen 7, paragraff 24.

(1) 2002 c.21.

(2) S.I. 2007/226 (W.20).

(3) Functions of the National Assembly for Wales under sections 12(5), (7) and (8) and 65(3) and (9) of the Tax Credits Act 2002 were transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(4) Tribunals, Courts and Enforcement Act 2007, Schedule 7, paragraph 24.

(2) Yn erthygl 2 (Diffiniadau) —

- (a) hepgorer y diffiniadau o "y Rheoliadau Tribiwnlys" ac "y Tribiwnlys";
- (b) mewnosoder y diffiniadau a ganlyn yn y manau priodol yn nhrefn yr wyddor—

""y mae i'r ymadrodd "y Tribiwnlys Haen Gyntaf" yr un ystyr ag sydd i'r ymadrodd "the First-tier Tribunal" yn Neddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007(1);";

""y mae i'r ymadrodd "Rheolau Gweithdrefnau'r Tribiwnlys" yr un ystyr ag sydd i'r ymadrodd "the Tribunal Procedure Rules" yn Neddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007.".

(3) Yn erthygl 11 (Apelau) —

- (a) ym mharagraffau (1) a (5) yn lle "Tribiwnlys" rhodder " Tribiwnlys Haen Gyntaf";
- (b) yn lle paragraff 2 rhodder—

"(2) Y mae Rheolau Gweithdrefnau'r Tribiwnlys yn gymwys i apel o dan baragraff (1) fel y maent yn gymwys i apel o dan adran 79 o Ddeddf 1989 (2)."; ac

- (c) hepgorer paragraffau (3) a (4).

(2) In article 2 (Definitions) —

- (a) omit the definitions of "the Tribunal" and "the Tribunal Regulations";
- (b) insert the following definitions at the appropriate place in alphabetical order —

""the First-tier Tribunal" ("*Tribiwnlys Haen Gyntaf*") has the same meaning as in the Tribunals, Courts and Enforcement Act 2007(1);";

""the Tribunal Procedure Rules" ("*Rheolau Gweithdrefnau'r Tribiwnlys*") has the same meaning as in the Tribunals, Courts and Enforcement Act 2007.".

(3) In article 11 (Appeals) —

- (a) in paragraphs (1) and (5) for "Tribunal" substitute "First-tier Tribunal";
- (b) for paragraph (2) substitute —

"(2) Tribunal Procedure Rules apply to an appeal under paragraph (1) as they apply to an appeal under section 79M of the 1989 Act (2)."; and

- (c) omit paragraphs (3) and (4).

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

8 Hydref 2008

8 October 2008

(1) 2007 p.15.

(2) 1989 p.41.

(1) 2007 c.15.

(2) 1989 c.41.

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