



Mae'r Offeryn Statudol hwn wedi ei ailargraffu i gywiro'r hyn a gafodd ei hepgor o'r tabl gorchmynion cychwyn yn y nodyn esboniadol ac fe'i dosberthir yn rhad ac am ddim i bawb y mae'n hysbys iddynt ei dderbyn.

This Statutory Instrument has been reprinted to correct an omission in the table of the commencement orders in the explanatory note and is being issued free of charge to all known recipients.

CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 939 (Cy.123) (C.50)

2003 No. 939 (W.123) (C.50)

GWASANAETHAU CYMORTH GWLADOL, CYMRU

NATIONAL ASSISTANCE SERVICES, WALES

Gorchymyn Deddf Iechyd a Gofal
Cymdeithasol 2001 (Cychwyn Rhif
5) (Cymru) 2003

The Health and Social Care Act
2001 (Commencement No. 5)
(Wales) Order 2003

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Y Gorchymyn hwn yw'r pumed Gorchymyn Cychwyn a wnaed o dan Ddeddf Iechyd a Gofal Cymdeithasol 2001 (y "Ddeddf") mewn perthynas â Chymru.

This Order is the fifth Commencement Order made under the Health and Social Care Act 2001 ("the Act") in relation to Wales.

Mae'r Gorchymyn hwn yn pennu mai 1 Ebrill 2003 fydd y diwrnod y mae adrannau canlynol y Ddeddf yn dod i rym yng Nghymru. Mae'r darpariaethau yn caniatáu newidiadau i'r ffordd y mae awdurdodau lleol yn codi tâl am lety preswyl o dan Ran 3 o Ddeddf Cymorth Gwladol 1948.

This Order appoints 1st April 2003 as the day on which the following sections of the Act are to come into force in Wales. The provisions allow for changes to the way that local authorities charge for residential accommodation under Part 3 of the National Assistance Act 1948.

Mae adran 53 yn rhoi'r pŵer i Gynulliad Cenedlaethol Cymru wneud rheoliadau i benderfynu pa ran o adnoddau person a gaiff eu diystyru wrth benderfynu a oes angen llety arno neu beidio.

Section 53 gives the National Assembly for Wales the power to make regulations to determine what part of a person's resources are disregarded in determining whether or not they have a need for accommodation.

Mae adran 54 yn caniatáu i Gynulliad Cenedlaethol Cymru wneud rheoliadau sy'n galluogi i daliadau ychwanegol gael eu gwneud, gan neu ar ran preswlydd, ar gyfer llety sy'n costio mwy nag a fyddai awdurdod lleol fel arfer yn disgwyl ei dalu.

Section 54 allows the National Assembly for Wales to make regulations permitting additional payments to be made, by or on behalf of a resident, for accommodation whose cost is more than a local authority would usually expect to pay.

Mae adran 55 yn caniatáu i awdurdod lleol wneud cytundeb ("cytundeb talu gohiriedig") â pherson y mae angen llety arno i adael i'r person hwnnw beidio â gwneud taliadau am y llety ond i Gronni dyled a gaiff ei sicrhau drwy arwystl ar gartref y person hwnnw.

Section 55 allows a local authority to enter into an agreement ("a deferred payment agreement") with a person who needs accommodation to allow that person not to make payments for the accommodation but to accrue a debt which is secured by way of a charge on the person's home.

**NODYN YNGHYLCH GORCHMYNION
CYCHWYN CYNHARACH**

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

**NOTE AS TO EARLIER COMMENCEMENT
ORDERS**

(This note is not part of the Order)

<i>Y Ddarpariaeth</i>	<i>Dyddiad Cychwyn</i>	<i>O.S. Rhif</i>
Adran 3	1 Gorffennaf 2002 (yn rhannol)	2002/1475
Adran 5	1 Gorffennaf 2002	2002/1475
Adran 11	1 Rhagfyr 2002	2002/1475
Adran 13	17 Mawrth 2003	2003/713
Adran 16	26 Awst 2002	2002/1919
Adran 19 - 26	1 Gorffennaf 2002	2002/1475
Adran 27	26 Awst 2002	2002/1919
Adran 28 - 39	1 Gorffennaf 2002	2002/1475
Adran 41 - 43	1 Gorffennaf 2002	2002/1475
Adran 49	3 Rhagfyr 2001 (yn rhannol)	2001/3807
Adran 50(1)	8 Ebrill 2002	2001/3752
Adran 50 (2) i (10)	19 Rhagfyr 2001	2001/3807
Adran 51	8 Tachwedd 2001	2001/3752
Adran 52	8 Tachwedd 2001	2001/3752
Adran 67(1) ac Atodlen 5	1 Ebrill 2002, 1 Gorffennaf 2002 a 26 Awst 2002 (yn rhannol)	2002/1095, 2002/1475 a 2002/1919
Adran 67(2) ac Atodlen 6	1 Ebrill 2002, 15 Ebrill 2002, 1 Gorffennaf 2002 a 26 Awst 2002 (yn rhannol)	2002/1095, 2002/1312, 2002/1475 a 2002/1919
Atodlen 2	1 Gorffennaf 2002	2002/1475
Atodlen 3	1 Gorffennaf 2002	2002/1475

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 3	1st July 2002 (partially)	2002/1475
Section 5	1st July 2002	2002/1475
Section 11	1st December 2002	2002/1475
Section 13	17th March 2003	2003/713
Section 16	26th August 2002	2002/1919
Section 19 - 26	1st July 2002	2002/1475
Section 27	26th August 2002	2002/1919
Section 28 - 39	1st July 2002	2002/1475
Section 41 - 43	1st July 2002	2002/1475
Section 49	3rd December 2001 (partially)	2001/3807
Section 50(1)	8th April 2002	2001/3752
Section 50(2) to (10)	19th December 2001	2001/3807
Section 51	8th November 2001	2001/3752
Section 52	8th November 2001	2001/3752
Section 67(1) and Schedule 5	1st April 2002, 1st July 2002 and 26th August 2002 (partially)	2002/1095, 2002/1475 and 2002/1919
Section 67(2) and Schedule 6	1st April 2002, 15th April 2002, 1st July 2002 and 26th August 2002 (partially)	2002/1095, 2002/1312, 2002/1475 and 2002/1919
Schedule 2	1st July 2002	2002/1475
Schedule 3	1st July 2002	2002/1475

Mae amryw o ddarpariaethau'r Ddeddf wedi'u dwyn i rym mewn perthynas â Lloegr gan yr Offerynnau Statudol canlynol: O.S. 2001/2804 (C.95); O.S. 2001/3167 (C.101); O.S. 2001/3294 (C.107); O.S. 2001/3619 (C.117); O.S. 2001/3752 (C.122); O.S. 2001/3738 (C.121); O.S. 2001/4149 (C.133); O.S. 2002/1095 (C.26); O.S. 2002/1312 (C.36) ac O.S. 2002/2363 (C.77).

Various provisions of the Act have been brought into force in relation to England by the following Statutory Instruments: S.I. 2001/2804 (C.95); S.I. 2001/3167 (C.101); S.I. 2001/3294 (C.107); S.I. 2001/3619 (C.117); S.I. 2001/3752 (C.122); S.I. 2001/3738 (C.121); S.I. 2001/4149 (C.133); S.I. 2002/1095 (C.26); S.I. 2002/1312 (C.36) and S.I. 2002/2363 (C.77).

2003 Rhif 939 (Cy.123) (C.50)

2003 No. 939 (W.123) (C.50)

**GWASANAETHAU CYMORTH
GWLADOL, CYMRU**

**NATIONAL ASSISTANCE
SERVICES, WALES**

Gorchymyn Deddf Iechyd a Gofal
Cymdeithasol 2001 (Cychwyn Rhif
5) (Cymru) 2003

The Health and Social Care Act
2001 (Commencement No. 5)
(Wales) Order 2003

Wedi'i wneud

26 Mawrth 2003

Made

26th March 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 64(6) a 70(2) o Ddeddf Iechyd a Gofal Cymdeithasol 2001(a), drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred on it by sections 64(6) and 70(2) of the Health and Social Care Act 2001(a), hereby makes the following Order:

Enwi, dehongli a chymhwyso

Citation, interpretation and application

1.-(1) Enw'r gorchymyn hwn yw Gorchymyn Deddf Iechyd a Gofal Cymdeithasol 2001 (Cychwyn Rhif 5) (Cymru) 2003.

1.-(1) This Order may be cited as the Health and Social Care Act 2001 (Commencement No.5) (Wales) Order 2002.

(2) Yn y Gorchymyn hwn, cyfeirir at Ddeddf Iechyd a Gofal Cymdeithasol 2001 fel y "Ddeddf".

(2) In this Order, the Health and Social Care Act 2001 is referred to as "the Act".

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

(3) This Order applies to Wales only.

Y diwrnod penodedig

Appointed Day

2. 1 Ebrill 2003 yw'r diwrnod penodedig i ddarpariaethau'r Ddeddf a bennir yn yr Atodlen i'r Gorchymyn hwn ddod i rym.

2. The day appointed for the coming into force of the provisions of the Act specified in the Schedule to this Order is 1st April 2003.

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

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

26 Mawrth 2003

26th March 2003

D. Elis-Thomas

Llywydd Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly for
Wales

(a) 2001 c.15.

(b) 1998 c.38.

(a) 2001 c.15.

(b) 1998 c.38.

ATODLEN 1

Erthygl 2

DARPARIAETHAU'R DDEDDF SY'N DOD I RYM AR 1 EBRILL 2003

SCHEDULE 1

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 1 APRIL 2003

<i>Darpariaethau'r Ddeddf</i>	<i>Pwnc</i>
Adran 53	Diystyru adnoddau wrth benderfynu'r angen am lety preswyl
Adran 54 i'r graddau na chafodd ei dwyn i rym eisoes gan adran 70(2)	Preswlydd a.y.y.b. yn ariannu llety drutach
Adran 55	Pŵer i awdurdodau lleol arwystlo tir yn lle cymryd cyfraniadau

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 53	Disregarding of resources when determining need for residential accommodation
Section 54 in so far as it has not already been brought into force by section 70(2)	Funding by resident etc. of more expensive accommodation
Section 55	Power for local authorities to take charges on land instead of contributions

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