



**Cynulliad Cenedlaethol Cymru**

**National Assembly for Wales**

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OFFERYNNAU STATUDOL

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STATUTORY INSTRUMENTS

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**1999 Rhif 3184 (Cy.42) (C.82)**

**1999 No. 3184 (W.42) (C.82)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

**Gorchymyn Deddf Iechyd 1999  
(Cychwyniad Rhif 1) (Cymru)  
1999**

**The Health Act 1999  
(Commencement No.1) (Wales)  
Order 1999**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn dod â darpariaethau penodol Deddf Iechyd 1999 ynglŷn â Chymru i rym.

This Order brings into force certain provisions of the Health Act 1999 in relation to Wales.

Mae'r Gorchymyn yn darparu i ddarpariaethau gychwyn sy'n -

The Order provides for the commencement of provisions which-

- a. estyn pwerau cyfarwyddo'r Cynulliad Cenedlaethol mewn perthynas ag Ymddiriedolaethau NHS (adran 12);
- b. symleiddio'r pwerau i wneud gorchymynion i sefydlu Ymddiriedolaethau NHS ac eglurhau pwerau i Ymddiriedolaethau NHS i ddarparu ysbytai a chyfleusterau newydd nas rheolwyd gan Awdurdod Iechyd o'r blaen (adran 13);
- c. diwygio trefn ariannol Ymddiriedolaethau NHS mewn perthynas â chreu incwm, cyfalaf a benthyg (adrannau 14-16);
- ch. cyflwyno dyletswydd ansawdd newydd fel bod Awdurdodau Iechyd ac Ymddiriedolaethau NHS yn gwneud trefniadau i fonitro a gwella ansawdd gofal iechyd i gleifion (adran 18);
- d. creu dyletswydd ar Awdurdodau Iechyd i baratoi cynlluniau i wella iechyd ac i ddarparu gofal iechyd (adran 28);
- dd. diwygio deddfwriaeth y Gwasanaeth Iechyd Cenedlaethol yn fanwl o ganlyniad i'r uchod ac mewn perthynas ag Awdurdodau Iechyd a gweithredu eu swyddogaethau (Atodlen 4).

- a. extend the National Assembly's direction-making powers in relation to NHS Trusts (section 12);
- b. simplify the powers to make NHS Trust establishment orders and clarify powers for NHS Trusts to provide new hospitals and facilities not previously managed by a Health Authority (section 13);
- c. make amendments to the NHS Trust financial regime relating to income generation, capital and borrowing (sections 14 - 16);
- d. introduce a new duty of quality so that Health Authorities and NHS Trusts put in place arrangements to monitor and improve the quality of health care for patients (section 18);
- e. create a duty on Health Authorities to prepare plans for improving health and the provision of health care (section 28);
- f. make detailed amendments to National Health Service legislation in consequence of the above and in relation to Health Authorities and the exercise of their functions (Schedule 4).

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**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**Gorchymyn Deddf Iechyd 1999  
(Cychwyniad Rhif 1) (Cymru)  
1999**

*Wedi'i wneud*

*28 Hydref 1999*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 63(1), 66(2) a 67(2) o Ddeddf Iechyd 1999 (a):

**Enwi, dehongli a chwmpas**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Iechyd 1999 (Cychwyniad Rhif 1) (Cymru) 1999.

(2) Yn y Gorchymyn hwn —

ystyr "Deddf 1977" yw Deddf Gwasanaeth Iechyd Gwladol 1977(b) ("the 1977 Act");

ystyr "Deddf 1990" yw Deddf Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990(c) ("the 1990 Act").

ystyr "y Ddeddf" yw Deddf Iechyd 1999 ("the Act");

(3) Mae'r Gorchymyn hwn yn gymwys i Gymru.

**Diwrnodau penodedig**

2.—(1) 1 Tachwedd 1999 yw'r diwrnod a bennir i bob darpariaeth y Ddeddf a nodir yn Atodlen 1 i'r Gorchymyn hwn ddod i rym, i'r graddau y mae wedi'i nodi yno.

(2) 1 Rhagfyr 1999 yw'r diwrnod a bennir i bob darpariaeth y Ddeddf a nodir yn Atodlen 2 i'r Gorchymyn hwn ddod i rym, i'r graddau y mae wedi'i nodi yno.

**Darpariaeth arbed**

3. Er gwaethaf y diddymiadau a achosir gan baragraff 83(1) a (4) o Atodlen 4 i'r Ddeddf yn rhinwedd y Gorchymyn hwn, ymdrinir ag unrhyw gyfarwyddiadau

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(a) 1999 c.8.

(b) 1977 c.49.

(c) 1990 c.19

**1999 No. 3184 (W.42) (C.82)**

**NATIONAL HEALTH  
SERVICE, WALES**

**The Health Act 1999  
(Commencement No.1) (Wales)  
Order 1999**

*Made*

*28th October 1999*

The National Assembly for Wales makes the following Order in exercise of the powers conferred on it by sections 63(1), 66(2) and 67(2) of the Health Act 1999 (a) :

**Citation, interpretation and extent**

1.—(1) This Order may be cited as the Health Act 1999 (Commencement No.1) (Wales) Order 1999.

(2) In this Order —

"the 1977 Act" means the National Health Service Act 1977(b) ("Deddf 1977");

"the 1990 Act" means the National Health Service and Community Care Act 1990(c) ("Deddf 1990").

"the Act" means the Health Act 1999("y Ddeddf");

(3) This Order applies to Wales.

**Appointed days**

2.—(1) 1st November 1999 is the day appointed for the coming into force, to the extent there specified, of each provision of the Act specified in Schedule 1 to this Order.

(2) 1st December 1999 is the day appointed for the coming into force, to the extent there specified, of each provision of the Act specified in Schedule 2 to this Order.

**Saving provision**

3. Notwithstanding the repeals effected by paragraph 83(1) and (4) of Schedule 4 to the Act by virtue of this Order, any directions to NHS Trusts in Wales given

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(a) 1999 c.8.

(b) 1977 c.49.

(c) 1990 c.19

i Ymddiriedolaethau NHS yng Nghymru a roddir o dan baragraff 6 o Atodlen 2 i Ddeddf 1990 ac sydd mewn grym yn union cyn 1 Rhagfyr 1999 fel petaent wedi'u rhoi o dan, ac at ddibenion, adran 17 o Ddeddf 1977.

under paragraph 6 of Schedule 2 to the 1990 Act which are in force immediately before 1st December 1999 shall be treated as if they had been given under, and for the purposes of, section 17 of the 1977 Act.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

28 Hydref 1999

28th October 1999

D. Elis Thomas

Y Llywydd

The Presiding Officer

DARPARIAETHAU'R DDEDDF SY'N DOD I RYM AR 1 TACHWEDD 1999

Adran 13 (Gorchmynion sefydlu Ymddiriedolaethau NHS)  
 Adran 14 (Ymddiriedolaethau NHS: arfer pwerau)  
 Adran 15 (Cyfalaf dididend cyhoeddus Ymddiriedolaethau NHS)  
 Adran 16 (Trosi benthyciadau cychwynnol Ymddiriedolaethau NHS sy'n bodoli eisoes)  
 Adran 17 (Benthyca gan Ymddiriedolaethau NHS)  
 Adran 18 (Dyletswydd Ansawdd) ac eithrio i'r graddau y mae'n ymwneud ag Ymddiriedolaeth Gofal Sylfaenol  
 Adran 28 (Cynlluniau ar gyfer gwella iechyd etc.) ac eithrio i'r graddau y mae'n ymwneud ag Ymddiriedolaeth Gofal Sylfaenol  
 Adran 65(1) (Diwygiadau i ddeddfiadau) (i'r graddau y mae'n ymwneud â darpariaethau Atodlen 4 i'r Ddeddf a nodir isod)  
 Atodlen 4 -  
 paragraff 4 (i'r graddau y mae'n ymwneud â pharagraff 37 isod)  
 paragraff 37(5) a (6) a pharagraff 37(1) i'r graddau y mae'n ymwneud a hwy  
 paragraff 79(2)(a) ac (c) a pharagraff 79(1) i'r graddau y mae'n ymwneud â hwy

DARPARIAETHAU'R DDEDDF SY'N DOD I RYM AR 1 RHAGFYR 1999

Adran 12 (Cyfarwyddiadau) -  
 is-adran (1) i'r graddau y mae'n ymwneud â mewnosod adrannau newydd 16D a 17 o Ddeddf 1977 ac eithrio i'r graddau y maent yn ymwneud ag Ymddiriedolaethau Gofal Sylfaenol ac adran 28 o'r Ddeddf  
 is-adran (2)  
 is-adran (3) a (4), i'r graddau y maent yn ymwneud ag is-adran (1)  
 is-adran (5)  
 Adran 65(1) (Diwygiadau i ddeddfiadau) (i'r graddau y mae'n ymwneud â darpariaethau Atodlen 4 i'r Ddeddf a bennir isod)  
 Atodlen 4 -  
 paragraff 4 (i'r graddau y mae'n ymwneud ag unrhyw un o'r paragraffau 5 i 39 a bennir isod)  
 paragraff 5

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST NOVEMBER 1999

Section 13 (NHS Trust establishment orders)  
 Section 14 (NHS Trusts : exercise of powers)  
 Section 15 (Public dividend capital of NHS Trusts)  
 Section 16 (Conversion of initial loans of existing NHS Trusts)  
 Section 17 (Borrowing by NHS Trusts)  
 Section 18 (Duty of Quality) except so far as it relates to a Primary Care Trust  
 Section 28 (Plans for improving health etc.) except in so far as it relates to a Primary Care Trust  
 Section 65(1) (Amendments of enactments) (in so far as it relates to the provisions of Schedule 4 to the Act specified below)  
 Schedule 4 -  
 paragraph 4 (in so far as it relates to paragraph 37 below)  
 paragraph 37(5) and (6) and paragraph 37(1) in so far as it relates to them  
 paragraph 79(2)(a) and (c) and paragraph 79(1) in so far as it relates to them

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST DECEMBER 1999

Section 12 (Directions)-  
 subsection (1) to the extent that it relates to the insertion of new sections 16D and 17 of the 1977 Act except in so far as they relate to Primary Care Trusts and section 28 of the Act  
 subsection (2)  
 subsection (3) and (4), in so far as they relate to subsection (1)  
 subsection (5)  
 Section 65(1) (Amendments of enactments) (in so far as it relates to the provisions of Schedule 4 to the Act specified below)  
 Schedule 4 -  
 paragraph 4 (in so far as it relates to any of the paragraphs 5 to 39 specified below)  
 paragraph 5

paragraff 6

paragraff 9 (i'r graddau y mae'n ymwneud â mewnosod adran 16 newydd o Ddeddf 1977 ac eithrio i'r graddau y mae'n ymwneud ag Ymddiriedolaethau Gofal Sylfaenol)

paragraff 12(3)(b) a pharagraff 12(1) i'r graddau y mae'n ymwneud ag ef

paragraff 15

paragraff 26

paragraff 30(2) a pharagraff 30(1) i'r graddau y mae'n ymwneud ag ef

paragraff 31(3) a pharagraff 31(1) i'r graddau y mae'n ymwneud ag ef

paragraff 32

paragraff 34(b)

paragraff 37(4) (i'r graddau y mae'n ymwneud â mewnosod adrannau newydd 16D ac 17 o Ddeddf 1977 gan adran 12(1) o'r Ddeddf) a pharagraff 37(1) i'r graddau y mae'n ymwneud ag ef

paragraff 38(3) (i'r graddau y mae'n mewnosod is-adran (1A) o adran 128 o Ddeddf 1977 ac eithrio i'r graddau y mae'r is-adran honno'n ymwneud ag adran 17A o Ddeddf 1977 ac Ymddiriedolaethau Gofal Sylfaenol) a pharagraff 38(1) i'r graddau y mae'n ymwneud ag ef

paragraff 39

paragraff 74 (i'r graddau y mae'n ymwneud ag unrhyw un o'r paragraffau 75 i 83 isod)

paragraff 75

paragraff 76(b)

paragraff 83(4) a pharagraff 83(1) i'r graddau y mae'n ymwneud ag ef

paragraff 88(5) a pharagraff 88(1) i'r graddau y mae'n ymwneud ag ef

paragraph 6

paragraph 9 (to the extent that it relates to the insertion of new section 16 of the 1977 Act except in so far as it relates to Primary Care Trusts)

paragraph 12(3)(b) and paragraph 12(1) in so far as it relates to it

paragraph 15

paragraph 26

paragraph 30(2) and paragraph 30(1) in so far as it relates to it

paragraph 31(3) and paragraph 31(1) in so far as it relates to it

paragraph 32

paragraph 34(b)

paragraph 37(4) (in so far as it relates to the insertion of new sections 16D and 17 of the 1977 Act by section 12(1) of the Act) and paragraph 37(1) in so far as it relates to it

paragraph 38(3) (to the extent that it inserts subsection (1A) of section 128 of the 1977 act except in so far as that subsection relates to section 17A of the 1977 act and Primary Care Trusts) and paragraph 38(1) in so far as it relates to it

paragraph 39

paragraph 74 (in so far as it relates to any of the paragraphs 75 to 83 below)

paragraph 75

paragraph 76(b)

paragraph 83(4) and paragraph 83(1) in so far as it relates to it

paragraph 88(5) and paragraph 88(1) in so far as it relates to it

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**Y GWASANAETH IECHYD  
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