



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 1626 (Cy. 341)

2020 No. 1626 (W. 341)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN
UNION, WALES**

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**CYMWYSTERAU
PROFFESIYNOL, CYMRU**

**PROFESSIONAL
QUALIFICATIONS, WALES**

Rheoliadau Rheoleiddio ac Arolygu
Gofal Cymdeithasol
(Cymwysterau) (Cymru) (Diwygio)
(Ymadael â'r UE) 2020

The Regulation and Inspection of
Social Care (Qualifications) (Wales)
(Amendment) (EU Exit) Regulations
2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16), er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn gwneud diwygiadau i Rheoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â'r UE) 2019 (O.S. 2019/761 (Cy. 144) ("Rheoliadau 2019") er mwyn cywiro mân wallau drafftio a rhoi cyfeiriadau at "diwrnod cwblhau'r cyfnod gweithredu" yn lle cyfeiriadau at "y diwrnod ymadael".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/761 (W. 144) ("the 2019 Regulations") to correct minor drafting errors and to substitute references to "IP completion day" for "exit day".

Maent hefyd wedi eu gwneud drwy arfer y pwerau a roddir yn adrannau 12 a 14 o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1) a pharagraff 12 o Atodlen 4 iddi er mwyn gweithredu a gwneud darpariaeth drosiannol ychwanegol yn Rheoliadau 2019 sy'n ymwneud â'r canlynol—

- cytundeb hawliau dinasyddion Cymdeithas Masnach Rydd Ewrop (EFTA) yr AEE a lofnodwyd yn Llundain ar 2 Ebrill 2019 rhwng Gwlad yr Iâ, Tywysogaeth Liechtenstein, Teyrnas Norwy a Theyrnas Unedig Prydain Fawr a Gogledd Iwerddon ar drefniadau ynghylch hawliau dinasyddion yn dilyn ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd a Chytundeb yr AEE, ac
- y cytundeb ar hawliau dinasyddion Swisaidd a lofnodwyd yn Bern ar 25 Chwefror 2019 rhwng y Deyrnas Unedig a Chydffederasiwn y Swistir ar hawliau dinasyddion yn dilyn ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd a'r cytundeb ar symudiad rhydd personau,

i'r graddau y mae'r cytundebau hynny yn ymwneud â chydabod cymwysterau proffesiynol yn gilyddol a darparu gwasanaethau proffesiynol dros dro ac yn achlysurol.

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.

They are also made in exercise of the powers conferred in sections 12 and 14 of, and paragraph 12 of Schedule 4 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1) to implement and make additional transitional provision in the 2019 Regulations relating to—

- the EEA EFTA citizens' rights agreement signed at London on 2 April 2019 between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland on arrangements regarding citizens' rights following the withdrawal of the United Kingdom from the European Union and the EEA Agreement, and
- the Swiss citizens' rights agreement signed at Bern on 25 February 2019 between the United Kingdom and the Swiss Confederation on citizens' rights following the withdrawal of the United Kingdom from the European Union and the free movement of persons agreement,

so far as those agreements relate to the mutual recognition of professional qualifications and the temporary and occasional provision of professional services.

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

2020 Rhif 1626 (Cy. 341)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**GOFAL CYMDEITHASOL,
CYMRU**

**CYMWYSTERAU
PROFFESIYNOL, CYMRU**

Rheoliadau Rheoleiddio ac Arolygu
Gofal Cymdeithasol
(Cymwysterau) (Cymru) (Diwygio)
(Ymadael â'r UE) 2020

Gwnaed

21 Rhagfyr 2020

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(1) ("Deddf 2018") ac adrannau 12 a 14 o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020(2) ("Deddf 2020") a pharagraff 12 o Atodlen 4 iddi.

Yn unol â pharagraff 1(9) o Atodlen 7 i Ddeddf 2018 a pharagraff 3(5) o Atodlen 4 i Ddeddf 2020, gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

2020 No. 1626 (W. 341)

**EXITING THE EUROPEAN
UNION, WALES**

SOCIAL CARE, WALES

**PROFESSIONAL
QUALIFICATIONS, WALES**

The Regulation and Inspection of
Social Care (Qualifications) (Wales)
(Amendment) (EU Exit) Regulations
2020

Made

21 December 2020

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(1) ("the 2018 Act") and sections 12 and 14 of, and paragraph 12 of Schedule 4 to, the European Union (Withdrawal Agreement) Act 2020(2) ("the 2020 Act").

In accordance with paragraph 1(9) of Schedule 7 to the 2018 Act and paragraph 3(5) of Schedule 4 to the 2020 Act, a draft of this instrument has been laid before and approved by a resolution of Senedd Cymru.

(1) 2018 p. 16 ("Deddf 2018"). *Gweler* adran 20(1) o Ddeddf 2018 am y diffiniad o "devolved authority". Diwygiwyd paragraff 21 o Atodlen 7 i Ddeddf 2018 gan adran 41(4) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 a pharagraff 53(1) a (2) o Atodlen 5 iddi.

(2) 2020 p. 1 ("Deddf 2020"). *Gweler* adrannau 12(8) a 14(6) o Ddeddf 2020 am y diffiniad o "appropriate authority" ac adran 39(1) o'r Ddeddf honno am y diffiniad o "devolved authority".

(1) 2018 c. 16 ("the 2018 Act"). *See* section 20(1) of the 2018 Act for the definition of "devolved authority". Paragraph 21 of Schedule 7 to the 2018 Act was amended by section 41(4) of, and paragraph 53(1) and (2) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020.

(2) 2020 c. 1 ("the 2020 Act"). *See* sections 12(8) and 14(6) of the 2020 Act for the definition of "appropriate authority" and section 39(1) of that Act for the definition of "devolved authority".

Fel sy'n ofynnol gan baragraff 4(a) o Atodlen 2 i Ddeddf 2018, ymgynghorwyd â'r Ysgrifennydd Gwladol wrth lunio'r Rheoliadau hyn.

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â'r UE) 2020.

(2) Daw'r Rheoliadau hyn i rym yn union cyn diwrnod cwblhau'r cyfnod gweithredu(1).

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

(4) Yn y Rheoliadau hyn, ystyr "Rheoliadau 2019" yw Rheoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â'r UE) 2019(2).

Diwygio Rheoliadau 2019

2. Mae Rheoliadau 2019 wedi eu diwygio fel a ganlyn.

3. Yn rheoliad 1 (enwi, cychwyn, cymhwyso a dehongli)—

(a) ym mharagraff (2) hepgorer "Yn ddarostyngedig i baragraff (3),";

(b) hepgorer paragraff (3).

4. Yn Rhan 1 (diwygiadau i ddeddfwriaeth), yn lle rheoliad 14 rhodder—

"14. Yn Atodlen 1 (gwasanaethau rheoleiddiedig: diffiniadau), ym mharagraff 7(4) (gwasanaethau eirioli), yn lle paragraff (b) rhodder—

"(b) yn berson y mae un o'r darpariaethau a ganlyn yn cael effaith ar ei gyfer er mwyn caniatáu i'r person hwnnw barhau i ymarfer fel cyfreithiwr yng Nghymru a Lloegr a Gogledd Iwerddon, neu'r Alban, ar neu ar ôl diwrnod cwblhau'r cyfnod gweithredu—

(i) rheoliad 5 (darpariaeth drosiannol: Gorchymyn 1978 a'r Swistir) o Reoliadau Gwasanaethau Cyfreithwyr ac Ymarfer Cyfreithwyr (Dirymu etc.)

As required by paragraph 4(a) of Schedule 2 to the 2018 Act, the Secretary of State has been consulted during the preparation of these Regulations.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2020.

(2) These Regulations come into force immediately before IP completion day(1).

(3) These Regulations apply in relation to Wales.

(4) In these Regulations, "the 2019 Regulations" means the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019(2).

Amendment of the 2019 Regulations

2. The 2019 Regulations are amended as follows.

3. In regulation 1 (title, commencement, application and interpretation)—

(a) in paragraph (2) omit "Subject to paragraph (3),";

(b) omit paragraph (3).

4. In Part 1 (amendments to legislation), for regulation 14 substitute—

"14. In Schedule 1 (regulated services: definitions), in paragraph 7(4) (advocacy services), for paragraph (b) substitute—

"(b) a person for whom one of the following provisions has effect so as to allow that person to continue to practise as a lawyer in England and Wales and Northern Ireland, or Scotland, on or after IP completion day—

(i) regulation 5 (transitional provision: the 1978 Order and Switzerland) of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit)

(1) Mae i "diwrnod cwblhau'r cyfnod gweithredu" yr un ystyr ag "IP completion day" yn Neddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020, gweler adran 39(1) i (5) o'r Ddeddf honno.

(2) O.S. 2019/761 (Cy. 144) ("Rheoliadau 2019"). Mae'r cyfeiriad at "y diwrnod ymadael" yn rheoliad 1(2) o Reoliadau 2019 i'w ddarllen fel cyfeiriad at "diwrnod cwblhau'r cyfnod gweithredu" yn rhinwedd paragraff 1 o Atodlen 5 i Ddeddf 2020.

(1) "IP completion day" has the same meaning as in the European Union (Withdrawal Agreement) Act 2020, see section 39(1) to (5) of that Act.

(2) S.I. 2019/761 (W. 144) ("the 2019 Regulations"). The reference to "exit day" in regulation 1(2) of the 2019 Regulations is to be read as a reference to "IP completion day" by virtue of paragraph 1 of Schedule 5 to the 2020 Act.

- (Ymadael â'r UE) 2020(1) (“Rheoliadau 2020”);
- (ii) rheoliad 5 (darpariaeth drosiannol: Gorchymyn y Cymunedau Ewropeaidd (Gwasanaethau Cyfreithwyr) 1978 a'r Swistir) o Reoliadau Gwasanaethau Cyfreithwyr ac Ymarfer Cyfreithwyr (Ymadael â'r UE) (Yr Alban) (Diwygio etc.) 2019(2) (“Rheoliadau 2019”);
- (iii) rheoliad 6 (darpariaeth drosiannol: Rheoliadau 2000 a chyfreithwyr Swisaidd) o Reoliadau 2020;
- (iv) rheoliad 7 (darpariaeth drosiannol: Rheoliadau'r Cymunedau Ewropeaidd (Ymarfer Cyfreithwyr) (Yr Alban) 2000 a chyfreithwyr Swisaidd) o Reoliadau 2019.””
- Regulations 2020(1) (“the 2020 Regulations”);
- (ii) regulation 5 (transitional provision: the European Communities (Services of Lawyers) Order 1978 and Switzerland) of the Services of Lawyers and Lawyer’s Practice (EU Exit) (Scotland) (Amendment etc.) Regulations 2019(2) (“the 2019 Regulations”);
- (iii) regulation 6 (transitional provision: the 2000 Regulations and Swiss lawyers) of the 2020 Regulations;
- (iv) regulation 7 (transitional provision: the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000 and Swiss lawyers) of the 2019 Regulations.””

Mewnosod darpariaeth ddehongli

5. Yn Rhan 2 (arbedion a darpariaeth drosiannol), o Reoliadau 2019 o flaen rheoliad 16 mewnosoder—

“Dehongli Rhan 2

15A.—(1) Yn y Rhan hon—

ystyr “contract presennol” (“*existing contract*”) yw contract ysgrifenedig a gwblhawyd, ac y dechreuwyd ei gyflawni, cyn diwrnod cwblhau'r cyfnod gweithredu;

ystyr “Cyfarwyddeb 2005/36” (“*Directive 2005/36*”) yw Cyfarwyddeb 2005/36/EC Senedd Ewrop a'r Cyngor dyddiedig 7 Medi 2005 ar gydnabod cymwysterau proffesiynol, fel yr oedd yn cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu;

ystyr “cyfnod cydnabod Swisaidd” (“*Swiss recognition period*”) yw'r cyfnod o bedair blynedd sy'n dechrau â'r diwrnod yn union ar ôl diwrnod cwblhau'r cyfnod gweithredu;

ystyr “cyfnod trosiannol ymarferwyr sydd ar ymweliad” (“*visiting practitioner transitional period*”) yw—

- (a) y cyfnod o bum mlynedd sy'n dechrau â diwrnod cwblhau'r cyfnod gweithredu (gweler Erthygl 23(1) o'r

Insertion of interpretation provision

5. In Part 2 (savings and transitional provision) of the 2019 Regulations, before regulation 16 insert—

“Interpretation of Part 2

15A. In this Part—

“the 2007 Regulations” (“*Rheoliadau 2007*”) means the European Communities (Recognition of Professional Qualifications) Regulations 2007(3) as—

- (a) before IP completion day they continued to apply by virtue of—

(i) regulation 78 of the European Union (Recognition of Professional Qualifications) Regulations 2015;

(ii) regulation 155 of the European Qualifications (Health and Social Care Professions) Regulations 2016(4); and

- (b) after IP completion day, they continue to apply under Part 3 of Schedule 1 to the Recognition of Professional

(1) O.S. 2020/1342
(2) O.S.A. 2019/127.

(1) S.I. 2020/1342
(2) S.S.I. 2019/127.
(3) S.I. 2007/2781. S.I. 2007/2781 was revoked by S.I. 2015/2059 but continued to apply in relation to Swiss nationals before IP completion day by virtue of regulation 78 of S.I. 2015/2059 and regulation 155 of S.I. 2016/1030.
(4) S.I. 2016/1030.

- cytundeb ar hawliau dinasyddion Swisaidd), neu
- (b) os yw'r cyfnod ym mharagraff (a) yn cael ei estyn yn unol ag Erthygl 23(2) o'r Cytundeb hwnnw, y cyfnod hwnnw fel y'i hestynnir;
- ystyr "cymhwyster perthnasol" ("*relevant qualification*") yw—
- (a) cymhwyster proffesiynol a geir mewn Gwladwriaeth AAE neu yn y Swistir cyn diwrnod cwblhau'r cyfnod gweithredu;
- (b) cymhwyster proffesiynol a ddechreuodd mewn Gwladwriaeth AEE neu yn y Swistir ond nas cwblhawyd cyn diwrnod cwblhau'r cyfnod gweithredu;
- (c) cymhwyster proffesiynol trydedd wlad a gydnabyddir gan awdurdod cymwys yn y Swistir yn unol ag Erthygl 2(2) o Gyfarwyddeb 2005/36 cyn diwrnod cwblhau'r cyfnod gweithredu;
- (d) cymhwyster proffesiynol trydedd wlad y mae cais i'w gydnabod yn unol ag Erthygl 2(2) o Gyfarwyddeb 2005/36 wedi ei gyflwyno i awdurdod cymwys yn y Swistir cyn diwrnod cwblhau'r cyfnod gweithredu, pan fo'r cais hwnnw yn llwyddiannus,

ac at ddibenion y diffiniad hwn, ystyr "cymhwyster proffesiynol" yw cymhwyster sy'n berthnasol i ddilyn gwaith cymdeithasol neu waith fel rheolwr gofal cymdeithasol;

ystyr "cytundeb ar hawliau dinasyddion Swisaidd" ("*Swiss citizens' rights agreement*") (fel y'i haddesir o bryd i'w gilydd yn unol ag unrhyw ddarpariaeth ohono) yw'r Cytundeb a lofnodwyd yn Bern ar 25 Chwefror 2019 rhwng Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a Chyddfederasiwn y Swistir ar hawliau dinasyddion yn dilyn ymadawiad y Deyrnas Unedig â'r canlynol—

- (a) yr Undeb Ewropeaidd, a
- (b) y cytundeb ar symudiad rhydd personau,

i'r graddau y mae'r Cytundeb yn gweithredu at ddibenion yr achos pan fo i "dyddiad penodedig" at ddibenion y Cytundeb hwnnw yr ystyr a roddir i "specified date" yn Erthygl 2(b)(ii) o'r Cytundeb hwnnw;

Qualifications (Amendment etc.) (EU Exit) Regulations 2019(1);

"the 2015 Regulations" ("*Rheoliadau 2015*") means the European Union (Recognition of Professional Qualifications) Regulations 2015(2);

"Directive 2005/36" ("*Cyfarwyddeb 2005/36*") means Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as it had effect immediately before IP completion day;

"enforceable EU right" ("*hawl EU orfodadwy*") means a right recognised and available in domestic law immediately before IP completion day, by virtue of section 2(1) of the European Communities Act 1972(3);

"existing contract" ("*contract presennol*") means a written contract which was concluded, and the performance of which started, before IP completion day;

"relevant applicant" ("*ymgeisydd perthnasol*") means a person—

- (a) who provides services as a social worker or social care manager in the United Kingdom on a temporary and occasional basis on the basis of an existing contract,
- (b) who began providing, or begins to provide a service mentioned in paragraph (a), either—
- (i) before IP completion day, as an employee or in a self-employed capacity, or
- (ii) on or after IP completion day, as an employee posted for the purpose of carrying on social work or work as a social care manager

(1) S.I. 2019/312, amended by S.I. 2020/1038; Schedule 1 to S.I. 2019/312 amends the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781) and the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) and contains saving and transitional provisions relating to each of those instruments. S.I. 2007/2781 was revoked with savings by S.I. 2015/2059 and by S.I. 2019/312. S.I. 2015/2059 is amended by paragraph 389 of Schedule 19 to the Data Protection Act 2018 (c. 12), and by S.I. 2016/696, 1094 and 1030, 2018/838 and 1101 and 2019/89 and 312. As a result of the application of paragraph 1 of Schedule 5 to the 2020 Act, provisions in S.I. 2019/312 expressed to come into force on exit day are to be read instead as coming into force on IP completion day.

(2) S.I. 2015/2059.

(3) 1972 c. 68. Section 2 was repealed, subject to savings, by the European Union (Withdrawal) Act 2019 (c. 16), section 1.

ystyr “Gwladwriaeth Ewropeaidd berthnasol” (“*relevant European State*”) yw Gwladwriaeth AEE neu’r Swistir;

ystyr “hawl UE orfodadwy” (“*enforceable EU right*”) yw hawl a gydnabyddir ac sydd ar gael mewn cyfraith ddomestig yn union cyn diwrnod cwblhau’r cyfnod gweithredu, yn rhinwedd adran 2(1) o Ddeddf y Cymunedau Ewropeaidd 1972(1);

ystyr “Rheoliadau 2007” (“*the 2007 Regulations*”) yw Rheoliadau’r Cymunedau Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2007(2) fel—

(a) yr oeddent, cyn diwrnod cwblhau’r cyfnod gweithredu, yn parhau i fod yn gymwys yn rhinwedd—

(i) rheoliad 78 o Reoliadau’r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015;

(ii) rheoliad 155 o Reoliadau Cymwysterau Ewropeaidd (Proffesiynau Iechyd a Gofal Cymdeithasol) 2016(3); a

(b) y maent, ar ôl diwrnod cwblhau’r cyfnod gweithredu, yn parhau i fod yn gymwys o dan Ran 3 o Atodlen 1 i Reoliadau Cydnabod Cymwysterau Proffesiynol (Diwygio etc.) (Ymadael â’r UE) 2019(4);

ystyr “Rheoliadau 2015” (“*the 2015 Regulations*”) yw Rheoliadau’r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015(5);

in the United Kingdom by their employer who is established in the United Kingdom or Switzerland,

(c) who is—

(i) a national of the United Kingdom,

(ii) a national of Switzerland, or

(iii) a third country national, who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either the United Kingdom or Switzerland for the purposes of access to and the pursuit of social work or work as a social care manager,

(d) who is lawfully established in Switzerland for the purpose of access to and the pursuit of social work or work as a social care manager there,

(e) who, if neither the profession of social worker or social care manager that the person wishes to access and pursue in the United Kingdom nor the education and training leading to it is regulated in Switzerland, has pursued that profession in Switzerland for at least 2 years during the 10 years preceding the provision of services;

“relevant European State” (“*Gwladwriaeth Ewropeaidd berthnasol*”) means an EEA State or Switzerland;

“relevant qualification” (“*cymhwyster perthnasol*”) means—

(a) a professional qualification obtained in an EEA State or Switzerland before IP completion day;

(b) a professional qualification started in an EEA State or Switzerland but not completed before IP completion day;

(c) a third country professional qualification recognised by a competent authority in Switzerland pursuant to Article 2(2) of Directive 2005/36 before IP completion day;

(d) a third country professional qualification for which an application for recognition pursuant to Article 2(2) of Directive 2005/36 has been submitted to a competent authority in Switzerland before IP completion day, where that application is successful,

(1) 1972 p. 68. Diddymwyd adran 2, yn ddarostyngedig i arbedion, gan Ddeddf yr Undeb Ewropeaidd (Ymadael) 2019 (p. 16), adran 1.

(2) O.S. 2007/2781. Dirymwyd O.S. 2007/2781 gan O.S. 2015/2059 ond roedd yn parhau i fod yn gymwys mewn perthynas â gwladolion Swisaidd cyn diwrnod cwblhau’r cyfnod gweithredu yn rhinwedd rheoliad 78 o O.S. 2015/2059 a rheoliad 155 o O.S. 2016/1030.

(3) O.S. 2016/1030.

(4) O.S. 2019/312, a ddiwygiwyd gan O.S. 2020/1038. Mae Atodlen 1 i O.S. 2019/312 yn diwygio Rheoliadau’r Cymunedau Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2007 (O.S. 2007/2781) a Rheoliadau’r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015 (O.S. 2015/2059) ac yn cynnwys darpariaethau arbed a darpariaethau trosiannol sy’n ymwneud â phob un o’r offerynnau hynny. Dirymwyd O.S. 2007/2781 gydag arbedion gan O.S. 2015/2059 a chan O.S. 2019/312. Mae O.S. 2015/2059 wedi ei ddiwygio gan baragraff 389 o Atodlen 19 i Ddeddf Diogelu Data 2018 (p. 12), a chan O.S. 2016/696, 1094 ac 1030, 2018/838 ac 1101 a 2019/89 a 312. O ganlyniad i gymhwyso paragraff 1 o Atodlen 5 i Ddeddf 2020, mae’r darpariaethau yn O.S. 2019/312 y mynegir eu bod i ddod i rym ar y diwrnod ymadael i’w darllen yn lle hynny fel pe baent yn dod i rym ar ddiwrnod cwblhau’r cyfnod gweithredu.

(5) O.S. 2015/2059.

mae i “trydedd wlad” yr un ystyr â “third country” yn rheoliad 2(1) o Reoliadau 2007; ystyr “ymgeisydd perthnasol” (“*relevant applicant*”) yw person—

- (a) sy’n darparu gwasanaethau fel gweithiwr cymdeithasol neu reolwr gofal cymdeithasol yn y Deyrnas Unedig ar sail dros dro ac yn achlysurol ac ar sail contract presennol,
- (b) a ddechreuodd ddarparu gwasanaeth a grybwyllir ym mharagraff (a), neu sy’n dechrau darparu gwasanaeth o’r fath, naill ai—
 - (i) cyn diwrnod cwblhau’r cyfnod gweithredu, fel cyflogai neu yn rhinwedd hunangyflogaeth, neu
 - (ii) ar neu ar ôl diwrnod cwblhau’r cyfnod gweithredu, fel cyflogai a leolir at ddiben cyflawni gwaith cymdeithasol neu waith fel rheolwr gofal cymdeithasol yn y Deyrnas Unedig gan ei gyflogwr sydd wedi ei sefydlu yn y Deyrnas Unedig neu’r Swistir,
- (c) sydd—
 - (i) yn wladolyn o’r Deyrnas Unedig,
 - (ii) yn wladolyn o’r Swistir, neu
 - (iii) yn wladolyn o drydedd wlad, a oedd, yn union cyn diwrnod cwblhau’r cyfnod gweithredu, yn rhinwedd unrhyw hawl UE orfodadwy, â hawlogaeth i beidio â chael ei drin yn llai ffafriol na gwladolyn o’r Deyrnas Unedig neu’r Swistir at ddibenion mynediad at waith cymdeithasol, neu waith fel rheolwr gofal cymdeithasol, a dilyn y gwaith hwnnw,
- (d) sydd wedi ei sefydlu’n gyfreithlon yn y Swistir at ddiben mynediad at waith cymdeithasol neu waith fel rheolwr gofal cymdeithasol yno, a dilyn y gwaith hwnnw yno,
- (e) sydd, os nad yw proffesiwn gweithiwr cymdeithasol neu reolwr gofal cymdeithasol y mae’r person yn dymuno cael mynediad ato a’i ddilyn yn y Deyrnas Unedig na’r addysg a’r hyfforddiant sy’n arwain ato yn cael eu rheoleiddio yn y Swistir, wedi dilyn y proffesiwn hwnnw yn y Swistir am o leiaf 2 flynedd yn ystod y 10 mlynedd cyn darparu gwasanaethau.”

and for the purposes of this definition, “professional qualification” means a qualification relevant to the pursuit of social work or work as a social care manager;

“Swiss citizens’ rights agreement” (“*cytundeb ar hawliau dinasyddion Swisaidd*”) means (as modified from time to time in accordance with any provision of it) the Agreement signed at Bern on 25 February 2019 between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens’ rights following the withdrawal of the United Kingdom from—

- (a) the European Union, and
- (b) the free movement of persons agreement,

so far as the Agreement operates for the purposes of the case where “specified date” for the purposes of that Agreement has the meaning given in Article 2(b)(ii) of that Agreement;

“Swiss recognition period” (“*cyfnod cydnabod Swisaidd*”) means the period of four years beginning with the day immediately after IP completion day;

“third country” (“*trydedd wlad*”) has the same meaning as in regulation 2(1) of the 2007 Regulations;

“visiting practitioner transitional period” (“*cyfnod trosiannol ymarferwyr sydd ar ymweliad*”) means—

- (a) the period of five years beginning with IP completion day (see Article 23(1) of the Swiss citizens’ rights agreement), or
- (b) if the period in paragraph (a) is extended in accordance with Article 23(2) of that Agreement, that period as extended.”

Mewnosod arbediad cyffredinol mewn cysylltiad â chamau gweithredu a gymerir etc. cyn diwrnod cwblhau'r cyfnod gweithredu

6. Ar ôl rheoliad 15A (dehongli Rhan 2) o Reoliadau 2019 (fel y'i mewnosodir gan reoliad 5), mewnosoder—

“Camau gweithredu a gymerir, penderfyniadau a wneir etc. cyn diwrnod cwblhau'r cyfnod gweithredu

15B. Nid yw'r diwygiadau a wneir gan Ran 1 i Ddeddf 2016 yn effeithio ar ddilysrwydd unrhyw gam gweithredu a gymerir, unrhyw benderfyniad a wneir, neu unrhyw hawl neu atebolrwydd a gronnir, cyn diwrnod cwblhau'r cyfnod gweithredu o dan y Ddeddf honno, ac eithrio fel y'i darperir gan unrhyw ddarpariaeth arbed neu unrhyw ddarpariaeth drosiannol a wneir gan y Rhan hon.”

Mewnosod darpariaeth o ran cydweithredu gweinyddol

7. Ar ôl rheoliad 15B (camau gweithredu a gymerir, penderfyniadau a wneir etc. cyn diwrnod cwblhau'r cyfnod gweithredu: arbediad cyffredinol) (fel y'i mewnosodir gan reoliad 6) o reoliadau 2019, mewnosoder—

“Cydweithredu gweinyddol o dan gytundeb hawliau dinasyddion EFTA yr AEE

15C.—(1) Pan fo person wedi gwneud cais, cyn diwrnod cwblhau'r cyfnod gweithredu, o dan Erthygl 26 o gytundeb hawliau dinasyddion EFTA yr AEE i awdurdod cymwys yng Ngwlad yr Iâ, Norwy neu Liechtenstein i gymhwyster proffesiynol a ddyfernir neu a gydnabyddir gan Ofal Cymdeithasol Cymru gael ei gydnabod, rhaid i Ofal Cymdeithasol Cymru—

- (a) cydweithredu â'r awdurdod cymwys yng Ngwlad yr Iâ, Norwy neu Liechtenstein, neu â'r person (yn ôl y digwydd), yn unol â'r ddarpariaeth cydweithredu cyffredinol, a
- (b) darparu gwybodaeth i'r awdurdod cymwys yng Ngwlad yr Iâ, Norwy neu Liechtenstein ynghylch camau disgyblu a gymerwyd neu sancsiynau troseddol a osodwyd, neu unrhyw amgylchiadau difrifol penodol eraill sy'n debygol o gael effaith wrth i'r unigolyn hwnnw ddilyn gweithgareddau proffesiynol.

Insertion of general saving in connection with actions taken etc. before IP completion day

6. After regulation 15A (interpretation of Part 2) of the 2019 Regulations (as inserted by regulation 5), insert—

“Actions taken, decisions made etc. before IP completion day

15B. The amendments made by Part 1 to the 2016 Act do not affect the validity of any action or decision taken, or right or liability accrued, before IP completion day under that Act, except as provided by any saving or transitional provision made by this Part.”

Insertion of provision concerning administrative co-operation

7. After regulation 15B (actions taken, decisions made etc. before IP completion day: general saving) of the 2019 Regulations (as inserted by regulation 6), insert—

“Administrative cooperation under the EEA EFTA citizens' rights agreement

15C.—(1) Where a person, before IP completion day, made an application under Article 26 of the EEA EFTA citizens' rights agreement to a competent authority in Iceland, Norway or Liechtenstein for recognition of a professional qualification awarded or recognised by Social Care Wales, Social Care Wales must—

- (a) cooperate with the competent authority in Iceland, Norway or Liechtenstein, or with the person (as the case may be), in accordance with the general cooperation provision, and
- (b) provide information to the competent authority in Iceland, Norway or Liechtenstein regarding disciplinary action taken or criminal sanctions imposed, or any other serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.

(2) Rhaid i Ofal Cymdeithasol Cymru brosesu gwybodaeth at ddibenion paragraff (1) yn unol â deddfwriaeth diogelu data o fewn ystyr “the data protection legislation” yn adran 3(9) o Ddeddf Diogelu Data 2018(1).

(3) Yn y rheoliad hwn—

ystyr “awdurdod cymwys” (“*competent authority*”), o ran Gwlad yr Iâ, Norwy a Liechtenstein, yw corff yng Ngwlad yr Iâ, Norwy neu Liechtenstein (yn ôl y digwydd), sy'n awdurdod cymwys at ddibenion Rheoliadau 2015 (gweler paragraff (b) o'r diffiniad o “competent authority” yn rheoliad 2(1) o'r Rheoliadau hynny);

ystyr “cytundeb hawliau dinasyddion EFTA yr AEE” (“*EEA EFTA citizens' rights agreement*”) yw'r Cytundeb a lofnodwyd yn Llundain ar 2 Ebrill 2019 rhwng Gwlad yr Iâ, Tywysogaeth Liechtenstein, Teyrnas Norwy a Theyrnas Unedig Prydain Fawr a Gogledd Iwerddon ar drefniadau ynghylch hawliau dinasyddion yn dilyn ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd a Cytundeb yr AEE;

ystyr “y ddarpariaeth cydweithredu cyffredinol” (“*the general cooperation provision*”) yw—

(a) rheoliad 5(2), (4) a (5) o Reoliadau 2015, fel y'i haddesir gan baragraff 44(4)(b) o Atodlen 1 i Reoliadau Cydnabod Cymwysterau Proffesiynol (Diwygio etc.) (Ymadael â'r UE) 2019(2),

(b) rheoliad 5(3) o Reoliadau 2015,

i'r graddau y maent yn gymwys mewn perthynas â Gofal Cymdeithasol Cymru;

ystyr “Rheoliadau 2015” (“*the 2015 Regulations*”) yw Rheoliadau 2015(3) fel yr oeddent yn cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu yn ddarostyngedig i'r addasiad bod unrhyw gyfeiriad at “the Care Council for Wales” i'w ddarllen fel pe bai “Social Care Wales” wedi ei roi yn ei le.”

(2) Social Care Wales must process information for the purposes of paragraph (1) in accordance with “the data protection legislation” within the meaning of section 3(9) of the Data Protection Act 2018(1).

(3) In this regulation—

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the 2015 Regulations(2) as they had effect immediately before IP completion day subject to the modification that any reference to “the Care Council for Wales” is to be read as if there were substituted “Social Care Wales”;

“competent authority” (“*awdurdod cymwys*”), in relation to Iceland, Norway and Liechtenstein, means a body in Iceland, Norway or, Liechtenstein (as the case may be), which is a competent authority for the purposes of the 2015 Regulations (see paragraph (b) of the definition of “competent authority” in regulation 2(1) of those Regulations);

“EEA EFTA citizens' rights agreement” (“*cytundeb hawliau dinasyddion EFTA yr AEE*”) means the Agreement signed in London on 2 April 2019 between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland on arrangements regarding citizens' rights following the withdrawal of the United Kingdom from the European Union and the EEA Agreement;

“the general cooperation provision” (“*y ddarpariaeth cydweithredu cyffredinol*”) means—

(a) regulation 5(2), (4) and (5) of the 2015 Regulations, as modified by paragraph 44(4)(b) of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019(3),

(b) regulation 5(3) of the 2015 Regulations,

to the extent they apply in relation to Social Care Wales.”

(1) 2018 p. 12.

(2) O.S. 2019/312. Mae paragraff 44(4) wedi ei amnewid gan Reoliadau Cymwysterau a Gwasanaethau Proffesiynol (Darpariaethau Amrywiol) (Ymadael â'r UE) 2020/1038.

(3) O.S. 2015/2059.

(1) 2018 c. 12.

(2) S.I. 2015/2059.

(3) S.I. 2019/312. Paragraph 44(4) is substituted by the Professional Qualifications and Services (Miscellaneous Provisions) (EU Exit) Regulations 2020/1038.

8. Yn rheoliad 16(1) (ceisiadau sydd yn yr arfaeth) o Reoliadau 2019, yn lle “y diwrnod ymadael” yn y ddau le y mae’n digwydd, rhodder “diwrnod cwblhau’r cyfnod gweithredu”.

Mewnosod rheoliad 16A

9. Ar ôl rheoliad 16 (ceisiadau sydd yn yr arfaeth) o Reoliadau 2019, mewnosoder—

“Gweithwyr cymdeithasol Swisaidd a rheolwyr gofal cymdeithasol Swisaidd sy’n cymhwyso y tu allan i Gymru: arbed yr hen gyfraith

16A.—(1) Mae’r rheoliad hwn yn gymwys i berson (“ymgeisydd cymhwysol”)—

- (a) sydd—
 - (i) yn wladolyn o’r Deyrnas Unedig,
 - (ii) yn wladolyn o’r Swistir, neu
 - (iii) yn wladolyn o drydedd wlad a oedd, yn union cyn diwrnod cwblhau’r cyfnod gweithredu, yn rhinwedd unrhyw hawl UE orfodadwy, â hawlogaeth i beidio â chael ei drin yn llai ffafriol na gwladolyn o’r Deyrnas Unedig neu’r Swistir at ddibenion mynediad at waith cymdeithasol neu waith fel rheolwr gofal cymdeithasol, a dilyn y gwaith hwnnw;
- (b) sy’n dymuno cael mynediad at waith cymdeithasol neu waith fel rheolwr gofal cymdeithasol yng Nghymru, a dilyn y gwaith hwnnw, ar sail barhaol pa un ai fel cyflogai neu yn rhinwedd hunangyflogaeth;
- (c) sydd â chymhwyster perthnasol;
- (d) sydd, os cafwyd y cymhwyster perthnasol hwnnw mewn trydedd wlad, â thair blynedd o brofiad proffesiynol mewn gwaith cymdeithasol neu waith fel rheolwr gofal cymdeithasol yn y Swistir ac a ardystiwyd gan awdurdod cymwys Swisaidd;
- (e) sydd, os yw’r cymhwyster perthnasol hwnnw yn gymhwyster proffesiynol a geir mewn gwladwriaeth AEE, wedi ei sefydlu’n gyfreithlon yn y Swistir, oni bai bod y person yn wladolyn Swisaidd.

8. In regulation 16(1) (pending applications) of the 2019 Regulations, for “exit day” in both places it occurs, substitute “IP completion day”.

Insertion of regulation 16A

9. After regulation 16 (pending applications) of the 2019 Regulations, insert—

“Swiss social workers and Swiss social care managers qualifying outside Wales: saving of old law

16A.—(1) This regulation applies to a person (“a qualifying applicant”)—

- (a) who is—
 - (i) a national of the United Kingdom,
 - (ii) a national of Switzerland, or
 - (iii) a third country national who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either the United Kingdom or Switzerland for the purposes of access to and the pursuit of social work or work as a social care manager;
- (b) who wishes to access and pursue social work or work as a social care manager in Wales on a permanent basis whether as an employee or in a self-employed capacity;
- (c) who has a relevant qualification;
- (d) who, if that relevant qualification was obtained in a third country, has three years’ professional experience in social work or work as a social care manager in Switzerland and certified by a Swiss competent authority;
- (e) who, if that relevant qualification is a professional qualification obtained in an EEA state, is lawfully established in Switzerland, unless the person is a Swiss national.

(2) Er gwaethaf y diwygiadau a wnaed gan Ran 1, mae'r darpariaethau o Ddeddf 2016 y cyfeirir atynt ym mharagraff (4) yn parhau i fod yn gymwys i gais cofrestru a gyflwynir gan ymgeisydd cymhwysol ar neu ar ôl diwrnod cwblhau'r cyfnod gweithredu, fel yr oeddent yn gymwys yn union cyn y diwrnod hwnnw ond fel y'u haddesir gan baragraff (5).

(3) Mae paragraff (2) yn cael effaith tan ddiwedd y cyfnod cydnabod Swisaidd.

(4) Y darpariaethau y cyfeirir atynt ym mharagraff (2) yw—

- (a) yn adran 66(1), y diffiniad o “y Rheoliadau Systemau Cyffredinol”;
- (b) adran 85(1) (cymwysterau a geir y tu allan i Gymru – gweithwyr cymdeithasol);
- (c) adran 85A (cymwysterau a geir y tu allan i Gymru – rheolwyr gofal cymdeithasol);
- (d) adran 90(8) (diffiniadau at ddibenion Rhannau 3 i 8 o Ddeddf 2016);
- (e) adran 105 (apelau eraill: penderfyniadau a wneir o dan y Rheoliadau Systemau Cyffredinol).

(5) I'r graddau y mae'r darpariaethau a ganlyn o Ddeddf 2016 yn parhau i fod yn gymwys yn rhinwedd paragraff (2), maent yn gymwys gyda'r addasiadau a ganlyn—

- (a) yn adran 85(1) (cymwysterau a geir y tu allan i Gymru – gweithwyr cymdeithasol), fel pe bai “weithiwr cymdeithasol Swisaidd” wedi ei roi yn lle “berson esempt”;
- (b) yn adran 85A (cymwysterau a geir y tu allan i Gymru – rheolwyr gofal cymdeithasol), fel pe bai “rheolwr gofal cymdeithasol Swisaidd” wedi ei roi yn lle “berson esempt”;
- (c) yn adran 90(8) (diffiniadau at ddibenion Rhannau 3 i 8 o Ddeddf 2016)—
 - (i) fel pe bai'r diffiniadau o “gwladolyn”, “Gwladwriaeth Ewropeaidd berthnasol” a “person esempt” wedi eu hepgor;
 - (ii) fel pe bai'r canlynol wedi ei roi yn lle'r diffiniad o “y Rheoliadau Systemau Cyffredinol”—

(2) Despite the amendments made by Part 1, the provisions of the 2016 Act referred to in paragraph (4) continue to apply to a registration application submitted by a qualifying applicant on or after IP completion day as they applied immediately before that day but as modified by paragraph (5).

(3) Paragraph (2) has effect until the end of the Swiss recognition period.

(4) The provisions referred to in paragraph (2) are—

- (a) in section 66(1), the definition of “the General Systems Regulations”;
- (b) section 85(1) (qualifications gained outside Wales – social workers);
- (c) section 85A (qualifications gained outside Wales – social care managers);
- (d) section 90(8) (definitions for the purposes of Parts 3 to 8 of the 2016 Act);
- (e) section 105 (other appeals: decisions made under the General Systems Regulations).

(5) Insofar as the following provisions of the 2016 Act continue to apply by virtue of paragraph (2), they apply with the following modifications—

- (a) in section 85(1) (qualifications gained outside Wales – social workers), for “an exempt person” there were substituted “a Swiss social worker”;
- (b) in section 85A (qualifications gained outside Wales – social care managers), for “an exempt person” there were substituted “a Swiss social care manager”;
- (c) in section 90(8) (definitions for the purposes of Parts 3 to 8 of the 2016 Act)—
 - (i) the definitions of “exempt person”, “national” and “relevant European State” were omitted;
 - (ii) for the definition of “General Systems Regulations”, there were substituted—

“ystyr “y Rheoliadau Systemau Cyffredinol” (“*the General Systems Regulations*”) yw Rheoliadau’r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015 (O.S. 2015/2059)—

- (a) mewn perthynas ag unrhyw beth a wneir cyn diwrnod cwblhau’r cyfnod gweithredu, fel yr oeddent yn cael effaith ar yr adeg honno ond yn ddarostyngedig i’r addasiad bod unrhyw gyfeiriad at “the Care Council for Wales” i’w ddarllen fel pe bai “Social Care Wales” wedi ei roi yn ei le;
- (b) fel (a dim ond i’r graddau) y maent yn cael effaith, ar ôl diwrnod cwblhau’r cyfnod gweithredu, mewn perthynas â hawlogaeth sy’n codi mewn perthynas â chymhwyster perthnasol (o fewn yr ystyr a roddir yn rheoliad 15A o Reoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â’r UE) 2019);”;
- (iii) fel pe bai’r canlynol wedi ei fewnosod yn y lle priodol—

“mae i “gweithiwr cymdeithasol Swisaidd” (“*Swiss social worker*”) yr ystyr a roddir yn rheoliad 16A(6) o Reoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â’r UE) 2019;

“mae i “rheolwr gofal cymdeithasol Swisaidd” (“*Swiss social care manager*”) yr ystyr a roddir yn rheoliad 16A(6) o Reoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â’r UE) 2019);”;

- (d) yn adran 105 (apelau eraill: penderfyniadau a wneir o dan y Rheoliadau Systemau Cyffredinol)—
 - (i) yn is-adran (1), fel pe bai paragraffau (a), (c) a’r “neu” yn union o flaen paragraff (c) wedi eu hepgor;
 - (ii) yn is-adran (5)(b), fel pe bai’r geiriau o “neu, yn achos” hyd at y diwedd wedi eu hepgor.

(6) Yn y rheoliad hwn—

ystyr “cais cofrestru” (“*registration application*”) yw cais i dderbyn i gofrestr a gynhelir yn unol ag adran 80 o Ddeddf 2016;

““the General Systems Regulations” (“*y Rheoliadau Systemau Cyffredinol*”) means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059)—

- (a) in relation to anything done before IP completion day, as they had effect at that time but subject to the modification that any reference to “the Care Council for Wales” is to be read as if there were substituted “Social Care Wales”;
- (b) as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 15A of the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019);”;
- (iii) there were inserted, at the appropriate place—

““Swiss social care manager” has the meaning given in regulation 16A(6) of the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019;

“Swiss social worker” has the meaning given in regulation 16A(6) of the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019);”;

- (d) in section 105 (other appeals: decisions made under the General Systems Regulations)—
 - (i) in subsection (1), paragraphs (a), (c) and the “or” immediately preceding paragraph (c) were omitted;
 - (ii) in subsection (5)(b), the words from “or, in the case” to the end were omitted.

(6) In this regulation—

“registration application” (“*cais cofrestru*”) means an application for admission to a register maintained in accordance with section 80 of the 2016 Act;

ystyr “gweithiwr cymdeithasol Swisaidd” (“*Swiss social worker*”) yw ymgeisydd cymhwysol nad oedd, cyn diwrnod cwblhau’r cyfnod gweithredu, wedi gwneud cais cofrestru (ac eithrio cais o dan adran 90 o Ddeddf 2016);

ystyr “rheolwr gofal cymdeithasol Swisaidd” (“*Swiss social care manager*”) yw ymgeisydd cymhwysol nad oedd, cyn diwrnod cwblhau’r cyfnod gweithredu, wedi gwneud cais cofrestru (ac eithrio cais o dan adran 90A o Ddeddf 2016).”

Swiss social care manager” (“*rheolwr gofal Cymdeithasol Swisaidd*”) means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under section 90A of the 2016 Act);

“Swiss social worker” (“*gweithiwr Cymdeithasol Swisaidd*”) means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under section 90 of the 2016 Act).”

Amnewid rheoliad 17 (gweithwyr cymdeithasol sydd ar ymweliad a rheolwyr gofal cymdeithasol sydd ar ymweliad: arbed yr hen gyfraith)

Substitution of regulation 17 (visiting social workers and visiting social care managers: saving of old law)

10. Yn lle rheoliad 17 o Reoliadau 2019 rhodder—

10. For regulation 17 of the 2019 Regulations substitute—

“Gweithwyr cymdeithasol sydd ar ymweliad a rheolwyr gofal cymdeithasol sydd ar ymweliad: arbed yr hen gyfraith

“Visiting social workers and visiting social care managers: saving of old law

17.—(1) Mae’r rheoliad hwn yn gymwys pan—

17.—(1) This regulation applies where—

(a) yn union cyn diwrnod cwblhau’r cyfnod gweithredu—

(a) immediately before IP completion day—

(i) roedd gan berson fudd rheoliad 12 o Reoliadau 2015(1) mewn cysylltiad â darparu gwasanaethau fel gweithiwr cymdeithasol neu reolwr gofal cymdeithasol gan y person hwnnw, a

(i) a person had the benefit of regulation 12 of the 2015 Regulations(1) in respect of the provision by that person of services as a social worker or a social care manager, and

(ii) roedd adran 90(3) neu 90A(3) o Ddeddf 2016 yn gymwys i’r person;

(ii) section 90(3) or 90A(3) of the 2016 Act applied to the person;

(b) bo’r person, yn rhinwedd y rheoliad hwn, yn parhau i gael y budd hwnnw ar neu ar ôl diwrnod cwblhau’r cyfnod gweithredu; ac

(b) by virtue of this regulation, the person continues to have that benefit on or after IP completion day; and

(c) na fo’r person yn ymgeisydd perthnasol.

(c) the person is not a relevant applicant.

(2) Er gwaethaf y diwygiadau a wnaed gan Ran 1, mae’r darpariaethau o Ddeddf 2016 a bennir ym mharagraff (4) yn parhau i fod yn gymwys mewn perthynas â darparu’r gwasanaethau hynny gan berson y mae paragraff (1) yn gymwys iddo ar neu ar ôl diwrnod cwblhau’r cyfnod gweithredu, fel yr oeddent yn gymwys cyn y diwrnod hwnnw, ond yn ddarostyngedig i’r addasiadau a bennir ym mharagraff (5).

(2) Despite the amendments made by Part 1, the provisions of the 2016 Act specified in paragraph (4) continue to apply in relation to the provision of those services by a person to whom paragraph (1) applies on or after IP completion day, as they applied before that day, but subject to the modifications specified in paragraph (5).

(1) O.S. 2015/2059.

(1) S.I. 2015/2059.

(3) Mae paragraff (2) yn cael effaith tan—

- (a) yn achos person sydd wedi ei gofrestru yn unol ag adran 90(3) neu 90A(3) o Ddeddf 2016, y diwrnod y caiff enw'r person ei ddileu o'r gofrestr o dan adran 90(6) neu 90A(6) o'r Ddeddf honno yn ôl y digwydd;
- (b) yn achos person sy'n cael ei drin fel pe bai wedi ei gofrestru o dan adran 90(4) neu 90A(4) o Ddeddf 2016, y diwrnod y mae hawlogaeth y person i gael ei gofrestru o dan adran 90(3) neu 90A(3) o Ddeddf 2016 yn peidio yn rhinwedd adran 90(5) neu 90A(5) o'r Ddeddf honno yn ôl y digwydd.

(4) Y darpariaethau o Ddeddf 2016 y cyfeirir atynt ym mharagraff (2) yw—

- (a) yn adran 66(1) (dehongli Rhannau 3 i 8), y diffiniadau o “gwladolyn”, “Gwladwriaeth Ewropeaidd berthnasol”, “person esempt”, “rhan gweithwyr cymdeithasol Ewropeaidd sydd ar ymweliad”, “rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad” ac “y Rheoliadau Systemau Cyffredinol”;
- (b) adran 74(3) (rheolau: ffioedd);
- (c) yn adran 80, is-adrannau (1)(c) a (d), (2)(c) a (d) a (3)(c) a (d) (y gofrestr);
- (d) adran 90 (gweithwyr cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol);
- (e) adran 90A (rheolwyr gofal cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol);
- (f) adran 105 (apelau eraill: penderfyniadau a wneir o dan y Rheoliadau Systemau Cyffredinol);
- (g) adran 113(3) i (5) (datblygiad proffesiynol parhaus).

(5) I'r graddau y mae'r darpariaethau a ganlyn o Ddeddf 2016 yn parhau i fod yn gymwys yn rhinwedd paragraff (2), maent yn gymwys gyda'r addasiadau a ganlyn—

- (a) yn adran 90 (gweithwyr cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol)—
 - (i) mae is-adran (1) i'w darllen fel pe bai “ac eithrio'r Deyrnas Unedig” wedi ei hepgor;

(3) Paragraph (2) has effect until—

- (a) in the case of a person who is registered in accordance with section 90(3) or 90A(3) of the 2016 Act, the day on which the person's name is removed from the register under section 90(6) or 90A(6) of that Act as the case may be;
- (b) in the case of a person who is treated as being registered under section 90(4) or 90A(4) of the 2016 Act, the day on which the person's entitlement to be registered under section 90(3) or 90A(3) of the 2016 Act ceases by virtue of section 90(5) or 90A(5) of that Act as the case may be.

(4) The provisions of the 2016 Act referred to in paragraph (2) are—

- (a) in section 66(1) (interpretation of Parts 3 to 8), the definitions of “exempt person”, “the General Systems Regulations”, “national”, “relevant European State”, “visiting European social care manager part” and “visiting European social worker part”;
- (b) section 74(3) (rules: fees);
- (c) in section 80, subsections (1)(c) and (d), (2)(c) and (d) and (3)(c) and (d) (the register);
- (d) section 90 (visiting social workers from relevant European States);
- (e) section 90A (visiting social care managers from relevant European States);
- (f) section 105 (other appeals: decisions made under the General Systems Regulations);
- (g) section 113(3) to (5) (continuing professional development).

(5) Insofar as the following provisions of the 2016 Act continue to apply by virtue of paragraph (2), they apply with the following modifications—

- (a) in section 90 (visiting social workers from relevant European States)—
 - (i) subsection (1) is to be read as if “other than the United Kingdom” was omitted;

(ii) mae is-adran (8) i'w darllen—

- (aa) fel pe bai'r canlynol wedi ei roi yn lle'r diffiniadau o “person esempt” ac “y Rheoliadau Systemau Cyffredinol”—

“ystyr “person esempt” (*“exempt person”*) yw—

- (a) person a oedd, yn union cyn diwrnod cwblhau'r cyfnod gweithredu, yn wladolyn o Wladwriaeth Ewropeaidd berthnasol,
- (b) person a oedd, yn union cyn diwrnod cwblhau'r cyfnod gweithredu, yn wladolyn o'r Deyrnas Unedig ac a oedd, ar yr adeg honno, yn ceisio mynediad at waith cymdeithasol neu waith fel rheolwr gofal cymdeithasol, neu'n dilyn y gwaith hwnnw, yn rhinwedd hawl UE orfodadwy, neu
- (c) person nad oedd, yn union cyn diwrnod cwblhau'r cyfnod gweithredu, yn wladolyn o Wladwriaeth Ewropeaidd berthnasol, ond a oedd, ar yr adeg honno, yn rhinwedd hawl UE orfodadwy, â hawlogaeth i beidio â chael ei drin, at ddibenion mynediad at waith cymdeithasol neu waith fel rheolwr gofal cymdeithasol, a dilyn y gwaith hwnnw, yn llai ffafriol na gwladolyn o Wladwriaeth Ewropeaidd berthnasol, ac at ddibenion y diffiniad hwn, ystyr “hawl UE orfodadwy” (*“enforceable EU right”*) yw hawl a gydnabyddir ac sydd ar gael mewn cyfraith ddomestig, yn union cyn diwrnod cwblhau'r cyfnod gweithredu, yn rhinwedd adran 2(1) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68);

ystyr “y Rheoliadau Systemau Cyffredinol” (*“the General Systems Regulations”*) yw Rheoliadau'r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015 (O.S. 2015/2059)—

- (a) mewn perthynas ag unrhyw beth a wneir cyn diwrnod cwblhau'r cyfnod gweithredu, fel yr oeddent yn cael effaith ar yr adeg honno ond yn ddarostyngedig i'r addasiad bod unrhyw gyfeiriad at “the Care Council for Wales” i'w ddarllen fel pe bai “Social Care Wales” wedi ei roi yn ei le,

(ii) subsection (8) is to be read as if—

- (aa) for the definitions of “exempt person” and “the General Systems Regulations” there were substituted—

““exempt person” (*“person esempt”*) means—

- (a) a person who, immediately before IP completion day, was a national of a relevant European State,
- (b) a person who, immediately before IP completion day, was a national of the United Kingdom and, at that time was seeking access to, or pursuing, by virtue of an enforceable EU right, social work or work as a social care manager, or
- (c) a person who, immediately before IP completion day, was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of social work or work as a social care manager, no less favourably than a national of a relevant European State, and for the purposes of this definition “enforceable EU right” (*“hawl UE orfodadwy”*) means a right recognised and available in domestic law, immediately before IP completion day, by virtue of section 2(1) of the European Communities Act 1972 (c. 68);

“the General Systems Regulations” (*“y Rheoliadau Systemau Cyffredinol”*) means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059)—

- (a) in relation to anything done before IP completion day, as they had effect at that time but subject to the modification that any reference to “the Care Council for Wales” is to be read as if there were substituted “Social Care Wales”,

(b) fel arall (a dim ond i'r graddau) y maent yn cael effaith, ar neu ar ôl diwrnod cwblhau'r cyfnod gweithredu, mewn perthynas â hawlogaeth a gododd cyn diwrnod cwblhau'r cyfnod gweithredu neu sy'n codi o ganlyniad i rywbeth a wneir cyn diwrnod cwblhau'r cyfnod gweithredu;";

(bb) yn y diffiniad o "gwladolyn", fel pe bai "nad oedd, yn union cyn diwrnod cwblhau'r cyfnod gweithredu" wedi ei roi yn lle "nad yw";

(b) yn adran 90A (rheolwyr gofal cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol), mae is-adran (1) i'w darllen fel pe bai "ac eithrio'r Deyrnas Unedig" wedi ei hepgor.

(6) At ddibenion y rheoliad hwn, mae Rheoliadau 2015 yn cael effaith fel pe bai "Social Care Wales" wedi ei roi yn lle unrhyw gyfeiriad at "the Care Council for Wales".

(b) otherwise (and only to the extent that) they have effect, on or after IP completion day, in relation to an entitlement which arose before IP completion day or arises as a result of something done before IP completion day;";

(bb) in the definition of "national" for "is not" there were substituted "was not immediately before IP completion day";

(b) in section 90A (visiting social care managers from relevant European States), subsection (1) is to be read as if "other than the United Kingdom" was omitted.

(6) For the purposes of this regulation, the 2015 Regulations have effect as if for any reference to "the Care Council for Wales" there were substituted "Social Care Wales".

Amnewid rheoliad 18 (dehongli darpariaethau sydd wedi eu harbed gan reoliad 17(2))

11. Yn lle rheoliad 18 (dehongli darpariaethau sydd wedi eu harbed gan reoliad 17(2)) o Reoliadau 2019 rhodder—

"Gweithwyr cymdeithasol Swisaidd sydd ar ymweliad a rheolwyr gofal cymdeithasol Swisaidd sydd ar ymweliad: arbed yr hen gyfraith

18.—(1) Mae'r rheoliad hwn yn gymwys i ymgeisydd perthnasol.

(2) Er gwaethaf y diwygiadau a wnaed gan Ran 1, mae'r darpariaethau o Ddeddf 2016 a bennir ym mharagraff (5) yn parhau i fod yn gymwys mewn perthynas â darparu'r gwasanaethau hynny gan ymgeisydd perthnasol ar neu ar ôl diwrnod cwblhau'r cyfnod gweithredu fel yr oeddent yn gymwys yn union cyn y diwrnod hwnnw yn ddarostyngedig i'r cyfyngiad ym mharagraff (3) a'r addasiadau a bennir ym mharagraff (6).

(3) Ni chaiff ymgeisydd perthnasol ond darparu gwasanaethau fel gweithiwr cymdeithasol neu reolwr gofal cymdeithasol am gyfnod nad yw'n hwy na 90 o ddiwrnodau mewn unrhyw flwyddyn galendr.

Substitution of regulation 18 (interpretation of provisions saved by regulation 17(2))

11. For regulation 18 (interpretation of provisions saved by regulation 17(2)) of the 2019 Regulations substitute—

"Visiting Swiss social workers and visiting Swiss social care managers: saving of old law

18.—(1) This regulation applies to a relevant applicant.

(2) Despite the amendments made by Part 1, the provisions of the 2016 Act specified in paragraph (5) continue to apply in relation to the provision of those services by a relevant applicant on or after IP completion day as they applied immediately before that day subject to the restriction in paragraph (3) and the modifications specified in paragraph (6).

(3) A relevant applicant may only provide services as a social worker or a social care manager for a period not exceeding 90 days in any calendar year.

(4) Mae paragraff (2) yn cael effaith tan ddiwedd y cyfnod trosiannol ymarferwyr sydd ar ymweliad.

(5) Y darpariaethau o Ddeddf 2016 y cyfeirir atynt ym mharagraff (2) yw—

- (a) yn adran 66(1) (dehongli Rhannau 3 i 8), y diffiniadau o “gwladolyn”, “Gwladwriaeth Ewropeaidd berthnasol”, “rhan gweithwyr cymdeithasol Ewropeaidd sydd ar ymweliad”, “rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad” ac “y Rheoliadau Systemau Cyffredinol”;
- (b) adran 74(3) (rheolau: ffioedd);
- (c) yn adran 80, is-adrannau (1)(c) a (d), (2)(c) a (d) a (3)(c) a (d) (y gofrestr);
- (d) adran 90 (gweithwyr cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol);
- (e) adran 90A (rheolwyr gofal cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol);
- (f) adran 105 (apelau eraill: penderfyniadau a wneir o dan y Rheoliadau Systemau Cyffredinol);
- (g) adran 113(3) i (5) (datblygiad proffesiynol parhaus).

(6) I’r graddau y mae’r darpariaethau a ganlyn o Ddeddf 2016 yn parhau i fod yn gymwys yn rhinwedd paragraff (2), maent yn gymwys gyda’r addasiadau a ganlyn—

(a) yn adran 90 (gweithwyr cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol)—

- (i) mae is-adran (1) i’w darllen fel pe bai’r canlynol wedi ei roi yn ei lle—

“(1) Mae’r adran hon yn gymwys i ymgeisydd perthnasol (o fewn yr ystyr a roddir yn rheoliad 15A o Reoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â’r UE) 2019) (“V”) sydd wedi ei sefydlu’n gyfreithlon yn y Swistir fel gweithiwr cymdeithasol.”;

(ii) mae is-adran (8) i’w darllen—

- (aa) fel pe bai’r canlynol wedi ei roi yn lle’r diffiniad o “y Rheoliadau Systemau Cyffredinol”—

(4) Paragraph (2) has effect until the end of the visiting practitioner transitional period.

(5) The provisions of the 2016 Act referred to in paragraph (2) are—

- (a) in section 66(1) (interpretation of Parts 3 to 8), the definitions of “the General Systems Regulations”, “national”, “relevant European State”, “visiting European social care manager part” and “visiting European social worker part”;
- (b) section 74(3) (rules: fees);
- (c) in section 80, subsections (1)(c) and (d), (2)(c) and (d) and (3)(c) and (d) (the register);
- (d) section 90 (visiting social workers from relevant European States);
- (e) section 90A (visiting social care managers from relevant European States);
- (f) section 105 (other appeals: decisions made under the General Systems Regulations);
- (g) section 113(3) to (5) (continuing professional development).

(6) Insofar as the following provisions of the 2016 Act continue to apply by virtue of paragraph (2), they apply with the following modifications—

(a) in section 90 (visiting social workers from relevant European States)—

- (i) subsection (1) is to be read as if there were substituted—

“(1) This section applies to a relevant applicant (within the meaning given in regulation 15A of the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations) 2019 (“V”) who is lawfully established in Switzerland, as a social worker.”;

(ii) subsection (8) is to be read as if—

- (aa) for the definition of “the General Systems Regulations”, there were substituted—

“ystyr “y Rheoliadau Systemau Cyffredinol” (*“the General Systems Regulations”*) yw Rheoliadau'r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015 (O.S. 2015/2059)—

(a) mewn perthynas ag unrhyw beth a wneir cyn diwrnod cwblhau'r cyfnod gweithredu, fel yr oeddent yn cael effaith ar yr adeg honno ond yn ddarostyngedig i'r addasiad bod unrhyw gyfeiriad at “the Care Council for Wales” i'w ddarllen fel pe bai “Social Care Wales” wedi ei roi yn ei lle,

(b) fel arall (a dim ond i'r graddau) y maent yn cael effaith, ar neu ar ôl diwrnod cwblhau'r cyfnod gweithredu, mewn perthynas â hawlogaeth a gododd cyn diwrnod cwblhau'r cyfnod gweithredu neu sy'n codi o ganlyniad i rywbeth a wneir cyn diwrnod cwblhau'r cyfnod gweithredu;”;

(bb) yn y diffiniad o “gwladolyn”, fel pe bai “nad oedd, yn union cyn diwrnod cwblhau'r cyfnod gweithredu” wedi ei roi yn lle “nad yw”;

(b) mae adran 90A (rheolwyr gofal cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol) i'w darllen fel pe bai'r canlynol wedi ei roi yn lle is-adran (1)—

“(1) Mae'r adran hon yn gymwys i ymgeisydd perthnasol (o fewn yr ystyr a roddir yn rheoliad 15A o Reoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â'r UE) 2019) (“X”) sydd wedi ei sefydlu'n gyfreithlon yn y Swistir fel rheolwr gofal cymdeithasol.”;

(c) mae adran 113 (datblygiad proffesiynol parhaus) i'w darllen fel pe bai yn is-adran (5) “yw'r Swistir” wedi ei roi yn lle “yw'r Wladwriaeth” hyd at y diwedd.”

““the General Systems Regulations” (“y Rheoliadau Systemau Cyffredinol”) means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059)—

(a) in relation to anything done before IP completion day, as they had effect at that time but subject to the modification that any reference to “the Care Council for Wales” is to be read as if there were substituted “Social Care Wales”,

(b) otherwise (and only to the extent that) they have effect, on or after IP completion day, in relation to an entitlement which arose before IP completion day or arises as a result of something done before IP completion day;”;

(bb) in the definition of “national” for “is not” there were substituted “was not immediately before IP completion day”;

(b) section 90A (visiting social care managers from relevant European States) is to be read as if for subsection (1) there were substituted—

“(1) This section applies to a relevant applicant (within the meaning given in regulation 15A of the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations) 2019 (“X”) who is lawfully established in Switzerland, as a social care manager.”;

(c) section 113 (continuing professional development) is to be read as if in subsection (5) for “the relevant” to the end there were substituted “Switzerland”.”

Mewnosod darpariaeth o ran triniaeth gyfartal a chydweithredu gweinyddol o dan y cytundeb ar hawliau dinasyddion Swisaidd

12. Ar ôl rheoliad 18 (gweithwyr cymdeithasol Swisaidd sydd ar ymweliad a rheolwyr gofal cymdeithasol Swisaidd sydd ar ymweliad: arbed yr hen gyfraith) o Reoliadau 2019 (fel y'i hamnewidir gan reoliad 11), mewnosoder—

“Triniaeth gyfartal a chydweithredu gweinyddol o dan y cytundeb ar hawliau dinasyddion Swisaidd

18A.—(1) Mae'r rheoliad hwn yn gymwys i ymgeisydd perthnasol.

(2) Wrth ymdrin ag ymgeisydd perthnasol sy'n dilyn gwaith cymdeithasol neu waith fel rheolwr gofal cymdeithasol yng Nghymru yn unol â rheoliad 18 (gweithwyr cymdeithasol Swisaidd sydd ar ymweliad a rheolwyr gofal cymdeithasol Swisaidd sydd ar ymweliad: arbed yr hen gyfraith) mewn perthynas ag unrhyw fater, rhaid i Ofal Cymdeithasol Cymru beidio â thrin y person hwnnw yn llai ffafriol nag y byddai'n trin ymgeisydd brodorol (o fewn ystyr “native applicant” yn rheoliad 2 o Reoliadau 2007) sy'n darparu'n gyfreithlon wasanaethau fel gweithiwr cymdeithasol neu fel rheolwr gofal cymdeithasol yng Nghymru mewn perthynas â'r mater hwnnw.

(3) Pan fo person yn darparu gwasanaethau fyddai'n gyfystyr, pe baent yn cael eu darparu yng Nghymru, â gwaith cymdeithasol neu waith fel rheolwr gofal cymdeithasol ar sail dros dro ac yn achlysurol yn y Swistir yn unol ag Erthygl 23 o'r cytundeb ar hawliau dinasyddion Swisaidd, rhaid i Ofal Cymdeithasol Cymru gydweithredu â'r awdurdod cymwys priodol yn y Swistir a darparu iddo unrhyw wybodaeth sy'n berthnasol i gyfreithlondeb ymsefydliad ac ymddygiad da yr unigolyn, yn ogystal ag absenoldeb unrhyw sancsiynau disgyblu neu droseddol o natur broffesiynol, yn unol ag adran 159 o Ddeddf 2016 (datgelu gwybodaeth am addasrwydd i ymarfer).

(4) Pan fo person wedi gwneud neu'n gwneud cais sy'n dod o fewn Erthygl 31(1) neu 32(1) neu (5) o'r cytundeb ar hawliau dinasyddion Swisaidd i awdurdod cymwys yn y Swistir i gymhwyster proffesiynol a ddyfernir neu a gydnabyddir gan Ofal Cymdeithasol Cymru gael ei gydnabod, rhaid i Ofal Cymdeithasol Cymru—

Insertion of provision concerning equal treatment and administrative co-operation under the Swiss citizens' rights agreement

12. After regulation 18 (visiting Swiss social workers and visiting Swiss social care managers: saving of old law) of the 2019 Regulations (as substituted by regulation 11), insert—

“Equal treatment and administrative co-operation under the Swiss citizen's rights agreement

18A.—(1) This regulation applies to a relevant applicant.

(2) In dealing with a relevant applicant who pursues social work or work as a social care manager in Wales pursuant to regulation 18 (visiting Swiss social workers and visiting Swiss social care managers: saving of old law) in relation to any matter, Social Care Wales must treat that person no less favourably than it would treat a native applicant (within the meaning of regulation 2 of the 2007 Regulations) who lawfully provides services as a social worker or as a social care manager in Wales in relation to that matter.

(3) Where a person is providing services that if provided in Wales would constitute social work or work as a social care manager on a temporary and occasional basis in Switzerland pursuant to Article 23 of the Swiss citizens' rights agreement, Social Care Wales must cooperate with the appropriate competent authority in Switzerland and provide it with any information relevant to the legality of the individual's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature, in accordance with section 159 of the 2016 Act (disclosure of information about fitness to practise).

(4) Where a person has made or makes an application falling within Article 31(1) or 32(1) or (5) of the Swiss citizens' rights agreement to a competent authority in Switzerland for recognition of a professional qualification awarded or recognised by Social Care Wales, Social Care Wales must—

- (a) cydweithredu â'r awdurdod cymwys yn y Swistir neu'r person (yn ôl y digwydd), yn unol â'r ddarpariaeth cydweithredu cyffredinol, a
- (b) darparu gwybodaeth i'r awdurdod cymwys yn y Swistir ynghylch camau disgyblu a gymerwyd neu sancsiynau troseddol a osodwyd, neu unrhyw amgylchiadau difrifol penodol sy'n debygol o gael effaith wrth i'r unigolyn hwnnw ddilyn gweithgareddau proffesiynol.

(5) Rhaid i Ofal Cymdeithasol Cymru brosesu gwybodaeth at ddibenion paragraffau (3) a (4) yn unol â'r ddeddfwriaeth diogelu data o fewn ystyr "the data protection legislation" yn adran 3(9) o Ddeddf Diogelu Data 2018(1).

(6) Yn y rheoliad hwn—

mae i "awdurdod cymwys" yr ystyr a roddir i "competent authority" gan reoliad 4(1) i (3) o Reoliadau 2007, ac o ran y Swistir ei ystyr yw corff yn y Swistir sy'n awdurdod cymwys at ddibenion rheoliad 4(4) o Reoliadau 2007;

ystyr "y ddarpariaeth cydweithredu cyffredinol" ("*the general cooperation provision*") yw rheoliad 5(2) i (7) o Reoliadau 2007 (swyddogaethau awdurdodau cymwys yn y Deyrnas Unedig), i'r graddau y mae'n gymwys mewn perthynas â Gofal Cymdeithasol Cymru.

(7) At ddibenion y rheoliad hwn, mae Rheoliadau 2007 yn cael effaith yn ddarostyngedig i'r addasiadau a ganlyn—

- (a) mae unrhyw gyfeiriad at "social worker in Wales" yn cael effaith fel pe bai "social worker or social care manager in Wales" wedi ei roi yn ei le,
- (b) mae unrhyw gyfeiriad at "the Care Council for Wales" yn cael effaith fel pe bai "Social Care Wales" wedi ei roi yn ei le."

- (a) cooperate with the competent authority in Switzerland or the person (as the case may be), in accordance with the general cooperation provision, and
- (b) provide information to the competent authority in Switzerland regarding disciplinary action taken or criminal sanctions imposed, or any serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.

(5) Social Care Wales must process information for the purposes of paragraphs (3) and (4) in accordance with "the data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018(1).

(6) In this regulation—

"competent authority" ("*awdurdod cymwys*") has the meaning given by regulation 4(1) to (3) of the 2007 Regulations, and in relation to Switzerland means a body in Switzerland which is a competent authority for the purposes of regulation 4(4) of the 2007 Regulations;

"the general cooperation provision" ("*y ddarpariaeth cydweithredu cyffredinol*") means regulation 5(2) to (7) of the 2007 Regulations (functions of competent authorities in the United Kingdom), to the extent it applies in relation to Social Care Wales.

(7) For the purposes of this regulation, the 2007 Regulations have effect subject to the following modifications—

- (a) any reference to "social worker in Wales" has effect as if there were substituted "social worker or social care manager in Wales",
- (b) any reference to "the Care Council for Wales" has effect as if there were substituted "Social Care Wales". "

Diwygio rheoliad 19 (rhybuddion system wybodaeth y farchnad fewnol (IMI))

13. Yn rheoliad 19 (rhybuddion system wybodaeth y farchnad fewnol (IMI)) o Reoliadau 2019, yn lle “y diwrnod ymadael” ym mhob lle y mae’n digwydd rhodder “diwrnod cwblhau’r cyfnod gweithredu”.

Amendment of regulation 19 (internal market information system (IMI) alerts)

13. In regulation 19 (internal market and information system (IMI alerts) of the 2019 Regulations, for “exit day” in each place it occurs substitute “IP completion day”.

Julie Morgan

Y Dirprwy Weinidog Iechyd a Gwasanaethau
Cymdeithasol, o dan awdurdod y Gweinidog Iechyd a
Gwasanaethau Cymdeithasol, un o Weinidogion
Cymru
21 Rhagfyr 2020

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

21 December 2020

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