



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2504 (Cy.205) (C.82)

2001 No. 2504 (W.205) (C.82)

**IECHYD Y CYHOEDD, CYMRU
DEINTYDDION, CYMRU**

**PUBLIC HEALTH, WALES
DENTISTS, WALES**

Gorchymyn Deddf Safonau Gofal
2000 (Cychwyn Rhif 5 a
Darpariaethau Trosiannol) (Cymru)
2001

The Care Standards Act 2000
(Commencement No.5 and
Transitional Provisions) (Wales)
Order 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn dod ag adran 39 o Ddeddf Safonau Gofal 2000 ('Deddf 2000') i rym mewn perthynas â Chymru. Mae adran 39 o Ddeddf 2000 yn diwygio adran 21 o Ddeddf Cartrefi Cofrestredig 1984 ('Deddf 1984') er mwyn estyn ystyr "nursing home" ('cartref nyrsio'). Effaith y diwygiad yw ei gwneud yn ofynnol i berson sy'n rhedeg safle a ddefnyddir neu y bwriedir ei ddefnyddio gan ymarferydd deintyddol er mwyn trin cleifion o dan anaesthesia gyffredinol gofrestru'r safle hwnnw yn gartref nyrsio o dan Ran II o Ddeddf 1984, oni bai bod yr esemptiad yn gymwys. Mae'r esemptiad yn gymwys os yw'r safle yn cael ei ddefnyddio gan ymarferydd deintyddol er mwyn trin cleifion o dan anaesthesia gyffredinol ar ran y Gwasanaeth Iechyd Gwladol.

Mae adran 39 yn dod i rym ar 31 Gorffennaf 2001, i alluogi ceisiadau am gofrestru i gael eu gwneud mewn perthynas â safleoedd sy'n dod yn gofrestradwy o'r newydd yn unig. Ar 31 Awst 2001 y daw gweddill adran 39 i rym.

Mae'r Gorchymyn hefyd yn gwneud darpariaethau trosiannol. Gall safleoedd sy'n gofrestradwy o'r newydd barhau i weithredu heb gofrestru ar ôl 31 Awst 2001, tra bydd y broses gofrestru yn mynd yn ei blaen, cyhyd â'u bod wedi gwneud cais am gofrestru cyn y dyddiad hwnnw.

This Order brings into force section 39 of the Care Standards Act 2000 ('the 2000 Act') in relation to Wales. Section 39 amends section 21 of the Registered Homes Act 1984 ('the 1984 Act') so as to extend the meaning of 'nursing home'. The effect of the amendment is to require a person carrying on premises used or intended to be used by a dental practitioner for the purposes of treating patients under general anaesthesia to register those premises as a 'nursing home' under Part II of the 1984 Act, unless the exemption applies. The exemption applies if the premises are used by a dental practitioner for the purposes of treating patients under general anaesthesia for the National Health Service.

Section 39 comes into force on 31st July 2001 only for the purpose of enabling applications for registration to be made in respect of newly registerable premises. The remainder of it comes into force on 31st August 2001.

The Order also makes transitional provisions. Newly registerable premises may continue to operate unregistered after the 31st August 2001, whilst the registration process is ongoing, so long as they have made an application for registration before that date.

NODYN YNGHYLCH GORCHMYNION CYCHWYN BLAENOROL

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

Mae darpariaethau Deddf Safonau Gofal 2000 ('y Ddeddf') y gwneir cofnod ar eu cyfer yn y Tabl isod wedi'u dwyn i rym mewn perthynas â Chymru ar y dyddiad a bennir ochr yn ochr â'u cofnod. Cafodd y darpariaethau hynny y dilynir eu cofnod ag '(a)' eu dwyn i rym gan O.S. 2000/2992 (Cy.192) (C.93); cafodd y rhai a ddilynir â '(b)' eu dwyn i rym gan O.S. 2001/139 (Cy.5) (C.7); cafodd y rhai a ddilynir ag '(c)' eu dwyn i rym gan O.S. 2001/2190 (Cy.152) (C.70); a chafodd y rhai a ddilynir ag '(ch)' eu dwyn i rym gan O.S. 2001/2354 (Cy.192) (C.80).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Care Standards Act 2000 ('the Act') in respect of which an entry is made in the Table below have been brought into force in relation to Wales on the date specified alongside their entry. Those provisions whose entry is followed by '(a)' were brought into force by S.I. 2000/2992 (W.192) (C.93); those followed by '(b)' were brought into force by S.I. 2001/139 (W.5) (C.7); those followed by '(c)' were brought into force by S.I. 2001/2190 (W.152) (C.70); and those followed by '(d)' were brought into force by S.I. 2001/2354(W.192) (C.80).

Y ddarpariaeth	Y dyddiad cychwyn	Provision	Date of Commencement
Adrannau 1-5 (c)	1 Gorffennaf 2001	Sections 1-5 (c)	1st July 2001
Adran 7(7) (c)	1 Gorffennaf 2001	Section 7(7) (c)	1st July 2001
Adran 8 (yn rhannol) (c)	1 Gorffennaf 2001	Section 8 (partially) (c)	1st July 2001
Adran 9(3)-(5) (c)	1 Gorffennaf 2001	Section 9(3)-(5) (c)	1st July 2001
Adrannau 11-12 (yn rhannol) (c)	1 Gorffennaf 2001	Sections 11-12 (partially) (c)	1st July 2001
Adrannau 14-15 (yn rhannol) (c)	1 Gorffennaf 2001	Sections 14-15 (partially) (c)	1st July 2001
Adran 16 (c)	1 Gorffennaf 2001	Section 16 (c)	1st July 2001
Adrannau 22-23 (c)	1 Gorffennaf 2001	Sections 22-23 (c)	1st July 2001
Adran 25 (c)	1 Gorffennaf 2001	Section 25 (c)	1st July 2001
Adrannau 33-35 (c)	1 Gorffennaf 2001	Sections 33-35 (c)	1st July 2001
Adran 36 (yn rhannol) (c)	1 Gorffennaf 2001	Section 36 (partially) (c)	1st July 2001
Adran 38(c)	1 Gorffennaf 2001	Section 38(c)	1st July 2001
Adran 40 (yn rhannol) (b)	1 Chwefror 2001	Section 40 (partially) (b)	1st February 2001
Adran 40 (y gweddill) (b)	28 Chwefror 2001	Section 40 (remainder) (b)	28th February 2001
Adran 41 (b)	28 Chwefror 2001	Section 41 (b)	28th February 2001
Adrannau 42-43 (c)	1 Gorffennaf 2001	Sections 42-43 (c)	1st July 2001
Adrannau 48-52 (c)	1 Gorffennaf 2001	Sections 48-52 (c)	1st July 2001
Adran 54(1), (3)-(7) (a)	1 Ebrill 2001	Section 54(1), (3)-(7) (a)	1st April 2001
Adran 55 ac Atodlen 1 (a)	1 Ebrill 2001	Section 55 & Schedule 1 (a)	1st April 2001
Adran 72 ac Atodlen 2 (a)	13 Tachwedd 2000	Section 72 & Schedule 2 (a)	13th November 2000
Adran 79(1) (yn rhannol) (c)	1 Gorffennaf 2001	Section 79(1) (partially) (c)	1st July 2001
Adran 79(2) ac Atodlen 3 (yn rhannol) (c)	1 Gorffennaf 2001	Section 79(2) & Schedule 3 (partially) (c)	1st July 2001
Adran 79(3),(4) (c)	1 Gorffennaf 2001	Section 79(3),(4) (c)	1st July 2001
Adran 98 (ch)	1 Gorffennaf 2001	Section 98 (d)	1st July 2001
Adrannau 107-108 (c)	1 Gorffennaf 2001	Sections 107-108 (c)	1st July 2001
Adran 112 (c)	1 Gorffennaf 2001	Section 112 (c)	1st July 2001
Adran 113 (2)-(4) (a)	1 Ebrill 2001	Section 113 (2)-(4) (a)	1st April 2001
Adran 114 (yn rhannol) (a)	1 Ebrill 2001	Section 114 (partially) (a)	1st April 2001
Adran 114 (y gweddill) (c)	1 Gorffennaf 2001	Section 114 (remainder) (c)	1st July 2001
Adran 115 (c)	1 Gorffennaf 2001	Section 115 (c)	1st July 2001
Adran 116 ac Atodlen 4 (yn rhannol) (b)	28 Chwefror 2001	Section 116 & Schedule 4 (partially) (b)	28th February 2001
Adran 116 ac Atodlen 4 (yn rhannol) (c)	1 Gorffennaf 2001	Section 116 & Schedule 4 (partially) (c)	1st July 2001
Adran 117(1) ac Atodlen 5 (yn rhannol) (c)	1 Gorffennaf 2001	Section 117(1) & Schedule 5 (partially) (c)	1st July 2001

Mae darpariaethau'r Ddeddf y gwneir cofnod ar eu cyfer yn y Tabl isod wedi'u dwyn i rym gan O.S. 2000/2544 (C.72) mewn perthynas â Chymru, yn ogystal ag mewn perthynas â Lloegr, ar y dyddiad a bennir ochr yn ochr â'u cofnod.

The provisions of the Act in respect of which an entry is made in the Table below have been brought into force by S.I. 2000/2544 (C.72) in relation to Wales, as well as in relation to England, on the date specified alongside their entry.

Y ddarpariaeth	Y dyddiad cychwyn	Provision	Date of Commencement
Adran 80(8)	2 Hydref 2000	Section 80(8)	2nd October 2000
Adran 94	2 Hydref 2000	Section 94	2nd October 2000
Adran 96 (yn rhannol)	15 Medi 2000	Section 96 (partially)	15th September 2000
Adran 96 (y gweddill)	2 Hydref 2000	Section 96 (remainder)	2nd October 2000
Adran 99	15 Medi 2000	Section 99	15th September 2000
Adran 100	2 Hydref 2000	Section 100	2nd October 2000
Adran 101	2 Hydref 2000	Section 101	2nd October 2000
Adran 103	2 Hydref 2000	Section 103	2nd October 2000
Adran 116 ac Atodlen 4 (yn rhannol)	2 Hydref 2000	Section 116 & Schedule 4 (partially)	2nd October 2000
Adran 117(2) ac Atodlen 6 (yn rhannol)	2 Hydref 2000	Section 117(2) & Schedule 6 (partially)	2nd October 2000

Yn ychwanegol, mae amryw o ddarpariaethau eraill y Ddeddf wedi'u dwyn i rym mewn perthynas â Lloegr gan yr Offerynnau Statudol canlynol: O.S. 2000/2795 (C.79); O.S. 2001/290 (C.17); O.S. 2001/731 (C.26); O.S. 2001/952 (C.35); O.S. 2001/1210 (C.41); O.S. 2001/1536 (C.55); O.S. 2001/2041 (C.68).

In addition various other provisions of the Act have been brought into force in relation to England by the following Statutory Instruments: S.I. 2000/2795 (C.79); S.I. 2001/290 (C.17); S.I. 2001/731 (C.26); S.I. 2001/952 (C.35); S.I. 2001/1210 (C.41); S.I. 2001/1536 (C.55); S.I. 2001/2041 (C.68).

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Gorchymyn Deddf Safonau Gofal
2000 (Cychwyn Rhif 5 a
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The Care Standards Act 2000
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Order 2001

*Wedi'i wneud**3 Gorffennaf 2001**Made**3rd July 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddir gan adran 118(4), (6), (7) a 122 o Ddeddf Safonau Gofal 2000(a):

The National Assembly for Wales makes the following Order in exercise of the powers conferred by sections 118(4), (6), (7) and 122 of the Care Standards Act 2000(a):

Enwi a dehongli**Citation and interpretation**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Safonau Gofal 2000 (Cychwyn Rhif 5 a Darpariaethau Trosiannol) (Cymru) 2001.

1.-(1) This Order may be cited as the Care Standards Act 2000 (Commencement No.5 and Transitional Provisions) (Wales) Order 2001.

- (2) Yn y Gorchymyn hwn -
ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Safonau Gofal 2000;
ystyr "Deddf 1984 ("*the 1984 Act*") yw Deddf Cartrefi Cofrestredig 1984(b);
ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru.

- (2) In this Order-
"the 2000 Act" ("*Deddf 2000*") means the Care Standards Act 2000;
"the 1984 Act" ("*Deddf 1984*") means the Registered Homes Act 1984(b);
"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales.

Y diwrnodau penodedig**Appointed days**

2.-(1) At ddibenion galluogi ceisiadau am gofrestru i gael eu gwneud o dan adran 23(3) o Ddeddf 1984 (cofrestru cartrefi nyrsio) yn unig, 31 Gorffennaf 2001 yw'r diwrnod penodedig i adran 39 o Ddeddf 2000 (estyn ystyr cartref nyrsio dros dro) ddod i rym mewn perthynas â Chymru.

2.-(1) For the purpose only of enabling an application for registration to be made under section 23(3) of the 1984 Act (registration of nursing homes) 31st July 2001 is the day appointed for the coming into force in relation to Wales of section 39 of the 2000 Act (temporary extension of meaning of "nursing home") of the Act.

(2) 31 Awst 2001 yw'r diwrnod penodedig i weddill adran 39 o Ddeddf 2000 ddod i rym mewn perthynas â Chymru.

(2) 31st August 2001 is the day appointed for the coming into force in relation to Wales of the remainder of section 39 of the 2000 Act.

(a) 2000 p.14. Mae'r pŵer yn arferadwy gan y Gweinidog priodol. Diffinnir y Gweinidog priodol yn adran 121(1). Mewn perthynas â Chymru mae'n golygu Cynulliad Cenedlaethol Cymru; mewn perthynas â Lloegr, yr Alban a Gogledd Iwerddon mae'n golygu'r Ysgrifennydd Gwladol.

(a) 2000 c.14. The power is exercisable by the appropriate Minister. The appropriate Minister is defined in section 121(1). It means the National Assembly in relation to Wales; in relation to England, Scotland and Northern Ireland it means the Secretary of State.

(b) 1984 p.23.

(b) 1984 c.23.

Darpariaethau trosiannol

3.-(1) Os oes person (“y ceisydd”) wedi gwneud cais yn briodol cyn 31 Awst 2001 o dan adran 23(3) o Ddeddf 1984 mewn perthynas â safle yng Nghymru sy’n dod o fewn y disgrifiad yn adran 21(3B) o Ddeddf 1984 (ystyr cartref nyrsio) bydd paragraff (2) o’r erthygl hon yn gymwys.

(2) Ni fydd adran 23(1) o Ddeddf 1984 (tramgwydd rhedeg cartref nyrsio heb ei gofrestru) yn gymwys i’r ceisydd -

- (a) nes yr amser y caniateir y cais, neu
- (b) os caiff y cais ei wrthod -
 - (i) os na ddygir apêl, nes bod 28 diwrnod wedi dod i ben ar ôl i benderfyniad y Cynulliad Cenedlaethol gael ei gyflwyno (a); neu
 - (ii) os dygir apêl, nes iddi gael ei phenderfynu neu ei gollwng.

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

Dafydd Elis Thomas

3 Gorffennaf 2001

Llywydd Cynulliad Cenedlaethol Cymru

Transitional provisions

3.-(1) Where a person (“the applicant”) has before 31st August 2001 duly made an application under section 23(3) of the 1984 Act in respect of premises in Wales falling within the description in section 21(3B) of the 1984 Act (meaning of “nursing home”) paragraph (2) of this article shall apply.

(2) Section 23(1) of the 1984 Act (offence of carrying on an unregistered nursing home) shall not apply to the applicant-

- (a) until such time as the application is granted, or
- (b) if the application is refused-
 - (i) if no appeal is brought, until the expiration of 28 days after service of notice of the National Assembly’s decision (a); or
 - (ii) if an appeal is brought, until it is determined or abandoned.

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

3rd July 2001

The Presiding Officer of the National Assembly for Wales

(a) Mae swyddogaethau cofrestru’r Cynulliad Cenedlaethol o dan Ran II o Ddeddf 1984 wedi’u dirprwyo i awdurdodau iechyd yng Nghymru. Rhoddwyd y swyddogaethau hynny i’r Ysgrifennydd Gwladol gan Ddeddf 1984 ond cawsant eu gwneud yn arferadwy gan y Cynulliad Cenedlaethol mewn perthynas â Chymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Dirprwyodd Rheoliadau’r Gwasanaeth Iechyd Gwladol (Swyddogaethau Awdurdodau Iechyd a Threfniadau Gweinyddol) 1996 (O.S.1996/708)) swyddogaethau cofrestru’r Ysgrifennydd Gwladol o dan Ran II o Ddeddf 1984 i’r awdurdodau iechyd yng Nghymru. Mae O.S. 1996/708 yn effeithiol mewn perthynas â Chymru fel pe bai’r swyddogaethau hynny o dan Ddeddf 1984 a wnaed yn arferadwy gan y Cynulliad Cenedlaethol gan OS 1999/672 ac a oedd wedi’u dirprwyo o’r blaen i’r awdurdodau iechyd yng Nghymru gan O.S. 1996/70 wedi cael eu dirprwyo i’r awdurdodau iechyd yng Nghymru gan y Cynulliad Cenedlaethol: gweler adrannau 23(3) a 43 o Ddeddf Llywodraeth Cymru 1998 (p.38).

(b) 1998 p.38.

(a) The registration functions of the National Assembly under Part II of the 1984 Act are delegated to health authorities in Wales. Those functions were conferred upon the Secretary of State by the 1984 Act but made exercisable by the National Assembly in relation to Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996 (S.I.1996/708)) delegated the registration functions of the Secretary of State under Part II of the 1984 Act to health authorities in Wales. S.I. 1996/708 has effect in relation to Wales as if it were a delegation by the National Assembly to health authorities in Wales of those functions under the 1984 Act that were made exercisable by the National Assembly by SI 1999/672 and had previously been delegated to health authorities in Wales by S.I. 1996/708: see sections 23(3) and 43 of the Government of Wales Act 1998 (c.38).

(b) 1998 c.38.

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