OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2023 Rhif 1039 (Cy. 174)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Gorchymyn Deddf Iechyd 2009 (Cychwyn Rhif 4) (Cymru) 2023

NODYN ESBONIADOL

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

Y Gorchymyn hwn yw'r pedwerydd gorchymyn cychwyn a wnaed gan Weinidogion Cymru o dan Ddeddf Iechyd 2009 ("y Ddeddf").

Mae'r Gorchymyn hwn yn dwyn i rym adran 31(2) o'r Ddeddf, sy'n diwygio adran 107(9) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ("Deddf 2006"). Mae adran 107 o Ddeddf 2006 yn rhoi pŵer i Fyrddau Iechyd Lleol i ddileu enw ymarferydd o restr fferyllol neu restr offthalmig pan fo amodau penodol wedi eu bodloni. Mae adran 31(2) o'r Ddeddf yn diwygio'r diffiniad o "practitioner" ("*ymarferydd*") yn adran 107(9) o Ddeddf 2006 i egluro bod cyfeiriadau at ymarferwyr ym Mhennod 2 o Ran 8 o Ddeddf 2006 yn gyfeiriadau at ymarferwyr sydd wedi eu cynnwys mewn rhestr fferyllol neu restr offthalmig.

2023 No. 1039 (W. 174)

NATIONAL HEALTH SERVICE, WALES

The Health Act 2009 (Commencement No. 4) (Wales) Order 2023

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourth commencement order made by the Welsh Ministers under the Health Act 2009 ("the Act").

This Order brings into force section 31(2) of the Act, which amends section 107(9) of the National Health Service (Wales) Act 2006 ("the 2006 Act"). Section 107 of the 2006 Act confers a power on Local Health Boards to remove a practitioner from a pharmaceutical or ophthalmic list where certain conditions are met. Section 31(2) of the Act amends the definition of "practitioner" in section 107(9) of the 2006 Act to clarify that references to practitioners in Chapter 2 of Part 8 of the 2006 Act are to practitioners included in a pharmaceutical list or an ophthalmic list.

NODYN AM Y GORCHMYNION CYCHWYN CYNHARACH

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

Mae darpariaethau'r Ddeddf a restrir yn y tabl isod wedi eu dwyn i rym o ran Cymru drwy orchmynion cychwyn a wnaed gan Weinidogion Cymru.

Y Ddarpariaeth	Y Dyddiad Cychwyn	Rhif O.S.
Adran 19 i'r graddau y mae'n ymwneud â pharagraffau 14 i 17, 18 a 19 o Atodlen 3.	1 Ebrill 2010	O.S. 2010/930 (Cy. 95) (C. 63)
Atodlen 3, paragraffau 14 i 17.	1 Ebrill 2010	O.S. 2010/930 (Cy. 95) (C. 63)
Atodlen 3, paragraffau 18 a 19 ac eithrio i'r graddau y maent yn ymwneud â diwygiadau i Ddeddf 2006.	1 Ebrill 2010	O.S. 2010/930 (Cy. 95) (C. 63)
Adran 22 i'r graddau nad yw eisoes mewn grym.	1 Chwefror 2012	O.S. 2011/2362 (Cy. 248) (C. 83)
Atodlen 4, paragraffau 7(6), 8(1), 8(3) ac, i'r graddau y mae'n ymwneud â pharagraffau 7(6), 8(1) ac 8(3), paragraff 2.	1 Mehefin 2012	O.S. 2012/1288 (Cy. 165) (C. 45)

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Act listed in the table below have been brought into force in relation to Wales by commencement orders made by the Welsh Ministers.

Provision	Date of Commencement	S.I. Number
Section 19 in so far as it relates to paragraphs 14 to 17, 18 and 19 of Schedule 3.	1 April 2010	S.I. 2010/930 (W. 95) (C. 63)
Schedule 3, paragraphs 14 to 17.	1 April 2010	S.I. 2010/930 (W. 95) (C. 63)
Schedule 3, paragraphs 18 and 19 except in so far as they relate to amendments of the 2006 Act.	1 April 2010	S.I. 2010/930 (W. 95) (C. 63)
Section 22 in so far as it is not already in force.	1 February 2012	S.I. 2011/2362 (W. 248) (C. 83)
Schedule 4, paragraphs 7(6), 8(1), 8(3) and, in so far as it relates to paragraphs 7(6), 8(1) and 8(3), paragraph 2.	1 June 2012	S.I. 2012/1288 (W. 165) (C. 45)

Adran 21 (i'r graddau nad yw eisoes mewn grym) i'r graddau y mae'n mewnosod adrannau 7A, 7B a 7C o Ddeddf Hysbysebu a Hyrwyddo Tybaco 2002 (at ddiben siopau mawr ac eithrio swmpwerthwyr tybaco a gwerthwyr tybaco arbenigol).	3 Rhagfyr 2012	O.S. 2012/1288 (Cy. 165) (C. 45)
Atodlen 4, paragraff 6(2) a pharagraff 6(1) (i'r graddau y mae'n ymwneud â pharagraff 6(2)), paragraff 10, paragraffau 11 a 12 (i'r graddau nad ydynt eisoes mewn grym), paragraff 2 (i'r graddau y mae'n ymwneud â pharagraffau 6(2), 6(1), 10, 11 a 12), ac adran 24 (i'r graddau y mae'n ymwneud â'r paragraffau hynny).	3 Rhagfyr 2012	O.S. 2012/1288 (Cy. 165) (C. 45)
Adran 20 i'r graddau nad yw eisoes mewn grym.	6 Ebrill 2015	O.S. 2012/1288 (Cy. 165) (C. 45)

Section 21 (to the extent that it is not already in force) in so far as it inserts sections 7A, 7B and 7C of the Tobacco Advertising and Promotion Act 2002 (for the purpose of large shops other than bulk tobacconists and specialist tobacconists).	3 December 2012	S.I. 2012/1288 (W. 165) (C. 45)
Schedule 4, paragraph 6(2) and paragraph 6(1) (in so far as it relates to paragraph 6(2)), paragraph 10, paragraphs 11 and 12 (to the extent they are not already in force), paragraph 2 (in so far as it relates to paragraphs 6(2), 6(1), 10, 11 and 12), and section 24 (in so far as it relates to those paragraphs).	3 December 2012	S.I. 2012/1288 (W. 165) (C. 45)
Section 20 to the extent that it is not already in force.	6 April 2015	S.I. 2012/1288 (W. 165) (C. 45)

Adran 21 i'r graddau y mae'n mewnosod adrannau 7A, 7B a 7C o Ddeddf Hysbysebu a Hyrwyddo Tybaco 2002, i'r graddau nad yw eisoes mewn grym.	6 Ebrill 2015	O.S. 2012/1288 (Cy. 165) (C. 45)
Atodlen 4, paragraff 2 (i'r graddau nad yw eisoes mewn grym), paragraff 3, paragraff 4(2) a (5) a pharagraff 4(1) (i'r graddau y mae'n ymwneud â'r is-baragraffau hynny), ac adran 24 (i'r graddau y mae'n ymwneud â'r paragraffau hynny).	6 Ebrill 2015	O.S. 2012/1288 (Cy. 165) (C. 45)

Section 21 in so far as it inserts sections 7A, 7B and 7C of the Tobacco Advertising and Promotion Act 2002, to the extent that it is not already in force.	6 April 2015	S.I. 2012/1288 (W. 165) (C. 45)
Schedule 4, paragraph 2 (to the extent that it is not already in force), paragraph 3, paragraph 4(2) and (5) and paragraph 4(1) (in so far as it relates to those sub-paragraphs), and section 24 (in so far as it relates to those paragraphs).	6 April 2015	S.I. 2012/1288 (W. 165) (C. 45)

Mae darpariaethau'r Ddeddf a restrir yn y tabl isod wedi eu dwyn i rym o ran Cymru drwy orchmynion cychwyn a wnaed gan yr Ysgrifennydd Gwladol.

Y Ddarpariaeth	**Y Dyddiad Cychwyn**	**Rhif O.S.**
Adran 36	19 Ionawr 2010	O.S. 2010/30 (C. 5)
Atodlen 6 i'r graddau y mae'n rhoi effaith i'r diddymu sy'n ymwneud â Deddf Plant a Phobl Ifanc 1933 (p. 12), ac adran 38 i'r graddau y mae'n rhoi effaith i'r ddarpariaeth honno.	1 Hydref 2011	O.S. 2010/1068 (C. 70) fel y'i diwygiwyd gan O.S. 2011/1255 (C. 49)

The provisions of the Act listed in the table below have been brought into force in relation to Wales by commencement orders made by the Secretary of State.

Provision	**Date of Commencement**	**S.I. Number**
Section 36	19 January 2010	S.I. 2010/30 (C. 5)
Schedule 6 in so far as it gives effect to the repeal relating to the Children and Young Persons Act 1933 (c.12), and section 38, in so far as it gives effect to that provision.	1 October 2011	S.I. 2010/1068 (C. 70) as amended by S.I. 2011/1255 (C. 49)

Atodlen 6 i'r graddau y mae'n rhoi effaith i'r diddymu sy'n ymwneud ag adran 14(12) o Ddeddf Hysbysebu a Hyrwyddo Tybaco 2002 (p. 36), ac adran 38 i'r graddau y mae'n rhoi effaith i'r ddarpariaeth honno.	6 Ebrill 2012	O.S. 2010/1068 (C. 70) fel y'i diwygiwyd gan O.S. 2011/1255 (C. 49)
Y cofnodion yn Atodlen 6 sy'n ymwneud â Deddf Hysbysebu a Hyrwyddo Tybaco 2002 (p. 36) i'r graddau nad ydynt eisoes mewn grym, ac adran 38 i'r graddau y mae'n ymwneud â'r cofnodion hynny yn Atodlen 6.	31 Hydref 2012	O.S. 2012/2647 (C. 105)

Mae amryw o ddarpariaethau'r Ddeddf wedi eu dwyn i rym o ran Lloegr gan O.S. 2010/30 (C. 5); O.S. 2010/779 (C. 52); O.S. 2010/1068 (C. 70); O.S. 2010/1863 (C. 95); O.S. 2011/1255 (C. 49); O.S. 2012/1902 (C. 76) ac O.S. 2012/2647 (C. 105).

Schedule 6 in so far as it gives effect to the repeal relating to section 14(12) of the Tobacco Advertising and Promotion Act 2002 (c.36), and section 38 in so far as it gives effect to that provision.	6 April 2012	S.I. 2010/1068 (C. 70) as amended by S.I. 2011/1255 (C. 49)
The entries in Schedule 6 that relate to the Tobacco Advertising and Promotion Act 2002 (c.36) in so far as not already in force, and section 38 in so far as it relates to those entries in Schedule 6.	31 October 2012	S.I. 2012/2647 (C. 105)

Various provisions of the Act have been brought into force in relation to England by S.I. 2010/30 (C. 5); S.I. 2010/779 (C. 52); S.I. 2010/1068 (C. 70); S.I. 2010/1863 (C. 95); S.I. 2011/1255 (C. 49); S.I. 2012/1902 (C. 76) and S.I. 2012/2647 (C. 105).

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Y GWASANAETH IECHYD GWLADOL, CYMRU

NATIONAL HEALTH SERVICE, WALES

Gorchymyn Deddf Iechyd 2009 (Cychwyn Rhif 4) (Cymru) 2023

The Health Act 2009 (Commencement No. 4) (Wales) Order 2023

Gwnaed *22 Medi 2023*

Made *22 September 2023*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 40(2)(c) o Ddeddf Iechyd 2009(**1**), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on them by section 40(2)(c) of the Health Act 2009(**1**), make the following Order.

Enwi

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Iechyd 2009 (Cychwyn Rhif 4) (Cymru) 2023.

Title

1. The title of this Order is the Health Act 2009 (Commencement No. 4) (Wales) Order 2023.

Y diwrnod penodedig

2. 26 Medi 2023 yw'r diwrnod a benodwyd i adran 31(2) o Ddeddf Iechyd 2009 ddod i rym.

Appointed day

2. 26 September 2023 is the day appointed for the coming into force of section 31(2) of the Health Act 2009.

Eluned Morgan

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
22 Medi 2023

Minister for Health and Social Services, one of the Welsh Ministers
22 September 2023

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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(**1**) 2009 p. 21.

(**1**) 2009 c. 21.

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