OFFERYNNAU STATUDOL CYMRU

2012 Rhif 3023 (Cy.307)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Cyngor Gofal Cymru (Penodi, Aelodaeth a Gweithdrefn) (Diwygio) 2012

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cyngor Gofal Cymru (Penodi, Aelodaeth a Gweithdrefn) 2001 i ymdrin â'r newidiadau a gafodd effaith yn sgil dwyn Deddf Iechyd a Gofal Cymdeithasol 2012 ("Deddf 2012") i rym.

O dan ddarpariaethau Deddf 2012, ar 1 Awst 2012 newidiwyd enw'r corff a elwid gynt y Cyngor Proffesiynau Iechyd ("HPC") i'r Cyngor Proffesiynau Iechyd a Gofal ("HCPC"). Ar yr un diwrnod trosglwyddwyd swyddogaethau'r Cyngor Gofal Cymdeithasol Cyffredinol ("GSCC") iddo ac ar 1 Hydref 2012 diddymwyd y GSCC.

Mae rheoliad 2 yn rhoi cyfeiriadau at yr HCPC, a sefydlwyd gan erthygl 3 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001, yn lle cyfeiriadau at y GSCC. Mae'n hepgor y cyfeiriadau at y Cyngor Canolog Addysg a Hyfforddiant mewn Gwaith Cymdeithasol ("CCETSW") sydd wedi ei ddiddymu hefyd. Dilëir y cyfeiriadau at y rhestrau a ddelir gan yr Ysgrifennydd Gwladol o dan ddarpariaethau sydd bellach wedi eu diddymu (y rhestrau a sefydlwyd o dan Ddeddf Amddiffyn Plant 1999 a'r rhestr Amddiffyn Oedolion Hyglwyf a sefydlwyd o dan Ran VII o Ddeddf Safonau Gofal 2000) a rhoddir yn eu lle gyfeiriadau at y rhestrau o bersonau wedi eu gwahardd y cyfeirir atynt yn adran 2 o Ddeddf Diogelu Grwpiau Hyglwyf 2006. Mae rheoliad 2(3)(c)(ii) yn cywiro mân wall drafftio drwy roi (d) yn lle (ch).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care Council for Wales (Appointment, Membership and Procedure) Regulations 2001 to deal with changes brought into effect by the coming into force of the Health and Social Care Act 2012 ("the 2012 Act").

Under the provisions of the 2012 Act, on 1 August 2012 the body previously known as the Health Professions Council ("HPC") changed its name to the Health and Care Professions Council ("HCPC"). On the same day the functions of the General Social Care Council ("GSCC") were transferred to it and on 1 October 2012 the GSCC was abolished.

Regulation 2 replaces references to the GSCC with references to the HCPC established by article 3 of the Health and Social Work Professions Order 2001. It omits references to the Central Council for Education and Training in Social Work ("CCETSW") which has also been abolished. References to the lists held by the Secretary of State under provisions that have now been repealed (the lists established under the Protection of Children Act 1999 and the Protection of Vulnerable Adults list established under Part VII of the Care Standards Act 2000) are removed and replaced with references to the barred lists referred to in section 2 of the Safeguarding Vulnerable Groups Act 2006. Regulation 2(3)(c)(ii) corrects a minor drafting error substituting (e) for (d).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was

perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Gwnaed	*1 Rhagfyr 2012*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*5 Rhagfyr 2012*
Yn dod i rym	*1 Ionawr 2013*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan baragraff 6 o Atodlen 1 i Ddeddf Safonau Gofal 2000(**1**) ac adran 118A(1) i (3) o'r Ddeddf honno.

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Gofal Cymru (Penodi, Aelodaeth a Gweithdrefn) (Diwygio) 2012.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ionawr 2013.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(4) Yn y Rheoliadau hyn ystyr "Rheoliadau 2001" ("*the 2001 Regulations*") yw Rheoliadau Cyngor Gofal Cymru (Penodi, Aelodaeth a Gweithdrefn) 2001(**2**).

Diwygio Rheoliadau 2001

2.—(1) Yn rheoliad 1(2) o Reoliadau 2001 (enwi, cychwyn a dehongli)—

(a) hepgorer y diffiniad o "CCETSW";

(b) yn y diffiniad o "Cyngor Lloegr", yn lle "Cyngor Gofal Cymdeithasol Cyffredinol a sefydlwyd gan adran 54 o'r Ddeddf" rhodder "Cyngor Proffesiynau Iechyd a Gofal a sefydlwyd gan erthygl 3 o Orchymyn

(**1**) 2000 p.14.

(**2**) O.S. 2001/2136 (Cy.149).

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Made	*1 December 2012*
Laid before the National Assembly for Wales	*5 December 2012*
Coming into force	*1 January 2013*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by paragraph 6 of Schedule 1 to, and section 118A(1) to (3) of, the Care Standards Act 2000(**1**).

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Care Council for Wales (Appointment, Membership and Procedure) (Amendment) Regulations 2012.

(2) These Regulations come into force on 1 January 2013.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations "the 2001 Regulations" ("*Rheoliadau 2001*") means the Care Council for Wales (Appointment, Membership and Procedure) Regulations 2001(**2**).

Amendment of the 2001 Regulations

2.—(1) In regulation 1(2) of the 2001 Regulations (citation, commencement and interpretation)—

(a) omit the definition of "CCETSW";

(b) in the definition of "English Council", for "General Social Care Council established by section 54 of the Act" substitute "Health and Care Professions Council established by article 3 of the Health and Social Work Professions

(**1**) 2000 c.14.

(**2**) S.I. 2001/2136 (W.149).

Proffesiynau Iechyd a Gofal Cymdeithasol 2001(**1**)".

(2) Yn rheoliad 2 hepgorer paragraff (6)(dd).

(3) Yn rheoliad 5 o Reoliadau 2001 (anghymhwyso rhag penodi)—

(a) yn lle paragraff (1)(ch) rhodder y canlynol—

"os yw wedi'i gynnwys yn y naill restr neu'r llall a sefydlwyd o dan adran 2 o Ddeddf Diogelu Grwpiau Hyglwyf 2006(**2**); ";

(b) ym mharagraff (1)(d) hepgorer "neu gan Gyngor Lloegr" a hepgorer "neu (yn ôl fel y digwydd) gan Gyngor Lloegr";

(c) ym mharagraff (1)(dd)—

(i) ar ôl "Gyngor yr Alban" mewnosoder "neu yn Rhan 16 o'r gofrestr y mae'n ofynnol i Gyngor Lloegr ei chadw";

(ii) yn lle "ym mharagraff (ch)" rhodder "yn is-baragraff (d)";

(iii) hepgorer "neu gan Gyngor Lloegr";

(d) ym mharagraff (3)—

(i) ar ôl "Gogledd Iwerddon" mewnosoder ", cyfraith" a hepgorer "neu (yn ôl fel y digwydd) gyfraith";

(ii) ar ôl "yr Alban" mewnosoder "neu (yn ôl fel y digwydd) y gyfraith sy'n ymwneud â'r gofrestr a ddelir gan Gyngor Lloegr".

(4) Yn rheoliad 6(1) o Reoliadau 2001 (anghymhwyster yn dod i ben) ar ôl "yn y gofrestr" mewnosoder "neu mewn perthynas â'r gofrestr a gynhelir gan Gyngor Lloegr ar y rhan honno o'r gofrestr".

Order 2001(**1**)".

(2) In regulation 2 omit paragraph (6)(f).

(3) In regulation 5 of the 2001 Regulations (disqualification from appointment)—

(a) for paragraph (1)(d) substitute the following—

"he or she is included in either of the lists established under section 2 of the Safeguarding Vulnerable Groups Act 2006(**2**); ";

(b) in paragraph (1)(e) omit "or the English Council" and omit "or (as the case may be) the English Council";

(c) in paragraph (1)(f)—

(i) after "Scottish Council" insert "or in Part 16 of the register required to be kept by the English Council";

(ii) for "sub-paragraph (d)" substitute "sub-paragraph (e)";

(iii) omit "or the English Council";

(d) in paragraph (3)—

(i) after "Northern Ireland" insert "," and omit "or (as the case may be)";

(ii) after "Scotland" insert "or (as the case may be) the law relating to the register held by the English Council".

(4) In regulation 6(1) of the 2001 Regulations (cessation of disqualification) after "in the register" insert "or as regards the register maintained by the English Council on that part of the register".

Gwenda Thomas

Llofnodwyd gan y Dirprwy Weinidog Plant a Gwasanaethau Cymdeithasol o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

1 Rhagfyr 2012

Signed by the Deputy Minister for Children and Social Services under the authority of the Minister for Health and Social Services, one of the Welsh Ministers

1 December 2012

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(**1**) O.S. 2002/254 fel y'i diwygiwyd gan Ddeddf Iechyd a Gofal Cymdeithasol 2012 (*gweler* adran 214 yn benodol sy'n newid enw'r Cyngor Proffesiynau Iechyd i'r Cyngor Proffesiynau Iechyd a Gofal).

(**2**) 2006 p.47.

(**1**) S.I. 2002/254 as amended by the Health and Social Care Act 2012 (*see* section 214 in particular which changes the name of the Health Professions Council to the Health and Care Professions Council).

(**2**) 2006 c.47.

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