



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 2802 (Cy.270)

2002 No. 2802 (W.270)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Rhestr Atodol
Gwasanaethau Meddygol
Cyffredinol) (Cymru) (Diwygio), y
Gwasanaeth Iechyd Gwladol
(Gwasanaethau Meddygol
Cyffredinol) (Diwygio) (Cymru)
(Rhif 3), y Gwasanaeth Iechyd
Gwladol (Gwasanaethau
Deintyddol Cyffredinol) (Diwygio)
(Cymru) (Rhif 3) a'r Gwasanaeth
Iechyd Gwladol (Gwasanaethau
Offthalmig Cyffredinol) (Diwygio)
(Cymru) (Rhif 2) 2002

The National Health Service
(General Medical Services
Supplementary List) (Wales)
(Amendment), the National Health
Service (General Medical Services)
(Amendment) (Wales) (No. 3), the
National Health Service (General
Dental Services) (Amendment)
(Wales) (No. 3) and the National
Health Service (General
Ophthalmic Services)
(Amendment) (Wales) (No. 2)
Regulations
2002

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 (Rhestr Atodol Gwasanaethau Meddygol Cyffredinol) (Cymru) 2002 ("Rheoliadau'r Rhestr Atodol") sy'n darparu i restr atodol gael ei chadw gan Awdurdodau Iechyd yn unol â darpariaethau adran 43D o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 ("Deddf 1977") ac sy'n diwygio ymhellach Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992 ("y Rheoliadau GMC") sy'n rheoleiddio'r amodau ar gyfer darparu gwasanaethau meddygol cyffredinol gan feddygon o dan Ddeddf 1977. Mae'r Rheoliadau hefyd yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) 1992 ("y Rheoliadau GDC") sy'n rheoleiddio'r amodau ar gyfer darparu gwasanaethau deintyddol cyffredinol gan

These Regulations amend the National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002 ("the Supplementary List Regulations") which provide for a supplementary list to be kept by Health Authorities in accordance with the provisions of section 43D of the National Health Service Act 1977 ("the 1977 Act") and further amend the National Health Service (General Medical Services) Regulations 1992 ("the GMS Regulations") which regulate the terms on which doctors provide general medical services under the 1977 Act. The Regulations also amend the National Health Service (General Dental Services) Regulations 1992 ("the GDS Regulations") which regulate the terms on which dentists provide general dental services under the 1977 Act and the National Health Service (General

ddeintyddion o dan Ddeddf 1977 a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986 sy'n rheoleiddio'r amodau ar gyfer darparu gwasanaethau offthalmig gan ymarferwyr meddygol offthalmig neu optegwyr o dan Ddeddf 1977.

Diwygiwyd y Rheoliadau GMC, y Rheoliadau GDC a'r Rheoliadau GOC yn ddiweddar gan Offerynnau Statudol 2002/1896 (Cy. 197), 2002/1881 (Cy. 190) a 2002/1883 (Cy. 192) yn y drefn honno. Mae'r Rheoliadau hyn yn cywiro gwallau teipograffyddol yn y Rheoliadau GMC, GDC a GOC a gyflwynwyd o ganlyniad i'r offerynnau diwygio ac mae hefyd yn unioni anghysondebau yn y testun dwyieithog.

Caiff Rheoliadau'r Rhestr Atodol eu diwygio yn yr un modd.

Ophthalmic Services) Regulations 1986 which regulate the terms on which ophthalmic medical practitioners or opticians provide general ophthalmic services under the 1977 Act.

The GMS Regulations, the GDS Regulations and the GOS Regulations were recently amended by Statutory Instruments 2002/1896 (W.197), 2002/1881 (W.190) and 2002/1883 (W. 192) respectively. These Regulations correct typographical errors introduced into the GMs, GDS and GOS Regulations by the amending instruments and resolve anomalies in the bilingual text.

The Supplementary List Regulations are similarly amended.

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Wedi'u gwneud 12 Tachwedd 2002

Made 12th November 2002

Yn dod i rym 15 Tachwedd 2002

Coming into force 15th November 2002

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 29, 29A, 29B, 38, 39, 43D, 43ZA, 49F, 49I, 49L, 49M, 49N, 49P, 49Q, 49R, a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) ac adran 65 o'r Ddeddf Iechyd a Gofal Cymdeithasol drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 29, 29A, 29B, 38, 39, 43D, 43ZA, 49F, 49I, 49L, 49M, 49N, 49P, 49Q, 49R, and 126(4) of the National Health Service Act 1977(a) and section 65 of the Health and Social Care Act hereby makes the following Regulations:

(a) 1977 p.49; gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p. 19), adran 26(2)(g) ac (i), am y diffiniad o "prescribed" a "regulations". Cafodd adran 29 ei hymestyn gan Ddeddf Iechyd a Meddygyniaethau 1988 (p. 49), adran 17 a'i diwygio gan Ddeddf y Gwasanaethau Iechyd 1980 (p.53), adran 1 a 7 ac Atodlen 1, paragraff 42(b); gan Ddeddf Iechyd a Gwasanaethau Cymdeithasol a Dyfarniadau Nawdd Cymdeithasol 1983 (p.41), Atodlen 6, paragraff 2; gan Ddeddf Feddygol 1983 (p.54), adran 56(1) ac Atodlen 5, paragraff 16(a); gan O.S. 1985/39, erthygl 7(3); gan Ddeddf Awdurdodau Iechyd 1995 (p.17), atodlen 1, paragraff 18; a chan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46) ("Deddf 1997"), Atodlen 2, paragraff 8.-Mewnosodwyd adrannau 29A a 29B gan Ddeddf 1997, adran 32, a'i diwygio gan Ddeddf Iechyd a Gwasanaethau Cymdeithasol 2001 (p. 15) ("Deddf 2001"), adran 20. Mewnosodwyd adran 43ZA gan Ddeddf 2001, adran 21. Mewnosodwyd adrannau 49F i 49R gan Ddeddf 2001, adran 25. Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2); a chan Ddeddf 1999, atodlen 4, paragraff 37(6). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 29, 29A, 29B, a 126(4) o Ddeddf 1977 i Gynulliad Cenedlaethol Cymru o dan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (trosglwyddo swyddogaethau) 1999 O.S. 1999/672, fel y'i diwygiwyd gan Ddeddf 1999 adran 66(5) ac Atodlen 1 iddi; mae adran 68 o Ddeddf 2001 yn darparu y dylid dehongli Atodlen 1 fel ei bod yn cynnwys y diwygiadau a wnaed gan y Ddeddf honno i Ddeddf 1977 sef adrannau 43ZA a 43F i 43.

(a) 1977 c.49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c.19), section 26(2)(g) and (i), for the definition of "prescribed" and "regulations". Section 29 was extended by the Health and Medicines Act 1988 (c.49), section 17 and amended by the Health Services Act 1980(c.53), section 1 and 7 and Schedule 1, paragraph 42(b); by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 6, paragraph 2; by the Medical Act 1983 (c.54), section 56(1) and Schedule 5, paragraph 16(a); by S.I. 1985/39, article 7(3); by the Health Authorities Act 1995 (c.17), schedule 1, paragraph 18; and by the National Health Service (Primary Care) Act 1997 (c.46) ("the 1997 Act"), Schedule 2, paragraph 8. Sections 29A and 29B were inserted by the 1997 Act, section 32, and amended by the Health and Social Care Act 2001 (c. 15) ("the 2001 Act"), section 20. Section 43ZA was inserted by the 2001 Act, section 21. Sections 49F to 49R were inserted by the 2001 Act, section 25. Section 126(4) was amended by the 1990 Act, section 65(2); and by the 1999 Act, schedule 4, paragraph 37(6). The functions of the Secretary of State under sections 29, 29A, 29B, and 126(4) of the 1977 Act transferred to the National Assembly for Wales under article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. 1999/672, as amended by the 1999 Act section 66(5); section 68 of the 2001 Act provides that Schedule 1 shall be construed so as to include the amendments by that Act to the 1977 Act which are sections 43ZA and 43F to 43.

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Meddygol Cyffredinol) (Cymru) (Diwygio), y Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) (Diwygio) (Cymru) (Rhif 3), y Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) (Diwygio) (Cymru) (Rhif 3) a'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Cymru) (Rhif 2) 2002 a deuant i rym ar 15 Tachwedd 2002.

(2) Yn y Rheoliadau hyn -

- (a) ystyr "y Rheoliadau GDC" ("*the GDS Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) 1992(a);
- (b) ystyr y Rheoliadau GMC ("*the GMS Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992(b);
- (c) ystyr "y Rheoliadau GOC" ("*the GOS Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986(c)
- (ch) ystyr "Rheoliadau'r Rhestr Atodol" ("*the Supplementary List Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Meddygol Cyffredinol) (Cymru) 2002(ch);

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

Diwygio Rheoliadau'r Rhestr Atodol

2. Caiff Rheoliadau'r Rhestr Atodol eu diwygio yn unol â darpariaethau rheoliad 3.

3. -(1) Yn rheoliad 6(2)(b) ac (c), dileer y geiriau "yn Lloegr" a rhodder y geiriau "yng Nghymru" yn eu lle.

(2) Yn rheoliad 9(2), dileer is-baragraffau (b) ac (c) a rhodder y canlynol yn eu lle -

"(b) yn cael eu euogfarnu mewn man arall o dramgwydd, neu'r hyn fyddai'n gyfystyr â thramgwydd troseddol pe bai wedi'i gyflawni

- (a) OS 1992/661; yr offerynnau diwygio perthnasol yw O.S. 1993/2209, 1993/3172, 1995/3092, 1996/704, 1996/2051, 1998/1648, 1998/2224, 2000/2459, 2001/289, 2001/1766 a 2002/1881 (Cy.190).
- (b) OS 1992/635; yr offerynnau diwygio perthnasol yw O.S. 1998/682, 1998/2838, 2000/220 (a geir effaith yng Nghymru drwy rym O.S. 2000/1707 (Cy.114) a 2002/1896 (Cy.197)).
- (c) OS 1986/975; yr offerynnau diwygio perthnasol yw O.S. 1998/486, 1989/395, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705, 1996/2320, 1995/2562, 2001/414 a 2002/1883 (Cy.192).
- (ch) OS 2002/1882(Cy.191)

Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Health Service (General Medical Services Supplementary List) (Wales) (Amendment), the National Health Service (General Medical Services) (Amendment) (Wales) (No. 3), the National Health Service (General Dental Services) (Amendment) (Wales) (No.3) and the National Health Service (General Ophthalmic Services) (Amendment) (Wales) (No. 2) Regulations 2002 and shall come into force on 15th November 2002.

(2) In these Regulations -

- (a) "the Supplementary List Regulations" ("*Rheoliadau'r Rhestr Atodol*") means the National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002(a);
- (b) "the GMS Regulations" ("*y Rheoliadau GMS*") means the National Health Service (General Medical Services) Regulations 1992(b);
- (c) "the GDS Regulations" ("*y Rheoliadau GDS*") means the National Health Service (General Dental Services) Regulations 1992(c);
- (d) "the GOS Regulations" ("*y Rheoliadau GOS*") means the National Health Service (General Ophthalmic Services) Regulations 1986(d)

(3) These Regulations apply to Wales only.

Amendment of the Supplementary List Regulations

2. The Supplementary List Regulations shall be amended in accordance with the provisions of regulation 3.

3. -(1) In regulation 6(2)(b) and (c), delete the word "England" and substitute the word "Wales".

(2) In regulation 9(2), delete sub-paragraphs (b) and (c) and substitute the following -

"(b) is convicted elsewhere of an offence, or what would constitute a criminal offence if committed in the United Kingdom, or is

- (a) S.I. 2002/1882(W.191)
- (b) S.I. 1992/635; relevant amending instruments are S.I. 1998/682, 1998/2838, 2000/220 having effect in water by virtue of S.I. 2000/1707 (W.114) and 2002/1896 (W.197).
- (c) S.I. 1992/661; relevant amending instruments are S.I. 1993/2209, 1993/3172, 1995/3092, 1995/704, 1996/2051, 1998/1648, 1998/2224, 2000/2459, 2001/289, 2001/1746 and 2002/1881 (W.190).
- (d) S.I. 1986/975; relevant amending instruments are 1998/486, 1989/395, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705, 1996/2320, 1999/2562, 2001/414 and 2002/1883 (W.192).

yn y Deyrnas Unedig, neu'n destun cosb a fyddai'n gyfystyr i gael ei rwymo neu dderbyn rhybudd;

- (c) yn cael ei gyhuddo yn y Deyrans Unedig o dramgwydd troseddol, neu'n cael ei gyhuddo mewn man arall o dramgwydd, a fyddai pe bai'n cael ei gyflawni yn y Deyrans Unedig, yn gyfystyr â thramgwydd troseddol;"

(3) Yn rheoliad 11, dileer paragraff (4)(b) a rhodder y canlynol yn ei le -

"(b) y cyfnod amser ers y twyll diwethaf (os o gwbl), ac ers i unrhyw ymchwiliad i'r twyll hwnnw ddod i ben;"

(4) Yn rheoliad 15, dileer paragraff (6)(a) a rhodder y canlynol yn ei le -

"(a) gall yr Awdurdod Iechyd a'r meddyg ill dau apelio i'r FHSAA i amrywio'r amodau a osodwyd ar y meddyg, i osod amodau gwahanol, neu i ddi-ddymu'r tynnu amodol;"

Diwygio'r Rheoliadau GMC

4. Caiff y Rheoliadau GMC eu diwygio yn unol â darpariaethau rheoliad 5.

5.-(1) Yn rheoliad 7B(2), dileer is-baragraffau (b) ac (g) a rhodder y canlynol yn eu lle -

"(b) the length of time since any such offence or incident was committed or occurred, and since any criminal conviction or investigation;

(g) whether the doctor has been refused admittance to, conditionally included in, removed, contingently removed or is currently suspended from the Health Authority or equivalent lists, and if so, the facts relating to the matter which led to such action and the reasons given by the Health Authority or equivalent body for such action;"

(2) Yn rheoliad 7B(4), dileer is-baragraff (c) a rhodder y canlynol yn ei le -

"(c) whether there are other fraud cases or other criminal offences to be considered;"

(3) Dileer rheoliad 7D(5) a rhodder y canlynol yn ei le -

"(5) The Health Authority shall send the doctor concerned a copy of any information about the doctor provided to the persons or bodies specified in paragraph (2) or (3) and any correspondence with those persons or bodies relating to that information."

(4) Yn rheoliad 18EE(3), dileer is-baragraffau (h) ac (i) a rhodder y canlynol yn eu lle -

subject to a penalty which would be the equivalent of being bound over or cautioned;

- (c) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in the United Kingdom would constitute a criminal offence;"

(3) In regulation 11, delete paragraph (4)(b) and substitute the following -

"(b) the length of time since the last incident of fraud (if any) occurred, and since any investigation into that incident of fraud was concluded;"

(4) In regulation 15, delete paragraph (6)(a) and substitute the following -

"(a) the Health Authority and the doctor may each apply to the FHSAA for the conditions imposed on the doctor to be varied, for different conditions to be imposed, or for the contingent removal to be revoked; "

Amendment of the GMS Regulations

4. The GMS Regulations shall be amended in accordance with the provisions of regulation 5.

5.-(1) In regulation 7B(2), delete sub-paragraphs (b) and (g) and substitute the following -

"(b) the length of time since any such offence or incident was committed or occurred, and since any criminal conviction or investigation;

(g) whether the doctor has been refused admittance to, conditionally included in, removed, contingently removed or is currently suspended from the Health Authority or equivalent lists, and if so, the facts relating to the matter which led to such action and the reasons given by the Health Authority or equivalent body for such action;"

(2) In regulation 7B(4), delete sub-paragraph (c) and substitute the following -

"(c) whether there are other fraud cases or other criminal offences to be considered;"

(3) Delete regulation 7D(5) and substitute the following -

"(5) The Health Authority shall send the doctor concerned a copy of any information about the doctor provided to the persons or bodies specified in paragraph (2) or (3) and any correspondence with those persons or bodies relating to that information."

(4) In regulation 18EE(3), delete sub-paragraphs (h) and (i) and substitute the following -

"(h)whether the doctor is, has in the preceding six months been, or was at the time of the originating events a director of a body corporate which was refused admittance to, conditionally included, removed or contingently removed from other Health Authority lists or equivalent lists, and if so, the facts relating to the matter which led to such action and the reasons given by the Health Authority or equivalent body for such action;

- (i) whether the doctor is, has in the preceding six months been, or was at the time of the originating events, a director of a body corporate which is currently suspended from such a list, and if so, the facts relating to the matter which led to the suspension and the reasons given by the Health Authority or equivalent body for the suspension."

(5) Yn rheoliad 34A, dileer paragraffau (1) a (4) a rhodder y canlynol yn eu lle -

"(1) A Health Authority shall make payments to any doctor who is suspended in accordance with the determination of the National Assembly for Wales in relation to such payments.

(4) Subject to paragraphs (5) and (6), the determination of the National Assembly for Wales shall be such as to secure that, as far as reasonably practicable, the suspended doctor receives all the payments which would have been due to the doctor pursuant to regulation 34 had the doctor provided such medical services to the doctor's patients during the period of the doctor's suspension as are actually provided by the doctor who becomes responsible for them during that period by virtue of regulation 25(2)(a)."

(6) Yn Atodlen 2, -

- (i) ym mharagraff 23A(2), dileer "31st October 2002" a rhodder "31st December 2002" yn ei lle;
- (ii) ym mharagraff 36A(1), dileer y geiriau terfynol sy'n ymddangos ar ôl is-baragraff (k) a rhodder y canlynol yn eu lle -

"and if so, give details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.";

- (iii) ym mharagraff 36A(2), dileer y geiriau terfynol sy'n ymddangos ar ôl is-baragraff (h) a rhodder y canlynol yn eu lle -

"and if so, give the name and registered office of the body corporate, and details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or

"(h)whether the doctor is, has in the preceding six months been, or was at the time of the originating events a director of a body corporate which was refused admittance to, conditionally included, removed or contingently removed from other Health Authority lists or equivalent lists, and if so, the facts relating to the matter which led to such action and the reasons given by the Health Authority or equivalent body for such action;

- (i) whether the doctor is, has in the preceding six months been, or was at the time of the originating events, a director of a body corporate which is currently suspended from such a list, and if so, the facts relating to the matter which led to the suspension and the reasons given by the Health Authority or equivalent body for the suspension."

(5) In regulation 34A, delete paragraphs (1) and (4) and substitute the following -

"(1) A Health Authority shall make payments to any doctor who is suspended in accordance with the determination of the National Assembly for Wales in relation to such payments.

(4) Subject to paragraphs (5) and (6), the determination of the National Assembly for Wales shall be such as to secure that, as far as reasonably practicable, the suspended doctor receives all the payments which would have been due to the doctor pursuant to regulation 34 had the doctor provided such medical services to the doctor's patients during the period of the doctor's suspension as are actually provided by the doctor who becomes responsible for them during that period by virtue of regulation 25(2)(a)."

(6) In Schedule 2, -

- (i) in paragraph 23A(2), delete "31st October 2002" and substitute "31st December 2002";
- (ii) in paragraph 36A(1), delete the final words appearing after sub-paragraph (k) and substitute the following -

"and if so, give details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.";

- (iii) in paragraph 36A(2), delete the final words appearing after sub-paragraph (h) and substitute the following -

"and if so, give the name and registered office of the body corporate, and details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or

proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome."

- (iv) Ym mharagraff 36A(4), dileer is-baragraff (e) a rhodder y canlynol yn ei le -

"(e) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in the United Kingdom would constitute a criminal offence;"

- (v) Ym mharagraff 36A(4), dileer y giriau terfynol sy'n ymddangos ar ôl is-baragraff (k) a rhodder y canlynol yn eu lle -

"and if so, give details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome."

Diwygiadau i'r Rheoliadau GDC

6. Caiff y Rheoliadau GDC eu diwygio yn unol â darpariaethau rheoliad 7.

7.-(1) Yn Rheoliad 2(1) (dehongli), dileer paragraff (b) o'r diffiniad o "suspended" a rhodder y canlynol yn ei le -

"(b) suspended by the Tribunal,".

(2) Yn rheoliad 5, yn lle paragraff (3ZA) rhodder y canlynol

"(3ZA) The Health Authority must, before determining an application, check so far as practicable -

- (a) the information provided by the dentist in accordance with paragraphs 5B, 11A and 14 of Schedule 2, and
- (b) with the National Health Service Counter Fraud Service whether the dentist has any record of a fraud case.";

(3) Yn rheoliad 5(4), yn lle "the date of receipt of the application" rhodder "the date of the Health Authority receiving all the information mentioned in paragraph (2)";

(4) Yn rheoliad 5 ar ôl paragraff (4) ychwaneger -

"(5) Where a Health Authority proposes to include a dentist on a list subject to conditions imposed under regulation 5ZD, the name of the dentist may be included on the list during the period for bringing an appeal to the FHSAA pursuant to that regulation, or if an appeal is brought, until such time as that appeal is decided, provided the dentist agrees to be bound by the condition imposed until the time for appeal has expired or the dentist's appeal is decided.".

(5) Yn Rheoliad 5ZA(1), dileer is-baragraff (c) a

proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome."

- (iv) In paragraph 36A(4), delete sub-paragraph (e) and substitute the following -

"(e) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in the United Kingdom would constitute a criminal offence;"

- (v) In paragraph 36A(4), delete the final words appearing after sub-paragraph (k) and substitute the following -

"and if so, give details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome."

Amendment of the GDS Regulations

6. The GDS Regulations shall be amended in accordance with the provisions of regulation 7.

7.-(1) In Regulation 2(1) (interpretation), delete paragraph (b) of the definition of "suspended" and substitute the following -

"(b) suspended by the Tribunal,".

(2) In regulation 5, for paragraph (3ZA)

"(3ZA) The Health Authority must, before determining an application, check so far as practicable -

- (a) the information provided by the dentist in accordance with paragraphs 5B, 11A and 14 of Schedule 2, and
- (b) with the National Health Service Counter Fraud Service whether the dentist has any record of a fraud case.";

(3) In regulation 5(4), for "the date of receipt of the application" substitute "the date of the Health Authority receiving all the information mentioned in paragraph (2)";

(4) In regulation 5 after paragraph (4) add -

"(5) Where a Health Authority proposes to include a dentist on a list subject to conditions imposed under regulation 5ZD, the name of the dentist may be included on the list during the period for bringing an appeal to the FHSAA pursuant to that regulation, or if an appeal is brought, until such time as that appeal is decided, provided the dentist agrees to be bound by the condition imposed until the time for appeal has expired or the dentist's appeal is decided.".

(5) In Regulation 5ZA(1), delete sub-paragraph (c)

rhodder y canlynol -

"(c) that having contacted referees, they are not satisfied with the references given in accordance with paragraph 11A of Schedule 2;"

(6) Yn Rheoliad 5ZB, dileer paragraff (2) a rhodder y canlynol -

"(2) A Health Authority may only defer consideration under paragraph (1) above until the outcome of the relevant events mentioned in sub-paragraphs (a) (b) (d) (e) or (f) is known or whilst the dentist is suspended under sub-paragraph (c)."

(7) Yn Rheoliad 8B(4), dileer is-baragraffau (a), (b) ac (c) a rhodder y canlynol -

- (a) the nature of any fraud case;
- (b) the length of time since any incident of fraud occurred, and since any investigation into that incident of fraud was concluded;
- (c) whether there are other fraud cases or other criminal offences to be considered;"

(8) Dileer rheoliad 8D(1) a rhodder y canlynol -

" **8D.**-(1) Where a Health Authority -

- (a) refuse to include a dentist under Regulation 5ZA;
- (b) remove a dentist under section 49F of the Act;
- (c) contingently remove a dentist under section 49G of the Act; or
- (d) suspend a dentist under section 49I or 49J of the Act,

they shall notify the persons or bodies listed in paragraph (2), and shall additionally notify those specified in paragraph (3) if so requested by those persons or bodies in writing (including electronically), of the matters set out in paragraph (4)."

(9) Dileer rheoliad 8H(4) ac ailrifwr rheoliad 8H(5) fel rheoliad 8H(4).

(10) Yn rheoliad 10, caiff paragraff (2A)(c) ei ddiwygio drwy ddileu'r geiriau "who has been suspended under section 49I(1)(a) of the Act," yr ail dro y maent yn ymddangos.

(11) Yn Atodlen 1, dileer paragraff 31H(1) (a) a rhodder y canlynol -

"**31H.**-(1) a dentist shall by 31st October 2002 supply in writing information to the Health Authority as to whether the dentist -

- (a) has any criminal convictions in the United Kingdom;"

and substitute the following -

"(c) that having contacted referees, they are not satisfied with the references given in accordance with paragraph 11A of Schedule 2;"

(6) In Regulation 5ZB, delete paragraph (2) and substitute the following -

"(2) A Health Authority may only defer consideration under paragraph (1) above until the outcome of the relevant events mentioned in sub-paragraphs (a) (b) (d) (e) or (f) is known or whilst the dentist is suspended under sub-paragraph (c)."

(7) In Regulation 8B(4), delete sub-paragraphs (a), (b) and (c) and substitute the following -

- (a) the nature of any fraud case;
- (b) the length of time since any incident of fraud occurred, and since any investigation into that incident of fraud was concluded;
- (c) whether there are other fraud cases or other criminal offences to be considered;"

(8) Delete regulation 8D(1) and substitute the following -

" **8D.**-(1) Where a Health Authority -

- (a) refuse to include a dentist under Regulation 5ZA;
- (b) remove a dentist under section 49F of the Act;
- (c) contingently remove a dentist under section 49G of the Act; or
- (d) suspend a dentist under section 49I or 49J of the Act,

they shall notify the persons or bodies listed in paragraph (2), and shall additionally notify those specified in paragraph (3) if so requested by those persons or bodies in writing (including electronically), of the matters set out in paragraph (4)."

(9) Delete regulation 8H(4) and renumber regulation 8H(5) as regulation 8H(4).

(10) In regulation 10, paragraph (2A)(c) shall be amended by deleting the words "who has been suspended under section 49I(1)(a) of the Act," the second time they appear.

(11) In Schedule 1, delete paragraph 31H(1) (a) and substitute the following -

"**31H.**-(1) a dentist shall by 31st October 2002 supply in writing information to the Health Authority as to whether the dentist -

- (a) has any criminal convictions in the United Kingdom;"

Diwygiadau i'r Rheoliadau GOC

8. Caiff y Rheoliadau GOC eu diwygio yn unol â darpariaethau rheoliad 9.

9. Caiff Atodlen 1A ei diwygio yn unol â'r canlynol -

(1) dileer paragraff 7(a)(ii) a rhodder y canlynol yn ei le -

"(ii) the ophthalmic medical practitioner or optician has been bound over in the United Kingdom;"

(2) Dileer paragraff 7(a) (viii) a rhodder y canlynol yn ei le -

"(viii) the ophthalmic medical practitioner or optician has been subject to an investigation into the professional conduct of the ophthalmic medical practitioner or optician in respect of any current or previous employment where the outcome was adverse;"

(3) dileer y geiriau olaf sy'n ymddangos ar ôl paragraff 7(b)(vi) a rhodder y canlynol yn eu lle -

"and if so, give the name and registered office of the body corporate and details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome."

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

12 Tachwedd 2002

Llywydd Cynulliad Cenedlaethol Cymru

Amendment of the GOS Regulations

8. The GOS Regulations shall be amended in accordance with the provisions of regulation 9.

9. Schedule 1A shall be amended as follows -

(1) delete paragraph 7(a)(ii) and substitute the following -

"(ii) the ophthalmic medical practitioner or optician has been bound over in the United Kingdom;"

(2) delete paragraph 7(a) (viii) and substitute the following -

"(viii) the ophthalmic medical practitioner or optician has been subject to an investigation into the professional conduct of the ophthalmic medical practitioner or optician in respect of any current or previous employment where the outcome was adverse;"

(3) delete the final words appearing after paragraph 7(b)(vi) and substitute the following -

"and if so, give the name and registered office of the body corporate and details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome."

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

12th November 2002

Presiding Officer of the National Assembly for Wales

2002 Rhif 2802 (Cy.270)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Rhestr Atodol
Gwasanaethau Meddygol
Cyffredinol) (Cymru) (Diwygio), y
Gwasanaeth Iechyd Gwladol
(Gwasanaethau Meddygol
Cyffredinol) (Diwygio) (Cymru)
(Rhif 3), y Gwasanaeth Iechyd
Gwladol (Gwasanaethau
Deintyddol Cyffredinol) (Diwygio)
(Cymru) (Rhif 3) a'r Gwasanaeth
Iechyd Gwladol (Gwasanaethau
Offthalmig Cyffredinol) (Diwygio)
(Cymru) (Rhif 2) 2002

2002 No. 2802 (W.270)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(General Medical Services
Supplementary List) (Wales)
(Amendment), the National Health
Service (General Medical Services)
(Amendment) (Wales) (No. 3), the
National Health Service (General
Dental Services) (Amendment)
(Wales) (No. 3) and the National
Health Service (General
Ophthalmic Services)
(Amendment) (Wales) (No. 2)
Regulations
2002

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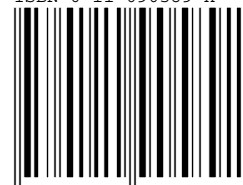
W186/12/02

ON

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ISBN 0-11-090589-X



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