



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 2532 (Cy.248)(C.81)

2002 No. 2532 (W.248)(C.81)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Gorchymyn Deddf Diwygio'r
Gwasanaeth Iechyd Gwladol a
Phroffesiynau Gofal Iechyd 2002
(Cychwyn) (Cymru)
2002

The National Health Service
Reform and Health Care
Professions Act 2002
(Commencement) (Wales) Order
2002

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 dwyn i rym ddarpariaethau penodol yng Ngorchymyn Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 mewn perthynas â Chymru.

This Order brings into force certain provisions of the National Health Service Reform and Health Care Professions Act 2002 in relation to Wales.

Mae'r Gorchymyn yn darparu ar gyfer cychwyn darpariaethau sy'n gwneud y canlynol:-

The Order provides for the commencement of provisions which:-

(a). galluogi'r Cynulliad Cenedlaethol i sefydlu Byrddau Iechyd Lleol ac i roi swyddogaethau i'r Byrddau a fydd newydd eu sefydlu (adran 6);

(a). enable the National Assembly to establish Local Health Boards and to confer functions on the newly established Boards (section 6);

(b). sefydlu mecanwaith ar gyfer cyllido Byrddau Iechyd Lleol a gosod dyletswyddau ariannol penodol mewn perthynas â therfynau gwariant ac adnoddau ar y Byrddau (adran 9);

(b). establish a mechanism for the funding of Local Health Boards and impose certain financial duties in respect of expenditure and resource limits on the Boards (section 9);

(c). galluogi'r Cynulliad Cenedlaethol i wneud rheoliadau mewn perthynas â statws, cyfansoddiad, aelodaeth a swyddogaethau atodol Byrddau Iechyd Lleol (Atodlen 4) ac yn gwneud newidiadau technegol a chanlyniadol i ddeddfwriaeth sy'n bodoli eisoes (Atodlen 5);

(c). enable the National Assembly to make regulations in respect of the status, constitution, membership and ancillary functions of Local Health Boards (Schedule 4) and introduce technical and consequential changes to existing legislation (Schedule 5);

(ch). cadw'r trefniadau presennol ar gyfer cyllido cyrff GIG yng Nghymru nes y bydd Awdurdodau Iechyd Cymru yn cael eu diddymu, yn darparu ar gyfer diffinio gwariant Rhan 1 a Rhan 2 Byrddau Iechyd Lleol i adlewyrchu'r hyn sy'n gymwysadwy i'r Awdurdodau Iechyd a chaniatáu dosrannu'r

(d). preserve the existing arrangements for the funding of NHS bodies in Wales pending the abolition of Welsh Health Authorities, provide for the definition of Part 1 and Part 2 expenditure of Local Health Boards to mirror that currently applicable to Health Authorities and allow for the apportionment of remuneration attributable to the

gydnabyddiaeth y gellir ei phriodoli i gostau cyffuriau rhwng Byrddau Iechyd Lleol (adran 10);

(d). gofyn am gydweithio rhwng cyrff GIG a'r gwasanaeth carchardai gyda golwg ar sicrhau a chynnal iechyd carcharorion (adran 23);

(dd). gosod dyletswydd ar bob awdurdod lleol a phob Bwrdd Iechyd Lleol y mae unrhyw ran o'u tir o fewn ardal yr awdurdod lleol i lunio a gweithredu ar y cyd strategaeth ar gyfer iechyd a llesiant aelodau o'r cyhoedd yn ardal yr awdurdod lleol (adran 24);

(e). cychwyn mân ddiwygiadau a diddymiadau canyniadol (adran 37).

cost of drugs between Local Health Boards (section 10);

(e). require joint working between NHS bodies and the prison service with a view to securing and maintaining the health of prisoners (section 23);

(f). impose a duty on each local authority and each Local Health Board any part of whose area lies within the area of the local authority to jointly formulate and implement a strategy for the health and well-being of members of the public in the local authority's area (section 24);

(g). make minor consequential amendments and repeals (section 37).

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GWLADOL, CYMRU**

Gorchymyn Deddf Diwygio'r
Gwasanaeth Iechyd Gwladol a
Phroffesiynau Gofal Iechyd 2002
(Cychwyn) (Cymru)
2002

Wedi'i wneud

7 Hydref 2002

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 38(1), 42(3) a (4)(c), (d) ac (e)(iii) a (iv) o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002(a) drwy hyn yn gwneud y Gorchymyn canlynol:-

Enwi, dehongli a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (Cychwyn) (Cymru) 2002.

(2) Yn y Gorchymyn hwn, ystyr "y Ddeddf" ("*the Act*") yw Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002.

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

Y diwrnod penodedig

2. 10 Hydref 2002 yw'r diwrnod penodedig i ddarpariaethau'r Ddeddf a bennir yn yr Atodlen i'r Gorchymyn hwn ddod i rym.

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

7 Hydref 2002

Jane E. Hutt

Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol

(a) 2002 p.17.

(b) 1998 p.38.

2002 No. 2532 (W.248)(C.81)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
Reform and Health Care
Professions Act 2002
(Commencement) (Wales) Order
2002

Made

7th October 2002

The National Assembly for Wales, in exercise of powers conferred on it by sections 38(1), 42(3) and (4)(c), (d) and (e)(iii) and (iv) of the National Health Service Reform and Health Care Professions Act 2002(a) hereby makes the following Order:-

Citation, interpretation and application

1. -(1) This Order may be cited as the National Health Service Reform and Health Care Professions Act 2002 (Commencement) (Wales) Order 2002.

(2) In this Order, "the Act" ("y ddeddf") means the National Health Service Reform and Health Care Professions Act 2002.

(3) This Order applies to Wales only.

Appointed day

2. The day appointed for the coming into force of the provisions of the Act specified in the Schedule to this Order is 10th October 2002.

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

7th October 2002

Minister for Health and Social Services

(a) 2002 c.17.

(b) 1998 c.38.

YR ATODLEN

SCHEDULE

Erthygl 2

Article 2

DARPARIAETHAU'R DDEDDF SY'N DOD I RYM
AR 10 HYDREF 2002

PROVISIONS OF THE ACT COMING INTO FORCE
ON 10TH OCTOBER 2002

<i>Darpariaethau'r Ddeddf</i>	<i>Y Pwnc</i>
Adran 6	Byrddau Iechyd Lleol
Adran 9	Cyllido Byrddau Iechyd Lleol
Adran 10	Gwariant cyrff GIG
Adran 23	Cydweithio â'r gwasanaeth carchardai
Adran 24	Strategaethau Iechyd a Llesiant yng Nghymru
Adran 37 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 8 ac Atodlen 9 a bennir isod:-	Mân ddiwygiadau canlyniadol a diddymiadau
Yn Atodlen 8 - Paragraff 1; Paragraff 2; Paragraff 3; Paragraff 4(1),(2)(b) ac (c); Paragraff 8; Paragraff 9; Paragraff 10; Paragraff 11; Paragraff 18; Paragraff 19; Paragraff 20; Paragraff 21; Paragraff 22; Paragraff 23; Paragraff 24; Paragraff 25; Paragraff 26; Paragraff 27; Paragraff 30; Paragraff 31; Paragraff 32; Paragraff 33; Paragraff 34; Paragraff 36; Paragraff 37. Yn Atodlen 9, i'r graddau y mae'n ymwneud â Chymru, diddymu:- Deddf y Gwasanaeth Iechyd Gwladol 1977 (C.49):	

<i>Provisions of the Act</i>	<i>Subject Matter</i>
Section 6	Local Health Boards
Section 9	Funding of Local Health Boards
Section 10	Expenditure of NHS bodies
Section 23	Joint working with the prison service
Section 24	Health and Well-being strategies in Wales
Section 37 in so far as it relates to the provisions of Schedule 8 and Schedule 9 specified below:-	Minor and consequential amendments and repeals
In Schedule 8 - Paragraph 1; Paragraph 2; Paragraph 3; Paragraph 4(1),(2)(b) and (c); Paragraph 8; Paragraph 9; Paragraph 10; Paragraph 11; Paragraph 18; Paragraph 19; Paragraph 20; Paragraph 21; Paragraph 22; Paragraph 23; Paragraph 24; Paragraph 25; Paragraph 26; Paragraph 27; Paragraph 30; Paragraph 31; Paragraph 32; Paragraph 33; Paragraph 34; Paragraph 36; Paragraph 37. In Schedule 9, the repeal in so far as it relates to Wales of:- National Health Service Act 1977 (C.49):	

<p>Yn adran 22(1A), y gair "or" ar ddiwedd paragraff (c); adran 28(A)(1), y gair "and" ar ddiwedd paragraff (a); adran 29B(3), y gair "or" ar ddiwedd paragraff (b); yn adran 33(1A)(b), y geiriau "for areas in Wales"; yn adran 44(2), y geiriau "with the approval of the Health Authority"; adran 51(3), y gair ("and") ar ddiwedd paragraff (bb); adran 97(6)(bb) ac (c) ac (8); adran 125, y gair "and" ar ddiwedd paragraff (bb); adran 126(4A), y gair "or" ar ddiwedd paragraff (b) ac yn Atodlen 12A, ym mharagraff 4(2) y gair "or" ar ddiwedd paragraff (a), ym mharagraff 5(1) y gair "and" ar ddiwedd paragraff (a), ym mharagraff 5(2) y gair "or" ar ddiwedd paragraff (a) ac ym mharagraff 7(3) "or Primary Care Trust".</p> <p>Deddf Comisiynwyr y Gwasanaeth Iechyd 1993 (C.46): Yn adran 2, yn is-adran (2)(a), y geiriau "whose areas are in Wales".</p> <p>Deddf Llywodraeth Cymru 1998 (p.38): Yn Atodlen 5, ym mharagraff 20, y geiriau "for an area in, or consisting of, Wales" ac yn Atodlen 17 ym mharagraff 12, y geiriau "for an area in, or consisting of, Wales".</p> <p>Deddf y Gwasanaeth Iechyd Gwladol 1977 (p.49): Yn adran 97D(1) (b), y geiriau "apart from subsection (5A)".</p> <p>Deddf y Gwasanaeth Iechyd Gwladol a Gofal</p>		<p>In section 22 (1A), the "or" at the end of paragraph (c); in section 28A(1), the "and" at the end of paragraph (a); in section 29B(3), the "or" at the end of paragraph (b); in section 33(1A)(b), "for areas in Wales"; in section 44(2), "with the approval of the Health Authority"; in section 51(3), the "and" at the end of paragraph (bb); section 97(6)(bb) and (c) and (8); in section 125, the "and" at the end of paragraph (bb); in section 126(4A), the "or" at the end of paragraph (b) and in Schedule 12A, in paragraph 4(2) the "or" at the end of paragraph (a), in paragraph 5(1) the "and" at the end of paragraph (a), in paragraph 5(2), the "or" at the end of paragraph (a) and in paragraph 7(3), "or Primary Care Trust".</p> <p>Health Service Commissioners Act 1993 (C.46): In section 2, in subsection (2)(a), "whose areas are in Wales".</p> <p>Government of Wales Act 1998 (c.38): In Schedule 5, in paragraph 20, "for an area in, or consisting of, Wales" and in Schedule 17, in paragraph 12, "for an area in, or consisting of, Wales".</p> <p>National Health Service Act 1977 (c.49): In section 97D(1)(b), "apart from subsection (5A)".</p> <p>National Health Service and Community</p>	
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<p>Cymunedol 1990 (p.19): Yn adran 12(4), y geiriau ar ôl paragraff (b).</p> <p>Deddf Llywodraeth Leol (Cymru) 1994 (p.19): Yn atodlen 10, paragraff 11(4).</p> <p>Deddf Awdurdodau Iechyd 1995 (p. 17): Adran 1 ac yn Atodlen 1, paragraffau 32(b), 53 a 107(12)(b).</p> <p>Deddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46): Yn Atodlen 2, paragraffau 71(3), 73 a 75.</p> <p>Deddf Llywodraeth Cymru 1998 (p. 38): Adran 148.</p> <p>Deddf Iechyd 1999 (p. 8): Yn Atodlen 4, paragraffau 5, 31(2) a 35.</p> <p>Deddf Iechyd a Gofal Cymdeithasol 2001 (p.15): Adranau 1(4) a (5), 3(3) (4) a 43(5) ac yn Atodlen 5, paragraff 5(12)(b).</p>		<p>Care Act 1990 (c.19): In section 12(4), the words after paragraph (b).</p> <p>Local Government (Wales) Act 1994 (c.19): In schedule 10, paragraph 11(4).</p> <p>Health Authorities Act 1995 (c. 17): Section 1 and in Schedule 1, paragraphs 32(b), 53 and 107(12)(b).</p> <p>National Health Service (Primary Care) Act 1997 (c.46): In Schedule 2, paragraphs 71(3), 73 and 75.</p> <p>Government of Wales Act 1998 (c. 38) Section 148.</p> <p>Health Act 1999 (c. 8): In Schedule 4, paragraphs 5, 31(2) and 35.</p> <p>Health and Social Care Act 2001 (c.15): Sections 1(4) and (5), 3(3) and (4) and 43(5) and in Schedule 5, paragraph 5(12)(b).</p>	
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