



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 208 (Cy. 66) (C. 9)

2022 No. 208 (W. 66) (C. 9)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Gorchymyn Deddf Iechyd a Gofal
Cymdeithasol (Ansawdd ac
Ymgysylltu) (Cymru) 2020
(Cychwyn Rhif 1) 2022

The Health and Social Care
(Quality and Engagement) (Wales)
Act 2020 (Commencement No. 1)
Order 2022

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn a wneir gan Weinidogion Cymru yn dwyn i rym ddarpariaethau penodol yn Neddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020 ("y Ddeddf").

Mae erthygl 2 o'r Gorchymyn hwn yn dwyn i rym adrannau 24 a 26 o'r Ddeddf ar 8 Mawrth 2022. Mae adran 24 o'r Ddeddf yn diwygio Rhan 1 o Atodlen 3 i Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ("Deddf 2006") i alluogi Gweinidogion Cymru, os ydynt yn ystyried ei bod yn briodol, i benodi is-gadeirydd i fwrdd ymddiriedolaeth GIG. Mae adran 24 o'r Ddeddf hefyd yn gwneud diwygiadau canlyniadol i Ran 1 o Atodlen 3 i Ddeddf 2006 mewn cysylltiad â hyn, gan gynnwys er mwyn caniatáu i Weinidogion Cymru wneud rheoliadau ynghylch cymwysterau a deiliadaeth swydd is-gadeirydd (gan gynnwys yr amgylchiadau y mae'n peidio â dal swydd neu y caniateir iddo gael ei ddiswyddo neu ei atal dros dro odanynt).

Mae adran 26 o'r Ddeddf yn diffinio termau allweddol a ddefnyddir yn y Ddeddf gan gynnwys "Deddf 2006".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order made by the Welsh Ministers brings into force certain provisions of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 ("the Act").

Article 2 of this Order brings into force sections 24 and 26 of the Act on 8 March 2022. Section 24 of the Act amends Part 1 of Schedule 3 to the National Health Service (Wales) Act 2006 ("the 2006 Act") to enable the Welsh Ministers, if they consider it appropriate, to appoint a vice-chair to the board of an NHS trust. Section 24 of the Act also makes consequential amendments to Part 1 of Schedule 3 to the 2006 Act in connection with this, including to allow the Welsh Ministers to make regulations about the qualifications and tenure of office of a vice-chair (including the circumstances in which they cease to hold office or may be removed or suspended).

Section 26 of the Act defines key terms used in the Act including "the 2006 Act".

Daw'r darpariaethau a restrir yn erthygl 3 o'r Gorchymyn hwn i rym ar 1 Ebrill 2022. Mae erthygl 3 yn dwyn i rym adran 12 o'r Ddeddf. Mae adran 12(1) yn sefydlu Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru ("y Corff") fel corff corfforedig ac yn caniatáu ar gyfer gwneud gwaith paratoi i alluogi'r Corff i gyflawni ei swyddogaethau pan fydd gweddill y darpariaethau yn Rhan 4 o'r Ddeddf wedi eu cychwyn. Mae adran 12(2) o'r Ddeddf yn cyflwyno Atodlen 1 i'r Ddeddf. Mae Atodlen 1 yn gwneud darpariaeth ynghylch cyfansoddiad y Corff a materion perthynol. Mae Atodlen 1 i'r Ddeddf wedi ei chychwyn, ac eithrio paragraffau 6 (penodi'r aelod cyswllt), 7 (telerau aelodaeth gyswllt etc.), 8 (anghymhwysio rhag penodiad fel aelod anweithredol) a 22 (cynllun blynyddol) o'r Atodlen honno.

Mae erthygl 3 hefyd yn dwyn i rym adrannau 19(1), 19(2), 19(5), 21 a 22 o'r Ddeddf i alluogi Gweinidogion Cymru i lunio cod ymarfer ynghylch ceisiadau a wneir gan y Corff i gael mynediad i fangreoedd at ddiben ceisio barn unigolion mewn cysylltiad â gwasanaethau iechyd neu wasanaethau cymdeithasol, a phan fo mynediad i'r mangreoedd hynny wedi ei gytuno, ymgysylltu ag unigolion yn y mangreoedd hynny at y diben hwnnw. Er y bydd yn ofynnol i Weinidogion Cymru ymgynghori â'r Corff, byrddau iechyd lleol, ymddiriedolaethau GIG, awdurdodau iechyd arbennig ac awdurdodau lleol wrth lunio'r cod, ni fydd dyletswydd ar y cyrff hyn i roi sylw i'r cod hyd nes y bydd adran 19(3) a (4) wedi ei chychwyn.

The provisions listed in article 3 of this Order come into force on 1 April 2022. Article 3 brings into force section 12 of the Act. Section 12(1) establishes the Citizen Voice Body for Health and Social Care, Wales ("the Body") as a body corporate and allows for preparatory work to be carried out to enable the Body to perform its functions when the remaining provisions in Part 4 to the Act are commenced. Section 12(2) of the Act introduces Schedule 1 to the Act. Schedule 1 makes provision about the Body's constitution and related matters. Schedule 1 to the Act is commenced, save for paragraphs 6 (appointment of the associate member), 7 (terms of associate membership etc), 8 (removal of associate member from office) and 22 (annual plan) of that Schedule.

Article 3 also brings into force sections 19(1), 19(2), 19(5), 21 and 22 of the Act to enable the Welsh Ministers to prepare a code of practice about requests made by the Body for access to premises for the purpose of seeking the views of individuals in respect of health services or social services, and where access to those premises has been agreed, engagement with individuals at those premises for that purpose. While the Welsh Ministers will be required to consult with the Body, local health boards, NHS trusts, special health authorities and local authorities in preparing the code, these bodies will not be under a duty to have regard to the code until section 19(3) and (4) are commenced.

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The Health and Social Care
(Quality and Engagement) (Wales)
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Order 2022

Gwnaed

27 Chwefror 2022

Made

27 February 2022

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 29(2) a (3) o Ddeddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020(1), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on them by section 29(2) and (3) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020(1), make the following Order:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020 (Cychwyn Rhif 1) 2022.

(2) Yn y Gorchymyn hwn, ystyr “y Ddeddf” yw Deddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020.

Title and interpretation

1.—(1) The title of this Order is the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (Commencement No. 1) Order 2022.

(2) In this Order, “the Act” means the Health and Social Care (Quality and Engagement) (Wales) Act 2020.

Y darpariaethau sy'n dod i rym ar 8 Mawrth 2022

2. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 8 Mawrth 2022—

- (a) adran 24 (is-gadeiryddion byrddau cyfarwyddwyr ymddiriedolaethau'r GIG), a
- (b) adran 26 (dehongli).

Provisions coming into force on 8 March 2022

2. The following provisions of the Act come into force on 8 March 2022—

- (a) section 24 (vice-chairs of boards of directors of NHS trusts), and
- (b) section 26 (interpretation).

Y darpariaethau sy'n dod i rym ar 1 Ebrill 2022

3. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Ebrill 2022—

- (a) adran 12 (sefydlu Corff Llais y Dinesydd);
- (b) adran 19(1), (2) a (5) (cod ymarfer ar fynediad i fangreodd);
- (c) adran 21 (ystyr “gwasanaethau iechyd” a “gwasanaethau cymdeithasol”);
- (d) adran 22 (ystyr termau eraill);
- (e) Atodlen 1 (Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru), ac eithrio paragraffau 6, 7, 8 a 22 o'r Atodlen honno.

Provisions coming into force on 1 April 2022

3. The following provisions of the Act come into force on 1 April 2022—

- (a) section 12 (establishment of Citizen Voice Body);
- (b) section 19(1), (2) and (5) (code of practice on access to premises);
- (c) section 21 (meaning of “health services” and “social services”);
- (d) section 22 (meaning of other terms);
- (e) Schedule 1 (Citizen Voice Body for Health and Social Care, Wales), save for paragraphs 6, 7, 8 and 22 of that Schedule.

Eluned Morgan

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weiniogion Cymru
27 Chwefror 2022

Minister for Health and Social Services, one of the
Welsh Ministers
27 February 2022

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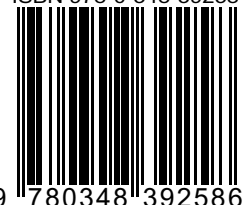
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