



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2008 Rhif 3171 (Cy.284) (C.144)

2008 No. 3171 (W.284) (C.144)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Gorchymyn Deddf Iechyd 2006
(Cychwyn Rhif 2) (Cymru)
2008

The Health Act 2006
(Commencement No. 2) (Wales)
Order 2008

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Y Gorchymyn hwn yw'r ail Orchymyn Cychwyn sy'n cael ei wneud o dan Ddeddf Iechyd 2006 ("Deddf 2006"). Mae'n dwyn i rym Bennod 1 o Ran 3 o Ddeddf 2006 o ran Cymru. Mae'n cynnwys mesurau ynghylch rheoli a defnyddio cyffuriau a reolir yn ddiogel mewn sefydliadau iechyd a gofal penodol. Yn benodol, mae'n darparu ar gyfer penodi swyddogion atebol y mae'n rhaid iddynt sicrhau bod gan gyrff penodedig drefniadau priodol ar gyfer trafod cyffuriau a reolir yn ddiogel ac yn effeithiol, ac mae'n cynnwys dyletswyddau o gydweithredu rhwng gyrff cyfrifol a hawliau i gael mynediad ac i archwilio mangroedd perthnasol.

This Order is the second Commencement Order made under the Health Act 2006 ("the 2006 Act"). It brings into force Chapter 1 of Part 3 of the 2006 Act in relation to Wales. This contains measures relating to the safe management and use of controlled drugs in certain health and social care settings. In particular, it provides for the appointment of accountable officers who must ensure that specified organisations have appropriate arrangements for the safe and effective handling of controlled drugs, and it contains duties of collaboration between responsible bodies and rights of entry and inspection to relevant premises.

**NODYN YNGHYLCH GORCHMYNION
CYCHWYN CYNHARACH**

**NOTE AS TO EARLIER
COMMENCEMENT ORDERS**

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

(This note is not part of the Order)

Mae'r Gorchymyn Cychwyn canlynol wedi'i wneud o dan Ddeddf Iechyd 2006 gan Gynulliad Cenedlaethol Cymru o ran Cymru:

The following Commencement Order has been made under the Health Act 2006 by the National Assembly for Wales in relation to Wales:

Gorchymyn Deddf Iechyd 2006 (Cychwyn Rhif 1 a Darpariaethau Trosiannol) (Cymru) 2007 (O.S. 2007/204 (Cy.18) (C.9)).

The Health Act 2006 (Commencement No.1 and Transitional Provisions) (Wales) Order 2007 (S.I. 2007/204 (W.18) (C.9)).

Mae'r Gorchymynion Cychwyn canlynol wedi'u gwneud o dan Ddeddf Iechyd 2006 gan yr Ysgrifennydd Gwladol dros Iechyd o ran Cymru a Lloegr:

The following Commencement Orders have been made under the Health Act 2006 by the Secretary of State for Health in relation to England and Wales:

Gorchymyn Deddf Iechyd 2006 (Cychwyn Rhif 1 a Darpariaethau Trosiannol) 2006 (O.S. 2006/2603 (C.88)),

Gorchymyn Deddf Iechyd 2006 (Cychwyn Rhif 2) 2006 (O.S. 2006/3125 (C.108)) (mae rhannau ohono hefyd yn ymwneud â'r Alban),

Gorchymyn Deddf Iechyd 2006 (Cychwyn Rhif 3) 2007 (O.S. 2007/1375 (C.57)).

Gorchymyn Deddf Iechyd 2006 (Cychwyn Rhif 5) 2008 (O.S. 2008/1972 (C.96)).

Mae'r Gorchymyn Cychwyn canlynol wedi'i wneud o dan Ddeddf Iechyd 2006 gan yr Ysgrifennydd Gwladol dros Iechyd o ran Lloegr a'r Alban:

Gorchymyn Deddf Iechyd 2006 (Cychwyn Rhif 4) (O.S. 2008/1147 (C.50)).

The Health Act 2006 (Commencement No.1 and Transitional Provisions) Order 2006 (S.I. 2006/2603 (C.88)),

The Health Act 2006 (Commencement No.2) Order 2006 (S.I. 2006/3125 (C.108)) (parts also relate to Scotland),

The Health Act 2006 (Commencement No.3) Order 2007 (S.I. 2007/1375 (C.57)).

The Health Act 2006 (Commencement No.5) Order 2008 (S.I. 2008/1972 (C.96)).

The following Commencement Order has been made under the Health Act 2006 by the Secretary of State for Health in relation to England and Scotland:

The Health Act 2006 (Commencement No.4) Order (S.I. 2008/1147 (C.50)).

<i>Y ddarpariaeth</i>	<i>Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Adrannau 1 i 3	2 Ebrill 2007 (o ran Cymru) a 1 Gorffennaf 2007 (o ran Lloegr)	2007/204 (Cy.18) (C.9) 2007/1375 (C.57)
Adran 4	1 Gorffennaf 2007 (o ran Lloegr)	2007/1375 (C.57)
Adran 5	2 Ebrill 2007 (o ran Cymru)	2007/204 (Cy.18) (C.9)
Adran 5 (heblaw adran 5(4))	1 Gorffennaf 2007 (o ran Lloegr)	2007/1375 (C.57)
Adran 5(4)	1 Gorffennaf 2007 (o ran Lloegr, yr Alban a Gogledd Iwerddon)	2007/1375 (C.57)
Adrannau 6 i 12	2 Ebrill 2007 (o ran Cymru) a 1 Gorffennaf 2007 (o ran Lloegr)	2007/204 (Cy.18) (C.9) 2007/1375 (C.57)
Adran 13	1 Gorffennaf 2007 (o ran Lloegr a Chymru)	2007/1375 (C.57)
Adrannau 14 i 16	1 Hydref 2006	2006/2603 (C.88)

<i>Provision</i>	<i>Date of</i>	<i>S.I. Number Commencement</i>
Sections 1 to 3	2 April 2007 (in relation to Wales) and 1 July 2007 (in relation to England)	2007/204 (W.18) (C.9) 2007/1375 (C.57)
Section 4	1 July 2007 (in relation to England)	2007/1375 (C.57)
Section 5	2 April 2007 (in relation to Wales)	2007/204 (W.18) (C.9)
Section 5 (other than section 5(4))	1 July 2007 (in relation to England)	2007/1375 (C.57)
Section 5(4)	1 July 2007 (in relation to England, Scotland and Northern Ireland)	2007/1375 (C.57)
Sections 6 to 12	2 April 2007 (in relation to Wales) and 1 July 2007 (in relation to England)	2007/204 (W.18) (C.9) 2007/1375 (C.57)
Section 13	1 July 2007 (in relation to England and Wales)	2007/1375 (C.57)
Sections 14 to 16	1 October 2006	2006/2603 (C.88)

Adrannau 17 i 25	1 Ionawr 2007 (yn rhannol o ran Lloegr) a 1 Mawrth 2007 (o ran yr Alban)	2006/3125 (C.108) 2006/3125 (C.108)
Adran 33	1 Hydref 2006	2006/2603 (C.88)
Adrannau 34 a 35	28 Chwefror 2007 (yn rhannol)	2006/3125 (C.108)
Adrannau 37 i 42	1 Awst 2008	2008/1972 (C.96)
Adran 43	1 Mai 2008	2008/1147 (C.50)
Adrannau 44 i 55	1 Chwefror 2007 (o ran Cymru) a 22 Ebrill 2008 (o ran Lloegr)	2007/204 (Cy.18) (C.9) 2008/1147 (C.50)
Adran 56	1 Chwefror 2007 (o ran Cymru) a 1 Hydref 2006 (o ran Lloegr, yn rhannol)	2007/204 (Cy.18) (C.9) 2006/2603 (C.88)
Adran 57	1 Hydref 2006	2006/2603 (C.88)
Adrannau 58 i 62	28 Medi 2006 (yn rhannol)	2006/2603 (C.88)
Adrannau 58 i 62	1 Hydref 2006 (y gweddill)	2006/2603 (C.88)
Adrannau 63 i 69	1 Hydref 2006	2006/2603 (C.88)
Adran 70	28 Medi 2006 (yn rhannol)	2006/2603 (C.88)
Adran 70	1 Hydref 2006 (y gweddill)	2006/2603 (C.88)
Adran 71	28 Medi 2006 (yn rhannol)	2006/2603 (C.88)
Adran 71	1 Hydref 2006 (y gweddill)	2006/2603 (C.88)
Adran 72	28 Ebrill 2008	2008/1147 (C.50)
Adran 73	29 Ionawr 2007 (ac eithrio i'r graddau y mae'n ymwneud â'r	2006/3125 (C.108)

Sections 17 to 25	1 January 2007 (partially in relation to England) and 1 March 2007 (in relation to Scotland)	2006/3125 (C.108) 2006/3125 (C.108)
Section 33	1 October 2006	2006/2603 (C.88)
Sections 34 and 35	28 February 2007 (partially)	2006/3125 (C.108)
Sections 37 to 42	1 August 2008	2008/1972 (C.96)
Section 43	1 May 2008	2008/1147 (C.50)
Sections 44 to 55	1 February 2007 (in relation to Wales) and 22 April 2008 (in relation to England)	2007/204 (W.18) (C.9) 2008/1147 (C.50)
Section 56	1 February 2007 (in relation to Wales) and 1 October 2006 (in relation to England, partially)	2007/204 (W.18) (C.9) 2006/2603 (C.88)
Section 57	1 October 2006	2006/2603 (C.88)
Sections 58 to 62	28 September 2006 (partially)	2006/2603 (C.88)
Sections 58 to 62	1 October 2006 (remainder)	2006/2603 (C.88)
Sections 63 to 69	1 October 2006	2006/2603 (C.88)
Section 70	28 September 2006 (partially)	2006/2603 (C.88)
Section 70	1 October 2006 (remainder)	2006/2603 (C.88)
Section 71	28 September 2006 (partially)	2006/2603 (C.88)
Section 71	1 October 2006 (remainder)	2006/2603 (C.88)
Section 72	28 April 2008	2008/1147 (C.50)
Section 73	29 January 2007 (except so far as it relates to Scotland) and	2006/3125 (C.108)

	Alban) a 29 Ionawr 2007 (o ran yr Alban)	OSA 2007/9 (C.1)
Adrannau 76 a 77	1 Chwefror 2007 (Cymru, i'r graddau y maent yn ymwneud â thramgwyddau o dan Bennod 3 o Ran 4) a 2 Ebrill 2007 (Cymru, i'r graddau y maent yn ymwneud â thramgwyddau o dan Bennod 1 o Ran 1)	2007/204 (Cy.18) (C.9) 2007/204 (Cy.18) (C.9)
Adrannau 76 a 77	1 Gorffennaf 2007 (Lloegr, i'r graddau y maent yn ymwneud â thramgwyddau o dan Ran 1) a 22 Ebrill 2008 (Cymru, i'r graddau y maent yn ymwneud â thramgwyddau o dan Bennod 3 o Ran 4) a 22 Ebrill 2008 (Lloegr a'r Alban, i'r graddau y maent yn ymwneud â thramgwyddau o dan Bennod 1 o Ran 3)	2007/1375 (C.57) 2008/1147 (C.50) 2008/1147 (C.50)
Adran 78	1 Chwefror 2007 (Cymru, i'r graddau y mae'n ymwneud â thramgwyddau o dan Bennod 3 o Ran 4) a 2 Ebrill 2007 (Cymru, i'r graddau y mae'n ymwneud â thramgwyddau o dan Bennod 1 o Ran 1)	2007/204 (Cy.18) (C.9) 2007/204 (Cy.18) (C.9)
Adran 78	22 Ebrill 2008 (Lloegr, i'r graddau y mae'n ymwneud â thramgwyddau o dan Bennod 3 o Ran 4) a	2008/1147 (C.50)

	29 January 2007 (in relation to Scotland)	SSI 2007/9 (C.1)
Sections 76 and 77	1 February 2007 (Wales, so far as relate to offences under Chapter 3 of Part 4) and 2 April 2007 (Wales, so far as relate to offences under Chapter 1 of Part 1)	2007/204 (W.18) (C.9) 2007/204 (W.18) (C.9)
Sections 76 and 77	1 July 2007 (England, so far as relate to offences under Part 1) and 22 April 2008 (so far as relate to offences under Chapter 3 of Part 4) and 22 April 2008 (England and Scotland, so far as relate to offences under Chapter 1 of Part 3)	2007/1375 (C.57) 2008/1147 (C.50) 2008/1147 (C.50)
Section 78	1 February 2007 (Wales, so far as it relates to offences under Chapter 3 of Part 4) and 2 April 2007 (Wales, so far as it relates to offences under Chapter 1 of Part 1)	2007/204 (W.18) (C.9) 2007/204 (W.18) (C.9)
Section 78	22 April 2008 (England, so far as relates to offences under Chapter 3 of Part 4)) and	2008/1147 (C.50)

	22 Ebrill 2008 (Lloegr, i'r graddau y mae'n ymwneud â thramgwyddau o dan Bennod 1 o Ran 3)	2008/1147 (C.50)
Adran 80(1)	1 Hydref 2006 (yn rhannol) 29 Ionawr 2007 (yn rhannol o ran yr Alban) 1 Chwefror 2007 (yn rhannol o ran Cymru)	2006/2603 (C.88) OSA 2007/9 (C.1) 2007/204 (Cy.18) (C.9)
Adran 80(2)	1 Hydref 2006 (yn rhannol) a 1 Chwefror 2007 (yn rhannol, o ran Cymru)	2006/2603 (C.88) 2007/204 (Cy.18) (C.9)
Atodlenni 1 a 2	2 Ebrill 2007 (o ran Cymru) a 1 Gorffennaf 2007 (o ran Lloegr)	2007/204 (Cy.18) (C.9) 2007/1375 (C.57)
Atodlen 3	1 Hydref 2006 (yn rhannol) 1 Chwefror 2007 (o ran Cymru)	2006/2603 (C.88) 2007/204 (Cy.18) (C.9)
Atodlen 4	1 Hydref 2006	2006/2603 (C.88)
Atodlenni 5 a 6	28 Medi 2006 (yn rhannol) a 1 Hydref 2006 (y gweddill)	2006/2603 (C.88) 2006/2603 (C.88)
Atodlen 7	1 Hydref 2006	2006/2603 (C.88)
Atodlen 8, paragraffau 1 i 5	1 Hydref 2006	2006/2603 (C.88)
Atodlen 8, paragraff 24(a)	1 Hydref 2006 (yn rhannol) a 1 Chwefror 2007 (o ran Cymru)	2006/2603 (C.88) 2007/204 (Cy.18) (C.9)
Atodlen 8, paragraffau 26 i 28	1 Hydref 2006 (yn rhannol)	2006/2603 (C.88)

	22 April 2008 (England, so far as relates to offences under Chapter 1 of Part 3)	2008/1147 (C.50)
Section 80(1)	1 October 2006 (partially) 29 January 2007 (partially in relation to Scotland) 1 February 2007 (partially in relation to Wales)	2006/2603 (C.88) SSI 2007/9 (C.1) 2007/204 (W.18) (C.9)
Section 80(2)	1 October 2006 (partially) and 1 February 2007 (partially, in relation to Wales)	2006/2603 (C.88) 2007/204 (W.18) (C.9)
Schedules 1 and 2	2 April 2007 (in relation to Wales) and 1 July 2007 (in relation to England)	2007/204 (W.18) (C.9) 2007/1375 (C.57)
Schedule 3	1 October 2006 (partially) 1 February 2007 (in relation to Wales)	2006/2603 (C.88) 2007/204 (W.18) (C.9)
Schedule 4	1 October 2006	2006/2603 (C.88)
Schedules 5 and 6	28 September 2006 (partially) and 1 October 2006 (remainder)	2006/2603 (C.88) 2006/2603 (C.88)
Schedule 7	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraphs 1 to 5	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraph 24(a)	1 October 2006 (partially) and 1 February 2007 (in relation to Wales)	2006/2603 (C.88) 2007/204 (W.18) (C.9)
Schedule 8, paragraphs 26 to 28	1 October 2006 (partially)	2006/2603 (C.88)

Atodlen 8, paragraff 31	1 Hydref 2006	2006/2603 (C.88)
Atodlen 8, paragraffau 32-34	1 Awst 2008	2008/1972 (C.96)
Atodlen 8, paragraff 35	1 Hydref 2006	2006/2603 (C.88)
Atodlen 8, paragraffau 39-42	1 Hydref 2006 (yn rhannol)	2006/2603 (C.88)
Atodlen 8, paragraff 43	1 Chwefror 2007 (o ran Cymru)	2007/204 (Cy.18) (C.9)
Atodlen 8, paragraff 44	1 Hydref 2006 (ac eithrio o ran Cymru) a 1 Chwefror 2007 (o ran Cymru)	2006/2603 (C.88) 2007/204 (Cy.18) (C.9)
Atodlen 8, paragraff 45(1)	1 Hydref 2006 (yn rhannol)	2006/2603 (C.88)
Atodlen 8, paragraff 45(3)	1 Hydref 2006	2006/2603 (C.88)
Atodlen 8, paragraff 46	1 Awst 2008	2008/1972 (C.96)
Atodlen 8, paragraffau 47 a 48	1 Hydref 2006	2006/2603 (C.88)
Atodlen 8, paragraff 49	1 Hydref 2006 (yn rhannol)	2006/2603 (C.88)
Atodlen 8, paragraffau 51 a 52	1 Hydref 2006	2006/2603 (C.88)
Atodlen 8, paragraff 55	29 Ionawr 2007 (o ran yr Alban)	OSA 2007/9 (C.1)
Atodlen 8, paragraffau 56 i 61	1 Hydref 2006	2006/2603 (C.88)
Atodlen 8, paragraff 62	1 Chwefror 2007 (o ran Cymru)	2007/204 (Cy.18) (C.9)
Atodlen 9	1 Hydref 2006 (yn rhannol)	2006/2603 (C.88)
Atodlen 9	1 Chwefror 2007 (yn rhannol o ran Cymru)	2007/204 (Cy.18) (C.9)

Schedule 8, paragraph 31	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraphs 32-34	1 August 2008	2008/1972 (C.96)
Schedule 8, paragraph 35	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraphs 39-42	1 October 2006 (partially)	2006/2603 (C.88)
Schedule 8, paragraph 43	1 February 2007 (in relation to Wales)	2007/204 (W.18) (C.9)
Schedule 8, paragraph 44	1 October 2006 (except in relation to Wales) and 1 February 2007 (in relation to Wales)	2006/2603 (C.88) 2007/204 (W.18) (C.9)
Schedule 8, paragraph 45(1)	1 October 2006 (partially)	2006/2603 (C.88)
Schedule 8, paragraph 45(3)	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraph 46	1 August 2008	2008/1972 (C.96)
Schedule 8, paragraphs 47 and 48	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraph 49	1 October 2006 (partially)	2006/2603 (C.88)
Schedule 8, paragraphs 51 and 52	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraph 55	29 January 2007 (in relation to Scotland)	SSI 2007/9 (C.1)
Schedule 8, paragraphs 56 to 61	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraph 62	1 February 2007 (in relation to Wales)	2007/204 (W.18) (C.9)
Schedule 9	1 October 2006 (partially)	2006/2603 (C.88)
Schedule 9	1 February 2007 (partially in relation to Wales)	2007/204 (W.18) (C.9)

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GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**Gorchymyn Deddf Iechyd 2006
(Cychwyn Rhif 2) (Cymru)
2008**

**The Health Act 2006
(Commencement No. 2) (Wales)
Order 2008**

Gwnaed

12 Rhagfyr 2008

Made

12 December 2008

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer y pwerau a roddwyd gan adran 83(5)(a) o'r Ddeddf Iechyd 2006(1).

The Welsh Ministers make this Order in exercise of the powers conferred by section 83(5)(a) of the Health Act 2006(1).

Enwi, dehongli a chymhwyso

Title, interpretation and application

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Iechyd 2006 (Cychwyn Rhif 2) (Cymru) 2008.

1.—(1) The title of this Order is the Health Act 2006 (Commencement No. 2) (Wales) Order 2008.

(2) Yn y Gorchymyn hwn ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd 2006.

(2) In this Order "the Act" ("*y Ddeddf*") means the Health Act 2006.

(3) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) This order applies in relation to Wales.

Y diwrnod penodedig ar gyfer darpariaethau sy'n ymwneud â goruchwyllo a rheoli cyffuriau a reolir

Appointed day for provisions relating to the supervision and management of controlled drugs

2. 13 Rhagfyr 2008 yw'r diwrnod penodedig ar gyfer dwyn i rym ddarpariaethau canlynol y Ddeddf—

2. 13 December 2008 is the appointed day for the coming into force of the following provisions of the Act—

(a) Pennod 1 o Ran 3 o'r Ddeddf fel y mae'n gymwys o ran Cymru, i'r graddau nad yw eisoes mewn grym(2); a

(a) Chapter 1 of Part 3 of the Act as it applies in relation to Wales, in so far as it is not already in force(2); and

(b) adrannau 76, 77 a 78 i'r graddau y maent yn ymwneud â thrangwyddau o dan Bennod 1 o Ran 3 (gan gynnwys tramgwyddau a grëir mewn rheoliadau o dan y Bennod honno).

(b) sections 76, 77 and 78 so far as they relate to offences under Chapter 1 of Part 3 (including offences created in regulations under that Chapter).

(1) 2006 p.28. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan Ddeddf Iechyd 2006 (p.28) ("y Deddf") i Weinidogion Cymru yn unol â pharagraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) I'r graddau y mae unrhyw darpariaeth yn y Ddeddf yn rhoi pŵer i wneud gorchymyn neu reoliadau neu'n diffinio unrhyw ymadrodd sy'n berthnasol wrth arfer unrhyw bŵer o'r fath wedi dod i rym pan basiwyd y Ddeddf yn rhinwedd adran 83(1)(e) o'r Ddeddf.

(1) 2006 c.28. The functions of the National Assembly for Wales under the Health Act 2006 (c.28) ("the Act") were transferred to the Welsh Ministers in accordance with paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) In so far as any provision of the Act confers power to make an order or regulations or defines any expression relevant to the exercise of any such power it came into force on the passing of the Act by virtue of section 83(1)(e) of the Act.

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol, un o Weinidogion Cymru

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

12 Rhagfyr 2008

12 December 2008

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ON