



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2359 (Cy. 196)

2001 No. 2359 (W. 196)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd am Gyffuriau a
Chyfarpar) (Diwygio) (Cymru)
2001

The National Health Service
(Charges for Drugs and
Appliances) (Amendment) (Wales)
Regulations 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2001 ("y prif Reoliadau"), sy'n darparu ar gyfer codi a chasglu ffioedd am gyffuriau a chyfarpar sy'n cael eu cyflenwi o dan Ddeddf y Gwasanaeth Iechyd Gwladol 1977. Gwneir darpariaeth ar gyfer ffioedd deintyddol a ffioedd optegol ar wahân.

These Regulations amend the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001 ("the principal Regulations"), which provide for the making and recovery of charges for drugs and appliances supplied under the National Health Service Act 1977. Provision for dental charges and optical charges is made separately.

Mae rheoliad 2 yn diwygio rheoliad 10 o'r prif Reoliadau (sy'n gwneud darpariaeth ar gyfer prynu tystysgrifau rhagdalau am ffioedd am gyffuriau a chyfarpar). Mae'r diwygiadau'n ymestyn y cyfnod pryd y gellir hawlio ad-daliad o'r ffi a dalwyd am dystysgrif ragdalau ar farwolaeth y deiliad neu pan dderbynnir y deiliad i ysbyty yn glaf preswyl i nifer y misoedd cyfan sy'n para heb ddirwyn i ben ar ddyddiad y farwolaeth neu ar ddyddiad y derbyn i'r ysbyty.

Regulation 2 amends regulation 10 of the principal Regulations (which makes provision for the purchase of pre-payment certificates for charges for drugs and appliances). The amendments extend the period during which a refund of the fee paid for a pre-payment certificate may be claimed on the death or admission to hospital as an in-patient of the holder to the number of complete months remaining unexpired at date of death or admission to hospital.

Mae hefyd yn ymestyn y cyfnod pryd y gellir hawlio ad-daliad pan yw deiliad tystysgrif ragdalau sy'n ddilys am 12 mis yn cael yr hawl i gael esemptiad o ffioedd am gyffuriau a chyfarpar neu ryddhad rhagddynt

It also extends the period during which a refund may be claimed when the holder of a pre-payment certificate that is valid for 12 months becomes entitled to exemption from or remission of charges for drugs and appliances.

Mae'n pennu'r terfynau amser ar gyfer gwneud cais am ad-daliad ac yn gwneud darpariaeth ar gyfer derbyn cais o'r fath y tu allan i'r terfynau amser penodedig mewn achosion lle mae Cynulliad Cenedlaethol Cymru wedi'i fodloni bod achos da dros yr oedi wrth gyflwyno'r cais.

It specifies the time limits for making an application for a refund and makes provision for acceptance of such an application outside the specified time limits in cases where the National Assembly for Wales is satisfied that there was good cause for the delay in submitting the application.

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**Y GWASANAETH IECHYD
GWLADOL, CYMRU****NATIONAL HEALTH
SERVICE, WALES**Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd am Gyffuriau a
Chyfarpar) (Diwygio) (Cymru)
2001The National Health Service
(Charges for Drugs and
Appliances) (Amendment) (Wales)
Regulations 2001*Wedi'u gwneud* 26 Mehefin 2001
Yn dod i rym 1 Gorffennaf 2001*Made* 26th June 2001
Coming into force 1st July 2001

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 77, 83A a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 77, 83A and 126(4) of the National Health Service Act 1977(a) hereby makes the following Regulations:

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Diwygio) (Cymru) 2001, a deuant i rym ar 1 Gorffennaf 2001.

(2) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu'n fel arall -

Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) Amendment (Wales) Regulations 2001, and shall come into force on 1st July 2001.

(2) In these Regulations, unless the context otherwise requires-

(a) 1977 p.49. Gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (c.19)("Deddf 1990"), adran 26(2)(g) ac (i), i gael y diffiniadau o "prescribed" a "regulations".

Diwygiwyd adran 83A gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), Atodlen 2, paragraff 6; gan Ddeddf 1990, Atodlen 9, paragraff 18(5); gan Ddeddf 1995, Atodlen 1, paragraff 40 a chan erthygl 2 o O.S.1998/2385.

Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a chan Ddeddf Iechyd 1999 (p.8) ("Deddf 1999"), Atodlen 4, paragraff 37(6).

Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan y pwerau uchod eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S.1999/672, erthygl 2 ac Atodlen 1, fel y'i diwygiwyd gan adran 66(5) o Ddeddf 1999.

(a) 1977 c.49. See section 128(1) as amended by the National Health Service and Community Care Act 1990 (c.19)("the 1990 Act"), section 26(2)(g) and (i), for the definitions of "prescribed" and "regulations".

Section 83A was amended by the Health and Medicines Act 1988 (c.49), Schedule 2, paragraph 6; by the 1990 Act, Schedule 9, paragraph 18(5); by the 1995 Act, Schedule 8, paragraph 40 and by article 2 of S.I.1998/2385.

Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c.8)("the 1999 Act"), Schedule 4, paragraph 37(6).

The functions of the Secretary of State under the above-mentioned powers are transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1, as amended by section 66(5) of the 1999 Act.

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2001(a);

ystyr "y Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl" ("*the Travelling Expenses and Remission of Charges Regulations*") yw Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl 1988(b).

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

Diwygio rheoliad 10 o'r prif Reoliadau

2.-(1) Diwygir rheoliad 10 o'r prif Reoliadau (tystysgrifau rhagdalau) yn unol â'r darpariaethau canlynol.

(2) Ym mharagraff (6) yn lle "pharagraffau (7) ac (8)" rhowch "pharagraffau (13) i (15)".

(3) Yn lle paragraffau (7) ac (8) rhowch y paragraffau canlynol -

"(7) Os oes swm rhagnodedig wedi'i dalu a bod y person y talwyd ar ei gyfer ar neu ar ôl 1 Gorffennaf 2001 -

(a) yn marw; neu

(b) yn dod yn breswlydd mewn ysbyty ac wedyn naill ai-

(i) yn marw; neu

(ii) yn aros yn yr ysbyty

yn ystod y cyfnod perthnasol fel y'i diffinnir gan baragraff (9) gellir gwneud cais am ad-daliad, gan y person hwnnw neu ar ei ran neu gan ei ystâd, yn unol â pharagraffau (13) - (15), mewn perthynas â phob mis cyfan yn dilyn y dyddiad pan fu'r person farw neu pan ddaeth yn breswlydd mewn ysbyty.

(8) Rhaid i'r ad-daliad y cyfeirir ato ym mharagraff (7) gael ei gyfrifo fel a ganlyn-

(a) yn achos dystysgrif ragdalau sy'n ddilys am bedwar mis, un chwarter o'r swm rhagnodedig sydd wedi'i dalu am bob mis cyfan pryd y mae neu yr oedd y dystysgrif ragdalau yn ddilys;

"the principal Regulations" ("y prif Reoliadau") means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(a);

"National Assembly" ("Cynulliad Cenedlaethol") means the National Assembly for Wales;

"the Travelling Expenses and Remission of Charges Regulations" ("Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl") means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(b).

(3) These Regulations apply to Wales only.

Amendment of regulation 10 of the principal Regulations

2.-(1) Regulation 10 of the principal Regulations (pre-payment certificates) is amended in accordance with the following provisions.

(2) In paragraph (6) for "paragraphs (7) and (8)" substitute "paragraphs (13) to (15)".

(3) For paragraphs (7) and (8) substitute the following paragraphs-

"(7) Where payment of a prescribed sum has been made and where on or after 1st July 2001 the person in respect of whom the payment was made-

(a) dies; or

(b) becomes resident in a hospital and thereafter either-

(i) dies; or

(ii) remains in hospital

during the relevant period as defined by paragraph (9) an application for a refund may be made, by or on behalf of that person or his or her estate, in accordance with paragraphs (13) - (15), in respect of each complete month following the date on which the person died or became resident in a hospital.

(8) The refund referred to in paragraph (7) shall be calculated as follows-

(a) in the case of a pre-payment certificate valid for 4 months, one quarter of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

(a) O.S.2001/1358 (Cy.86)

(b) O.S.1988/551 fel y'i diwygiwyd gan O.S.1989/394, 517 a 614, 1990/548, 918 a 1661, 1991/557, 1992/1104, 1993/608, 1995/642 a 3252, 1996/410, 1346 a 2362, 1997/748 a 2393, 1998/2417, 1999/767, 2507 a 2840, 2001/1397 (Cy.92).

(a) S.I.2001/1358 (W.86)

(b) S.I.1988/551 as amended by S.I.1989/394, 517 and 614, 1990/548, 918 and 1661, 1991/557, 1992/1104, 1993/608, 1995/642 and 3252, 1996/410, 1346 and 2362, 1997/748 and 2393, 1998/2417, 1999/767, 2507 and 2840, 2001/1397 (W.92).

(b) yn achos tystysgrif ragdalau sy'n ddilys am 12 mis, deuddegfed ran o'r swm rhagnodedig sydd wedi'i dalu am bob mis cyfan pryd y mae neu yr oedd y dystysgrif ragdalau yn ddilys;

ac at ddibenion y cyfrifiadau hyn, ystyr "mis cyfan" yw mis sy'n dechrau union fis ar ôl y dyddiad y daeth y dystysgrif ragdalau yn ddilys ac yn diweddu ar y dyddiad yn union o flaen y dyddiad hwnnw yn y mis canlynol.

(9) Ym mharagraff (7), ystyr "y cyfnod perthnasol" yw cyfnod dilysrwydd y dystysgrif ragdalau heb gynnwys y mis y gellir gwneud cais am ad-daliad mewn perthynas ag ef.

(10) Os oes swm rhagnodedig wedi'i dalu mewn perthynas â thystysgrif ragdalau sy'n ddilys am 12 mis a bod y person y gwnaed y taliad ar ei gyfer ar neu ar ôl 1 Gorffennaf 2001 ac yn ystod y cyfnod perthnasol a ddiffinnir ym mharagraff (12)-

- (a) yn dod yn berson y mae unrhyw un o ddarpariaethau rheoliad 8(1)(b) i (d) yn gymwys iddo; neu
- (b) yn dod yn berson sydd â hawl i beidio â thalu o dan reoliad 3 o'r Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl 1988,

gall cais am ad-daliad gael ei wneud, gan neu ar ran y person hwnnw yn unol â pharagraffau (13) i (15).

(11) Swm yr ad-daliad y cyfeirir ato ym mharagraff (10) fydd y gwahaniaeth rhwng y swm rhagnodedig a dalwyd a'r swm a gafodd ei ragnodi am dystysgrif ragdalau a oedd yn ddilys am bedwar mis ar y dyddiad y talwyd y swm rhagnodedig.

(12) Ym mharagraff (10) ystyr "y cyfnod perthnasol" yw'r cyfnod o dri mis sy'n dilyn yn union ar ôl y mis y gellir gwneud cais o dan baragraff (6) mewn perthynas ag ef.

(13) Rhaid i geisiadau o dan y rheoliad hwn gael eu gwneud i'r Awdurdod Iechyd a gafodd y swm rhagnodedig a chyda hwy rhaid cynnwys y dystysgrif (os cafodd un ei rhoi) a datganiad i ategu'r cais, a rhaid i'r cais ac unrhyw ad-daliad gael ei wneud mewn unrhyw fodd ac o dan unrhyw amodau y penderfynir arnynt gan y Cynulliad Cenedlaethol.

(14) Yn ddarostyngedig i baragraff (15) rhaid i gais o dan y rheoliad hwn gael ei wneud os bydd y person y talwyd y swm rhagnodedig mewn perthynas ag ef-

(b) in the case of a pre-payment certificate valid for 12 months one twelfth of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

and for the purposes of these calculations "complete month" means a month beginning on the monthly anniversary of the date upon which the pre-payment certificate became valid and ending on the date immediately preceding that date in the following month.

(9) In paragraph (7) "the relevant period" means the period of validity of the pre-payment certificate excluding the month in respect of which an application for repayment under paragraph (6) may be made.

(10) Where payment of a prescribed sum in respect of a pre-payment certificate valid for 12 months has been made and where on or after 1st July 2001 and during the relevant period defined in paragraph (12), the person in respect of whom the payment was made-

- (a) becomes a person to whom any of the provisions of regulation 8(1)(b) to (e) applies; or
- (b) becomes a person entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations 1988,

an application for a refund may be made, by or on behalf of that person in accordance with paragraphs (13) to (15).

(11) The refund referred to in paragraph (10) shall be for the sum which is the difference between the prescribed sum paid and the sum that was prescribed for a pre-payment certificate valid for four months on the date that the prescribed sum was paid.

(12) In paragraph (10) "the relevant period" means the period of 3 months immediately following the month in respect of which an application under paragraph (6) may be made.

(13) Applications under this regulation shall be made to the Health Authority that received the prescribed sum and shall be accompanied by the certificate (where granted) and a declaration in support of the claim, and the claim and any repayment shall be made in such manner and subject to such conditions as the National Assembly may determine.

(14) Subject to paragraph (15) an application under this regulation shall be made where the person in respect of whom the payment of the prescribed sum was made-

- (a) yn marw neu'n dod yn breswlydd mewn ysbyty ac wedyn yn marw, o fewn 24 mis o ddyddiad ei farwolaeth; neu
- (b) â thystysgrif ragdalu ddilys am bedwar mis ac yn dod yn berson-
 - (i) y mae unrhyw un o ddarpariaethau rheoliad 8(1)(b) i (d) yn gymwys iddo; neu
 - (ii) â hawl i beidio â thalu o dan reoliad 3 o'r Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl 1988

o fewn pedwar mis i'r dyddiad y daw'r dystysgrif ragdalu yn ddilys; neu

- (c) â thystysgrif ragdalu ddilys am 12 mis ac yn dod yn berson-
 - (i) y mae unrhyw un o ddarpariaethau rheoliad 8(1)(b) i (d) yn gymwys iddo; neu
 - (ii) â hawl i beidio â thalu o dan reoliad 3 o'r Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl 1988

o fewn saith mis i'r dyddiad y daw'r dystysgrif ragdalu yn ddilys; neu

- (ch) yn dod yn breswlydd mewn ysbyty ac yn aros yno hyd nes y bydd y dystysgrif ragdalu yn dirwyn i ben, o fewn tri mis ar ôl iddi ddirwyn i ben.

(15) Os gwneir cais o dan y rheoliad hwn y tu allan i'r terfynau amser a bennir ym mharagraff (14) mewn perthynas â marwolaeth sy'n digwydd ar neu ar ôl 1 Gorffennaf 2001 neu mewn perthynas â pherson sy'n dod yn berson y mae paragraff 14(b) i (ch) yn gymwys iddo ar neu ar ôl 1 Gorffennaf 2001, rhaid i'r Awdurdod Iechyd ei dderbyn os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod achos da dros yr oedi wrth gyflwyno'r cais."

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

26 Mehefin 2001

Llywydd Cynulliad Cenedlaethol Cymru

- (a) dies or become resident in a hospital and thereafter dies, within 24 months of the date of his or her death; or
- (b) has a pre-payment certificate valid for 4 months and becomes a person-
 - (i) to whom any of the provisions of regulation 8(1)(b) to (e) apply, or
 - (ii) entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations 1988

within 4 months of the date on which the pre-payment certificate becomes valid; or

- (c) has a pre-payment certificate valid for 12 months and becomes a person-
 - (i) to whom any of the provisions of regulation 8(1)(b) to (e) apply, or
 - (ii) entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations 1988

within seven months of the date on which the pre-payment certificate became valid; or

- (d) becomes resident in hospital and remains there until the expiry of a pre-payment certificate, within 3 months of the date of expiry.

(15) Where an application under this regulation is made outside the time limits specified in paragraph (14) in respect of a death which occurs on or after 1st July 2001 or in respect of a person who becomes a person to whom paragraph 14(b) to (d) applies on or after 1st July 2001, the Health Authority shall accept it if the National Assembly is satisfied that the delay in submitting the application was for good cause."

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

26th June 2001

The Presiding Officer of the National Assembly for Wales

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