



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 507 (Cy. 42)

2015 No. 507 (W. 42)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Gorchymyn Cyngorau Iechyd
Cymuned (Sefydlu, Trosglwyddo
Swyddogaethau a Diddymu)
(Cymru) (Diwygio) 2015

The Community Health Councils
(Establishment, Transfer of
Functions and Abolition) (Wales)
(Amendment) Order 2015

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cyngorau Iechyd Cymuned (Sefydlu, Trosglwyddo Swyddogaethau a Diddymu) (Cymru) 2010 ("y prif Orchymyn").

Mae erthygl 3 yn mewnosod erthygl 3A yn y prif Orchymyn er mwyn darparu ar gyfer sefydlu Cyngor Iechyd Cymuned Powys.

Mae erthygl 4 yn diwygio erthygl 4 o'r prif Orchymyn i gyfeirio at Atodlen 1A sy'n pennu ardal Cyngor Iechyd Cymuned Powys.

Mae erthygl 5 yn mewnosod erthygl 5A yn y prif Orchymyn sy'n pennu swyddogaethau Cyngor Iechyd Cymuned Powys.

Mae erthygl 6 yn mewnosod erthygl 6A yn y prif Orchymyn sy'n darparu ar gyfer trosglwyddo swyddogaethau, hawliau a rhwymedigaethau Cyngor Iechyd Cymuned Brycheiniog a Maesyfed a Chyngor Iechyd Cymuned Maldwyn i Gyngor Iechyd Cymuned Powys.

Mae erthygl 7 yn mewnosod erthygl 7A yn y prif Orchymyn sy'n ei gwneud yn ofynnol i Gyngor Iechyd Cymuned Powys gymryd y camau hynny sy'n angenrheidiol er mwyn sicrhau y darperir adroddiadau a chyfrifon Cyngor Iechyd Cymuned Brycheiniog a Maesyfed a Chyngor Iechyd Cymuned Maldwyn ar gyfer y cyfnod o 1 Ebrill 2014 i 31 Mawrth 2015.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010 ("the principal Order").

Article 3 inserts article 3A into the principal Order to provide for the establishment of Powys Community Health Council.

Article 4 amends article 4 of the principal Order to refer to Schedule 1A which sets out the area of Powys Community Health Council.

Article 5 inserts article 5A into the principal Order which sets out the functions of Powys Community Health Council.

Article 6 inserts article 6A into the principal Order which provides for the transfer of the functions, rights and liabilities of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council to Powys Community Health Council.

Article 7 inserts article 7A into the principal Order which requires Powys Community Health Council to take such action as may be necessary to ensure that reports and accounts of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council for the period from 1 April 2014 to 31 March 2015 are furnished.

Mae erthygl 8 yn mewnosod erthygl 8A yn y prif Orchymyn sy'n darparu i Gyngor Iechyd Cymuned Powys barhau swyddogaethau Cyngor Iechyd Cymuned Brycheiniog a Maesyfed a Chyngor Iechyd Cymuned Maldwyn.

Mae erthygl 9 yn mewnosod erthygl 9A yn y prif Orchymyn sy'n diddymu Cyngor Iechyd Cymuned Brycheiniog a Maesyfed a Chyngor Iechyd Cymuned Maldwyn.

Mae erthyglau 10, 11 a 13 yn hepgor erthyglau 10 ac 11 o'r prif Orchymyn ac Atodlen 3 iddo.

Mae erthygl 12 yn mewnosod Atodlen 1A yn y prif Orchymyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, mae asesiad effaith rheoleiddiol wedi ei lunio o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Mae copi ar gael gan yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Article 8 inserts article 8A into the principal Order which provides for the continuity, by Powys Community Health Council, of the functions of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council.

Article 9 inserts article 9A into the principal Order which abolishes Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council.

Articles 10, 11 and 13 omit articles 10 and 11 of, and Schedule 3 to the principal Order.

Article 12 inserts Schedule 1A into the principal Order.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained at the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

2015 Rhif 507 (Cy. 42)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**Gorchymyn Cyngorau Iechyd
Cymuned (Sefydlu, Trosglwyddo
Swyddogaethau a Diddymu)
(Cymru) (Diwygio) 2015**

Gwnaed 3 Mawrth 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 6 Mawrth 2015

Yn dod i rym 1 Ebrill 2015

2015 No. 507 (W. 42)

**NATIONAL HEALTH
SERVICE, WALES**

**The Community Health Councils
(Establishment, Transfer of
Functions and Abolition) (Wales)
(Amendment) Order 2015**

Made 3 March 2015

Laid before the National Assembly for Wales
6 March 2015

Coming into force 1 April 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 182(2) a (3) a 203(9) a (10)(a) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1), ac Atodlen 10 i'r Ddeddf honno, yn gwneud y Gorchymyn a ganlyn.

Enwi, cychwyn a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cyngorau Iechyd Cymuned (Sefydlu, Trosglwyddo Swyddogaethau a Diddymu) (Cymru) (Diwygio) 2015 a daw i rym ar 1 Ebrill 2015.

(2) Yn y Gorchymyn hwn ystyr “prif Orchymyn” (“*principal Order*”) yw Gorchymyn Cyngorau Iechyd Cymuned (Sefydlu, Trosglwyddo Swyddogaethau a Diddymu) (Cymru) 2010(2).

Diwygio erthygl 2 o'r prif Orchymyn

2. Yn erthygl 2 (dehongli) o'r prif Orchymyn—

(a) yn lle'r diffiniad o “ardal Cyngor Iechyd Cymuned” (“*Community Health Council area*”) rhodder—

The Welsh Ministers, in exercise of the powers conferred on them by sections 182(2) and (3) and 203(9) and (10)(a) of, and Schedule 10 to, the National Health Service (Wales) Act 2006(1) make the following Order.

Title, commencement and interpretation

1.—(1) The title of this Order is the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) (Amendment) Order 2015 and it comes into force on 1 April 2015.

(2) In this Order “principal Order” (“*prif Orchymyn*”) means the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010(2).

Amendment of article 2 of the principal Order

2. In article 2 (interpretation) of the principal Order—

(a) for the definition of “Community Health Council area” (“*ardal Cyngor Iechyd Cymuned*”) substitute—

(1) 2006 p. 42.
(2) O.S. 2010/289 (Cy. 38).

(1) 2006 c. 42.
(2) S.I. 2010/289 (W. 38).

“ystyr “ardal Cyngor Iechyd Cymuned” (“*Community Health Council area*”) yw’r ardal o Gymru y sefydlir Cyngor Iechyd Cymuned ar ei chyfer o dan erthyglau 3 a 3A o’r Gorchymyn hwn;”; a

- (b) hepgorer diffiniad “y Cyngorau sy’n parhau” (“*the continued Councils*”).

Sefydlu Cyngor Iechyd Cymuned Powys

3. Ar ôl erthygl 3 (sefydlu cyngorau iechyd cymuned) o’r prif Orchymyn mewnosoder—

“Sefydlu Cyngor Iechyd Cymuned Powys

3A. Sefydlir Cyngor Iechyd Cymuned Powys yn effeithiol o 1 Ebrill 2015.”

Diwygio erthygl 4 o’r prif Orchymyn

4. Yn erthygl 4(1) (ardaloedd cyngorau iechyd cymuned) o’r prif Orchymyn, ar ôl “ngholofn 2 o Atodlen 1” mewnosoder “a cholofn 2 o Atodlen 1A”.

Swyddogaethau Cyngor Iechyd Cymuned Powys

5. Ar ôl erthygl 5 (swyddogaethau’r cyngorau newydd) o’r prif Orchymyn mewnosoder—

“Swyddogaethau Cyngor Iechyd Cymuned Powys

5A. Dyma swyddogaethau Cyngor Iechyd Cymuned Powys—

- (i) yr hyn a osodir ym mharagraff 1(a) o Atodlen 10 i’r Ddeddf;
- (ii) yr hyn a osodir o bryd i’w gilydd gan Weinidogion Cymru mewn rheoliadau a wneir yn unol â pharagraff 2 o Atodlen 10 i’r Ddeddf; a
- (iii) byddant yn cynnwys swyddogaethau cyn Gyngor Iechyd Cymuned Brycheiniog a Maesyfed a chyn Gyngor Iechyd Cymuned Maldwyn a drosglwyddir iddo gan erthygl 6A.”

““Community Health Council area” (“*ardal Cyngor Iechyd Cymuned*”) means the area of Wales for which a Community Health Council under articles 3 and 3A of this Order is established;”; and

- (b) omit the definition of “the continued Councils” (“*y Cyngorau sy’n parhau*”).

Establishment of Powys Community Health Council

3. After article 3 (establishment of community health councils) of the principal Order insert—

“Establishment of Powys Community Health Council

3A. Powys Community Health Council is established with effect from 1 April 2015.”

Amendment of article 4 of the principal Order

4. In article 4(1) (community health council areas) of the principal Order, after “column 2 of Schedule 1” insert “and column 2 of Schedule 1A”.

Functions of Powys Community Health Council

5. After article 5 (functions of the new councils) of the principal Order insert—

“Functions of Powys Community Health Council

5A. The functions of Powys Community Health Council are—

- (i) as set out in paragraph 1(a) of Schedule 10 to the Act;
- (ii) as set out from time to time by the Welsh Ministers in regulations made pursuant to paragraph 2 of Schedule 10 to the Act; and
- (iii) will include the functions of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council transferred to it by article 6A.”

Trosglwyddo swyddogaethau, hawliau a rhwymedigaethau i Gyngor Iechyd Cymuned Powys

6. Ar ôl erthygl 6 (trosglwyddo swyddogaethau, hawliau a rhwymedigaethau i'r cyngorau newydd) o'r prif Orchymyn mewnosoder—

“Trosglwyddo swyddogaethau, hawliau a rhwymedigaethau i Gyngor Iechyd Cymuned Powys

6A.—(1) Mae'r erthygl hon yn gymwys i unrhyw swyddogaethau neu hawliau oedd yn arferadwy gan gyn Gyngor Iechyd Cymuned Brycheiniog a Maesyfed a chyn Gyngor Iechyd Cymuned Maldwyn neu i rwymedigaethau oedd yn orfodadwy yn eu herbyn ar 1 Ebrill 2015 neu cyn hynny.

(2) Mae gan Gyngor Iechyd Cymuned Powys y buddiant o unrhyw swyddogaeth oedd yn arferadwy neu unrhyw hawl oedd yn orfodadwy gan gyn Gyngor Iechyd Cymuned Brycheiniog a Maesyfed a chyn Gyngor Iechyd Cymuned Maldwyn ar 1 Ebrill 2015 neu cyn hynny.

(3) Rhaid i Gyngor Cymuned Iechyd Powys gymryd cyfrifoldeb dros unrhyw rwymedigaeth oedd yn orfodadwy yn erbyn cyn Gyngor Iechyd Cymuned Brycheiniog a Maesyfed a chyn Gyngor Iechyd Cymuned Maldwyn ar 1 Ebrill 2015 neu cyn hynny.”

Darparu Adroddiadau a Chyfrifon cyn Gyngor Iechyd Cymuned Brycheiniog a Maesyfed a chyn Gyngor Iechyd Cymuned Maldwyn

7. Ar ôl erthygl 7 (darparu adroddiadau a chyfrifon cyn gyngorau) o'r prif Orchymyn mewnosoder—

“Darparu Adroddiadau a Chyfrifon cyn Gyngor Iechyd Cymuned Brycheiniog a Maesyfed a chyn Gyngor Iechyd Cymuned Maldwyn

7A.—(1) Mae'r erthygl hon yn gymwys i ddarparu adroddiadau a chyfrifon ar ran cyn Gyngor Iechyd Cymuned Brycheiniog a Maesyfed a chyn Gyngor Iechyd Cymuned Maldwyn am y cyfnod o 1 Ebrill 2014 i 31 Mawrth 2015.

(2) Rhaid i Gyngor Iechyd Cymuned Powys gymryd y camau hynny sy'n angenrheidiol i sicrhau bod adroddiadau a chyfrifon cyn Gyngor Iechyd Cymuned Brycheiniog a Maesyfed a chyn Gyngor Iechyd Cymuned Maldwyn am y cyfnod 1 Ebrill 2014 i 31 Mawrth 2015 yn cael eu darparu yn unol â rheoliadau 25 a 41 o'r Rheoliadau.”

Transfer of functions, rights and liabilities to Powys Community Health Council

6. After article 6 (transfer of functions, rights and liabilities to the new councils) of the principal Order insert—

“Transfer of functions, rights and liabilities to Powys Community Health Council

6A.—(1) This article applies to any functions or rights which were exercisable by or liabilities which were enforceable against the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council on or before 1 April 2015.

(2) Powys Community Health Council has the benefit of any function exercisable by or any right enforceable by the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council on or before 1 April 2015.

(3) Powys Community Health Council must take responsibility for any liability enforceable against the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council on or before 1 April 2015.”

Furnishing of Reports and Accounts of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council

7. After article 7 (furnishing of reports and accounts of former councils) of the principal Order insert—

“Furnishing of Reports and Accounts of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council

7A.—(1) This article applies to the furnishing of reports and accounts on behalf of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council for the period from 1 April 2014 to 31 March 2015.

(2) Powys Community Health Council must take such action as may be necessary to ensure that the reports and accounts for the period 1 April 2014 to 31 March 2015 of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council are furnished in accordance with regulations 25 and 41 of the Regulations.”

Darparu ar gyfer parhad wrth arfer swyddogaethau gan Gyngor Iechyd Cymuned Powys

8. Ar ôl erthygl 8 (darparu ar gyfer parhad wrth arfer swyddogaethau) o'r prif Orchymyn mewnosoder—

“Darparu ar gyfer parhad wrth arfer swyddogaethau gan Gyngor Iechyd Cymuned Powys

8A. Bydd unrhyw beth a wnaed gan gyn Gyngor Iechyd Cymuned Brycheiniog a Maesyfed a chyn Gyngor Iechyd Cymuned Maldwyn neu mewn perthynas â hwynt wrth arfer swyddogaeth neu mewn cysylltiad â'r swyddogaeth honno sydd yn rhinwedd erthygl 6A o'r Gorchymyn hwn yn dod yn swyddogaeth i Gyngor Iechyd Cymuned Powys yn cael effaith, i'r graddau y mae hynny'n angenrheidiol i barhau ei effaith ar 1 Ebrill 2015 ac wedi hynny, megis petai wedi ei wneud gan Gyngor Iechyd Cymuned Powys neu mewn perthynas ag ef.”

Diddymiadau

9. Ar ôl erthygl 9 (diddymiadau) o'r prif Orchymyn mewnosoder—

“Diddymu Cyngor Iechyd Cymuned Brycheiniog a Maesyfed a Chyngor Iechyd Cymuned Maldwyn

9A. Diddymir Cyngor Iechyd Cymuned Brycheiniog a Maesyfed a Chyngor Iechyd Cymuned Maldwyn gydag effaith o 1 Ebrill 2015.”

Diwygio erthygl 10 o'r prif Orchymyn

10. Hepgorer erthygl 10 (Cyngor Iechyd Cymuned Brycheiniog a Maesyfed a Chyngor Iechyd Cymuned Maldwyn i barhau mewn bodolaeth) o'r prif Orchymyn.

Diwygio erthygl 11 o'r prif Orchymyn

11. Hepgorer erthygl 11 (swyddogaethau'r cynghorau sy'n parhau) o'r prif Orchymyn.

Ardal Bwrdd Iechyd Lleol Cyngor Iechyd Cymuned Powys

12. Ar ôl Atodlen 1 i'r prif Orchymyn mewnosoder—

Provision for continuity in the exercise of functions by Powys Community Health Council

8. After article 8 (provision for continuity in the exercise of functions) of the principal Order insert—

“Provision for continuity in the exercise of functions by Powys Community Health Council

8A. Anything done by or in relation to the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council in the exercise of or in connection with a function which by virtue of article 6A of this Order becomes a function of Powys Community Health Council will so far as it is required for continuing its effect on and after 1 April 2015 have effect as if done by or in relation to Powys Community Health Council.”

Abolitions

9. After article 9 (abolitions) of the principal Order insert—

“Abolition of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council

9A. Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council are abolished with effect from 1 April 2015.”

Amendment of article 10 of the principal Order

10. Omit article 10 (continuation in existence of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council) of the principal Order.

Amendment of article 11 of the principal Order

11. Omit article 11 (functions of the continued councils) of the principal Order.

Local Health Board Area of Powys Community Council

12. After Schedule 1 to the principal Order insert—

“ATODLEN 1A Erthyglau 3A a 4

Yr Ardal Bwrdd Iechyd Lleol y
sefydlir Cyngor Iechyd Cymuned
Powys ar ei Chyfer

<i>Colofn 1</i>		<i>Colofn 2</i>
<i>Enw'r Cyngor Iechyd Cymuned a sefydlir o dan erthygl 3A</i>		<i>Ardal Bwrdd Iechyd Lleol y sefydlir y Cyngor Iechyd Cymuned ar ei chyfer</i>
1	Cyngor Iechyd Cymuned Powys	Bwrdd Iechyd Lleol Addysgu Powys

”

“SCHEDULE 1A Articles 3A and 4

Local Health Board Area for
which Powys Community Health
Council is Established

<i>Column 1</i>		<i>Column 2</i>
<i>Name of Community Health Council established under article 3A</i>		<i>Local Health Board area for which the Community Health Council is established</i>
1	Powys Community Health Council	Powys Teaching Local Health Board

”

Diwygio Atodlen 3 i'r prif Orchymyn

13. Hefgorer Atodlen 3 (ardaloedd o fewn prif ardal llywodraeth leol Powys (yr ardal y sefydlir Bwrdd Iechyd Lleol Addysgu Powys ar ei chyfer) y sefydlir y Cyngorau sy'n parhau ar eu cyfer ac y maent yn arfer eu swyddogaethau drostynt) i'r prif Orchymyn.

Amendment of Schedule 3 to the principal Order

13. Omit Schedule 3 (areas within the principal local government area of Powys (the area for which Powys Teaching Local Health Board is established) for which the continued councils are established and in respect of which they exercise their functions) to the principal Order.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

3 Mawrth 2015

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

3 March 2015

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SERVICE, WALES**

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Cymuned (Sefydlu, Trosglwyddo
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