



## CYNULLIAD CENEDLAETHOL CYMRU

### OFFERYNNAU STATUDOL

**2003 Rhif 713 (Cy.87) (C.36)**

## Y GWASANAETH IECHYD GWLADOL, CYMRU

**Gorchymyn Deddf Iechyd a Gofal  
Cymdeithasol 2001 (Cychwyn Rhif  
4) (Cymru) 2003**

### NODYN ESBONIADOL

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

Mae Erthygl 2 o'r Gorchymyn hwn yn pennu mai 17 Mawrth 2003 yw'r dyddiad y mae adran 13 o Ddeddf 2001 i ddod i rym mewn perthynas â Chymru. Mae adran 13 o'r Ddeddf yn ymwneud â gorchymynion ymyrryd ac yn mewnosod adrannau newydd 84A a B yn Neddf y Gwasanaeth Iechyd Gwladol 1977.

Bydd adran 13, pan fydd wedi ei chychwyn, yn galluogi'r Cynulliad i ymyrryd mewn categorïau penodol o gyrff GIG pan fydd ganddo bryderon ynghylch rheolaeth y corff hwnnw, ynghylch ei allu i gyflawni ei swyddogaethau'n ddigon da neu pan fydd trychineb unigryw wedi digwydd.

Bydd adran 84A yn galluogi'r Cynulliad i wneud gorchymyn ymyrryd pan nad yw corff GIG y mae'r adran yn ymwneud ag ef yn cyflawni un neu fwy o'i swyddogaethau yn ddigon da neu pan nad yw'n eu cyflawni o gwbl, neu pan fo diffygion sylweddol yn y modd y rheolir y corff. Cyn gwneud gorchymyn ymyrryd bydd yn rhaid i'r Cynulliad fod wedi'i fodloni ei bod yn briodol iddo wneud hynny.

Mae adran 84B yn nodi effaith gorchymyn ymyrryd ynghyd â'r gwahanol ffurfiau ar ymyrraeth. Gall gorchymyn ymyrryd ddarparu ar gyfer symud neu wahardd dros dro aelodau o'r corff GIG dan sylw a phenodi unigolion newydd yn eu lle; mynnu bod corff GIG yn gwneud trefniadau i berson neu gorff arall gyflawni swyddogaethau'r corff hwnnw; datgymhwyso neu addasu unrhyw ddarpariaeth ddeddfwriaethol sy'n gysylltiedig ag aelodaeth neu weithdrefn y corff sy'n

## NATIONAL ASSEMBLY FOR WALES

### STATUTORY INSTRUMENTS

**2003 No. 713 (W.87) (C.36)**

## NATIONAL HEALTH SERVICE, WALES

**The Health and Social Care Act  
2001 (Commencement No. 4)  
(Wales) Order 2003**

### EXPLANATORY NOTE

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

Article 2 of this Order appoints 17th March 2003 as the day on which section 13 of the 2001 Act is to come into force in relation to Wales. Section 13 of the Act relates to intervention orders and inserts new sections 84A and B into the National Health Service Act 1977.

Section 13, when commenced, will enable the Assembly to intervene in specified categories of NHS body where it has concerns about the management of that body, its ability to perform its functions adequately or where there has been a catastrophic event.

Section 84A will enable the Assembly to make an intervention order where a NHS body to which the section applies is not performing one or more of its functions adequately or at all, or where there are significant failings in the way the body is being run. Before making an intervention order the Assembly will have to be satisfied that it is appropriate for it to do so.

Section 84B sets out the effect of an intervention order and the various forms the intervention may take. An intervention order may provide for the removal or suspension of members of the NHS body in question and for new individuals to be appointed in their place; can require a NHS body to make arrangements for some other person or body to perform that body's functions; can disapply or modify any legislative provision relating to the membership or procedure of

destun yr ymyrraeth, a gall gynnwys cyfarwyddiadau i roi effaith lawn i ymyrraeth.

## **NODYN YNGHYLCH GORCHMYNION CYCHWYN CYNHARACH**

Mae darpariaethau canlynol Deddf Iechyd a Gofal Cymdeithasol 2001 wedi eu dwyn i rym mewn perthynas â Chymru trwy orchymyn cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Y Ddarpariaeth	Y Dyddiad Cychwyn	O.S. Rhif
Adran 3	1 Gorffennaf 2002 (yn rhannol)	2002/1475
Adran 5	1 Gorffennaf 2002	2002/1475
Adran 11	1 Rhagfyr 2002	2002/1475
Adran 16	26 Awst 2002	2002/1919
Adran 19	1 Gorffennaf 2002	2002/1475
Adran 20	1 Gorffennaf 2002	2002/1475
Adran 21	1 Gorffennaf 2002	2002/1475
Adran 22	1 Gorffennaf 2002	2002/1475
Adran 23	1 Gorffennaf 2002	2002/1475
Adran 24	1 Gorffennaf 2002	2002/1475
Adran 25	1 Gorffennaf 2002	2002/1475
Adran 26	1 Gorffennaf 2002	2002/1475
Adran 27	26 Awst 2002	2002/1919
Adran 28	1 Gorffennaf 2002	2002/1475
Adran 29	1 Gorffennaf 2002	2002/1475
Adran 30	1 Gorffennaf 2002	2002/1475
Adran 31	1 Gorffennaf 2002	2002/1475
Adran 32	1 Gorffennaf 2002	2002/1475
Adran 33	1 Gorffennaf 2002	2002/1475
Adran 34	1 Gorffennaf 2002	2002/1475
Adran 35	1 Gorffennaf 2002	2002/1475
Adran 36	1 Gorffennaf 2002	2002/1475
Adran 37	1 Gorffennaf 2002	2002/1475
Adran 38	1 Gorffennaf 2002	2002/1475
Adran 39	1 Gorffennaf 2002	2002/1475
Adran 41	1 Gorffennaf 2002	2002/1475
Adran 42	1 Gorffennaf 2002	2002/1475

the body subject to intervention, and can include directions to give full effect to an intervention.

## **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

The following provisions of the Health and Social Care Act 2001 have been brought into force in relation to Wales by commencement order made before the date of this Order:

Provision	Date of Commencement	S.I. No.
Section 3	1st July 2002 (partially)	2002/1475
Section 5	1st July 2002	2002/1475
Section 11	1st December 2002	2002/1475
Section 16	26th August 2002	2002/1919
Section 19	1st July 2002	2002/1475
Section 20	1st July 2002	2002/1475
Section 21	1st July 2002	2002/1475
Section 22	1st July 2002	2002/1475
Section 23	1st July 2002	2002/1475
Section 24	1st July 2002	2002/1475
Section 25	1st July 2002	2002/1475
Section 26	1st July 2002	2002/1475
Section 27	26th August 2002	2002/1919
Section 28	1st July 2002	2002/1475
Section 29	1st July 2002	2002/1475
Section 30	1st July 2002	2002/1475
Section 31	1st July 2002	2002/1475
Section 32	1st July 2002	2002/1475
Section 33	1st July 2002	2002/1475
Section 34	1st July 2002	2002/1475
Section 35	1st July 2002	2002/1475
Section 36	1st July 2002	2002/1475
Section 37	1st July 2002	2002/1475
Section 38	1st July 2002	2002/1475
Section 39	1st July 2002	2002/1475
Section 41	1st July 2002	2002/1475
Section 42	1st July 2002	2002/1475

Adran 43	1 Gorffennaf 2002	2002/1475
Adran 49	3 Rhagfyr 2001 (yn rhannol)	2001/3807
Adran 50	8 Ebrill 2002 (yn rhannol) 19 Rhagfyr 2001 (gweddill)	2001/3752 a 2001/3807
Adran 51	8 Tachwedd 2001	2001/3752
Adran 52	8 Tachwedd 2001	2001/3752
Adran 67	1 Gorffennaf 2002 (yn rhannol)	2002/1475
Atodlen 2	1 Gorffennaf 2002	2002/1475
Atodlen 3	1 Gorffennaf 2002	2002/1475
Atodlen 5	1 Gorffennaf 2002 (yn rhannol)	2002/1475
Atodlen 6	1 Gorffennaf 2002 (yn rhannol)	2002/1475

Section 43	1st July 2002	2002/1475
Section 49	3rd December 2001 (partially)	2001/3807
Section 50	8th April 2002 (partially) 19th December 2001 (remainder)	2001/3752 and 2001/3807
Section 51	8th November 2001	2001/3752
Section 52	8th November 2001	2001/3752
Section 67	1st July 2002 (partially)	2002/1475
Schedule 2	1st July 2002	2002/1475
Schedule 3	1st July 2002	2002/1475
Schedule 5	1st July 2002 (partially)	2002/1475
Schedule 6	1st July 2002 (partially)	2002/1475

Mae amryw o ddarpariaethau Deddf 2001 wedi'u dwyn i rym mewn perthynas â Lloegr gan yr Offerynnau Statudol canlynol: O. S. 2001/2804 (p.95), O.S. 2001/3167 (p.101), O.S. 2001/3294 (p.107), O.S. 2001/3619 (p.117), O.S. 2001/3752 (p.122), O.S. 2001/3738 (p.121), O.S. 2001/4149 (p.133), O.S. 2002/1095 (p.26) (fel y'i diwygiwyd gan O.S. 2002/1170 (p.30)), O.S. 2002/1312 (p.36) ac O.S. 2002/2363 (p.77).

Various provisions of the 2001 Act have been brought into force in relation to England by the following Statutory Instruments: S.I. 2001/2804 (c.95), S.I. 2001/3167 (c.101), S.I.2001/3294 (c.107), S.I. 2001/3619 (c.117), S.I. 2001/3752 (c.122), S.I. 2001/3738 (c.121), S.I. 2001/4149 (c.133), S.I. 2002/1095 (c.26)(as amended by S.I. 2002/ 1170 (c.30)), S.I. 2002/1312 (c.36) and S.I. 2002/2363 (c.77).

**2003 Rhif 713 (Cy.87) (C.36)****2003 No. 713 (W.87) (C.36)****Y GWASANAETH IECHYD  
GWLADOL, CYMRU****NATIONAL HEALTH  
SERVICE, WALES**

Gorchymyn Deddf Iechyd a Gofal  
Cymdeithasol 2001 (Cychwyn Rhif  
4) (Cymru) 2003

The Health and Social Care Act  
2001 (Commencement No. 4)  
(Wales) Order 2003

*Wedi'u gwneud*

*12 Mawrth 2003*

*Made*

*12th March 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 64(6) a 70(2) o Ddeddf Iechyd a Gofal Cymdeithasol 2001(a) drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 64(6) and 70(2) of the Health and Social Care Act 2001(a) hereby makes the following Order:

**Enwi, dehongli a chymhwyso****Citation, interpretation and application**

1.-(1) Enw'r gorchymyn hwn yw Gorchymyn Deddf Iechyd a Gofal Cymdeithasol 2001 (Cychwyn Rhif 4) (Cymru) 2003.

1.-(1) This Order may be cited as the Health and Social Care Act 2001 (Commencement No. 4) (Wales) Order 2003.

(2) Yn y Gorchymyn hwn ystyr "Deddf 2001" ("the 2001 Act") yw Deddf Iechyd a Gofal Cymdeithasol 2001.

(2) In this Order "the 2001 Act" ("*Deddf 2001*") means the Health and Social Care Act 2001.

(3) Mae'r Gorchymyn hwn yn gymwys i Gymru yn unig.

(3) This Order applies to Wales only.

**Y dydd penodedig mewn perthynas ag adran 13 o Ddeddf 2001****Appointed day in respect of section 13 of the 2001 Act**

2. 17 Mawrth 2003 yw'r dydd penodedig pan fydd adran 13 o Ddeddf 2001 yn dod i rym.

2. 17th March 2003 is the appointed day for the coming into force of section 13 of the 2001 Act.

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

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

12 Mawrth 2003

12th March 2003

*John Marek*

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly for Wales.

(a) 2001 p.15. Ceir diffiniad o "awdurdod perthnasol" yn adran 66 o'r Ddeddf 2001.

(a) 2001 c.15. The "relevant authority" is defined in section 66 of the Act.

(b) 1998 p.38.

(b) 1998 c.38.







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**NATIONAL HEALTH  
SERVICE, WALES**

The Health and Social Care Act  
2001 (Commencement No. 4)  
(Wales) Order 2003

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