



Mesur Gwneud Iawn am Gamweddau'r Gig (Cymru) 2008

2008 mccc 1

Nodiadau Esboniadol

NHS Redress (Wales) Measure 2008

2008 nawm 1

Explanatory Notes

£5.50

MESUR GWNEUD IAWN AM GAMWEDDAU'R GIG (CYMRU) 2008

NODIADAU ESBONIADOL

Cyflwyniad

1. Mae'r nodiadau esboniadol hyn yn ymwneud â'r Mesur Gwneud Iawn am Gamweddau'r GIG (Cymru) 2008 fel y'i pasiwyd gan Gynulliad Cenedlaethol Cymru ar 6 Mai 2008 ac y'i cymeradwywyd gan Ei Mawrhydi yn y Cyngor ar 9 Gorffennaf 2008. Fe'u paratowyd gan Adran Iechyd a Gwasanaethau Cymdeithasol Llywodraeth Cynulliad Cymru i gynorthwyo darllynydd y Mesur. Dylai'r Nodiadau Esboniadol gael eu darllen ar y cyd â'r Mesur ond nid ydynt yn rhan ohono.

SYLWADAU AR ADRANNAU

Adran 1 - Pŵer Gweinidogion Cymru i wneud rheoliadau ar gyfer Iawn am Gamweddau'r GIG

2. Mae *Is-adran (1)* yn nodi'r egwyddor gyffredinol y caiff Gweinidogion Cymru wneud rheoliadau i ddarparu ar gyfer trefniadau Iawn am Gamweddau'r GIG a fydd yn caniatáu i faterion gael eu setlo heb orfod mynd i'r llys pan fo atebolrwydd cymwys mewn camwedd yn codi. Mae *is-adran (2)* yn darparu y bydd y trefniadau yn gymwys i achosion pan fo atebolrwydd mewn camwedd yn deillio o wasanaethau iechyd a ddarperir fel rhan o'r Gwasanaeth Iechyd Gwladol yng Nghymru, neu'n rhywle arall, ar yr amod ei fod yn cael ei gomisiynu fel rhan o'r gwasanaeth iechyd ar gyfer person sy'n preswyllo yng Nghymru. Fel y nodir yn *is-adran (3)*, bydd y trefniadau yn gymwys i atebolrwydd mewn camwedd sy'n deillio ar ran:
 - Ymddiriedolaethau GIG yng Nghymru;
 - Byrddau Iechyd Lleol;
 - Awdurdodau Iechyd Arbennig;
 - Gweinidogion Cymru;
 - Unrhyw berson neu gorff sy'n darparu neu'n trefnu ar gyfer darparu gwasanaethau yng Nghymru o ganlyniad i drefniant gydag unrhyw un o'r cyrff uchod. Mae hyn yn golygu y gall ymarferwyr cyffredinol; deintyddion, fferyllwyr ac offthalmolegwyr sy'n darparu gofal GIG neu ysbytai annibynnol a gomisiynir i ddarparu gofal fel rhan o'r GIG beri atebolrwydd.
3. Mae *is-adran (4)* yn darparu bod rhaid i atebolrwyddau mewn camwedd fod yn atebolrwyddau o ran anaf personol neu golled sy'n deillio o dordyletswydd gofal, mewn cysylltiad â diagnosiso salwch, neu o ran y gofal neu'r driniaeth a ddarparwyd. Felly bydd iawn yn gymwys fel rheol mewn perthynas â chleifion sy'n cael gofal GIG. Mae *is-adran (4)* yn darparu'n benodol y bydd yr atebolrwydd hwn yn ddyledus o

NHS Redress (WALES) MEASURE 2008

EXPLANATORY NOTES

Introduction

1. These explanatory notes are for the NHS Redress (Wales) Measure 2008 as passed by the National Assembly for Wales on 6th May 2008 and approved by Her Majesty in Council on 9th July 2008. They have been prepared by the Welsh Assembly Government's Department for Health and Social Services in order to assist the reader of the Measure. The Explanatory Notes should be read in conjunction with the Measure but are not part of it.

COMMENTARY ON SECTIONS

Section 1 - Power of Welsh Ministers to make regulations in respect of NHS Redress

2. *Subsection (1)* sets out the general principle that Welsh Ministers may make regulations to provide for NHS Redress arrangements which will enable matters to be settled without having to go to court where a qualifying liability in tort arises. *Subsection (2)* provides that the arrangements will apply to cases where there is liability in tort arising out of health services provided as part of the National Health Service in Wales, or elsewhere provided that it is commissioned as part of the health service for a person resident in Wales. As set out in *subsection (3)*, the arrangements will apply to liability in tort arising on the part of:
 - NHS Trusts in Wales;
 - Local Health Boards;
 - Special Health Authorities;
 - Welsh Ministers;
 - Any body or person providing or arranging for the provision of services in Wales as a result of an arrangement with any of the above bodies. This means that general practitioners; dentists, pharmacists and ophthalmologists providing NHS care or independent hospitals commissioned to provide care as part of the NHS may incur liability.
3. *Subsection (4)* provides that liabilities in tort must be in respect of personal injury or loss arising out of a breach of duty of care, in connection with the diagnosis of illness or of care and treatment provided. Therefore redress will normally apply in relation to patients receiving NHS care. *Subsection (4)* specifically provides that this liability will be owed as a result of an act or omission by a healthcare professional, but the Welsh Ministers have the power to specify any other body or person who might also incur liability.

ganlyniad i unrhyw weithred neu anweithred gan broffesiynolyn gofal iechyd, ond mae gan Weinidogion Cymru bŵer i bennu unrhyw gorff arall neu berson arall a allai beri atebolrwydd hefyd.

4. Ni fyddai trefniadau yn cael eu cyfyngu i hawliadau gan gleifion. Cyhyd â bod hawliadau yn dod fel arall o dan y diffiniad yn *is-adran (4)*, gall y diffiniad hwnnw gwmpasu hawliadau y gellid eu gwneud yn sgil marwolaeth claf yn rhinwedd Deddf Diwygio'r Gyfraith (Darpapiaethau Amrywiol) 1934 (sy'n darparu, pan fo gan berson sail i achos a bod y person hwnnw'n marw, caniateir bwrw ymlaen â'r achos er budd ei ystâd). Gall gwmpasu hefyd hawliadau y deuir â hwy gerbron llys gan ddibynyddion claf ymadawedig o dan Ddeddf Damweiniau Marwol 1976. Mae'r Ddeddf honno'n darparu, pan fo marwolaeth person wedi'i achosi gan unrhyw gamweithred, esgeulustod neu ddiffyg y mae ei natur o fath a fyddai wedi rhoi i'r person a anafwyd, pe na bai ei farwolaeth wedi digwydd, hawlogaeth i barhau ag achos ac adennill iawndal mewn perthynas â'r anaf, fod atebolrwydd i ddwyn achos am iawndal yn parhau er budd dibynyddion y person a fu farw, sef dibynyddion megis gwraig, plentyn neu bartner sifil
5. Mae *is-adran (6)* yn darparu na fyddai pobl sy'n gweithio o dan gontract cyflogaeth yn cael eu hystyried yn atebol yn bersonol am esgeuluster, ond mai eu cyflogwr yn hytrach a fyddai'n atebol am eu gweithredoedd.

Adran 2 - Iawn o dan y rheoliadau

6. Mae'r adran hon yn disgrifio'n fanylach y math o ddarpapiaeth y caiff Gweinidogion Cymru ei gwneud mewn perthynas â threfniadau iawn. Mae *is-adran (1)* yn darparu y caiff Gweinidogion Cymru wneud pa drefniadau bynnag mewn rheoliadau y maent yn credu eu bod yn briodol ynglŷn ag iawn, yn ddarostyngedig i ddarpapiaethau *isadrannau (2), (3) a (6)(b)*. Mae'r isadrannau hynny'n datgan bod rhaid i'r rheoliadau ddarparu:
 - bod iawn yn cynnwys cynnig digollediad ariannol; rhoi esboniadau, ymddiheuriadau ysgrifenedig, ac adroddiad ar y camau a gymerwyd a'r hyn a ddysgwyd a bod modd i'r rhain gael eu darparu mewn unrhyw gyfuniad (*is-adran (2)*);
 - bod rhaid i'r trefniadau beidio â bod yn gymwys i achos sydd eisoes neu sydd wedi bod yn destun rheithdrefn (*is-adran(3)*); a
 - bod rhaid i unrhyw reoliadau sy'n darparu ar gyfer digollediad ariannol bennu terfyn uchaf ar y swm sydd i'w gynnig mewn perthynas â phoen a dioddefaint (iawndal cyffredinol), os na phennir unrhyw derfyn uchaf hollgynhwysfawr (*is-adran (6)(b)*). Rhagwelir ar hyn o bryd y byddai unrhyw drefniadau yn ceisio pennu terfyn cyflawn a fyddai'n cwmpasu iawndal cyffredinol ac iawndal arbennig i sicrhau y byddai hawliadau mwy cymhleth a rhai uchel eu gwerth yn cael eu trin gan arbenigwyr hawliadau ac nid drwy'r trefniadau lleol.
7. Mae *is-adran (4)* yn darparu y caiff y rheoliadau ganiatáu i ddigollediad gael ei gynnig ar ffurf triniaeth adfer a/neu ddigollediad ariannol, a nodir mewn contract gyda'r claf. Byddai hyn yn rhoi gwarantau go iawn i'r claf y byddai'n cael y gofal

4. Arrangements would not be restricted to claims by patients. So long as claims otherwise fall within the definition in *subsection (4)*, it may cover claims that could be brought following the death of a patient by virtue of the Law Reform (Miscellaneous Provisions) Act 1934 (which provides that where a person has a cause of action and that person dies, the action may be pursued for the benefit of his estate). It may also cover claims brought by the dependents of a deceased patient under the Fatal Accidents Act 1976. This provides that where a person's death is caused by any wrongful act, neglect or default which is such that, had death not occurred, it would have entitled the person injured to maintain an action and recover damages in respect of the injury, liability to an action for damages continues for the benefit of dependents of the person who died, such as a wife, child or civil partner.
5. *Subsection (6)* provides that people working under a contract of employment will not be personally held liable for negligence, rather it would be their employer who would be liable for their actions.

Section 2 - Redress under the regulations

6. This section sets out in more detail the type of provision that Welsh Ministers may make in respect of redress arrangements. *Subsection (1)* provides that Welsh Ministers may make whatever arrangements in regulations they think appropriate about redress, subject to the provisions of *subsections (2), (3) and (6)(b)*. Those subsections state that the regulations must provide:
 - For redress to comprise of the making of an offer of financial compensation; giving explanations, written apologies and a report on action and learning and that these can be provided in any combination (*subsection (2)*);
 - That the arrangements must not apply to a case which is already or which has been the subject of legal proceedings (*subsection (3)*) and
 - That any regulations which provide for financial compensation must specify an upper limit on the amount to be offered in respect of pain and suffering (general damages), if no overall upper limit is set (*subsection (6)(b)*). It is currently envisaged that any arrangements would seek to set an overall limit encompassing general and special damages to ensure that more complex and high value claims are dealt with by claims specialists and not through the local arrangements.
7. *Subsection (4)* provides that the regulations may allow for compensation to be offered in the form of remedial treatment and/or financial compensation, set out in a contract with the patient. This would provide real guarantees to the patient that they will receive the remedial care they need, within a specified time. If financial compensation is to be offered, then *subsection (5)* provides that the regulations may specify the matters in respect of which financial compensation may be offered and how the assessment of compensation is to be carried out. *Subsection (6)(a)* provides that an upper limit may be placed on the amount of financial compensation.

adfer y mae arno ei angen, o fewn amser penodedig. Os yw digollediad ariannol i'w gynnig, yna mae *is-adran (5)* yn darparu y caiff y rheoliadau bennu'r materion y caniateir i ddigollediad ariannol gael ei gynnig mewn perthynas â hwy a sut y mae'r broses o asesu'r digollediad i'w chyflawni. Mae *is-adran 6(a)* yn darparu y caniateir i derfyn uchaf gael ei osod ar y swm o ddigollediad ariannol.

Adran 3 - Ymofyn am Iawn

8. Mae'r adran hon yn gwneud darpariaeth i Weinidogion Cymru wneud pa drefniadau bynnag y maent yn barnu eu bod yn briodol ynglŷn ag ymofyn am drefniadau iawn. Mae *is-adran (2)* yn darparu y caiff y rheoliadau bennu pwy sy'n cael ymofyn am y trefniadau. Efallai mai'r claf fyddai hwnnw neu rywun sy'n gweithredu ar ei ran, neu gallai'r corff o dan sylw roi cychwyn ar y trefniadau ar ran y claf a chyda'i gydsyniad. Caiff y rheoliadau wneud darpariaeth ar gyfer terfynau amser mewn perthynas ag ymofyn am iawn.

Adran 4 - Dyletswydd i ystyried y posibilrwydd o ymofyn am drefniadau iawn

9. Mae'r adran hon yn darparu y caiff Gweinidogion Cymru bennu mewn rheoliadau y dylai unrhyw gorff neu berson sy'n adolygu achos penodol sy'n ymwneud â chlaf ystyried o ddifrif a all iawn fod ar gael mewn perthynas â'r achos hwnnw.

Adran 5 - Dull darparu iawn

10. Mae'r adran hon yn disgrifio'n fanylach y math o ddarpariaeth y caiff Gweinidogion Cymru ei gwneud mewn rheoliadau ynglŷn â sut y bydd y trefniadau'n gweithio. Mae *is-adran (1)* yn darparu y caiff Gweinidogion Cymru wneud pa drefniadau bynnag mewn rheoliadau y maent yn barnu eu bod yn addas ynghylch sut y mae iawn i'w ddarparu, yn ddarostyngedig i ddarpariaethau *isadrannau (3), (5) a (6)*. Yn ôl yr isadrannau hynny, rhaid i'r rheoliadau ddarparu:
 - bod terfynau amser ar gyfer ymchwilio i achosion a chwblhau achosion yr ymdrinnir â hwy o dan drefniadau Gwneud Iawn am Gamweddau'r GIG; bod canfyddiadau unrhyw ymchwiliad yn cael eu cofnodi mewn adroddiad a bod copi o'r adroddiad hwnnw ar gael i'r person sy'n ceisio iawn (*is-adran (3)*);
 - bod unrhyw setliad o dan y trefniadau yn cynnwys hepgoriad o'r hawl i godi achos sifil mewn perthynas â'r un materion. (*is-adran (5)*); ac
 - os cychwynnir rheithdrefn mewn perthynas â'r un pynciau, na allai'r trefniadau iawn fod yn gymwys mwyach wedyn. Mewn achosion o'r fath, byddai rhaid gollwng unrhyw ymchwiliad a ddechreuwyd eisoes (*is-adran (6)*).
11. Mae *is-adran (2)* yn dweud y caiff y rheoliadau ddarparu ar gyfer manylion sy'n ymwneud ag ymchwiliadau a setliadau. Mae *is-adran (4)* yn darparu y caiff y rheoliadau bennu nad oes angen darparu copi o adroddiad ymchwiliad o dan amgylchiadau penodol.

Section 3 - Accessing redress

8. This section makes provision for Welsh Ministers to make whatever arrangements they see as appropriate about accessing the redress arrangements. *Subsection (2)* provides that the regulations may specify who may access the arrangements. This might be the patient or someone on their behalf, or the organisation concerned might initiate the arrangements on the patient's behalf and with their consent. The regulations may also make provision for time limits in relation to accessing redress.

Section 4 - Duty to consider potential access to redress arrangements

9. This section provides that Welsh Ministers may specify in regulations that any body or person who is reviewing a specific case relating to a patient should actively consider whether redress may be available in relation to that case.

Section 5 - Method of delivering redress

10. This section sets out in more detail the type of provision Welsh Ministers may make in regulations for how the arrangements will operate. *Subsection (1)* provides that Welsh Ministers may make whatever arrangements in regulations they think fit about how redress is to be delivered, subject to the provisions of *subsections (3), (5) and (6)*. Those subsections state that the regulations must provide:
 - For time limits in respect of the investigation and conclusion of cases being dealt with under the NHS Redress arrangements; for the findings of any investigation to be recorded in a report and for a copy of that report to be available to the person seeking redress (*subsection (3)*);
 - For any settlement under the arrangements to include a waiver of the right to bring civil proceedings in respect of the same issues (*subsection (5)*); and
 - That if legal proceedings are started in respect of the same issues, then the redress arrangements can no longer apply. In such cases, any investigation already started would have to be discontinued (*subsection (6)*).
11. *Subsection (2)* states that the regulations may provide for details around investigations and settlements. *Subsection (4)* provides that the regulations may specify that a copy of an investigation report need not be provided in certain circumstances.

Section 6 - Suspension of limitation period

12. The Limitation Act 1980 provides that a person cannot normally bring court proceedings for personal injury more than three years from the date on which the harm arose or the patient had knowledge of that harm. This section ensures that the regulations must provide for the suspension of any limitation period applying to cases that are being considered under the arrangements. In doing so, it means that patients will not be prejudiced or prevented from taking matters to court (if they choose not to accept any offer) by having to wait for the outcome of an investigation under the redress arrangements.

Adran 6 - Atal dros dro gyfnod y cyfyngiad

12. Mae Deddf Cyfyngiadau Achosion 1980 yn darparu na chaiff person ddwyn achos llys am anaf personol fwy na thair blynedd o'r dyddiad y cododd y niwed neu y daeth y person i wybod am y niwed hwnnw. Mae'r adran hon yn sicrhau bod rhaid i'r rheoliadau ddarparu ar gyfer atal dros dro unrhyw gyfnod cyfyngu sy'n gymwys i achosion sy'n cael eu hystyried o dan y trefniadau. Wrth wneud hynny, mae'n golygu na fydd achos cleifion yn cael ei niweidio ac na fydd cleifion yn cael eu hatal rhag dwyn materion gerbron llys (os byddant yn dewis peidio â derbyn unrhyw gynnig) drwy orfod disgwyl am ganlyniad ymchwiliad o dan y trefniadau iawn.

Adran 7- Cyngor cyfreithiol, etc.

13. Mae'r adran hon yn nodi y caiff Gweinidogion Cymru wneud unrhyw ddarpariaethau y maent yn barnu eu bod yn addas mewn rheoliadau ar gyfer rhoi cyngor cyfreithiol neu ddarparu gwasanaethau eraill, gan gynnwys rhoi barn feddygol arbenigol i bobl sy'n defnyddio'r trefniadau iawn (*is-adran 1*). Rhaid i'r rheoliadau sicrhau fan leiaf fod pobl yn cael ymofyn am gyngor cyfreithiol ynglŷn ag unrhyw gynnig, unrhyw benderfyniad i wrthod gwneud cynnig neu unrhyw gytundeb i setlo (*is-adran 2*). Mae *is-adran (3)* yn nodi y caiff y rheoliadau bennu y dylai pwy bynnag sy'n rhoi cyngor cyfreithiol gael ei gynnwys ar restr. Mae *is-adran (4)* yn darparu, os yw cyngor arbenigydd meddygol i'w gomisiynu, y byddai hynny wedyn yn cael ei wneud i bob prwpas ar y cyd gan y corff GIG a'r unigolyn sy'n ceisio iawn.

Adran 8 - Cymorth i unigolion sy'n ceisio iawn

14. Mae'r adran hon yn gosod dyletswydd ar Weinidogion Cymru i drefnu cymorth rhesymol i bobl sy'n ceisio neu'n bwriadu ceisio iawn o dan y trefniadau. Mae *is-adran (4)* yn darparu y dylai'r cymorth fod yn annibynnol ar y person neu'r corff sy'n destun y gŵyn. Mae'r cymorth hwn yn wahanol i'r cyngor cyfreithiol y darperir ar ei gyfer o dan Adran 7 ac yn debycach i gymorth neu gyngor cyffredinol i bobl sy'n teimlo efallai yr hoffent drafod eu sefyllfa yn drylwyr cyn cymryd camau pellach neu gael rhywun i eiriol drostynt neu eu cynrychioli mewn cyfarfodydd, etc.

Adran 9 - Swyddogaethau o ran trefniadau iawn

15. Mae'r adran hon yn caniatáu i Weinidogion Cymru nodi mewn rheoliadau'r swyddogaethau a fydd gan unrhyw berson neu gorff o fewn y gwasanaeth iechyd yng Nghymru o ran gweithredu'r trefniadau iawn. Yn benodol, mae *is-adran (2)* yn nodi y caiff y rhain gynnwys swyddogaethau ynghylch ymofyn am iawn, gwneud taliadau, monitro a chasglu data, etc.
16. Mae *is-adran (3)* yn gwneud darpariaeth ar gyfer cadw cofnodion a rhoi i unrhyw gorff neu berson gyfrifoldeb dros oruchwylio bod y trefniadau'n cael eu cyflawni'n briodol a sicrhau bod gwersi yn cael eu dysgu. Mae'r adran hon yn ei gwneud yn ofynnol hefyd i'r rheoliadau wneud darpariaeth sy'n ei gwneud yn ofynnol i unrhyw gorff neu berson a bennir gyhoeddi adroddiad blynyddol ar yr achosion y mae'n ymdrin â hwy a'r gwersi a ddysgwyd (*is-adran (4)*) ac i roi sylw i'r cyngor a'r canllawiau a ddyroddir gan Weinidogion Cymru (*is-adran (6)*). Mae'r adran yn

Section 7 - Legal advice, etc.

13. This section sets out that Welsh Ministers may make any provisions they think fit in regulations for the provision of legal advice or other services, including expert medical opinion, to people using the redress arrangements (*subsection 1*). The regulations must at the very least ensure that people have access to legal advice about any offer, refusal to make an offer or any settlement agreement (*subsection 2*). *Subsection (3)* sets out that the regulations may specify that whoever provides legal advice should be included in a list. *Subsection (4)* provides that if the advice of a medical expert is to be commissioned, then effectively this would be done jointly by the NHS body and the individual seeking redress.

Section 8 - Assistance for individuals seeking redress

14. This section places a duty on Welsh Ministers to arrange reasonable assistance for people seeking or intending to seek redress under the arrangements. *Subsection (4)* provides that the assistance should be independent of the person or body who is the subject of the complaint. This assistance is different from the legal advice which is provided for under Section 7 and is more akin to general assistance or advice for people who feel they may want to talk through their situation before taking further action or advocacy and representation at meetings, etc.

Section 9 - Functions with regard to redress arrangements

15. This section allows Welsh Ministers to set out in regulations the functions that any person or body in the health service in Wales shall have regarding the operation of the redress arrangements. In particular, *subsection (2)* sets out that these may include functions around accessing redress, making payments, monitoring and collection of data, etc.
16. *Subsection (3)* makes provision for the keeping of records and for the conferring on any body or person responsibility for overseeing that the arrangements are being carried out properly and ensuring that lessons are learnt. This section also requires the regulations to make provision requiring such body or person as is specified to publish an annual report about the cases it deals with and the lessons learnt (*subsection (4)*) and to have regard to advice and guidance issued by Welsh Ministers (*subsection (6)*). The section also allows for regulations to provide for functions to be exercised jointly (*subsection (5)*).

Section 10 - Complaints

17. This section amends section 113(2) of the Health and Social Care (Community Health and Standards) Act 2003 to include complaints about the provision of redress arrangements. This means that people will have the right to complain about the administration of the redress arrangement (i.e. whether a decision was properly taken). This is not the same as disagreeing with a decision that has been properly made and there is no right of appeal in such situations. If the claimant disagrees with a decision that has been properly made, then they retain the right to take legal action.

caniatáu hefyd ar gyfer rheoliadau i ddarparu ar gyfer swyddogaethau sydd i'w harfer ar y cyd (*is-adran (5)*).

Adran 10 - Cwynion

17. Mae'r adran hon yn diwygio adran 113(2) o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 i gynnwys cwynion ynglŷn â'r trefniadau iawn a ddarperir. Mae hyn yn golygu y bydd gan bobl hawl i gwyno am y ffordd y mae'r trefniant iawn yn cael ei weinyddu (h.y. a oedd penderfyniad wedi'i wneud yn briodol). Nid yw hyn yr un peth ag anghytuno â phenderfyniad sydd wedi'i wneud yn briodol ac nid oes unrhyw hawl i apelio mewn sefyllfaoedd o'r fath. Os yw'r hawlydd yn anghytuno â phenderfyniad sydd wedi'i wneud yn briodol, yna mae'n cadw'r hawl i gymryd camau cyfreithiol.

Adran 11 - Gorchmynion a rheoliadau

18. Mae'r adran hon yn gwneud darpariaeth am bwerau Gweinidogion Cymru i wneud rheoliadau o dan y Mesur. Yn benodol, mae *is-adran (6)* yn darparu y defnyddir y weithdrefn gadarnhaol bob tro y gwneir rheoliadau o dan adran 12 sy'n diwygio Deddf Seneddol neu Fesur Cynulliad a phob tro y bydd y rheoliadau yn gwneud darpariaeth o dan adrannau 1(4)(b); 1(5); 3 a 5. Hefyd, defnyddir y weithdrefn gadarnhaol ar gyfer y gyfres gyntaf o reoliadau i wneud darpariaeth o dan adrannau 2, 4, 6, 7 a 9. Mewn unrhyw achos, bydd y gyfres gyntaf o reoliadau a wneir o dan y Mesur, ni waeth pa adrannau a gwmpesir, yn cael eu gwneud drwy ddefnyddio'r weithdrefn gadarnhaol.

Adran 12 - Pŵer i wneud darpariaeth atodol a chanlyniadol bellach, etc.

19. Mae'r adran hon yn caniatáu i Weinidogion Cymru wneud unrhyw ddarpariaethau cysylltiedig eraill i roi ei effaith i'r Mesur. Yn benodol, mae *is-adran (2)* yn caniatáu i Weinidogion Cymru ddiwygio neu ddi-ddymu unrhyw Ddeddf Seneddol ac offerynnau statudol o ganlyniad i newidiadau y mae eu hangen oherwydd y rheoliadau. Mae cwmpas y pwerau hyn wedi'i gyfyngu gan rychwant y pwerau i wneud Mesurau i ddiwygiadau sy'n gysylltiedig â gwneud iawn am gamweddau'r GIG.

Adran 13 - Dehongli

20. Mae adran 13 yn darparu diffiniadau ar gyfer ymadroddion penodol a ddefnyddir yn y Mesur.

Adran 14 - Teitl byr a chychwyn

21. Mae'r adran hon yn nodi o dan ba enw yr adwaenir y Mesur. Mae'n gwneud darpariaeth hefyd i Weinidogion gychwyn adrannau ar adegau gwahanol i'w gilydd.

Section 11 - Orders and regulations

18. This section makes provision about Welsh Ministers' regulation making powers under the Measure. In particular, *subsection (6)* provides that the affirmative procedure will be used on each occasion that regulations are made under section 12 that modify an Act of Parliament or an Assembly Measure and on each occasion that regulations make provision under sections 1(4)(b); 1(5); 3 and 5. In addition, the affirmative procedure will be used for the first set of regulations to make provision under sections 2, 4, 6, 7 and 9. In any case, the first set of regulations made under the Measure, irrespective of which sections are covered, will be made under the affirmative procedure.

Section 12 - Power to make further supplementary and consequential provision, etc.

19. This section allows Welsh Ministers to make any other related provisions to give effect to the Measure. In particular, *subsection (2)* allows Welsh Ministers to amend or repeal any Act of Parliament and statutory instruments consequential on changes required as a result of the regulations. The scope of these powers is limited by the extent of the Measure making power to amendments which are related to NHS Redress.

Section 13 - Interpretation

20. Section 13 provides definitions for certain expressions used in the Measure.

Section 14 - Short title and commencement

21. This states the name by which the Measure will be known. It also makes provision for Ministers to commence sections at different times from each other.

RECORD OF PROCEEDINGS IN THE NATIONAL ASSEMBLY FOR WALES

The following table sets out the dates for each stage of the Measure's passage through the National Assembly for Wales.

Introduced	2 July 2007
Stage 1 - Debate	29 January 2008
Stage 2 Scrutiny Committee – consideration of amendments	4 March 2008
Stage 2 Scrutiny Committee – consideration of amendments	11 March 2008
Stage 3 Debate	6 May 2008
Stage 4 Debate to Pass the NHS Redress (Wales) Measure 2008	6 May 2008
Royal Approval in Council	9 July 2008

COFNOD TRAFODION YNG NGHYNULLIAD CENEDLAETHOL CYMRU

Mae'r tabl canlynol yn dangos dyddiadau pob cam o daith y Mesur trwy Gynulliad Cenedlaethol Cymru.

Cyflwynwyd	2 Gorffennaf 2007
Cyfnod 1 – Dadl	29 Ionawr 2008
Cyfnod 2 - Pwyllgor Craffu – ystyried gwelliannau	4 Mawrth 2008
Cyfnod 2 - Pwyllgor Craffu – ystyried gwelliannau	11 Mawrth 2008
Cyfnod 3 – Dadl	6 Mai 2008
Cyfnod 4 – Dadl i basio'r Gamweddau'r GIG (Cymru) 2008	6 Mai 2008
Cymeradwywyd gan Ei Mawrhydi yn y Cyngor	9 Gorffennaf 2008

Cyhoeddwyd gan (The Stationery Office)
ac mae ar gael oddi wrth:

Online
www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail
TSO
PO Box 29, Norwich NR3 1GN
Archebion / ymholiadau ffôn 0870 600 5522
Archebion ffacs 0870 600 5533
book.orders@theso.co.uk
<http://www.ukstate.com>

Siopau Llyfrau The Stationery Office
16 Arthur Street, Belfast BT1 4GD
028 9023 8451 Ffacs 028 9023 5401
71 Lothian Road, Caeredin EH3 9AZ
0870 606 5566 Ffacs 0870 606 5588

The Parliamentary Bookshop
12 Bridge Street, Parliament Square,
Llundain SW1A 2JX
Archebion dros y ffôn/ Ymholiadau cyffredinol: 020 7219 3890
Archebion ffacs: 020 7219 3866
E-bost: bookshop@parliament.uk
Gwefan: <http://www.bookshop.parliament.uk>

TSO @ Blackwell ac Asiantau Achrededig eraill

*Gellir gwneud cais ar lein am drwydded Click Use i atgynhyrchu
deunydd seneddol drwy <http://www.opsi.gov.uk/click-use/index.htm>*

Published by TSO (The Stationery Office)
and available from:

Online
www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail
TSO
PO Box 29, Norwich NR3 1GN
General enquiries: 0870 600 5522
Order through the Parliamentary Hotline *Lo-call* 0845 7 023474
Fax orders: 0870 600 5533
E-mail: customer.service@tso.co.uk
Textphone: 0870 240 3701

TSO Shops
16 Arthur Street, Belfast BT1 4GD
028 9023 8451 Fax 028 9023 5401
71 Lothian Road, Edinburgh EH3 9AZ
0870 606 5566 Fax 0870 606 5588

The Parliamentary Bookshop
12 Bridge Street, Parliament Square,
London SW1A 2JX
Telephone orders/General enquiries: 020 7219 3890
Fax orders: 020 7219 3866
Email: bookshop@parliament.uk
Internet: <http://www.bookshop.parliament.uk>

TSO @ Blackwell and other Accredited Agents

*Application for a Click Use licence to reproduce parliamentary material can
be made online via <http://www.opsi.gov.uk/click-use/index.htm>*

ISBN 978-0-10-563905-3



9 780105 639053