



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2007 Rhif 204 (Cy.18) (C.9)**

**2007 No. 204 (W.18) (C.9)**

**IECHYD Y CYHOEDD,  
CYMRU**

**PUBLIC HEALTH,  
WALES**

**Gorchymyn Deddf Iechyd 2006  
(Cychwyn Rhif 1 a Darpariaethau  
Trosiannol) (Cymru)  
2007**

**The Health Act 2006  
(Commencement No. 1 and  
Transitional Provisions) (Wales)  
Order 2007**

**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 holl ddarpariaethau Ddeddf Iechyd 2006 sy'n berthnasol i:

This Order brings into force all the provisions of the Health Act 2006 relating to:

- (a) mangreoedd, manau a cherbydau di-fwg, i'r graddau nad ydynt eisoes mewn grym;
- (b) swyddogaethau gwrth-dwyll mewn perthynas â'r gwasanaeth iechyd yng Nghymru, i'r graddau nad ydynt eisoes mewn grym; ac
- (c) cyfrifon ac archwilio mewn perthynas â chyrrff y GIG yng Nghymru i'r graddau nad ydynt eisoes mewn grym.

- (a) smoke-free premises, places and vehicles, in so far as they are not already in force;
- (b) counter fraud functions in relation to the health service in Wales, in so far as they are not already in force; and
- (c) accounts and audit in relation to Welsh NHS bodies in so far as they are not already in force.

**NODYN YNGHYLCH GORCHMYNION  
CYCHWYN CYNHARACH**

**NOTE AS TO EARLIER  
COMMENCEMENT ORDERS**

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

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

Mae'r Gorchymyn Cychwyn a ganlyn wedi'i wneud o dan Ddeddf Iechyd 2006 gan yr Ysgrifennydd Gwladol dros Iechyd mewn perthynas â Chymru a Lloegr:

The following Commencement Order has been made under the Health Act 2006 by the Secretary of State for Health in relation to England and Wales:

Gorchymyn Deddf Iechyd 2006 (Cychwyn Rhif 1 a Darpariaethau Trosiannol) 2006 (O.S. 2006/2603).

The Health Act 2006 (Commencement No.1 and Transitional Provisions) Order 2006 (S.I. 2006/2603).

**2007 Rhif 204 (Cy.18) (C.9)****2007 No. 204 (W.18) (C.9)****IECHYD Y CYHOEDD,  
CYMRU****PUBLIC HEALTH,  
WALES****Gorchymyn Deddf Iechyd 2006  
(Cychwyn Rhif 1 a Darpariaethau  
Trosiannol) (Cymru)  
2007****The Health Act 2006  
(Commencement No. 1 and  
Transitional Provisions) (Wales)  
Order 2007***Wedi'i wneud**30 Ionawr 2007**Made**30 January 2007*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn hwn drwy arfer y pwerau a roddwyd gan adrannau 79(3), 83(4), 83(5)(c), (d), (e), (f), (g) ac (8) o Ddeddf Iechyd 2006(1).

The National Assembly for Wales makes this Order in exercise of the powers conferred by section 79(3), 83(4), 83(5)(c), (d), (e), (f), (g) and (8) of the Health Act 2006(1).

**Enwi, cymhwyso a dehongli****Title, application and interpretation**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Iechyd 2006 (Cychwyn Rhif 1 a Darpariaethau Trosiannol) (Cymru) 2007.

1.-(1) The title of this Order is The Health Act 2006 (Commencement No.1 and Transitional Provisions) (Wales) Order 2007.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(2) This Order applies in relation to Wales.

(3) Yn y Gorchymyn hwn -

(3) In this Order -

mae i "cyrff y GIG yng Nghymru" yr ystyr a roddir i "Welsh NHS bodies" gan baragraff 2 o Atodlen 12B i Ddeddf 1977 sydd i'w mewnosod gan Atodlen 3 i'r Ddeddf;

"the Act" (" *y Ddeddf* ") means the Health Act 2006;

ystyr "Deddf 1977" ("*the 1977 Act*") yw Deddf y Gwasanaeth Iechyd Gwladol 1977(2); ac

"the 1977 Act" ("*Deddf 1977* ") means the National Health Service Act 1977(2); and

ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd 2006.

"Welsh NHS bodies" ("*cyrff y GIG yng Nghymru*") has the meaning given by paragraph 2 of Schedule 12B to the 1977 Act to be inserted by Schedule 3 to the Act.

**Y diwrnod penodedig ar gyfer darpariaethau sy'n ymwneud â mangroedd, manau a cherbydau difwg****Appointed day for provisions relating to smoke-free premises, places and vehicles**

2. 2 Ebrill 2007 yw'r diwrnod penodedig ar gyfer dod â darpariaethau canlynol y Ddeddf i rym -

2. 2 April 2007 is the day appointed for the coming into force of the following provisions of the Act -

(a) adrannau 1 i 3, 5 i 8, 10 a 12 ac Atodlen 1 i'r graddau nad ydynt eisoes mewn grym (3);

(a) sections 1 to 3, 5 to 8, 10 and 12 and Schedule 1 so far as they are not already in force (3);

(1) 2006 p.28.

(2) 1977 p.49.

(3) Yn rhinwedd adran 83(1)(e) o Ddeddf Iechyd 2006 daeth y darpariaethau hyn i rym ar y diwrnod y pasiwyd y Ddeddf i'r graddau y mae'r darpariaethau'n rhoi pŵer i wneud Gorchymyn neu Reoliadau, neu i ddiffinio unrhyw ymadrodd sy'n berthnasol i arfer unrhyw bŵer o'r fath.

(1) 2006 c.28.

(2) 1977 c.49.

(3) By virtue of section 83(1)(e) of the Health Act 2006 these provisions came into force on the day on which the Act was passed so far as the provisions confer power to make an order or regulations, or define any expression relevant to the exercise of any such power.

- (b) adrannau 9 ac 11 ac Atodlen 2; ac
- (c) adrannau 76, 77 a 78 i'r graddau y maent yn ymwneud â thramgwyddau o dan Bennod 1 o Ran 1.

**Y diwrnod penodedig ar gyfer darpariaethau sy'n ymwneud â swyddogaethau gwrth-dwyll Cynulliad Cenedlaethol Cymru mewn perthynas â'r gwasanaeth iechyd yng Nghymru ac â thramgwyddau mewn perthynas â'r swyddogaethau hynny**

3. 1 Chwefror 2007 yw'r diwrnod penodedig ar gyfer dod â darpariaethau canlynol y Ddeddf hon i rym i'r graddau y maent yn ymwneud â swyddogaethau gwrth-dwyll Cynulliad Cenedlaethol Cymru mewn perthynas â'r gwasanaeth iechyd yng Nghymru neu â thramgwyddau mewn perthynas â'r swyddogaethau hynny-

- (a) adrannau 48 a 55 i'r graddau nad ydynt eisoes mewn grym(1);
- (b) adrannau 44, 45, 46, 47, 49, 50, 51, 52, 53 a 54; ac
- (c) adrannau 76, 77 a 78 i'r graddau y maent yn ymwneud â thramgwyddau o dan Bennod 3 o Ran 4.

**Y diwrnod penodedig ar gyfer darpariaethau sy'n berthnasol i archwilio**

4. 1 Chwefror 2007 yw'r diwrnod penodedig ar gyfer dod â darpariaethau canlynol y Ddeddf i rym, i'r graddau y maent yn ymwneud â chyrrff y GIG yng Nghymru -

- (a) adran 56 ac Atodlen 3;
- (b) paragraffau 24(a), 43, 44 a 62 o Atodlen 8, ac adran 80(1) i'r graddau y mae'n ymwneud â'r darpariaethau hynny;
- (c) yn Atodlen 9 -
  - (i) paragraff 21 o Atodlen 5 i Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002(2);
  - (ii) paragraff 2 o Atodlen 2 i Ddeddf Archwilio Cyhoeddus (Cymru) 2004(3);
  - (iii) erthygl 2 o Orchymyn Diwygio Rheoleiddio (Cyfrifon ac Archwilio Ymddiriedolaethau Elusenol ac Anelusenol y Gwasanaeth Iechyd Gwladol) 2005(4); ac

- (b) sections 9 and 11 and Schedule 2; and
- (c) sections 76, 77 and 78 so far as they relate to offences under Chapter 1 of Part 1.

**Appointed day for provisions relating to the counter fraud functions of the National Assembly for Wales in relation to the health service in Wales and to offences committed in relation to those functions**

3. 1 February 2007 is the day appointed for the coming into force of the following provisions of the Act so far as they relate to the National Assembly for Wales' counter fraud functions in relation to the health service in Wales or to offences committed in relation to those functions -

- (a) sections 48 and 55 so far as they are not already in force(1);
- (b) sections 44, 45, 46, 47, 49, 50, 51, 52, 53 and 54; and
- (c) sections 76, 77 and 78 so far as they relate to offences under Chapter 3 of Part 4.

**Appointed day for provisions relating to audit**

4. 1 February 2007 is the day appointed for the coming into force of the following provisions of the Act, so far as they relate to Welsh NHS bodies -

- (a) section 56 and Schedule 3;
- (b) paragraphs 24(a), 43, 44 and 62 of Schedule 8, and section 80(1) in so far as it relates to those provisions;
- (c) in Schedule 9 -
  - (i) paragraph 21 of Schedule 5 to the National Health Service Reform and Health Care Professions Act 2002(2);
  - (ii) paragraph 2 of Schedule 2 to the Public Audit (Wales) Act 2004(3);
  - (iii) article 2 of the Regulatory Reform (National Health Service Charitable and Non-Charitable Trust Accounts and Audit) Order 2005(4); and

(1) Yn rhinwedd adran 83(1)(e) o Ddeddf Iechyd 2006 daeth y darpariaethau hyn i rym ar y diwrnod y pasiwyd y Ddeddf i'r graddau y mae'r darpariaethau'n rhoi pŵer i wneud Gorchymyn neu Reoliadau, neu i ddiffinio unrhyw ymadrodd sy'n berthnasol i arfer unrhyw bŵer o'r fath.

(2) 2002 p.17.

(3) 2004 p.23.

(4) O.S.2005/1074.

(1) By virtue of section 83(1)(e) of the Health Act 2006 these provisions came into force on the day on which the Act was passed so far as the provisions confer power to make an order or regulations, or define any expression relevant to the exercise of any such power.

(2) 2002 c.17.

(3) 2004 c.23.

(4) S.I.2005/1074.

(ch) adran 80(2) i'r graddau y mae'n ymwneud â'r diddymiadau neu'r dirymiadau a bennir ym mharagraff (c).

(d) section 80(2) in so far as it relates to the repeals or revocations specified in paragraph (c).

### **Darpariaethau trosiannol sy'n berthnasol i archwilio**

5.-(1) Mewn perthynas â chyrrff y GIG yng Nghymru, er gwaethaf rhoi yn lle adran 98 o Ddeddf 1977 adran 56 o'r Ddeddf bydd -

- (a) adran 98 o Ddeddf 1977;
- (b) adran 144(2) o Ddeddf Llywodraeth Cymru 1998(1);
- (c) adran 14 o Ddeddf Adnoddau a Chyfrifon y Llywodraeth 2000(2); ac
- (ch) adran 61(1) o Ddeddf Archwilio Cyhoeddus (Cymru) 2004(3);

fel y byddant mewn grym ar 31 Ionawr 2007 yn gymwys o ran cyfrifon a gedwir gan y cyrrff a restrir yn adran 98(1) mewn perthynas â'r flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2007 (yn unol â hynny, bydd y trefniadau a geir yn Atodlen 12B newydd i Ddeddf 1977 yn gymwys mewn perthynas â phob blwyddyn ariannol ddilynol) ac o ran materion sy'n berthnasol i flynyddoedd ariannol cynharach ac nad ydynt wedi'u dirwyn i ben.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(4)

30 Ionawr 2007

Llywydd Cynulliad Cenedlaethol Cymru

- 
- (1) 1998 p.38.
  - (2) 2000 p.20.
  - (3) 2004 p.23.
  - (4) 1998 p.38.

### **Transitional provisions relating to audit**

5.-(1) In relation to Welsh NHS bodies, notwithstanding the substitution, of section 98 of the 1977 Act by section 56 of the Act -

- (a) section 98 of the 1977 Act;
- (b) section 144(2) of the Government of Wales Act 1998(1);
- (c) section 14 of the Government Resources and Accounts Act 2000(2); and
- (d) section 61(1) of the Public Audit (Wales) Act 2004(3);

as in force on 31 January 2007 will apply as regards accounts kept by the bodies listed in section 98(1) in relation to the financial year ending 31 March 2007 (accordingly, the arrangements set out in the new Schedule 12B of the 1977 Act will apply in relation to each subsequent financial year) and as regards outstanding matters relating to earlier financial years.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

30 January 2007

The Presiding Officer of the National Assembly for Wales

- 
- (1) 1998 c.38.
  - (2) 2000 c.20.
  - (3) 2004 c.23.
  - (4) 1998 c.38.

---

OFFERYNNAU STATUDOL

---

**2007 Rhif 204 (Cy.18) (C.9)**

**IECHYD Y CYHOEDD,  
CYMRU**

Gorchymyn Deddf Iechyd 2006  
(Cychwyn Rhif 1 a Darpariaethau  
Trosiannol) (Cymru)  
2007

---

STATUTORY INSTRUMENTS

---

**2007 No. 204 (W.18) (C.9)**

**PUBLIC HEALTH,  
WALES**

The Health Act 2006  
(Commencement No. 1 and  
Transitional Provisions) (Wales)  
Order 2007

© Hawlfraint y Goron 2007

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2007

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

**£3.00**

W0004/2/07

ON