CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 978 (Cy.101)

GOFAL IECHYD A PHROFFESIYNAU CYSYLLTIEDIG, CYMRU

Gorchymyn Diddymu Proffesiynau Iechyd Cymru 2006

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diddymu ar 1 Ebrill 2006 y corff a adwaenir fel Proffesiynau Iechyd Cymru ac a sefydlwyd o dan adran 4 o Ddeddf Iechyd (Cymru) 2003. Mae'r Gorchymyn yn dirymu'r Gorchmynion a bennir yn erthygl 3 ac yn darparu ar gyfer trosglwyddo staff, eiddo a chofnodion. Mae yna hefyd ddarpariaeth ar gyfer dirwyn i ben faterion y corff.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 978 (W.101)

HEALTH CARE AND ASSOCIATED PROFESSIONS, WALES

The Health Professions Wales Abolition Order 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes on 1 April 2006 the body known as Health Professions Wales established under section 4 of the Health (Wales) Act 2003. The Order revokes the Orders specified in article 3 and makes provision for the transfer of staff, property and records. There is also provision for the winding up of the body's affairs.

OFFERYNNAU STATUDOL

2006 Rhif 978 (Cy.101)

GOFAL IECHYD A PHROFFESIYNAU CYSYLLTIEDIG, CYMRU

Gorchymyn Diddymu Proffesiynau Iechyd Cymru 2006

Wedi'i wneud *29 Mawrth 2006*

Yn dod i rym *1 Ebrill 2006*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 5 o Ddeddf Iechyd (Cymru) 2003(**1**), drwy hyn yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Diddymu Proffesiynau Iechyd Cymru 2006 a daw i rym ar 1 Ebrill 2006.

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

(3) Yn y Gorchymyn hwn-

ystyr "awdurdod goruchwylio lleol" ("*local supervising authority*") yw'r corff sy'n arfer swyddogaethau yn unol ag erthyglau 42(1)(b) a 43 o Orchymyn Nyrsio a Bydwreigiaeth 2001(**2**);

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "Gorchymyn 2004" ("*the 2004 Order*") yw Gorchymyn Proffesiynau Iechyd Cymru (Sefydliad, Aelodaeth, Cyfansoddiad a Swyddogaethau) 2004(**3**);

ystyr "PIC" ("*HPW*") yw'r corff a adwaenir fel Proffesiynau Iechyd Cymru (Health Professions Wales) ac a sefydlwyd gan Orchymyn 2004;

(**1**) 2003 p.4.

(**2**) O.S. 2002/253.

(**3**) O.S. 2004/551 (Cy.55).

STATUTORY INSTRUMENTS

2006 No. 978 (W.101)

HEALTH CARE AND ASSOCIATED PROFESSIONS, WALES

The Health Professions Wales Abolition Order 2006

Made *29 March 2006*

Coming into force *1 April 2006*

The National Assembly for Wales, in exercise of the powers conferred upon it by section 5 of the Health (Wales) Act 2003(**1**) hereby makes the following Order:

Name, commencement, application and interpretation

1.-(1) The title of this Order is the Health Professions Wales Abolition Order 2006 and it comes into force on 1 April 2006.

(2) This Order applies to Wales.

(3) In this Order-

"HPW" ("*PIC*") means the body known as Health Professions Wales (Proffesiynau Iechyd Cymru) established by the 2004 Order;

"local supervising authority" ("*awdurdod goruchwylio lleol*") means the body exercising functions pursuant to articles 42(1)(b) and 43 of the Nursing and Midwifery Order 2001(**2**);

"the 2004 Order" ("*Gorchymyn 2004*") means the Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004(**3**);

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

(**1**) 2003 c.4.

(**2**) S.I. 2002/253.

(**3**) S.I. 2004/551 (W.55).

Diddymu Proffesiynau Iechyd Cymru

2. Diddymir PIC.

Dirymu Gorchmynion

3. Mae Gorchymyn 2004 a Gorchymyn Proffesiynau Iechyd Cymru (Trosglwyddo Staff, Eiddo, Hawliau a Rhwymedigaethau) 2004(**1**) yn cael eu dirymu.

Trosglwyddo Staff

4. Ar 1 Ebrill 2006-

(a) yn ddarostyngedig i is-baragraffau (b) ac (c) bydd aelodau o staff PIC sydd yn union cyn y dyddiad hwnnw yn dal contract cyflogi gyda PIC yn cael eu trin fel petaent wedi trosglwyddo o PIC ac yn gyflogedig gan Ymddiriedolaeth GIG Bro Morgannwg;

(b) bydd aelodau o staff PIC sydd yn union cyn y dyddiad hwnnw yn dal contract cyflogi gyda PIC ac sy'n delio'n llwyr neu'n bennaf â swyddogaethau awdurdod goruchwylio lleol yn cael eu trin fel petaent wedi trosglwyddo o PIC ac yn gyflogedig gan y Cynulliad Cenedlaethol;

(c) bydd aelodau o staff PIC sydd yn union cyn y dyddiad hwnnw yn dal contract cyflogaeth gyda PIC ac sy'n delio'n llwyr neu'n bennaf â sicrhau ansawdd cyrsiau nyrsio a bydwreigiaeth naill ai ar ran y Cynulliad Cenedlaethol neu'r Cyngor Nyrsio a Bydwreigiaeth yn cael eu trin fel petaent wedi trosglwyddo o PIC ac yn gyflogedig gan y Cynulliad Cenedlaethol.

Trosglwyddo pob eiddo a chofnod

5. Ar 1 Ebrill 2006-

(a) yn ddarostyngedig i is-baragraffau (b) ac (c) bydd pob eiddo yn trosglwyddo i'r Cynulliad Cenedlaethol;

(b) bydd y les y cyfeirir ati yn yr Atodlen i'r Gorchymyn hwn yn trosglwyddo i'r Cynulliad Cenedlaethol;

(c) bydd y cofnodion a ddelir gan PIC mewn perthynas ag arfer swyddogaeth dyfarndaliadau myfyrwyr a roddir o dan adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd Cyhoeddus 1968(**2**) yn cael eu trosglwyddo i Ymddiriedolaeth GIG Bro Morgannwg.

(**1**) O.S. 2004/550 (Cy.54).

(**2**) 1968 p.46.

Abolition of Health Professions Wales

2. HPW is abolished.

Revocation of Orders

3. The 2004 Order and the Health Professions Wales (Transfer of Staff, Property, Rights and Liabilities) Order 2004(**1**) are revoked.

Transfer of Staff

4. On 1 April 2006-

(a) subject to sub-paragraphs (b) and (c) the members of staff of HPW who immediately before that date, have a contract of employment with HPW will be treated as transferred from HPW and employed by Bro Morgannwg NHS Trust;

(b) the members of staff of HPW who immediately before that date have a contract of employment with HPW and who are dealing wholly or mainly with the functions of a local supervising authority will be treated as transferred from HPW and employed by the National Assembly;

(c) the members of staff of HPW who immediately before that date have a contract of employment with HPW and who are dealing wholly or mainly with the quality assurance of nursing and midwifery courses either on behalf of the National Assembly or the Nursing and Midwifery Council will be treated as transferred from HPW and employed by the National Assembly.

Transfer of all property and records

5. On 1 April 2006-

(a) subject to sub-paragraphs (b) and (c) all property will transfer to the National Assembly;

(b) the lease referred to in the Schedule to this Order will transfer to the National Assembly;

(c) the records held by HPW in relation to the exercise of the function of student awards given under section 63 of the Health Services and Public Health Act 1968(**2**) will be transferred to Bro Morgannwg NHS Trust.

(**1**) S.I. 2004/550 (W.54).

(**2**) 1968 c.46.

Gorfodi hawliau a throsglwyddo rhwymedigaethau

6.-(1) Mae unrhyw hawl y gellid, yn union cyn 1 Ebrill 2006, ei gorfodi gan neu yn erbyn PIC yn trosglwyddo i'r Cynulliad Cenedlaethol.

(2) Mae unrhyw rwymedigaeth sy'n codi o arfer ei swyddogaethau y gellid, yn union cyn 1 Ebrill 2006, ei gorfodi yn erbyn PIC, yn trosglwyddo i'r Cynulliad Cenedlaethol.

Dirwyn i ben faterion Proffesiynau Iechyd Cymru

7.-(1) Rhaid i'r Cynulliad Cenedlaethol gymryd unrhyw gamau sy'n angenrheidiol i ddirwyn i ben faterion PIC gan gynnwys paratoi cyfrifon dyladwy PIC.

(2) Rhaid i'r Cynulliad Cenedlaethol anfon y datganiad o gyfrifon i Archwilydd Cyffredinol Cymru cyn 1 Hydref 2006.

(3) Rhaid i'r Archwilydd Cyffredinol-

(a) archwilio ac ardystio cyfrifon a gyflwynir iddo o dan baragraff (2); a

(b) gosod copi ohonynt fel y'u hardystiwyd gerbron y Cynulliad Cenedlaethol, ynghyd ag adroddiad arnynt.

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

29 Mawrth 2006

Enforceability of rights and transfer of liabilities

6.-(1) Any right that was, immediately before 1 April 2006 enforceable by or against HPW is transferred to the National Assembly.

(2) Any liability arising from the exercise of its functions that was, immediately before 1 April 2006 enforceable against HPW, is transferred to the National Assembly.

Winding up of the affairs of Health Professions Wales

7.-(1) The National Assembly must take such action as may be necessary for the winding up of the affairs of HPW including the preparation of the outstanding accounts of HPW.

(2) The National Assembly must send the statement of accounts to the Auditor General for Wales before the 1 October 2006.

(3) The Auditor General must-

(a) examine and certify accounts submitted to him under paragraph (2); and

(b) lay before the National Assembly a copy of them as certified together with a report on them.

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

29 March 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) 1998 p.38.

(**1**) 1998 c.38.

YR ATODLEN

Erthygl 5

TROSGLWYDDO EIDDO

Y Mae'r Gorchymyn Hwn Yn Gymwys Iddo

Mangreoedd swyddfa ar ail lawr Golate House, Heol Eglwys Fair, Caerdydd a gynhwysir mewn les dyddiedig 9 Hydref 1997 ac a wnaed rhwng Dovey Estates Ltd(1) a Bwrdd Cenedlaethol Cymru dros Nyrsio Bydwreigiaeth a Gwasanaethau Ymwelwyr Iechyd ac Ysgrifennydd Gwladol Cymru(2).

SCHEDULE

Article 5

TRANSFER OF PROPERTY

To Which This Order Applies

Office premises on the 2nd floor of Golate House, St Mary Street, Cardiff comprised in a lease dated 9 October 1997 and made between Dovey Estates Ltd(1) and Welsh National Board for Nursing Midwifery and Health Visiting and the Secretary of State for Wales(2).

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The Health Professions Wales Abolition Order 2006

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£3.00

W293/04/06 ON