



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 1547 (Cy.145) (C.84)

2010 No. 1547 (W.145) (C.84)

**IECHYD Y CYHOEDD,
CYMRU**

**PUBLIC HEALTH,
WALES**

Gorchymyn Deddf Iechyd a Gofal
Cymdeithasol 2008 (Cychwyn Rhif
4, Darpariaethau Trosiannol ac
Arbedion) (Cymru) 2010

The Health and Social Care Act
2008 (Commencement No. 4,
Transitional and Savings
Provisions) (Wales) Order 2010

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, ar 26 Gorffennaf 2010, rai darpariaethau yn Neddf Iechyd a Gofal Cymdeithasol 2008 ("y Ddeddf") sy'n diwygio Deddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984. Mae'r rhain yn cynnwys pwerau diwygiedig ac ehangach i ddiogelu iechyd drwy wneud rheoliadau ynglŷn â lledaenu heintiau a halogi o ganlyniad i deithio rhyngwladol, ac ar gyfer darpariaeth ddomestig i ddiogelu rhag, ac ymateb i, heintio a halogi. Darperir pwerau newydd i ynadon heddwch, i wneud gorchymynion sy'n gorfodi cymryd camau i ddiogelu iechyd mewn perthynas â phersonau, pethau a mangreoedd. Bydd modd i ynadon heddwch roi cyfarwyddyd hefyd i weithredu ym mha bynnag fodd sy'n briodol er mwyn cyflawni eu gorchymynion. Gwneir addasiadau i'r hawliau mynediad a'r trefniadau gorfodi mewn perthynas â mesurau diogelu iechyd. Yn ychwanegol, gwneir nifer o ddarpariaethau trosiannol ac arbedion, yn bennaf ynglŷn â'r gofynion hysbysu o dan y ddeddfwriaeth flaenorol.

This Order brings into force on 26 July 2010 certain provisions of the Health and Social Care Act 2008 ("the Act") which amend the Public Health (Control of Disease) Act 1984. These include revised and expanded powers to make health protection regulations, both with regard to the spread of infection or contamination from international travel, and with regard to domestic provision for protecting against, or responding to, infection or contamination. There are new powers for justices of the peace to make orders requiring health protection measures to be taken in relation to persons, things or premises. Justices of the peace will also be able to direct any action that might be appropriate to give effect to their orders. There are also modified rights of entry and enforcement arrangements relating to health protection measures. In addition, there are a number of transitional and savings provisions, primarily in relation to the notice requirements under pre-existing legislation.

**Nodyn ynghylch gorchymynion cychwyn
blaenorol**

Note as to earlier commencement orders

Mae'r darpariaethau canlynol o'r Ddeddf wedi eu dwyn i rym o ran Cymru gan orchymynion cychwyn a wnaed gan Weinidogion Cymru cyn dyddiad y Gorchymyn hwn.

The following provisions of the Act have been brought into force in relation to Wales by commencement orders made by the Welsh Ministers before the date of this Order.

<i>Darpariaeth</i>	<i>Dyddiad Cychwyn</i>	<i>O.S. Rhif</i>
adran 140 (yn rhannol)	21 Mai 2010	2010/1457 (Cy.130)
adran 166 (yn rhannol)	21 Mai 2010	2010/1457 (Cy.130)
Rhan 2 o Atodlen 12	21 Mai 2010	2010/1457 (Cy.130)
Rhan 4 o Atodlen 15 (yn rhannol)	21 Mai 2010	2010/1457 (Cy.130)
adran148	19 Ebrill 2010	2010/989 (Cy.98)
adran 147	6 Ebrill 2009	2009/631 (Cy.57)
adran 166 (i'r graddau y mae'n ymwneud â Rhan 5 o Atodlen 15)	6 Ebrill 2009	2009/631 (Cy.57)
Atodlen 13	6 Ebrill 2009	2009/631 (Cy.57)
Rhan 5 o Atodlen 15	6 Ebrill 2009	2009/631 (Cy.57)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.140 (partially)	21 May 2010	2010/1457 (W.130)
s.166 (partially)	21 May 2010	2010/1457 (W. 130)
Part 2 of Schedule 12	21 May 2010	2010/1457 (W.130)
Part 4 of Schedule 15 (partially)	21 May 2010	2010/1457 (W.130)
s.148	19 April 2010	2010/989 (W.98)
s.147	6 April 2009	2009/631 (W.57)
s.166 (so far as it relates to Part 5 of Schedule 15)	6 April 2009	2009/631 (W.57)
Schedule 13	6 April 2009	2009/631 (W.57)
Part 5 of Schedule 15	6 April 2009	2009/631 (W.57)

2010 Rhif 1547 (Cy.145) (C.84)

2010 No. 1547 (W.145) (C.84)

**IECHYD Y CYHOEDD,
CYMRU**

**PUBLIC HEALTH,
WALES**

Gorchymyn Deddf Iechyd a Gofal
Cymdeithasol 2008 (Cychwyn Rhif
4, Darpariaethau Trosiannol ac
Arbedion) (Cymru) 2010

The Health and Social Care Act
2008 (Commencement No. 4,
Transitional and Savings
Provisions) (Wales) Order 2010

Gwnaed 8 Mehefin 2010

Made 8 June 2010

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 10 Mehefin 2010

*Laid before the National
Assembly for Wales* 10 June 2010

Yn dod i rym 26 Gorffennaf 2010

Coming into force 26 July 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 161(3) a (4), 167(2) a 170(3) o Ddeddf Iechyd a Gofal Cymdeithasol 2008(1) yn gwneud y Gorchymyn canlynol:

The Welsh Ministers, in exercise of the powers conferred by sections 161(3) and (4), 167(2) and 170(3) of the Health and Social Care Act 2008(1) make the following Order:

Enwi, cymhwyso a dehongli

Title, application and interpretation

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Iechyd a Gofal Cymdeithasol 2008 (Cychwyn Rhif 4, Darpariaethau Trosiannol ac Arbedion) (Cymru) 2010.

1.–(1) The title of this Order is the Health and Social Care Act 2008 (Commencement No. 4, Transitional and Savings Provisions) (Wales) Order 2010.

(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—

(a) ystyr "Deddf 1984" ("*the 1984 Act*") yw Deddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(2); a

(a) "the 1984 Act" ("*Deddf 1984*") means the Public Health (Control of Disease) Act 1984(2); and

(b) ystyr "Deddf 2008" ("*the 2008 Act*") yw Deddf Iechyd a Gofal Cymdeithasol 2008.

(b) "the 2008 Act" ("*Deddf 2008*") means the Health and Social Care Act 2008.

Y diwrnod penodedig

Appointed day

2. 26 Gorffennaf 2010 yw'r diwrnod penodedig ar gyfer dwyn i rym y darpariaethau canlynol o Ddeddf 2008—

2. 26 July 2010 is the appointed day for the coming into force of the following provisions of the 2008 Act—

(a) adran 129, i'r graddau nad yw eisoes mewn grym;

(a) section 129, in so far as not already in force;

(b) adran 130(1), ac eithrio i'r graddau y mae'n ymwneud ag adrannau 13 i 15 a 76 o Ddeddf 1984 yn peidio â chael effaith;

(b) section 130(1), except in so far as it relates to sections 13 to 15 and 76 of the 1984 Act ceasing to have effect;

(1) 2008 p.14. *Gweler* adran 171(2) o'r Ddeddf honno am ddiffiniad o "appropriate authority", sy'n berthnasol i'r pŵer a arferir.

(1) 2008 c.14. *See* section 171(2) of that Act for the definition of "appropriate authority", which is relevant to the power being exercised.

(2) 1984 p.22.

(2) 1984 c.22.

- (c) adran 130(2);
- (ch) adran 166, i'r graddau y mae'n ymwneud â'r darpariaethau o Ran 3 o Atodlen 15 a gychwynnir gan baragraff (dd);
- (d) Atodlen 11; ac
- (dd) Rhan 3 o Atodlen 15 ac eithrio i'r graddau y mae'n ymwneud â diddymu adrannau 13 i 15 a 76 o Ddeddf 1984.

Darpariaethau trosiannol ac arbed

3. Mae'r darpariaethau trosiannol ac arbed a bennir yn Atodlen 1 yn cael effaith.

- (c) section 130(2);
- (d) section 166, in so far as it relates to the provisions of Part 3 of Schedule 15 commenced by paragraph (f);
- (e) Schedule 11; and
- (f) Part 3 of Schedule 15, except in so far as it relates to the repeal of sections 13 to 15 and 76 of the 1984 Act.

Transitional and savings provisions

3. The transitional and savings provisions set out in Schedule 1 have effect.

Elin Jones

Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the
Welsh Ministers

8 Mehefin 2010

8 June 2010

Darpariaethau trosiannol ac arbedion

Transitional and savings provisions

Dehongli**1. Yn yr Atodlen hon—**

ystyr "y Rheoliadau Hysbysu" (*"the Notification Regulations"*) yw Rheoliadau Diogelu Iechyd (Hysbysu) (Cymru) 2010(1); ac

ystyr "y Rheoliadau Pwerau Awdurdodau Lleol" (*"the Local Authority Powers Regulations"*) yw Rheoliadau Diogelu Iechyd (Pwerau Awdurdodau Lleol) (Cymru) 2010(2).

Adran 9 o Ddeddf 1984

2. Mae adran 9 o Ddeddf 1984 (llongau ar ddyfroedd mewndirol neu arfordirol) yn parhau mewn grym at ddibenion adran 13 o Ddeddf 1984 (rheoliadau ar gyfer rheoli clefydau penodol) (er gwaethaf diddymu adran 9 gan Ddeddf 2008).

Adran 11 o Ddeddf 1984: dyletswydd ymarferwyr meddygol cofrestredig**3.—(1) Pan fo—**

- (a) dyletswydd ar ymarferydd meddygol cofrestredig o dan adran 11 o Ddeddf 1984 (adrodd am achosion o glefyd hysbysadwy a gwenwyn bwyd) wedi codi cyn 26 Gorffennaf 2010 ond heb ei chyflawni cyn y dyddiad hwnnw; a
- (b) y ddyletswydd honno yn gysylltiedig â chlefyd hysbysadwy a restrir yn Atodlen 1 i'r Rheoliadau Hysbysu (Clefydau a Syndromau Hysbysadwy),

rhaid i'r ymarferydd meddygol cofrestredig gydymffurfio â rheoliad 2 o'r Rheoliadau Hysbysu (dyletswydd i hysbysu ynghylch amheuaeth o glefyd, haint neu halogiad mewn cleifion).

(2) At ddibenion is-baragraff (1), rhaid trin yr ymarferydd meddygol cofrestredig fel pe bai wedi ffurfio amheuaeth o dan reoliad 2(1) o'r rheoliadau Hysbysu ar 26 Gorffennaf 2010.

Adran 11 o Ddeddf 1984: dyletswydd swyddogion priodol**4.—(1) Pan fo—**

- (a) swyddog priodol awdurdod lleol wedi cael tystysgrif yn unol ag adran 11(1) o Ddeddf 1984 (adrodd am achosion o glefyd

(1) O.S. 2010/1546 (Cy.144).

(2) O.S. 2010/1545 (Cy.143).

Interpretation**1. In this Schedule—**

"the Notification Regulations" (*"y Rheoliadau Hysbysu"*) means the Health Protection (Notification) (Wales) Regulations 2010(1); and

"the Local Authority Powers Regulations" (*"y Rheoliadau Pwerau Awdurdodau Lleol"*) means the Health Protection (Local Authority Powers) (Wales) Regulations 2010(2).

Section 9 of the 1984 Act

2. Section 9 of the 1984 Act (vessels in inland or coastal waters) continues in force for the purposes of section 13 of the 1984 Act (regulations for control of certain diseases) (notwithstanding the repeal of section 9 by the 2008 Act).

Section 11 of the 1984 Act: duty of registered medical practitioners**3.—(1) Where—**

- (a) a duty on a registered medical practitioner under section 11 of the 1984 Act (cases of notifiable disease and food poisoning to be reported) has arisen before 26 July 2010 but has not been discharged before that date; and
- (b) the duty is in connection with a notifiable disease or syndrome that is listed in Schedule 1 to the Notification Regulations (Notifiable Diseases and Syndromes),

the registered medical practitioner must comply with regulation 2 of the Notification Regulations (duty to notify suspected disease, infection or contamination in patients).

(2) For the purpose of sub-paragraph (1), the registered medical practitioner is to be treated as having formed a suspicion under regulation 2(1) of the Notification Regulations on 26 July 2010.

Section 11 of the 1984 Act: duty of proper officers**4.—(1) Where—**

- (a) a proper officer of a local authority has received a certificate in accordance with section 11(1) of the 1984 Act (cases of

(1) S.I. 2010/1546 (W.144).

(2) S.I. 2010/1545 (W.143).

hysbysadwy a gwenwyn bwyd);

- (b) y swyddog priodol heb gyflawni'r ddyletswydd o anfon copiâu o'r dystysgrif honno at bartïon penodedig eraill o dan adran 11(3) o'r Ddeddf honno(1) cyn 26 Gorffennaf 2010; ac
- (c) y dystysgrif yn ymwneud â chlefyd hysbysadwy a restrir yn Atodlen 1 i'r Rheoliadau Hysbysu (Clefydau a Syndromau Hysbysadwy),

rhaid trin y dystysgrif honno fel hysbysiad a anfonwyd o dan reoliad 2 o'r Rheoliadau Hysbysu (dyletswydd i hysbysu ynghylch amheuaeth o glefyd, haint neu halogiad mewn cleifion).

(2) At ddibenion is-baragraff (1), rhaid trin y swyddog priodol fel pe bai wedi cael yr hysbysiad ar 26 Gorffennaf 2010.

Adran 20 o Ddeddf 1984

5. Pan fo—

- (a) swyddog priodol awdurdod lleol wedi gwneud cais o dan adran 20 o Ddeddf 1984(2) (atal gwaith er mwyn rhwystro clefyd rhag lledaenu); a
- (b) pan na chydymffurfiwyd â'r cais hwnnw cyn 26 Gorffennaf 2010 a'r cais heb ddod i ben nac wedi ei dynnu'n ôl,

rhaid trin y cais fe cais a wnaed o dan reoliad 8 o'r rheoliadau Pwerau Awdurdodau Lleol (ceisiadau am gydweithredu at ddibenion diogelu iechyd).

Adran 21 o Ddeddf 1984

6. Pan fo—

- (a) hysbysiad wedi ei ddyroddi i berson sydd â gofal am blentyn, o dan adran 21 o Ddeddf 1984 (allgáu plentyn o'r ysgol os yw'n dueddol o drosglwyddo clefyd hysbysadwy); a
- (b) tystysgrif hed ei dyroddi gan swyddog priodol cyn 26 Gorffennaf 2010 mewn perthynas â'r hysbysiad hwnnw,

bydd adran 21 o Ddeddf 1984 yn parhau mewn grym at ddibenion yr hysbysiad (er gwaethaf diddymu'r adran honno gan Ddeddf 2008).

Adran 22 o Ddeddf 1984

7. Mewn achos—

-
- (1) Cyn ei diddymu, diwygiwyd adran 11(3) gan Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17), Atodlen 2, Rhan 2, paragraffau 50(1) a (2).
 - (2) Cyn ei diddymu, diwygiwyd adran 20 gan Ddeddf Diogelwch Bwyd 1990 (p.16), Atodlen 3, paragraff 28.

notifiable disease and food poisoning to be reported);

- (b) the proper officer has not discharged the duty to send copies of that certificate to other specified parties under section 11(3) of that Act(1) before 26 July 2010; and
- (c) the certificate relates to a notifiable disease or syndrome that is listed in Schedule 1 to the Notification Regulations (Notifiable Diseases and Syndromes),

the certificate is to be treated as a notification sent under regulation 2 of the Notification Regulations (duty to notify suspected disease, infection or contamination in patients).

(2) For the purposes of sub-paragraph (1), the proper officer is to be treated as having received the notification on 26 July 2010.

Section 20 of the 1984 Act

5. Where—

- (a) a proper officer of a local authority has made a request under section 20 of the 1984 Act(2) (stopping of work to prevent spread of disease); and
- (b) that request has not been complied with before 26 July 2010 nor has it expired or been withdrawn,

the request is to be treated as a request made under regulation 8 of the Local Authority Powers Regulations (requests for co-operation for health protection purposes).

Section 21 of the 1984 Act

6. Where—

- (a) a notice has been issued to the person having care of a child under section 21 of the 1984 Act (exclusion from school of child liable to convey notifiable disease); and
- (b) a certificate has not been issued by a proper officer under that section in respect of that notice before 26 July 2010,

for the purposes of the notice, section 21 of the 1984 Act continues in force (notwithstanding its repeal by the 2008 Act).

Section 22 of the 1984 Act

7. Where—

-
- (1) Before its repeal, section 11(3) was amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 2, Part 2, paragraphs 50(1) and (2).
 - (2) Before its repeal, section 20 was amended by the Food Safety Act 1990 (c.16), Schedule 3, paragraph 28.

- (a) pan fo swyddog priodol awdurdod lleol wedi gofyn i bennaeth ysgol ddarparu rhestr o enwau a chyfeiriadau disgyblion o dan adran 22 o Ddeddf 1984(1) (rhestr o ddisgyblion dydd mewn ysgol sydd ag achos o glefyd hysbysadwy);
- (b) pan nad yw'r amser ar gyfer cydymffurfio â'r cais wedi dod i ben; ac
- (c) pan na chydymffurfiwyd â'r cais cyn 26 Gorffennaf 2010,

rhaid trin y cais fel cais a wnaed o dan reoliad 3 o'r Rheoliadau Pwerau Awdurdodau Lleol (gofyniad i ddarparu manylion am blant sy'n mynychu ysgol).

Adran 31 o Ddeddf 1984

8. Pan fo—

- (a) yr awdurdod lleol wedi rhoi hysbysiad i feddiannydd o dan adran 31 o Ddeddf 1984 (diheintio mangre); a
- (b) y camau a bennwyd gan yr awdurdod lleol yn ei hysbysiad heb eu cyflawni gan yr awdurdod lleol na'r meddiannydd cyn 26 Gorffennaf 2010,

bydd adran 31 o Ddeddf 1984 yn parhau mewn grym at ddibenion yr hysbysiad (er gwaethaf diddymu'r adran honno gan Ddeddf 2008).

Adrannau 35 i 38 a 40 o Ddeddf 1984

9. Yn union cyn 26 Gorffennaf 2010, os oes gorchymyn mewn grym, a wnaed gan ynad heddwch o dan un neu ragor o adrannau 35 i 38 a 40 o Ddeddf 1984(2) (sy'n ymwneud â gorchymynion ynadon heddwch)—

- (a) rhaid trin y gorchymyn fel pe bai wedi ei wneud o dan adran 45G (pŵer i orchymyn mesurau iechyd mewn perthynas â phersonau) ac, os cyfunwyd y gorchymyn â gwarant, adran 45K (gorchymynion Rhan 2A: atodol) o Ddeddf 1984;
- (b) bydd y gorchymyn yn peidio â bod mewn grym ar ôl cyfnod o 14 diwrnod sy'n dechrau gyda 26 Gorffennaf 2010, neu ar ôl pa bynnag gyfnod byrrach a bennir yn y gorchymyn; ac
- (c) ni chaniateir estyn y gorchymyn, ond nid yw hynny'n rhwystro ynad heddwch rhag gwneud

- (a) a proper officer of a local authority has requested a principal of a school to furnish a list of names and addresses of pupils under section 22 of the 1984 Act(1) (list of day pupils at school having case of notifiable disease);
- (b) the time for complying with the request has not expired; and
- (c) the request has not been complied with before 26 July 2010,

the request is to be treated as a request made under regulation 3 of the Local Authority Powers Regulations (requirement to provide details of children attending school).

Section 31 of the 1984 Act

8. Where—

- (a) the local authority has given notice to an occupier under section 31 of the 1984 Act (disinfection of premises); and
- (b) the steps set out by the local authority in its notice have not been taken by the local authority or the occupier before 26 July 2010,

for the purposes of the notice, section 31 of the 1984 Act continues in force (notwithstanding its repeal by the 2008 Act).

Sections 35 to 38 and 40 of the 1984 Act

9. Where, immediately before 26 July 2010, an order made by a justice of the peace under one or more of sections 35 to 38 and 40 of the 1984 Act(2) (which relate to justice of the peace orders) is in force, the order—

- (a) is to be treated as having been made under section 45G (power to order health measures in relation to persons) and, where the order has been combined with a warrant, section 45K (Part 2A orders: supplementary) of the 1984 Act;
- (b) will cease to be in force after a period of 14 days beginning with 26 July 2010, or such shorter period as the order may specify; and
- (c) cannot be extended, but this does not prevent a justice of the peace from making a new order

(1) Cyn ei diddymu, diwygiwyd adran 22 yn rhinwedd Proclamsiwn Brenhinol dyddiedig 31 Rhagfyr 1984 a oedd yn diddymu'r ddimai.

(2) Cyn ei diddymu, diwygiwyd adran 37 gan: Deddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990 (p.19), Atodlen 9, paragraff 26(2), Atodlen 10; Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43), Atodlen 4, paragraffau 60 a 62; O.S. 2000/90, Atodlen 1, paragraff 17(1) a (4)(b); O.S. 2002/2469, Atodlen 1, Rhan 1, paragraff (11)(1) a (4)(a) a (b); ac O.S. 2007/961, yr Atodlen, paragraff 14(1) a (6)(a) a (b).

(1) Before its repeal, section 22 was amended by virtue of a Royal Proclamation dated 31 December 1984 abolishing the halfpenny.

(2) Before its repeal, section 37 was amended by: the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 26(2), Schedule 10; the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 4, paragraphs 60 and 62; S.I. 2000/90, Schedule 1, paragraph 17(1) and (4)(b); S.I. 2002/2469, Schedule 1, Part 1, paragraph (11)(1) and (4)(a) and (b); and S.I. 2007/961, the Schedule, paragraph 14(1) and (6)(a) and (b).

gorchymyn newydd o dan adrannau 45G neu 45K o Ddeddf 1984, yn ôl fel y digwydd.

under sections 45G or 45K of the 1984 Act as the case may be.

Adran 42 o Ddeddf 1984

10. Yn union cyn 26 Gorffennaf 2010, os oes gorchymyn mewn grym, a wnaed gan lys ynadon o dan adran 42 o Ddeddf 1984 (cau llety cyffredinol oherwydd clefyd hysbysadwy)–

- (a) rhaid trin y gorchymyn fel pe bai wedi ei wneud o dan adran 45I o Ddeddf 1984 (pŵer i orchymyn mesurau iechyd mewn perthynas â mangre);
- (b) bydd y gorchymyn yn peidio â bod mewn grym ar ôl cyfnod o 14 diwrnod sy'n dechrau gyda 26 Gorffennaf 2010 (neu ar ôl pa bynnag gyfnod byrrach a bennir yn y gorchymyn); ac
- (c) ni chaniateir estyn y gorchymyn, ond nid yw hynny'n rhwystro ynad heddwch rhag gwneud gorchymyn newydd o dan adran 45I o Ddeddf 1984.

Adran 43 o Ddeddf 1984

11. Pan fo–

- (a) swyddog priodol awdurdod lleol neu ymarferydd meddygol cofrestredig wedi ardstyio, o dan adran 43 o Ddeddf 1984 (person â chlefyd hysbysadwy, a fu farw mewn ysbyty), na ddylid symud corff marw o ysbyty ac eithrio at y diben o'i symud yn uniongyrchol i gorffdy neu i'w gladdu neu'i amlosgi yn ddi-oed; a
- (b) y corff sy'n destun yn ardystiad yn parhau yn yr ysbyty hwnnw yn union cyn 26 Gorffennaf 2010,

bydd adran 43 o Ddeddf 1984 yn parhau mewn grym at ddibenion yr ardystiad a'r corff (er gwaethaf diddymu'r adran honno gan Ddeddf 2008).

Adran 74 o Ddeddf 1984

12. Bydd unrhyw ddiffiniad yn adran 74 o Ddeddf 1984 (1) (dehongli) a ddefnyddir yn–

- (a) adrannau 13 i 15 neu 76 o Ddeddf 1984; neu
- (b) unrhyw ddarpariaeth o Ddeddf 1984 sy'n parhau mewn grym at ddibenion penodedig yn rhinwedd paragraffau 2 i 11 o'r Atodlen hon,

yn parhau mewn grym at ddibenion dehongli'r adrannau a'r darpariaethau hynny (er gwaethaf eu diddymu, a diddymu adran 74 o Ddeddf 1984, gan Ddeddf 2008).

Section 42 of the 1984 Act

10. Where, immediately before 26 July 2010, a magistrates' court order under section 42 of the 1984 Act (closure of common lodging house on account of notifiable disease) is in force, the order–

- (a) is to be treated as having been made under section 45I of the 1984 Act (power to order health measures in relation to premises);
- (b) will cease to be in force after a period of 14 days beginning with 26 July 2010 (or such shorter period as the order may specify); and
- (c) cannot be extended, but this does not prevent a justice of the peace from making a new order under section 45I of the 1984 Act.

Section 43 of the 1984 Act

11. Where–

- (a) a proper officer of a local authority or a registered medical practitioner has certified under section 43 of the 1984 Act (person dying in hospital with notifiable disease) that a body should not be removed from hospital except for the purpose of being taken directly to a mortuary or forthwith buried or cremated; and
- (b) the body subject to the certification remains in that hospital immediately before 26 July 2010,

for the purposes of the certification and the body, section 43 of the 1984 Act continues in force (notwithstanding its repeal by the 2008 Act).

Section 74 of the 1984 Act

12. Any definition in section 74 of the 1984 Act(1) (interpretation) which is used in–

- (a) sections 13 to 15 or 76 of the 1984 Act; or
- (b) any provision of the 1984 Act that continues in force for specified purposes by virtue of paragraphs 2 to 11 of this Schedule,

continues in force for the purposes of construing those sections and provisions (notwithstanding their repeal, and the repeal of section 74 of the 1984 Act, by the 2008 Act).

(1) Cyn ei ddiddymu, diwygiwyd y diffiniad o "NHS Trust", a roddir yn adran 74, gan Ddeddf y Gwasanaeth Iechyd Gwladol (Darpariaethau Canlyniadol) 2006 (p.43), Atodlen 1, paragraffau 78 a 79. Nid yw'r diwygiadau eraill i adran 74 yn berthnasol yma.

(1) The definition of "NHS Trust" in section 74, before its repeal, was amended by the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraphs 78 and 79. Other amendments to section 74 are not relevant here.

OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 1547 (Cy.145) (C.84)

**IECHYD Y CYHOEDD,
CYMRU**

Gorchymyn Deddf Iechyd a Gofal
Cymdeithasol 2008 (Cychwyn Rhif
4, Darpariaethau Trosiannol ac
Arbedion) (Cymru) 2010

© Hawlfraint y Goron 2010

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.

WELSH STATUTORY
INSTRUMENTS

2010 No. 1547 (W.145) (C.84)

**PUBLIC HEALTH,
WALES**

The Health and Social Care Act
2008 (Commencement No. 4,
Transitional and Savings
Provisions) (Wales) Order 2010

© Crown copyright 2010

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.