CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

# 2001 Rhif 1543 (Cy.108)

# Y GWASANAETH IECHYD GWLADOL, CYMRU

# LLYWODRAETH LEOL, CYMRU

## Rheoliadau'r Gwasanaeth Iechyd Gwladol (Taliadau gan Awdurdodau Lleol i Awdurdodau Iechyd) (Swyddogaethau Rhagnodedig) (Cymru) 2001

### NODYN ESBONIADOL

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau.)*

Mae'r Rheoliadau hyn yn rhagnodi rhai o swyddogaethau Awdurdodau Iechyd yng Nghymru, at ddibenion adran 28BB o Ddeddf y Gwasanaeth Iechyd Gwladol 1977. Mae hyn yn galluogi cynghorau sir a chynghorau bwrdeistref sirol yng Nghymru i wneud taliadau i Awdurdodau Iechyd tuag at wariant a dynnir ganddynt mewn cysylltiad â chyflawni unrhyw un o'r swyddogaethau sydd wedi'u rhagnodi fel hyn.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

# 2001 No. 1543 (W.108)

# NATIONAL HEALTH SERVICE, WALES

# LOCAL GOVERNMENT, WALES

## The National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe certain functions of Health Authorities in Wales, for the purposes of section 28BB of the National Health Service Act 1977. This enables county and county borough councils in Wales to make payments to Health Authorities towards expenditure incurred by them in connection with the performance of any of the functions so prescribed.

OFFERYNNAU STATUDOL

# 2001 Rhif 1543 (Cy.108)

## Y GWASANAETH IECHYD GWLADOL, CYMRU

## LLYWODRAETH LEOL, CYMRU

## Rheoliadau'r Gwasanaeth Iechyd Gwladol (Taliadau gan Awdurdodau Lleol i Awdurdodau Iechyd (Swyddogaethau Rhagnodedig) (Cymru) 2001

| | |
|---|---|
| *Wedi'u gwneud* | *29 Mawrth 2001* |
| *Yn dod i rym* | *1 Ebrill 2001* |

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 28BB(1) a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(**a**), drwy hyn yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn, dehongli a chymhwyso**

**1.**-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Taliadau gan Awdurdodau Lleol i Awdurdodau Iechyd) (Swyddogaethau Rhagnodedig) (Cymru) 2001 a deuant i rym ar 1 Ebrill 2001.

(2) Yn y Rheoliadau hyn, ystyr "y Ddeddf" yw Deddf y Gwasanaeth Iechyd Gwladol 1977.

(3) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(a) 1977 p.49; mewnosodwyd adran 28BB gan adran 30 o Ddeddf Iechyd 1999 (p.8) ("Deddf 1999"). Cychwynnwyd adran 30 o Ddeddf 1999 mewn perthynas â Chymru gan Orchymyn Deddf Iechyd 1999 (Cychwyn Rhif 3) (Cymru) 2000, O.S. 2000/2991 (Cy. 191) (C.92), ac eithrio i'r graddau y mae is-adran (2) o adran 28BB o Ddeddf 1977 yn ymwneud ag Ymddiriedolaethau Gofal Sylfaenol. Gweler adran 28BB(2) i gael diffiniad o "prescribed". Diwygiwyd adran 126(4) gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19), adran 65(2) a Deddf 1999, Atodlen 4, paragraff 37(6). Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 28BB a 126(4), i'r graddau y maent yn arferadwy mewn perthynas â Chymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, fel y'i diwygiwyd gan adran 66(4) a (5) o Ddeddf 1999.

STATUTORY INSTRUMENTS

# 2001 No. 1543 (W.108)

## NATIONAL HEALTH SERVICE, WALES

## LOCAL GOVERNMENT, WALES

## The National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001

| | |
|---|---|
| *Made* | *29th March 2001* |
| *Coming into force* | *1st April 2001* |

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 28BB(1) and 126(4) of the National Health Service Act 1977(**a**), hereby makes the following Regulations:

**Citation, commencement, interpretation and extent**

**1.**-(1) These Regulations may be cited as the National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001 and shall come into force on 1st April 2001.

(2) In these Regulations "the Act" means the National Health Service Act 1977.

(3) These Regulations apply to Wales only.

(a) 1977 c.49; section 28BB was inserted by section 30 of the Health Act 1999 (c.8) ("the 1999 Act"). Section 30 of the 1999 Act was commenced in relation to Wales by the Health Act 1999 (Commencement No.3) (Wales) Order 2000, S.I. 2000/2991 (W.191)(C.92), except in so far as subsection (2) of section 28BB of the 1977 Act relates to Primary Care Trusts. See section 28BB(2) for the definition of "prescribed". Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c.19), section 65(2) and the 1999 Act, Schedule 4, paragraph 37(6). The functions of the Secretary of State under sections 28BB and 126(4) are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(4) and (5) of the 1999 Act.

**Swyddogaethau rhagnodedig yr Awdurdodau Iechyd yng Nghymru**

**2.**-(1) Yn ddarostyngedig i baragraff (2) isod, y swyddogaethau canlynol yw swyddogaethau rhagnodedig Awdurdodau Iechyd yng Nghymru at ddibenion adran 28BB o'r Ddeddf (pŵer yr awdurdodau lleol i wneud taliadau i gyrff y Gwasanaeth Iechyd Gwladol )-

(a) swyddogaethau darparu, neu gwneud trefniadau ar gyfer darparu, gwasanaethau -

(i) o dan adrannau 2 a 3(1) o'r Ddeddf, gan gynnwys yn benodol wasanaethau adsefydlu a gwasanaethau y bwriedir iddynt osgoi derbyniadau i'r ysbyty, a

(ii) o dan adran 5(1), (1A) ac (1B) o'r Ddeddf, ac Atodlen 1 iddi(**a**); a

(b) unrhyw swyddogaeth o dan adrannau 25A i 25H a 117 o Ddeddf Iechyd Meddwl 1983(**b**).

(2) Mae unrhyw swyddogaethau mewn perthynas â'r canlynol yn cael eu hepgor o'r swyddogaethau sy'n cael eu rhagnodi o dan baragraff (1) uchod -

(a) darparu llawfeddygaeth, radiotherapi, erthylu, endosgopi, defnyddio triniaethau laser Dosbarth 4(**c**) a thriniaethau trychiadol eraill;

(b) gwasanaethau ambiwlans argyfwng;

(c) darparu cyffuriau a sylweddau eraill sydd wedi'u rhestru yn Atodlen 10 i Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992(**ch**) neu sydd wedi'u rhestru yng ngholofn 1 o Atodlen 11 i'r Rheoliadau hynny, fel y mae'r Atodlenni hynny'n gymwys yng Nghymru ac, o ran Atodlen 11, o dan amgylchiadau lle nad yw'r amodau a bennir yng ngholofn 3 o'r Atodlen honno wedi'u bodloni; ac

(ch) darparu cyfarpar nad yw wedi'i restru yn Rhan IX o'r datganiad a elwir "the Drug Tariff" a gyhoeddir ac a ddiwygir o dro i dro o dan reoliad 18(1) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(**d**) fel y mae'r datganiad yn gymwys yng Nghymru.

(a) Diwygiwyd adran 5(1), a mewnosodwyd adrannau 5(1A) ac (1B), gan Ddeddf Iechyd a Meddyginiaethau 1998 (p.49), adran 10(1); diwygiwyd Atodlen 1 gan Ddeddf Addysg 1981 (p.60), Atodlen 3, paragraff 13, Deddf Diwygio Addysg 1988 (p.40), Atodlen 12, Rhan I, paragraff 21, a Deddf Iechyd a Meddyginiaethau 1988 (p.49), Atodlen 2, paragraff 7.

(b) 1983 p.20.

(c) Gweler BS EN 60825-1: 1994 Safety of Laser Products. Diffinnir cynhyrchion laser dosbarth 4 drwy gyfeirio at 'British Standards' sy'n cael ei gyhoeddi gan y Sefydliad Safonau Prydeinig ("BSI") ac y gellir ei gael oddi wrth BSI, Linford Woods, Milton Keynes, MK14 6LE.

(ch) O.S. 1992/635; yr offerynnau diwygio perthnasol yw O.S. 1992/2412, 1993/2421, 1994/2620, 1995/3093, 1997/981, 1999/1627 a 2000/1887.

(d) O.S. 1992/662; yr offerynnau diwygio perthnasol yw O.S. 1993/2451, 1995/644 a 1999/696.

**Prescribed functions of Health Authorities in Wales**

**2.**-(1) Subject to paragraph (2) below, the following functions are the prescribed functions of Health Authorities in Wales for the purposes of section 28BB of the Act (power of local authorities to make payments to NHS bodies) -

(a) the functions of providing, or making arrangements for the provision of, services -

(i) under sections 2 and 3(1) of the Act, including, in particular, rehabilitation services and services intended to avoid admission to hospital, and

(ii) under section 5(1), (1A) and (1B) of, and Schedule 1 to, the Act(**a**); and

(b) any function under sections 25A to 25H and 117 of the Mental Health Act 1983(**b**).

(2) There are excluded from the functions prescribed under paragraph (1) above any functions in respect of -

(a) the provision of surgery, radiotherapy, termination of pregnancies, endoscopy, the use of Class 4 laser treatments(**c**) and other invasive treatments;

(b) emergency ambulance services;

(c) the provision of drugs and other substances which are listed in Schedule 10 to the National Health Service (General Medical Services) Regulations 1992(**d**) or which are listed in column 1 of Schedule 11 to those Regulations, as those Schedules apply in Wales and, so far as Schedule 11 is concerned, in circumstances in which the conditions specified in column 3 of that Schedule are not met; and

(d) the provision of appliances which are not listed in Part IX of the statement known as "the Drug Tariff" published and from time to time amended under regulation 18(1) of the National Health Service (Pharmaceutical Services) Regulations 1992(**e**) as the statement applies in Wales.

(a) Section 5(1) was amended by, and sections 5(1A) and (1B) were inserted by, the Health and Medicines Act 1988 (c.49), section 10(1); Schedule 1 was amended by the Education Act 1981 (c.60), Schedule 3, paragraph 13, the Education Reform Act 1988 (c.40), Schedule 12, Part I, paragraph 21, and the Health and Medicines Act 1988 (c.49), Schedule 2, paragraph 7.

(b) 1983 c.20.

(c) See BS EN 60825-1: 1994 Safety of Laser Products. Class 4 laser products are defined by reference to British Standards published by the British Standards Institution ("BSI") and which may be obtained from BSI, Linford Woods, Milton Keynes, MK14 6LE.

(e) S.I. 1992/635; relevant amending instruments are S.I. 1992/2412, 1993/2421, 1994/2620, 1995/3093, 1997/981, 1999/1627 and 2000/1887.

(e) S.I. 1992/662; relevant amending instruments are S.I. 1993/2451, 1995/644 and 1999/696.

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

29 Mawrth 2001

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

29th March 2001

*D. Elis Thomas*

Llywydd Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly for Wales

(a) 1998 p.38.

(a) 1998 c.38.

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**2001 Rhif 1543 (Cy.108)**

**Y GWASANAETH IECHYD GWLADOL, CYMRU**

**LLYWODRAETH LEOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Taliadau gan Awdurdodau Lleol i Awdurdodau Iechyd) (Swyddogaethau Rhagnodedig) (Cymru) 2001

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**LOCAL GOVERNMENT, WALES**

The National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001

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