



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2024 Rhif 1248 (Cy. 208) (C. 79)

2024 No. 1248 (W. 208) (C. 79)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Gorchymyn Deddf Iechyd y
Cyhoedd (Cymru) 2017 (Cychwyn
Rhif 8 a Darpariaethau Trosiannol)
2024

The Public Health (Wales) Act 2017
(Commencement No. 8 and
Transitional Provisions) Order 2024

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn, sydd wedi ei wneud gan Weinidogion Cymru, yn dwyn i rym ddarpariaethau penodedig o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (dccc 2) ("y Ddeddf").

Mae erthygl 2 yn dwyn i rym ar 29 Tachwedd 2024 ddarpariaethau penodol yn Rhan 4 o'r Ddeddf sy'n ymwneud â thriniaethau arbennig, i'r graddau nad yw'r darpariaethau hynny eisoes wedi eu cychwyn. Mae hyn yn cynnwys dwyn i rym Atodlen 3 (darpariaeth bellach mewn cysylltiad â thrwyddedau triniaeth arbennig) i'r Ddeddf. Bydd dod â pharagraffau 22 a 23 o Atodlen 3 i'r Ddeddf i rym—

- yn diddymu darpariaethau yn Rhan 8 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 (p. 30) ("Deddf 1982") o ran Cymru, a
- yn hepgor y cofnodion sy'n ymwneud ag adran 14 ac adran 15 o Ddeddf 1982 o bob tabl yn Atodlen 1 (pwerau i wneud is-ddeddfau) i Ddeddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012 (dccc 2).

Mae erthygl 3 yn dwyn i rym ar 29 Awst 2025 ddarpariaethau pellach yn Rhan 4 o'r Ddeddf sy'n ymwneud â thriniaethau arbennig (gan gynnwys troseddau penodol). Hyd nes y daw'r darpariaethau yn Rhan 4 o'r Ddeddf i rym yn llawn, gall awdurdodau lleol ddibynnu ar yr amrywiol bwerau diogelu iechyd yn Neddf Iechyd a Diogelwch yn y Gwaith etc. 1974 (p. 37) ac yn Rhan 2A o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22), er enghraifft.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made by the Welsh Ministers, brings into force specified provisions of the Public Health (Wales) Act 2017 (anaw 2) ("the Act").

Article 2 brings into force certain provisions in Part 4 of the Act relating to special procedures on 29 November 2024, to the extent that those provisions have not already been commenced. This includes bringing into force Schedule 3 (further provision in connection with special procedure licences) to the Act. The coming into force of paragraphs 22 and 23 of Schedule 3 to the Act will—

- repeal provisions in Part 8 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) ("the 1982 Act") in relation to Wales, and
- omit the entries relating to section 14 and section 15 of the 1982 Act from each table in Schedule 1 (byelaw making powers) to the Local Government Byelaws (Wales) Act 2012 (anaw 2).

Article 3 brings into force further provisions in Part 4 of the Act relating to special procedures (including certain criminal offences) on 29 August 2025. Until the provisions in Part 4 of the Act come fully into force, local authorities can rely on the various health protection powers in, for example, the Health and Safety at Work etc. Act 1974 (c. 37) and Part 2A of the Public Health (Control of Disease) Act 1984 (c. 22).

Mae erthyglau 4 a 5 yn gwneud darpariaeth drosiannol sy'n ymwneud ag unigolion a mangreoedd sydd wedi eu cofrestru o dan Ddeddf 1982. Bydd y darpariaethau hyn yn galluogi unigolion a mangreoedd i elwa ar "trwydded drosiannol" a/neu "tystysgrif gymeradwyo drosiannol". Diben y darpariaethau hyn yw dangos i ddefnyddwyr fod unigolion a mangreoedd wedi gweithredu'n flaenorol i safon benodol (fel rhan o'u cofrestrriad o dan Ddeddf 1982) a lleihau'r tarfu ar fusnesau wrth drosglwyddo o'r cynllun cofrestru o dan Ddeddf 1982 i'r cynllun trwyddedu newydd o dan Ran 4 o'r Ddeddf.

Articles 4 and 5 make transitional provision relating to individuals and premises registered under the 1982 Act. These provisions will enable individuals and premises to benefit from a "transitional licence" and/or a "transitional approval certificate". The purpose of these provisions is to show consumers that individuals and premises had previously operated to a certain standard (as part of their registration under the 1982 Act) and to minimise the disruption to business while transitioning from the registration scheme under the 1982 Act to the new licensing scheme under Part 4 of the Act.

**NODYN AM Y GORCHMYNION CYCHWYN
CYNHARACH**

Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym drwy Orchmynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

**NOTE AS TO EARLIER COMMENCEMENT
ORDERS**

The following provisions of the Act have been brought into force by Commencement Orders made before the date of this Order:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Adran 2	4 Hydref 2017	2017/949 (Cy. 237) (C. 85)	Section 2	4 October 2017	2017/949 (W. 237) (C. 85)
Adran 3	4 Hydref 2017	2017/949 (Cy. 237) (C. 85)	Section 3	4 October 2017	2017/949 (W. 237) (C. 85)
Adran 4	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 4	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 5	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 5	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 6 (yn rhannol)	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Section 6 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Adran 6 (y gweddill)	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 6 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 7	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 7	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 8	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 8	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 9	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 9	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 10 (yn rhannol)	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Section 10 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Adran 10 (y gweddill)	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 10 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 11 (yn rhannol)	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Section 11 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Adran 11 (y gweddill)	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 11 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 12	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 12	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 13	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 13	1 March 2021	2021/202 (W. 49) (C. 5)

Adran 14	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 14	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 15	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Section 15	29 September 2020	2020/1048 (W. 234) (C. 30)
Adran 16	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Section 16	29 September 2020	2020/1048 (W. 234) (C. 30)
Adran 17 (yn rhannol)	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Section 17 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Adran 17 (y gweddill)	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 17 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 18 (yn rhannol)	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Section 18 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Adran 18 (y gweddill)	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 18 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 19	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 19	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 20	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 20	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 21	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 21	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 22	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 22	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 23	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 23	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 24	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 24	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 25	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 25	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 26	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 26	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 27 (yn rhannol)	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Section 27 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Adran 27 (y gweddill)	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 27 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)

Adran 28 (yn rhannol)	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Section 28 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Adran 28 (y gweddill)	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 28 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 29	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Section 29	1 March 2021	2021/202 (W. 49) (C. 5)
Adran 59 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 59 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 60 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 60 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 62 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 62 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 63 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 63 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 64	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 64	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 69 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 69 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 70 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 70 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 71 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 71 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 72 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 72 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 76 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 76 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Adran 94 (yn rhannol)	1 Chwefror 2018	2018/1 (Cy. 1) ⁽¹⁾	Section 94 (partially)	1 February 2018	2018/1 (W. 1) ⁽¹⁾
Adran 94 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Section 94 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Rhan 5	1 Chwefror 2018	2018/1 (Cy. 1)	Part 5	1 February 2018	2018/1 (W. 1)
Rhan 7	1 Ebrill 2019	2019/829 (Cy. 152) ⁽²⁾	Part 7	1 April 2019	2019/829 (W. 152) ⁽²⁾
Rhan 8	31 Mai 2018	2018/605 (Cy. 116) (C. 48)	Part 8	31 May 2018	2018/605 (W. 116) (C. 48)
Adran 119	4 Hydref 2017	2017/949 (Cy. 237) (C. 85)	Section 119	4 October 2017	2017/949 (W. 237) (C. 85)

Atodlen 1 (yn rhannol)	29 Medi 2020	2020/1048 (Cy. 234) (C. 30)	Schedule 1 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Atodlen 1 (y gweddill)	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Schedule 1 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Atodlen 2	1 Mawrth 2021	2021/202 (Cy. 49) (C. 5)	Schedule 2	1 March 2021	2021/202 (W. 49) (C. 5)
Atodlen 3 (yn rhannol)	13 Medi 2024	2024/938 (Cy. 157) (C. 59)	Schedule 3 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Atodlen 4	31 Mai 2018	2018/605 (Cy. 116) (C. 48)	Schedule 4	31 May 2018	2018/605 (W. 116) (C. 48)

⁽¹⁾ Ni ddyrannwyd rhif i'r offeryn yn y gyfres o Offerynnau Cychwyn.

⁽²⁾ Ni ddyrannwyd rhif i'r offeryn yn y gyfres o Offerynnau Cychwyn.

Gweler hefyd adran 126(1) o'r Ddeddf ar gyfer y darpariaethau a ddaeth i rym ar 3 Gorffennaf 2017 (dyddiad y Cydsyniad Brenhinol).

⁽¹⁾ Instrument not allocated number in the Commencement Instruments series.

⁽²⁾ Instrument not allocated number in the Commencement Instruments series.

See also section 126(1) of the Act for the provisions that came into force on 3 July 2017 (the date of Royal Assent).

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**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Gorchymyn Deddf Iechyd y
Cyhoedd (Cymru) 2017 (Cychwyn
Rhif 8 a Darpariaethau Trosiannol)
2024

The Public Health (Wales) Act 2017
(Commencement No. 8 and
Transitional Provisions) Order 2024

Gwnaed

27 Tachwedd 2024

Made

27 November 2024

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 126(2) a (3) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017(1), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by section 126(2) and (3) of the Public Health (Wales) Act 2017(1), make the following Order:

Enwi a dehongli

Title and interpretation

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Iechyd y Cyhoedd (Cymru) 2017 (Cychwyn Rhif 8 a Darpariaethau Trosiannol) 2024.

1.—(1) The title of this Order is the Public Health (Wales) Act 2017 (Commencement No. 8 and Transitional Provisions) Order 2024.

(2) Yn y Gorchymyn hwn—

(2) In this Order—

ystyr “Deddf 1982” (“*the 1982 Act*”) yw Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982(2);

“the 1982 Act” (“*Deddf 1982*”) means the Local Government (Miscellaneous Provisions) Act 1982(2);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Iechyd y Cyhoedd (Cymru) 2017;

“the Act” (“*y Ddeddf*”) means the Public Health (Wales) Act 2017;

ystyr “Rheoliadau Cymeradwyaeth o ran Triniaethau Arbennig” (“*the Special Procedures Approval Regulations*”) yw Rheoliadau Mangreodd a Cherbydau a Gymeradwywyd o ran Triniaethau Arbennig (Cymru) 2024(3);

“the Special Procedures Approval Regulations” (“*Rheoliadau Cymeradwyaeth o ran Triniaethau Arbennig*”) means the Special Procedures Approved Premises and Vehicles (Wales) Regulations 2024(3);

mae i “trwydded triniaeth arbennig” (“*special procedure licence*”) yr ystyr a roddir yn adran 59 o'r Ddeddf;

“approval certificate” (“*tystysgrif gymeradwyo*”) has the same meaning as in section 70 of the Act;

mae i “tystysgrif gymeradwyo” (“*approval certificate*”) yr un ystyr ag yn adran 70 o'r Ddeddf.

“special procedure licence” (“*trwydded triniaeth arbennig*”) has the meaning given in section 59 of the Act.

(1) 2017 decc 2.

(2) 1982 p. 30 (“Deddf 1982”).

(3) O.S. 2024/1229 (Cy. 199).

(1) 2017 anaw 2.

(2) 1982 c. 30 (“the 1982 Act”).

(3) S.I. 2024/1229 (W. 199).

Y darpariaethau sy'n dod i rym ar 29 Tachwedd 2024

2. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 29 Tachwedd 2024, i'r graddau nad ydynt eisoes mewn grym—

- (a) adran 56 (trosolwg o'r Rhan hon);
- (b) adran 57 (beth yw triniaeth arbennig?);
- (c) adran 58 (gofyniad i unigolyn sy'n rhoi triniaeth arbennig gael ei drwyddedu);
- (d) adran 59 (darpariaeth gyffredinol ynghylch trwyddedau triniaeth arbennig);
- (e) adran 60 (unigolion sydd wedi eu hesemptio);
- (f) adran 62 (meini prawf trwyddedu);
- (g) adran 63 (amodau trwyddedu mandadol);
- (h) adran 65 (caniatâd neu wrthodiad mandadol i gais am drwydded triniaeth arbennig);
- (i) adran 66 (disgresiwn i ganiatáu cais am drwydded triniaeth arbennig);
- (j) adran 67 (caniatáu neu wrthod cais i adnewyddu);
- (k) adran 68 (dirymu trwydded triniaeth arbennig);
- (l) adran 69 (rhoi triniaeth arbennig yng nghwrs busnes: gofyniad i gael cymeradwyaeth);
- (m) adran 70 (cymeradwyo mangreoedd a cherbydau mewn cysylltiad â rhoi triniaeth arbennig);
- (n) adran 71 (tystysgrifau cymeradwyo);
- (o) adran 72 (terfynu cymeradwyaeth yn wirfoddol);
- (p) adran 73 (dirymu cymeradwyaeth);
- (q) adran 74 (dirymu cymeradwyaeth: gofynion hysbysu);
- (r) adran 75 (dyletswydd i gynnal cofrestr o drwyddedau triniaeth arbennig a mangreoedd a cherbydau a gymeradwywyd);
- (s) adran 76 (ffioedd);
- (t) adran 78 (trwyddedau triniaeth arbennig: hysbysiadau camau adfer i ddeiliad trwydded);
- (u) adran 79 (mangreoedd a cherbydau a gymeradwywyd: hysbysiadau camau adfer ar gyfer mangre);
- (v) adran 80 (tystysgrif gwblhau);
- (w) adran 81 (apelau);
- (x) adran 82(5) i (9) (toseddau);
- (y) adran 83 (swyddogion awdurdodedig);
- (z) adran 84 (pwerau mynediad etc.);

Provisions coming into force on 29 November 2024

2. The following provisions of the Act come into force on 29 November 2024, so far as not already in force—

- (a) section 56 (overview of this Part);
- (b) section 57 (what is a special procedure?);
- (c) section 58 (requirement for individual performing special procedure to be licensed);
- (d) section 59 (general provision about special procedure licences);
- (e) section 60 (exempted individuals);
- (f) section 62 (licensing criteria);
- (g) section 63 (mandatory licensing conditions);
- (h) section 65 (mandatory grant or refusal of application for special procedure licence);
- (i) section 66 (discretion to grant application for special procedure licence);
- (j) section 67 (grant or refusal of application for renewal);
- (k) section 68 (revocation of special procedure licence);
- (l) section 69 (performance of special procedure in course of business: approval requirement);
- (m) section 70 (approval of premises and vehicles in respect of performance of special procedure);
- (n) section 71 (approval certificates);
- (o) section 72 (voluntary termination of approval);
- (p) section 73 (revocation of approval);
- (q) section 74 (revocation of approval: notification requirements);
- (r) section 75 (duty to maintain register of special procedure licences and approved premises and vehicles);
- (s) section 76 (fees);
- (t) section 78 (special procedure licences: licence holder remedial action notices);
- (u) section 79 (approved premises and vehicles: premises remedial action notices);
- (v) section 80 (completion certificate);
- (w) section 81 (appeals);
- (x) section 82(5) to (9) (offences);
- (y) section 83 (authorised officers);
- (z) section 84 (powers of entry etc);

- (aa) adran 86 (gwarant i fynd i mewn i fangreodded eraill);
- (bb) adran 87 (darpariaeth atodol ynghylch pwerau mynediad);
- (cc) adran 88 (pwerau arolygu etc.);
- (dd) adran 89 (rhwystro etc. swyddogion);
- (ee) adran 90 (pŵer i wneud pryniannau prawf);
- (ff) adran 91 (eiddo a gedwir: apelau);
- (gg) adran 92 (eiddo a gyfeddir: digolledu);
- (hh) adran 93 (pŵer i ychwanegu neu ddileu triniaethau arbennig);
- (ii) adran 94 (dehongli'r Rhan hon);
- (jj) Atodlen 3 (darpariaeth bellach mewn cysylltiad â thrwyddedau triniaeth arbennig).

- (aa) section 86 (warrant to enter other premises);
- (bb) section 87 (supplementary provision about powers of entry);
- (cc) section 88 (powers of inspection etc.);
- (dd) section 89 (obstruction etc. of officers);
- (ee) section 90 (power to make test purchases);
- (ff) section 91 (retained property: appeals);
- (gg) section 92 (appropriated property: compensation);
- (hh) section 93 (power to add or remove special procedures);
- (ii) section 94 (interpretation of this Part);
- (jj) Schedule 3 (further provision in connection with special procedure licences).

Y darpariaethau sy'n dod i rym ar 29 Awst 2025

3. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 29 Awst 2025—

- (a) adran 61 (dynodi unigolyn at ddibenion adran 58(3));
- (b) adran 77 (hysbysiadau stop);
- (c) adran 82(1) i (4) (troseddau);
- (d) adran 85 (gwarant i fynd i mewn i annedd).

Provisions coming into force on 29 August 2025

3. The following provisions of the Act come into force on 29 August 2025—

- (a) section 61 (designation of individual for the purposes of section 58(3));
- (b) section 77 (stop notices);
- (c) section 82(1) to (4) (offences);
- (d) section 85 (warrant to enter dwelling).

Darpariaethau trosiannol

Trwydded triniaeth arbennig

4.—(1) Mae'r erthygl hon yn gymwys i berson (P) sydd, yn union cyn 29 Tachwedd 2024, wedi ei gofrestru i gynnal—

- (a) y gwaith o aciwbigo(1);
- (b) y busnes o datwio, rhoi lliw lled-barhaol ar y croen, tyllu cosmetig neu electrolysis(2).

(2) Gydag effaith o 29 Tachwedd 2024, bernir bod P yn rhoi triniaeth arbennig o dan awdurdod trwydded triniaeth arbennig (y cyfeirir ati yn yr erthygl hon fel "trwydded drosiannol").

(3) Mae trwydded drosiannol i'w thrin at ddibenion yr erthygl hon fel pe bai'n dod i ben—

- (a) ar 1 Mawrth 2025 os yw P yn methu â gwneud cais am drwydded triniaeth arbennig ar neu cyn 28 Chwefror 2025, neu

Transitional provisions

Special procedure licence

4.—(1) This article applies to a person (P) who, immediately before 29 November 2024, is registered to carry on the—

- (a) practice of acupuncture(1);
- (b) business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis(2).

(2) With effect from 29 November 2024, P is deemed to be performing a special procedure under the authority of a special procedure licence (referred to in this article as a "transitional licence").

(3) A transitional licence is to be treated for the purposes of this article as expiring on—

- (a) 1 March 2025 if P fails to apply for a special procedure licence on or before 28 February 2025, or

(1) *Gweler* adran 14(1) o Ddeddf 1982 am ystyr person sydd wedi ei gofrestru i gynnal y gwaith o aciwbigo.

(2) *Gweler* adran 15(1) o Ddeddf 1982 am ystyr person sydd wedi ei gofrestru i gynnal y busnes o datwio, rhoi lliw lled-barhaol ar y croen, tyllu cosmetig neu electrolysis.

(1) *See* section 14(1) of the 1982 Act for the meaning of a person registered to carry on the practice of acupuncture.

(2) *See* section 15(1) of the 1982 Act for the meaning of a person registered to carry on the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis.

(b) os yw P yn gwneud cais am drwydded triniaeth arbennig ar neu cyn 28 Chwefror 2025—

- (i) ar y dyddiad y rhoddir y drwydded triniaeth arbennig, neu
- (ii) ar y dyddiad y dyroddir yr hysbysiad o benderfyniad i wrthod y cais am drwydded triniaeth arbennig (ac eithrio y bydd y drwydded drosiannol yn parhau i gael effaith, pan fo sylwadau wedi eu cyflwyno, neu pan fo apêl wedi ei gwneud, mewn perthynas â'r penderfyniad i wrthod yn unol â darpariaethau perthnasol y Ddeddf, hyd nes bod apêl wedi ei phenderfynu'n llawn, wedi ei thynnu'n ôl neu hyd nes y rhoddir y gorau iddi).

(4) Er mwyn osgoi amheuaeth, nid yw darfodiad trwydded drosiannol o dan baragraff (3)(a) o'r erthygl hon i'w drin fel pe bai'r drwydded drosiannol wedi ei dirymu ac nid yw'n arwain at hawl i apelio o dan Atodlen 3 i'r Ddeddf.

(5) Nid yw'r rhwymedigaeth ar awdurdod lleol i gynnal a chyhoeddi cofrestr fel y nodir yn adran 75 o'r Ddeddf (dyletswydd i gynnal cofrestr o drwyddedau triniaeth arbennig a mangreoedd a cherbydau a gymeradwywyd) yn gymwys mewn perthynas â thrwyddedau trosiannol.

Tystysgrif gymeradwyo

5.—(1) Mae'r erthygl hon yn gymwys i fangre (A) sydd, yn union cyn 29 Tachwedd 2024, wedi ei chofrestru i gynnal—

- (a) y gwaith o aciwbigo(1);
- (b) y busnes o datwio, rhoi lliw lled-barhaol ar y croen, tyllu cosmetig neu electrolysis(2).

(2) Gydag effaith o 29 Tachwedd 2024, bernir bod A wedi ei chymeradwyo gan awdurdod lleol fel mangre y rhoddir triniaeth arbennig ynddi a dyroddir tystysgrif gymeradwyo (y cyfeirir ati yn yr erthygl hon fel "tystysgrif gymeradwyo drosiannol") i'r fangre honno.

(3) Mae tystysgrif gymeradwyo drosiannol i'w thrin at ddibenion yr erthygl hon fel pe bai'n dod i ben—

- (a) ar 1 Mawrth 2025 os yw ceisydd yn methu â gwneud cais am dystysgrif gymeradwyo mewn cysylltiad ag A ar neu cyn 28 Chwefror 2025, neu

(b) if P applies for a special procedure licence on or before 28 February 2025—

- (i) the date on which the special procedure licence is granted, or
- (ii) the date on which the notice of decision to refuse the application for a special procedure licence is issued (save that the transitional licence will continue to have effect, where representations are made or an appeal is lodged in relation to the decision to refuse in accordance with the relevant provisions of the Act, until such time as an appeal is fully determined, withdrawn or abandoned).

(4) For the avoidance of doubt, the lapsing of a transitional licence under paragraph (3)(a) of this article is not to be treated as a revocation of the transitional licence and does not give rise to a right of appeal under Schedule 3 to the Act.

(5) The obligation on a local authority to maintain and publish a register as set out in section 75 of the Act (duty to maintain register of special procedure licences and approved premises and vehicles) does not apply in relation to transitional licences.

Approval certificate

5.—(1) This article applies to a premises (A) which, immediately before 29 November 2024, is registered to carry on the—

- (a) practice of acupuncture(1);
- (b) business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis(2).

(2) With effect from 29 November 2024, A is deemed to be approved by a local authority as premises at which a special procedure is performed and an approval certificate (referred to in this article as a "transitional approval certificate") is issued to that premises.

(3) A transitional approval certificate is to be treated for the purposes of this article as expiring on—

- (a) 1 March 2025 if an applicant fails to apply for an approval certificate in respect of A on or before 28 February 2025, or

(1) *Gweler* adran 14(2) o Ddeddf 1982 am ystyr mangre sydd wedi ei chofrestru i gynnal y gwaith o aciwbigo.

(2) *Gweler* adran 15(2) o Ddeddf 1982 am ystyr mangre sydd wedi ei chofrestru i gynnal y busnes o datwio, rhoi lliw lled-barhaol ar y croen, tyllu cosmetig neu electrolysis.

(1) *See* section 14(2) of the 1982 Act for the meaning of a premises registered to carry on the practice of acupuncture.

(2) *See* section 15(2) of the 1982 Act for the meaning of a premises registered to carry on the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis.

(b) os yw ceisydd yn gwneud cais am dystysgrif gymeradwyo mewn cysylltiad ag A ar neu cyn 28 Chwefror 2025—

(i) ar y dyddiad y rhoddir tystysgrif gymeradwyo, neu

(ii) ar y dyddiad y dyroddir yr hysbysiad o benderfyniad i wrthod cais am dystysgrif gymeradwyo (ac eithrio y bydd y dystysgrif gymeradwyo drosiannol yn parhau i gael effaith, pan fo sylwadau wedi eu cyflwyno, neu pan fo apêl wedi ei gwneud, mewn perthynas â'r penderfyniad i wrthod yn unol â'r darpariaethau perthnasol yn y Rheoliadau Cymeradwyaeth o ran Triniaethau Arbennig, hyd nes bod apêl wedi ei phenderfynu'n llawn, wedi ei thynnu'n ôl neu hyd nes y rhoddir y gorau iddi).

(4) Er mwyn osgoi amheuaeth, nid yw darfodiad tystysgrif gymeradwyo drosiannol o dan baragraff (3)(a) i'w drin fel pe bai'r drwydded drosiannol wedi ei dirymu ac nid yw'n arwain at hawl i apelio o dan Ran 12 neu 13 o'r Rheoliadau Cymeradwyaeth o ran Triniaethau Arbennig.

(5) Nid yw'r rhwymedigaeth ar awdurdod lleol i gynnal a chyhoeddi cofrestr fel y nodir yn adran 75 o'r Ddeddf (dyletswydd i gynnal cofrestr o drwyddedau triniaeth arbennig a mangreoedd a cherbydau a gymeradwywyd) yn gymwys mewn perthynas â thystysgrifau gymeradwyo trosiannol.

(b) if an applicant does apply for an approval certificate in respect of A on or before 28 February 2025—

(i) the date on which an approval certificate is granted, or

(ii) the date on which the notice of decision to refuse an application for an approval certificate is issued (save that the transitional approval certificate will continue to have effect, where representations are made or an appeal is lodged in relation to the decision to refuse in accordance with the relevant provisions of the Special Procedures Approval Regulations, until such time as an appeal is fully determined, withdrawn or abandoned).

(4) For the avoidance of doubt, the lapsing of a transitional approval certificate under paragraph (3)(a) is not to be treated as a revocation of the transitional licence and does not give rise to a right of appeal under Part 12 or 13 the Special Procedures Approval Regulations.

(5) The obligation on a local authority to maintain and publish a register as set out in section 75 of the Act (duty to maintain register of special procedure licences and approved premises and vehicles) does not apply in relation to transitional approval certificates.

Jeremy Miles

Ysgrifennydd y Cabinet dros Iechyd a Gofal
Cymdeithasol, un o Weinidogion Cymru
27 Tachwedd 2024

Cabinet Secretary for Health and Social Care, one of
the Welsh Ministers
27 November 2024

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