



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2006 Rhif 942 (Cy.91)**

**2006 No. 942 (W.91)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

Gorchymyn Cyngor Iechyd  
Cymuned (Sefydlu Cyngor Iechyd  
Cymuned Sir Gaerfyrddin,  
Trosglwyddo Swyddogaethau a  
Diddymu Cyngorau Iechyd  
Cymuned Llanelli/Dinefwr a  
Chaerfyrddin/Dinefwr) 2006

The Community Health Council  
(Establishment of Carmarthenshire  
Community Health Council,  
Transfer of Functions and  
Abolition of Llanelli/Dinefwr and  
Carmarthen/Dinefwr Community  
Health Councils) Order 2006

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae adran 20A o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 ("y Ddeddf") yn rhoi i Gynulliad Cenedlaethol Cymru y pŵer i ddiddymu Cyngorau Iechyd Cymuned ac i sefydlu Cyngorau Iechyd Cymuned newydd ar gyfer Ardaloedd yng Nghymru.

Section 20A of the National Health Service Act 1977 ("the Act") gives the National Assembly for Wales the power to abolish Community Health Councils and to establish new Community Health Councils for Districts in Wales.

Mae Atodlen 7A i'r Ddeddf yn gwneud darpariaeth bellach ynglŷn â Chyngorau Iechyd Cymuned a sefydlir o dan adran 20A.

Schedule 7A to the Act makes further provision about Community Health Councils established under section 20A.

Mae'r Gorchymyn hwn yn sefydlu Cyngor Iechyd Cymuned Sir Gaerfyrddin, yn trosglwyddo swyddogaethau Cyngor Iechyd Cymuned Caerfyrddin/Dinefwr a Chyngor Iechyd Cymuned Llanelli/Dinefwr i Gyngor Iechyd Cymuned Sir Gaerfyrddin ac yn diddymu Cyngor Iechyd Cymuned Caerfyrddin/Dinefwr a Chyngor Iechyd Cymuned Llanelli/Dinefwr.

This Order establishes Carmarthenshire Community Health Council, transfers the functions of Carmarthen/Dinefwr Community Health Council and Llanelli/Dinefwr Community Health Council to Carmarthenshire Community Health Council and abolishes Carmarthen/Dinefwr Community Health Council and Llanelli/Dinefwr Community Health Council.

Mae erthygl 2(1) o'r Gorchymyn hwn yn sefydlu Cyngor Iechyd Cymuned Sir Gaerfyrddin. Mae erthygl 2(2) yn darparu ei fod yn cael ei sefydlu ar gyfer ardal ddaearyddol Sir Gaerfyrddin (sy'n cynnwys ardaloedd Caerfyrddin, Llanelli a Dinefwr).

Article 2(1) of this Order establishes Carmarthenshire Community Health Council. Article 2(2) provides that it is established for the geographical area of the County of Carmarthenshire (which is comprised of the districts of Carmarthen, Llanelli and Dinefwr).

Mae erthygl 2(3) yn darparu bod ffin Cyngor Iechyd Cymuned Sir Gaerfyrddin yn amrywio yn unol â ffin Sir Gaerfyrddin, ar wahân i unrhyw amrywiadau sy'n

Article 2(3) provides that the boundary of Carmarthenshire Community Health Council will vary in accordance with any variations in the boundary of

codi o'r amgylchiadau a amlinellir yn erthygl 2(4).

Mae erthygl 3 yn rhagnodi swyddogaethau Cyngor Iechyd Cymuned Sir Gaerfyrddin.

Mae erthygl 4 yn darparu y bydd holl swyddogaethau Cyngor Iechyd Cymuned Caerfyrddin/Dinefwr a Chyngor Iechyd Cymuned Llanelli/Dinefwr yn trosglwyddo i Gyngor Iechyd Cymuned Sir Gaerfyrddin ar y dyddiad trosglwyddo (1 Ebrill 2006).

Mae erthygl 5(1) yn darparu y bydd aelodau o Gynghorau Iechyd Cymuned Caerfyrddin/Dinefwr a Llanelli/Dinefwr ar 1 Ebrill 2006, yn trosglwyddo i Gyngor Iechyd Cymuned Sir Gaerfyrddin ac yn dod yn aelodau o'r Cyngor hwnnw. Mae erthygl 5(2) yn darparu mai tymor swydd yr aelodau hynny a drosglwyddodd o Gynghorau Iechyd Cymuned Caerfyrddin/Dinefwr a Llanelli/Dinefwr fydd gweddill eu tymhorau presennol ar y dyddiad trosglwyddo.

Mae erthygl 6 yn darparu y bydd Prif Swyddog Cyngor Iechyd Cymuned Llanelli/Dinefwr a phob swyddog arall o Gynghorau Iechyd Cymuned Llanelli/Dinefwr a Chaerfyrddin/Dinefwr o 1 Ebrill 2006 ymlaen yn darparu gwasanaethau i Gyngor Iechyd Cymuned Sir Gaerfyrddin. Bydd y Prif Swyddog a'r swyddogion eraill yn parhau yn gyflogeion Bwrdd Iechyd Lleol Powys.

Mae erthygl 7 yn darparu y bydd Cyngor Iechyd Cymuned Sir Gaerfyrddin yn paratō'r datganiad o gyfrifon blynyddol ar gyfer Cynghorau Iechyd Cymuned Caerfyrddin/Dinefwr a Llanelli/Dinefwr o fewn dau fis o'r dyddiad trosglwyddo.

Mae erthygl 8 yn darparu bod rhaid i Gyngor Iechyd Cymuned Sir Gaerfyrddin ddarparu adroddiadau yn unol â rheoliad 16(1) o Reoliadau Cynghorau Iechyd Cymuned 2004 ar gyfer Cynghorau Iechyd Cymuned Llanelli/Dinefwr a Chaerfyrddin/Dinefwr erbyn 1 Medi 2006.

Mae erthygl 9 darparu ar gyfer dilyniant wrth arfer swyddogaethau.

Mae erthygl 10 yn diddymu Cyngor Iechyd Cymuned Llanelli/Dinefwr a Chyngor Iechyd Cymuned Caerfyrddin/Dinefwr ar 1 Ebrill 2006.

Cafodd arfarniad rheoliadol ei baratoi a'i osod yn llyfrgell Cynulliad Cenedlaethol Cymru.

the County of Carmarthenshire, apart from any variations arising out of circumstances outlined in Article 2(4).

Article 3 prescribes the functions of Carmarthenshire Community Health Council.

Article 4 provides that on the transfer date (1 April 2006) all of the functions of Carmarthen/Dinefwr Community Health Council and Llanelli/Dinefwr Community Health Council will transfer to Carmarthenshire Community Health Council.

Article 5(1) provides that the members of Carmarthen/Dinefwr and Llanelli/Dinefwr Community Health Councils will, on 1 April 2006, transfer to Carmarthenshire Community Health Council and become members of that Council. Article 5(2) provides that the term of office of those members who have transferred from Carmarthen/Dinefwr and Llanelli/Dinefwr Community Health Councils will be the remainder of their current terms as at the transfer date.

Article 6 provides that the Chief Officer of Llanelli/Dinefwr Community Health Council and all other officers of Llanelli/Dinefwr and Carmarthen/Dinefwr Community Health Councils will from 1 April 2006 provide services to Carmarthenshire Community Health Council. The Chief Officer and other officers will remain employees of Powys Local Health Board.

Article 7 provides that Carmarthenshire Community Health Council will prepare the statement of annual accounts for Carmarthen/Dinefwr and Llanelli/Dinefwr Community Health Councils within 2 months of the transfer date.

Article 8 provides that Carmarthenshire Community Health Council must provide reports in accordance with regulation 16(1) of the Community Health Councils Regulations 2004 for Llanelli/Dinefwr and Carmarthen/Dinefwr Community Health Councils by 1 September 2006.

Article 9 provides for continuity in the exercise of functions.

Article 10 abolishes Llanelli/Dinefwr Community Health Council and Carmarthen/Dinefwr Community Health Council on the 1 April 2006.

A regulatory appraisal has been prepared and placed in the library of the National Assembly for Wales.

2006 Rhif. 942 (Cy.91)

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GWLADOL, CYMRU****NATIONAL HEALTH  
SERVICE, WALES**

Gorchymyn Cyngor Iechyd  
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The Community Health Council  
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Health Councils) Order 2006

*Wedi'i wneud**28 Mawrth 2006**Made**28 March 2006**Yn dod i rym**1 Ebrill 2006**Coming into force**1 April 2006*

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd gan adrannau 16BB(4), 20A(2) a 126(4) a pharagraff 2 o Atodlen 7A i Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1) drwy hyn yn gwneud y Gorchymyn canlynol.

The National Assembly for Wales in exercise of powers conferred by sections 16BB(4), 20A(2) and 126(4) and paragraph 2 of Schedule 7A to the National Health Service Act 1977(1) hereby makes the following Order.

**Enwi, cychwyn a dehongli**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Cyngor Iechyd Cymuned (Sefydlu Cyngor Iechyd Cymuned Sir Gaerfyrddin, Trosglwyddo Swyddogaethau a Diddymu Cyngorau Iechyd Cymuned Llanelli/Dinefwr a Chaerfyrddin/Dinefwr) 2006 a daw i rym ar 1 Ebrill 2006.

**Citation, commencement and interpretation**

1.-(1) The title of this Order is the Community Health Council (Establishment of Carmarthenshire Community Health Council, Transfer of Functions and Abolition of Llanelli/Dinefwr and Carmarthen/Dinefwr Community Health Councils) Order 2006 and will come into force on 1 April 2006.

(2) Yn y Gorchymyn hwn:

ystyr "aelodau" ("*members*") yw aelodau, fel y'i diffinnir yn y Rheoliadau, o'r Cyngorau;

ystyr "y Cyngorau" ("*the Councils*") yw Cyngor Iechyd Cymuned Llanelli/Dinefwr a Chyngor Iechyd Cymuned Caerfyrddin/Dinefwr;

(2) In this Order:

"the Act" ("*y Ddeddf*") means the National Health Service Act 1977;

"Chief Officer" ("*Prif Swyddog*") has the meaning accorded in the Regulations;

(1) 1977 p. 49. Mewnosodwyd adran 16BB(4) gan adran 6 o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17) ("*Deddf 2002*") ac fe'i diwygiwyd gan adran 184 o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 ac Atodlen 11 iddi. Mewnosodwyd adran 20A gan adran 1 o Ddeddf Iechyd (Cymru) 2003 (p.4) ("*Deddf 2003*"). Diwygiwyd adran 126(4) gan adran 65(2) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) a chan adran 6(3)(c) o Ddeddf 2002 a chan baragraff 37(6) o Atodlen 4 i Ddeddf Iechyd 1999 (p.8) a chan adran 1 o Ddeddf 2003. Mewnosodwyd Atodlen 7A gan adran 1 o Ddeddf 2003. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(1) 1977 c.49. Section 16BB(4) was inserted by section 6 of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) ("*the 2002 Act*") and amended by section 184 of and Schedule 11 to the Health and Social Care (Community Health and Standards) Act 2003. Section 20A was inserted by section 1 of the Health (Wales) Act 2003 (c.4) ("*the 2003 Act*"). Section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c.19) and by section 6(3)(c) of the 2002 Act and by paragraph 37(6) of Schedule 4 to the Health Act 1999 (c. 8) and by section 1 of the 2003 Act. Schedule 7A was inserted by section 1 of the 2003 Act. The functions of the Secretary of State under section 126(4) of the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

ystyr "dyddiad trosglwyddo" ("*transfer date*") yw 1 Ebrill 2006.

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

mae i "Prif Swyddog" ("*Chief Officer*") yr ystyr a roddir iddo yn y Rheoliadau;

ystyr "y Rheoliadau" ("*the Regulations*") yw Rheoliadau Cyngorau Iechyd Cymuned 2004(1);

ystyr "Sir neu Fwrdeistref Sirol" ("*County or County Borough*") yw Sir neu Fwrdeistref Sirol yng Nghymru fel a osodir yn Rhannau I a II o Atodlen 4 i Ddeddf Llywodraeth Leol 1972(2); ac

ystyr "swyddogion" ("*officers*") yw'r personau a benodir gan Gynulliad Cenedlaethol Cymru o dan reoliad 14 o'r Rheoliadau i weithredu fel swyddogion y Cyngorau.

"the Councils" ("*y Cyngorau*") means Llanelli/Dinefwr Community Health Council and Carmarthen/Dinefwr Community Health Council;

"County or County Borough" ("*Sir neu Fwrdeistref Sirol*") means a County or County Borough in Wales as set out in Parts I and II of Schedule 4 to the Local Government Act 1972(1);

"members" ("*aelodau*") means members, as defined in the Regulations, of the Councils;

"officers" ("*swyddogion*") means the persons appointed by the National Assembly for Wales under regulation 14 of the Regulations to act as officers of the Councils.

"the Regulations" ("*y Rheoliadau*") means the Community Health Councils Regulations 2004(2); and

"transfer date" ("*dyddiad trosglwyddo*") means 1 April 2006.

### **Sefydlu Cyngor Iechyd Cymuned Sir Gaerfyrddin**

2.-(1) Sefydlir Cyngor Iechyd Cymuned o'r enw Cyngor Iechyd Cymuned Sir Gaerfyrddin neu Carmarthenshire Community Health Council.

(2) Fe'i sefydlir ar gyfer Sir Gaerfyrddin fel y rhagnodir ar hyn o bryd yn Neddf Llywodraeth Leol 1972(3).

(3) Os caiff ffin Sir Gaerfyrddin fel y rhagnodir hi ar hyn o bryd yn Neddf Llywodraeth Leol 1972 ei hamrywio, caiff ffin Cyngor Iechyd Cymuned Sir Gaerfyrddin ei hamrywio'n unol â hynny.

(4) Nid yw paragraff (3) uchod yn gymwys os caiff Sir neu Fwrdeistref Sirol newydd ei chreu ar gyfer Sir Gaerfyrddin neu ran ohoni, os diddymir Sir Gaerfyrddin neu os caiff ei chyfuno gydag un neu fwy o Siroedd neu Fwrdeistrefi Sirol.

### **Swyddogaethau Cyngor Iechyd Cymuned Sir Gaerfyrddin**

3. Swyddogaethau Cyngor Iechyd Cymuned Sir Gaerfyrddin yw-

- (i) yr hyn a osodir ym mharagraff 1(a) o Atodlen 7A i'r Ddeddf;

### **Establishment of Carmarthenshire Community Health Council**

2.-(1) There is established a Community Health Council which will be called Carmarthenshire Community Health Council or Cyngor Iechyd Cymuned Sir Gaerfyrddin.

(2) It is established for the County of Carmarthenshire as currently prescribed in the Local Government Act 1972(3)

(3) If the boundary of the County of Carmarthenshire as currently prescribed in the Local Government Act 1972 is varied, the boundary of Carmarthenshire Community Health Council will be varied accordingly.

(4) Paragraph (3) above does not apply if a new County or County Borough is created for the County of Carmarthenshire or part thereof, if the County of Carmarthenshire is abolished or if it is merged with one or more Counties or County Boroughs.

### **Functions of Carmarthenshire Community Health Council**

3. The functions of Carmarthenshire Community Health Council are-

- (i) as set out in paragraph 1(a) to Schedule 7A to the Act;

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(1) O.S. 2004/905 (Cy.89), fel y'i diwygiwyd gan O.S. 2005/603 (Cy.51).

(2) 1972 p.70. Amnewidiwyd Rhan I a II i Atodlen 4 gan Ddeddf Llywodraeth Leol (Cymru) 1994 adran 1(2), Atodlen 1, paragraff 1.

(3) 1972 p.70. Amnewidiwyd Rhan I i Atodlen 4 gan Ddeddf Llywodraeth Leol (Cymru) 1994, adran 1(2), Atodlen 1, paragraff 1.

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(1) 1972 c.70. Parts I and II to Schedule 4 as substituted by the Local Government (Wales) Act 1994 section 1(2), Schedule 1, paragraph 1.

(2) S.I. 2004/905 (W.89), as amended by S.I. 2005/603 (W.51).

(3) 1972 c.70, Part I to Schedule 4, as substituted by the Local Government (Wales) Act 1994, section 1(2), Schedule 1, paragraph 1.

- (ii) fel a nodir o bryd i'w gilydd gan Gynulliad Cenedlaethol Cymru mewn rheoliadau a wnaed yn unol â pharagraff 2 o Atodlen 7A i'r Ddeddf; a
- (iii) byddant yn cynnwys swyddogaethau y Cynghorau sy'n cael eu trosglwyddo i Gyngor Iechyd Cymuned Sir Gaerfyrddin gan erthygl 4 isod.

### **Trosglwyddo Swyddogaethau o'r Cynghorau i Gyngor Iechyd Cymuned Sir Gaerfyrddin**

4. Ar y dyddiad trosglwyddo, trosglwyddir holl swyddogaethau'r Cynghorau i Gyngor Iechyd Cymuned Sir Gaerfyrddin.

### **Trosglwyddo Aelodau**

5.-(1) Bydd aelodau'r Cynghorau yn trosglwyddo i Gyngor Iechyd Cymuned Sir Gaerfyrddin ar y dyddiad trosglwyddo ac yn dod yn aelodau o'r Cyngor hwnnw.

(2) Cyfnod swydd pob aelod o'r Cynghorau fel aelod o Gyngor Iechyd Cymuned Sir Gaerfyrddin fydd y cyfnod sy'n weddill o dymor swydd yr aelod hwnnw fel aelod o'r Cynghorau hynny.

### **Trosglwyddo'r Prif Swyddog a Swyddogion**

6. Bydd Prif Swyddog Cyngor Iechyd Cymuned Llanelli/Dinefwr a phob swyddog arall sy'n darparu gwasanaethau i'r Cynghorau ac sy'n gyflogedig gan Fwrdd Iechyd Lleol Powys ar y dyddiad trosglwyddo yn darparu, o'r dyddiad trosglwyddo ymlaen, wasanaethau i Gyngor Iechyd Cymuned Sir Gaerfyrddin.

### **Cyfrifon**

7.-(1) Rhaid i Gyngor Iechyd Cymuned Sir Gaerfyrddin ddarparu datganiadau o gyfrifon blynyddol am y cyfnod o ddyddiad y datganiad o gyfrifon blynyddol diwethaf a baratowyd gan y Cynghorau hyd y dyddiad trosglwyddo.

(2) Rhaid cyflwyno'r cyfryw gyfrifon i Gynulliad Cenedlaethol Cymru o fewn dau fis o'r dyddiad trosglwyddo.

### **Adroddiadau**

8. Rhaid i Gyngor Iechyd Cymuned Sir Gaerfyrddin gyflwyno adroddiadau, yn unol â rheoliad 16(1)(a), (b) ac (c) o'r Rheoliadau, ar gyfer pob un o'r Cynghorau erbyn 1 Medi 2006.

- (ii) as set out from time to time by the National Assembly for Wales in regulations made pursuant to paragraph 2 of Schedule 7A of the Act; and
- (iii) shall include the functions of the Councils transferred to Carmarthenshire Community Health Council by article 4 below.

### **Transfer of Functions from the Councils to Carmarthenshire Community Health Council**

4. On the transfer date, all of the functions of the Councils are transferred to Carmarthenshire Community Health Council.

### **Transfer of Members**

5.-(1) The members of the Councils will transfer to Carmarthenshire Community Health Council on the transfer date and become members of that Council.

(2) The period of office as a member of Carmarthenshire Community Health Council of each of the members of the Councils will be the unexpired period of that member's term of office as a member of those Councils.

### **Transfer of Chief Officer and Officers**

6. The Chief Officer of Llanelli/Dinefwr Community Health Council and all other officers who provide services to the Councils and who are employed by Powys Local Health Board at the transfer date will, from the transfer date, provide services to Carmarthenshire Community Health Council.

### **Accounts**

7.-(1) Carmarthenshire Community Health Council must prepare statements of annual accounts for the period from the date of the last statement of annual accounts prepared by the Councils to the transfer date .

(2) Such accounts must be submitted to the National Assembly for Wales within 2 months of the transfer date.

### **Reports**

8. Carmarthenshire Community Health Council must submit reports, in accordance with regulation 16(1) (a), (b) and (c) of the Regulations, for each of the Councils by 1 September 2006.

**Darpariaeth ar gyfer dilyniant wrth arfer swyddogaethau**

9. Bydd unrhyw beth a wneir gan y Cynghorau neu o'u rhan wrth arfer swyddogaeth neu mewn cysylltiad â hi sydd yn rhinwedd y gorchymyn hwn yn dod yn swyddogaeth i Gyngor Iechyd Cymuned Sir Gaerfyrddin, i'r graddau y mae hynny'n ofynnol i barhau ei effaith ar y dyddiad trosglwyddo neu ar ei ôl, yn cael effaith fel petai wedi cael ei wneud gan Gyngor Iechyd Cymuned Sir Gaerfyrddin neu o'i ran.

**Diddymu'r Cynghorau**

10. Ar y dyddiad trosglwyddo diddymir y Cynghorau.

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

28 Mawrth 2006

Llywydd y Cynulliad Cenedlaethol

**Provision for continuity in the exercise of functions**

9. Anything done by or in relation to the Councils in the exercise of or in connection with a function which by virtue of this order becomes a function of Carmarthenshire Community Health Council shall so far as it is required for continuing its effect on and after the transfer date have effect as if done by or in relation to Carmarthenshire Community Health Council.

**Abolition of the Councils**

10. On the transfer date the Councils are abolished.

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

28 March 2006

The Presiding Officer of the National Assembly

*D. Elis-Thomas*

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(1) 1998 p.38.

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(1) 1998 c.38.

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**£3.00**

W290/04/06

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