OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2022 Rhif 251 (Cy. 77)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) (Diwygio) (Cymru) 2022

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau i ddeddfwriaeth sy'n ymwneud ag aelodaeth a gweithdrefnau ymddiriedolaethau'r GIG. Mae paragraff 4 o Atodlen 3 i Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 yn galluogi Gweinidogion Cymru i wneud darpariaeth mewn cysylltiad ag aelodaeth a gweithdrefnau ymddiriedolaethau'r GIG yng Nghymru.

Mae Rhan 2 o'r Rheoliadau hyn yn diwygio Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) 1990 (O.S. 1990/2024) ("Rheoliadau 1990"), sy'n gwneud darpariaeth ynghylch aelodaeth a gweithdrefnau ymddiriedolaethau'r GIG yng Nghymru a Lloegr. Mae'r diwygiadau yn gwneud darpariaeth ar gyfer rôl yr is-gadeirydd fel cyfarwyddwr ar fwrdd ymddiriedolaeth GIG yng Nghymru, gan gynnwys mewn cysylltiad â deiliadaeth swydd (gan gynnwys terfynu), penodiad (gan gynnwys anghymhwyso a chymhwystra ar gyfer ailbenodi) a phwerau a rôl yr is-gadeirydd yn nhrafodion a phwyllgorau'r ymddiriedolaeth. Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau 1990 i addasu uchafswm nifer y cyfarwyddwyr, heb gynnwys y cadeirydd a'r is-gadeirydd, a ganiateir ar fwrdd ymddiriedolaeth GIG yng Nghymru.

2022 No. 251 (W. 77)

NATIONAL HEALTH SERVICE, WALES

The National Health Service Trusts (Membership and Procedure) (Amendment) (Wales) Regulations 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to legislation concerning the membership and procedures of NHS trusts. Paragraph 4 of Schedule 3 to the National Health Service (Wales) Act 2006 enables the Welsh Ministers to make provision with respect to the membership and procedures of NHS trusts in Wales.

Part 2 of these Regulations amends the National Health Service Trusts (Membership and Procedure) Regulations 1990 (S.I. 1990/2024) ("the 1990 Regulations"), which make provision concerning the membership and procedures of NHS trusts in England and Wales. The amendments make provision for the role of the vice-chair as a director on the board of an NHS trust in Wales, including with respect to tenure of office (including termination), appointment (including disqualification and eligibility for re-appointment) and the powers and role of the vice-chair in proceedings and committees of the trust. These Regulations also amend the 1990 Regulations to modify the maximum number of directors, excluding the chairman and vice-chair, permitted on the board of an NHS trust in Wales.

Mae Rhan 3 o'r Rheoliadau hyn yn diwygio Gorchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Felindre (Sefydlu) 1993 (O.S. 1993/2838) ("Gorchymyn 1993"), a sefydlodd Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Felindre ("Felindre"). Mae'r Rheoliadau hyn yn diwygio Gorchymyn 1993 i ddarparu ar gyfer cael is-gadeirydd ar fwrdd cyfarwyddwyr Felindre ac i gynyddu nifer y cyfarwyddwyr gweithredol.

Part 3 of these Regulations amends the Velindre National Health Service Trust (Establishment) Order 1993 (S.I. 1993/2838) ("the 1993 Order"), which established Velindre National Health Service Trust ("Velindre"). These Regulations amend the 1993 Order to provide for a vice-chair on the board of directors of Velindre and to increase the number of executive directors.

Mae Rhan 4 o'r Rheoliadau hyn yn diwygio Gorchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwlans Cymru (Sefydlu) 1998 (O.S. 1998/678) ("Gorchymyn 1998"), a sefydlodd Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwlans Cymru ("Ymddiriedolaeth Gwasanaethau Ambiwlans Cymru"). Mae'r Rheoliadau hyn yn diwygio Gorchymyn 1998 i ddarparu ar gyfer cael is-gadeirydd ar fwrdd cyfarwyddwyr Ymddiriedolaeth Gwasanaethau Ambiwlans Cymru ac i gynyddu nifer y cyfarwyddwyr gweithredol. Mae'r diwygiadau hefyd yn lleihau nifer y cyfarwyddwyr anweithredol, heb gynnwys y cadeirydd a'r is-gadeirydd, er mwyn sicrhau cyfatebiaeth â Rheoliadau 1990.

Part 4 of these Regulations amends the Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998 (S.I. 1998/678) ("the 1998 Order"), which established the Welsh Ambulance Service National Health Service Trust ("WAST"). These Regulations amend the 1998 Order to provide for a vice-chair on the board of directors of WAST and to increase the number of executive directors. The amendments also decrease the number of non-executive directors, excluding the chairman and vice-chair, to achieve parity with the 1990 Regulations.

Mae Rhan 5 o'r Rheoliadau hyn yn diwygio Gorchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Sefydlu) 2009 (O.S. 2009/2058 (Cy. 177)) ("Gorchymyn 2009"), a sefydlodd Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru ("Iechyd Cyhoeddus Cymru"). Mae'r Rheoliadau hyn yn diwygio Gorchymyn 2009 i ddarparu ar gyfer cael is-gadeirydd ar fwrdd cyfarwyddwyr Iechyd Cyhoeddus Cymru ac i gynyddu nifer y cyfarwyddwyr gweithredol.

Part 5 of these Regulations amends the Public Health Wales National Health Service Trust (Establishment) Order 2009 (S.I. 2009/2058 (W. 177)) ("the 2009 Order"), which established the Public Health Wales National Health Service Trust ("PHW"). These Regulations amend the 2009 Order to provide for a vice-chair on the board of directors of PHW and to increase the number of executive directors.

Mae Rhan 6 o'r Rheoliadau hyn yn diwygio Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009 (O.S. 2009/1385 (Cy. 141)) ("Rheoliadau 2009"), sy'n gwneud darpariaeth benodol ar gyfer aelodaeth a gweithdrefnau Iechyd Cyhoeddus Cymru. Mae'r diwygiadau yn gwneud darpariaeth ar gyfer rôl is-gadeirydd ar fwrdd cyfarwyddwyr yr ymddiriedolaeth, gan gynnwys mewn cysylltiad â chymwysterau ar gyfer penodi (gan gynnwys gweithdrefn ar gyfer penodi, anghymhwyso a chymhwystra ar gyfer ailbenodi), deiliadaeth swydd (gan gynnwys terfynu ac atal dros dro) a phwerau a rôl yr is-gadeirydd yn nhrafodion a phwyllgorau'r ymddiriedolaeth. Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau 2009 i addasu uchafswm nifer y cyfarwyddwyr, heb gynnwys y cadeirydd a'r is-gadeirydd, a ganiateir ar fwrdd Iechyd Cyhoeddus Cymru.

Part 6 of these Regulations amends the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (S.I. 2009/1385 (W. 141)) ("the 2009 Regulations"), which make specific provision for the membership and procedures of PHW. The amendments make provision for the role of a vice-chair on the trust's board of directors, including with respect to qualifications for appointment (including procedure for appointment, disqualification and eligibility for reappointment), tenure of office (including termination and suspension) and the powers and role of the vice-chair in proceedings and committees of the trust. These Regulations also amend the 2009 Regulations to modify the maximum number of directors, excluding the chair and vice-chair, permitted on the board of PHW.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department for Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2022 Rhif 251 (Cy. 77)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) (Diwygio) (Cymru) 2022

Gwnaed	*am 1.49 p.m. ar 8 Mawrth 2022*
Gosodwyd gerbron Senedd Cymru	*11 Mawrth 2022*
Yn dod i rym	*1 Ebrill 2022*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**) a pharagraff 4 o Atodlen 3 iddi, yn gwneud y Rheoliadau a ganlyn.

RHAN 1

Cyffredinol

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) (Diwygio) (Cymru) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2022.

(**1**) 2006 p. 42; diwygiwyd paragraff 4 o Atodlen 3 gan adran 24 o Ddeddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020 (dsc 1).

WELSH STATUTORY INSTRUMENTS

2022 No. 251 (W. 77)

NATIONAL HEALTH SERVICE, WALES

The National Health Service Trusts (Membership and Procedure) (Amendment) (Wales) Regulations 2022

Made	*at 1.49 p.m. on 8 March 2022*
Laid before Senedd Cymru	*11 March 2022*
Coming into force	*1 April 2022*

The Welsh Ministers, in exercise of the powers conferred on them by section 203(9) and (10) of and paragraph 4 of Schedule 3 to the National Health Service (Wales) Act 2006(**1**), make the following Regulations.

PART 1

General

Title and coming into force

1.—(1) The title of these Regulations is the National Health Service Trusts (Membership and Procedure) (Amendment) (Wales) Regulations 2022.

(2) These Regulations come into force on 1 April 2022.

(**1**) 2006 c. 42; paragraph 4 of Schedule 3 was amended by section 24 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1).

RHAN 2

Diwygiadau i Reoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) 1990

Diwygiadau i Reoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) 1990

2. Mae Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) 1990(**1**) wedi eu diwygio fel a ganlyn.

Diwygiad i reoliad 1(2)

3. Yn rheoliad 1(2) (enwi, cychwyn a dehongli), yn lle'r diffiniad o "director" rhodder—

""director"—

(a) in relation to an NHS trust in England includes its chairman;

(b) in relation to an NHS trust in Wales includes its chairman and vice-chair;".

Diwygiadau i reoliad 2

4. Yn rheoliad 2 (uchafswm nifer y cyfarwyddwyr)—

(a) ym mharagraff (1), ar ôl "NHS Trust" mewnosoder "in Wales shall be twelve (excluding the Chairman and vice-chair) and in England";

(b) ym mharagraff (2), ar ôl "NHS Trust" mewnosoder "in Wales shall have no more than six non-executive directors (excluding the Chairman and vice-chair), and no more than six executive directors, and an NHS trust in England".

Diwygiadau i reoliad 7

5. Yn rheoliad 7 (deiliadaeth swydd cadeirydd a chyfarwyddwyr)—

(a) yn y pennawd, ar ôl "chairman" mewnosoder ", vice-chair";

(b) ym mharagraff (1), ar ôl "NHS trust" mewnosoder "in England";

(**1**) O.S. 1990/2024, a ddiwygiwyd gan O.S. 1990/2160, O.S. 1996/1755, O.S. 1997/2990, O.S. 1998/1975, O.S. 1999/945, O.S. 2000/603, O.S. 2004/696, O.S. 2004/1016, O.S. 2005/2529, O.S. 2005/2532, O.S. 2006/635, O.S. 2006/946, O.S. 2006/1722, O.S. 2010/425, O.S. 2012/1641, O.S. 2012/2404, O.S. 2013/235 ac O.S. 2014/3090.

PART 2

Amendments to the National Health Service Trusts (Membership and Procedure) Regulations 1990

Amendments to the National Health Service Trusts (Membership and Procedure) Regulations 1990

2. The National Health Service Trusts (Membership and Procedure) Regulations 1990(**1**) are amended as follows.

Amendment to regulation 1(2)

3. In regulation 1(2) (citation, commencement and interpretation), for the definition of "director" substitute—

""director"—

(a) in relation to an NHS trust in England includes its chairman;

(b) in relation to an NHS trust in Wales includes its chairman and vice-chair;".

Amendments to regulation 2

4. In regulation 2 (maximum number of directors)—

(a) in paragraph (1), after "NHS Trust" insert "in Wales shall be twelve (excluding the Chairman and vice-chair) and in England";

(b) in paragraph (2), after "NHS Trust" insert "in Wales shall have no more than six non-executive directors (excluding the Chairman and vice-chair), and no more than six executive directors, and an NHS trust in England".

Amendments to regulation 7

5. In regulation 7 (tenure of office of chairman and directors)—

(a) in the heading, after "chairman" insert ", vice-chair";

(b) in paragraph (1), after "NHS trust" insert "in England";

(**1**) S.I. 1990/2024, amended by S.I. 1990/2160, S.I. 1996/1755, S.I. 1997/2990, S.I. 1998/1975, S.I. 1999/945, S.I. 2000/603, S.I. 2004/696, S.I. 2004/1016, S.I. 2005/2529, S.I. 2005/2532, S.I. 2006/635, S.I. 2006/946, S.I. 2006/1722, S.I. 2010/425, S.I. 2012/1641, S.I. 2012/2404, S.I. 2013/235 and S.I. 2014/3090.

(c) ar ôl paragraff (1) mewnosoder—

"(1ZA) Subject to regulation 9, the chairman, vice-chair and non-executive directors of an NHS trust in Wales must be appointed for such period, not exceeding four years, as the Welsh Ministers may specify on making the appointment."

Diwygiadau i reoliad 9

6. Yn rheoliad 9 (terfynu deiliadaeth swydd cadeirydd a chyfarwyddwyr anweithredol)—

(a) yn y pennawd, ar ôl "chairman" mewnosoder ", vice-chair";

(b) ym mharagraff (1), ar ôl "NHS trust" mewnosoder "in England";

(c) ar ôl paragraff (1), mewnosoder—

"(1A) The chairman, vice-chair or a non-executive director of an NHS trust in Wales may resign from office at any time during the period for which they were appointed by giving notice in writing to the Welsh Ministers.";

(d) ym mharagraff (2), yn lle "a trust" rhodder "an NHS trust in England";

(e) ar ôl paragraff (2), mewnosoder—

"(2A) Where during their period of directorship a non-executive director of an NHS trust in Wales is appointed chairman or vice-chair of the trust, that person's tenure of office as non-executive director terminates when their appointment as chairman or vice-chair takes effect.";

(f) ym mharagraff (3), ar ôl "NHS trust" mewnosoder "in England";

(g) ar ôl paragraff (3), mewnosoder—

"(3A) If the Welsh Ministers are of the opinion that it is not in the interests of the health service for a person appointed as chairman, vice-chair or non-executive director of an NHS trust in Wales to continue to hold that office, the Welsh Ministers may remove that person from office.";

(h) ym mharagraff (4), ar ôl "NHS trust" mewnosoder "in England";

(i) ar ôl paragraff (4), mewnosoder—

"(4A) If a chairman, vice-chair or non-executive director of an NHS trust in Wales has not attended a meeting of the trust for a period of three months, the Welsh Ministers may remove that person from office, unless the Welsh Ministers are satisfied that—

(c) after paragraph (1) insert—

"(1ZA) Subject to regulation 9, the chairman, vice-chair and non-executive directors of an NHS trust in Wales must be appointed for such period, not exceeding four years, as the Welsh Ministers may specify on making the appointment."

Amendments to regulation 9

6. In regulation 9 (termination of tenure of office of chairman and non-executive directors)—

(a) in the heading, after "chairman" insert ", vice-chair";

(b) in paragraph (1), after "NHS trust" insert "in England";

(c) after paragraph (1), insert—

"(1A) The chairman, vice-chair or a non-executive director of an NHS trust in Wales may resign from office at any time during the period for which they were appointed by giving notice in writing to the Welsh Ministers.";

(d) in paragraph (2), for "a trust" substitute "an NHS trust in England";

(e) after paragraph (2), insert—

"(2A) Where during their period of directorship a non-executive director of an NHS trust in Wales is appointed chairman or vice-chair of the trust, that person's tenure of office as non-executive director terminates when their appointment as chairman or vice-chair takes effect.";

(f) in paragraph (3), after "NHS trust" insert "in England";

(g) after paragraph (3), insert—

"(3A) If the Welsh Ministers are of the opinion that it is not in the interests of the health service for a person appointed as chairman, vice-chair or non-executive director of an NHS trust in Wales to continue to hold that office, the Welsh Ministers may remove that person from office.";

(h) in paragraph (4), after "NHS trust" insert "in England";

(i) after paragraph (4), insert—

"(4A) If a chairman, vice-chair or non-executive director of an NHS trust in Wales has not attended a meeting of the trust for a period of three months, the Welsh Ministers may remove that person from office, unless the Welsh Ministers are satisfied that—

(a) the absence was due to a reasonable cause; and

(b) the chairman, vice-chair or non-executive director will be able to attend meetings of the trust within such period as the Welsh Ministers consider reasonable.";

(j) ym mharagraff (5) ar ôl "NHS trust" mewnosoder "in England";

(k) ar ôl paragraff (5), mewnosoder—

"(5A) Where a person has been appointed as the chairman, vice-chair or non-executive director of an NHS trust in Wales—

(a) if that person becomes disqualified for appointment under regulation 11, the Welsh Ministers must notify that person in writing of such disqualification; or

(b) if it comes to the notice of the Welsh Ministers that at the time of that person's appointment they were so disqualified, the Welsh Ministers must declare that the person was not duly appointed and so notify that person in writing,

and upon receipt of any such notification, that person's tenure of office, if any, is terminated and that person must cease to act as chairman, vice-chair or non-executive director.";

(l) ym mharagraff (6) ar ôl "NHS trust" mewnosoder "in England";

(m) ar ôl paragraff (6), mewnosoder—

"(6A) If it appears to the Welsh Ministers that the chairman, vice-chair or non-executive director of an NHS trust in Wales has failed to comply with regulation 20 (disclosure etc. on account of pecuniary interest) the Welsh Ministers may terminate that person's tenure of office."

(a) the absence was due to a reasonable cause; and

(b) the chairman, vice-chair or non-executive director will be able to attend meetings of the trust within such period as the Welsh Ministers consider reasonable.";

(j) in paragraph (5) after "NHS trust" insert "in England";

(k) after paragraph (5), insert—

"(5A) Where a person has been appointed as the chairman, vice-chair or non-executive director of an NHS trust in Wales—

(a) if that person becomes disqualified for appointment under regulation 11, the Welsh Ministers must notify that person in writing of such disqualification; or

(b) if it comes to the notice of the Welsh Ministers that at the time of that person's appointment they were so disqualified, the Welsh Ministers must declare that the person was not duly appointed and so notify that person in writing,

and upon receipt of any such notification, that person's tenure of office, if any, is terminated and that person must cease to act as chairman, vice-chair or non-executive director.";

(l) in paragraph (6) after "NHS trust" insert "in England";

(m) after paragraph (6), insert—

"(6A) If it appears to the Welsh Ministers that the chairman, vice-chair or non-executive director of an NHS trust in Wales has failed to comply with regulation 20 (disclosure etc. on account of pecuniary interest) the Welsh Ministers may terminate that person's tenure of office."

Diwygiad i reoliad 10(1)

7. Yn rheoliad 10(1) (cymhwystra ar gyfer ailbenodi), ar ôl "NHS trust" mewnosoder "in England, and the chairman, vice-chair or non-executive director of an NHS trust in Wales".

Amendment to regulation 10(1)

7. In regulation 10(1) (eligibility for reappointment), after "NHS trust" insert "in England, and the chairman, vice-chair or non-executive director of an NHS trust in Wales".

Diwygiadau i reoliad 11

8. Yn rheoliad 11 (datgymhwyso rhag penodi cadeirydd a chyfarwyddwyr anweithredol)—

(a) yn y pennawd, ar ôl "chairman" mewnosoder ", vice-chair";

Amendments to regulation 11

8. In regulation 11 (disqualification for appointment of chairman and non-executive directors)—

(a) in the heading, after "chairman" insert ", vice-chair";

(b) ym mharagraff (1), ar ôl “NHS trust” mewnosoder “in England, or for appointment as the chairman, vice-chair or non-executive director of an NHS trust in Wales,”;

(c) ym mharagraff (6)—

(i) ar y dechrau mewnosoder “In relation to England,”;

(ii) ar ôl “NHS trust”, yn y lle cyntaf y mae’n digwydd, mewnosoder “in England”;

(d) ar ôl paragraff (6) mewnosoder—

“(6A) In relation to Wales, a person is not disqualified by paragraph (1)(e) from being the chairman, vice-chair or a non-executive director of an NHS trust in Wales during the period between the date on which it is established and its operational date by virtue of being the chairman, vice-chair or a non-executive director of another NHS trust.”

Diwygiadau i reoliad 13

9. Yn rheoliad 13 (penodi is-gadeirydd)—

(a) yn y pennawd, ar ôl “vice-chairman” mewnosoder “in relation to England”;

(b) ar ôl paragraff (3), mewnosoder—

“(4) This regulation does not apply in relation to an NHS trust in Wales.”

Diwygiadau i reoliad 14

10. Yn rheoliad 14 (pwerau is-gadeirydd)—

(a) yn y pennawd, ar ôl “vice-chairman” mewnosoder “in relation to England”;

(b) yn y paragraff hwnnw, ar ôl “NHS trust” mewnosoder “in England”.

Mewnosod rheoliad 14A

11. Ar ôl rheoliad 14, mewnosoder—

“Powers of vice-chair in relation to Wales

14A. Where the chairman of an NHS trust in Wales has died or has otherwise ceased to hold office or where they have been unable to perform their duties as chairman owing to illness, absence from England and Wales or any other cause, the vice-chair of that NHS trust must act as chairman until a new chairman is appointed or the existing chairman resumes the duties of chairman; and references to the chairman in the Schedule to these Regulations must, so long as there is no chairman able to perform those duties, be taken to include references to the vice-chair.”

(b) in paragraph (1), after “NHS trust” insert “in England, or for appointment as the chairman, vice-chair or non-executive director of an NHS trust in Wales,”;

(c) in paragraph (6)—

(i) at the beginning insert “In relation to England,”;

(ii) after “NHS trust”, in the first place it occurs, insert “in England”;

(d) after paragraph (6) insert—

“(6A) In relation to Wales, a person is not disqualified by paragraph (1)(e) from being the chairman, vice-chair or a non-executive director of an NHS trust in Wales during the period between the date on which it is established and its operational date by virtue of being the chairman, vice-chair or a non-executive director of another NHS trust.”

Amendments to regulation 13

9. In regulation 13 (appointment of vice-chairman)—

(a) in the heading, after “vice-chairman” insert “in relation to England”;

(b) after paragraph (3), insert—

“(4) This regulation does not apply in relation to an NHS trust in Wales.”

Amendments to regulation 14

10. In regulation 14 (powers of vice-chairman)—

(a) in the heading, after “vice-chairman” insert “in relation to England”;

(b) in that paragraph, after “NHS trust” insert “in England”.

Insertion of regulation 14A

11. After regulation 14, insert—

“Powers of vice-chair in relation to Wales

14A. Where the chairman of an NHS trust in Wales has died or has otherwise ceased to hold office or where they have been unable to perform their duties as chairman owing to illness, absence from England and Wales or any other cause, the vice-chair of that NHS trust must act as chairman until a new chairman is appointed or the existing chairman resumes the duties of chairman; and references to the chairman in the Schedule to these Regulations must, so long as there is no chairman able to perform those duties, be taken to include references to the vice-chair.”

Diwygiadau i reoliad 17

12. Yn rheoliad 17 (pwyllgor ar gyfer penodi prif swyddog yn gyfarwyddwr)—

(a) daw'r ddarpariaeth bresennol yn baragraff (1);

(b) yn y paragraff hwnnw—

(i) ar y dechrau mewnosoder "In relation to";

(ii) ar ôl "NHS trust" mewnosoder "in England, the trust";

(c) ar ôl y paragraff hwnnw mewnosoder—

"(2) In relation to an NHS trust in Wales, the trust must appoint a committee whose members must be the chairman, vice-chair and non-executive directors of the trust who must appoint the chief officer as a director of the trust."

Diwygiadau i reoliad 18

13. Yn rheoliad 18 (pwyllgor ar gyfer penodi cyfarwyddwyr gweithredol ac eithrio prif swyddog)—

(a) daw'r ddarpariaeth bresennol yn baragraff (1);

(b) yn y paragraff hwnnw—

(i) ar y dechrau mewnosoder "In relation to";

(ii) ar ôl "NHS trust" mewnosoder "in England, the trust";

(c) ar ôl y paragraff hwnnw mewnosoder—

"(2) In relation to an NHS trust in Wales, the trust must appoint a committee whose members must be the chairman, vice-chair, non-executive directors and the chief officer who must appoint the executive directors of the trust other than the chief officer."

Diwygiadau i baragraff 3 o'r Atodlen

14. Ym mharagraff 3 o'r Atodlen—

(a) ar ôl is-baragraff (1), mewnosoder—

"(1A) In relation to an NHS trust in Wales, if the chairman is absent from the meeting, the vice-chair, if present, must preside.";

(b) yn is-baragraff (2), ar y dechrau mewnosoder "In relation to any meeting of an NHS trust in England,";

(c) ar ôl is-baragraff (2), mewnosoder—

"(2A) In relation to any meeting of an NHS trust in Wales, if the chairman and vice-chair are absent, such non-executive director as the directors present choose, must preside."

Amendments to regulation 17

12. In regulation 17 (committee for appointing chief officer as director)—

(a) the existing provision becomes paragraph (1);

(b) in that paragraph—

(i) at the beginning insert "In relation to";

(ii) after "NHS trust" insert "in England, the trust";

(c) after that paragraph insert—

"(2) In relation to an NHS trust in Wales, the trust must appoint a committee whose members must be the chairman, vice-chair and non-executive directors of the trust who must appoint the chief officer as a director of the trust."

Amendments to regulation 18

13. In regulation 18 (committee for appointing executive directors other than chief officer)—

(a) the existing provision becomes paragraph (1);

(b) in that paragraph—

(i) at the beginning insert "In relation to";

(ii) after "NHS trust" insert "in England, the trust";

(c) after that paragraph insert—

"(2) In relation to an NHS trust in Wales, the trust must appoint a committee whose members must be the chairman, vice-chair, non-executive directors and the chief officer who must appoint the executive directors of the trust other than the chief officer."

Amendments to paragraph 3 of the Schedule

14. In paragraph 3 of the Schedule—

(a) after sub-paragraph (1), insert—

"(1A) In relation to an NHS trust in Wales, if the chairman is absent from the meeting, the vice-chair, if present, must preside.";

(b) in sub-paragraph (2), at the beginning insert "In relation to any meeting of an NHS trust in England,";

(c) after sub-paragraph (2), insert—

"(2A) In relation to any meeting of an NHS trust in Wales, if the chairman and vice-chair are absent, such non-executive director as the directors present choose, must preside."

RHAN 3

Diwygiadau i Orchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Felindre (Sefydlu) 1993

Diwygiadau i Orchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Felindre (Sefydlu) 1993

15. Mae Gorchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Felindre (Sefydlu) 1993(**1**) wedi ei ddiwygio fel a ganlyn.

Diwygiadau i erthygl 4

16. Yn erthygl 4 (cyfarwyddwyr yr ymddiriedolaeth)—

(a) ar ôl "chairman" mewnosoder "and vice-chair";

(b) yn lle "5" rhodder "6".

RHAN 4

Diwygiadau i Orchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwlans Cymru (Sefydlu) 1998

Diwygiadau i Orchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwlans Cymru (Sefydlu) 1998

17. Mae Gorchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwlans Cymru (Sefydlu) 1998(**2**) wedi ei ddiwygio fel a ganlyn.

Diwygiadau i erthygl 4

18. Yn erthygl 4 (cyfarwyddwyr yr ymddiriedolaeth)—

(a) ar ôl "chairman" mewnosoder "and vice-chair";

(b) yn lle "seven" rhodder "six";

(c) yn lle "five" rhodder "six".

PART 3

Amendments to the Velindre National Health Service Trust (Establishment) Order 1993

Amendments to the Velindre National Health Service Trust (Establishment) Order 1993

15. The Velindre National Health Service Trust (Establishment) Order 1993(**1**) is amended as follows.

Amendments to article 4

16. In article 4 (directors of the trust)—

(a) after "chairman" insert "and vice-chair";

(b) for "5" substitute "6".

PART 4

Amendments to the Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998

Amendments to the Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998

17. The Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998(**2**) is amended as follows.

Amendments to article 4

18. In article 4 (directors of the trust)—

(a) after "chairman" insert "and vice-chair";

(b) for "seven" substitute "six";

(c) for "five" substitute "six".

(**1**) O.S. 1993/2838, yr offerynnau diwygio perthnasol yw O.S. 2002/442 (Cy. 57), O.S. 2002/2199 (Cy. 219).

(**2**) O.S. 1998/678, a ddiwygiwyd gan O.S. 2009/201 (Cy. 26); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(**1**) S.I. 1993/2838, relevant amending instruments are S.I. 2002/442 (W. 57), S.I. 2002/2199 (W. 219).

(**2**) S.I. 1998/678, amended by S.I. 2009/201 (W. 26); there are other amending instruments but none is relevant to these Regulations.

RHAN 5

Diwygiadau i Orchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Sefydlu) 2009

Diwygiadau i Orchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Sefydlu) 2009

19. Mae Gorchymyn Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Sefydlu) 2009(**1**) wedi ei ddiwygio fel a ganlyn.

Diwygiadau i erthygl 4

20. Yn erthygl 4 (cyfarwyddwyr yr ymddiriedolaeth)—

(a) ar ôl “cadeirydd” mewnosoder “a’r is-gadeirydd”;

(b) yn lle “5 cyfarwyddwr” rhodder “6 chyfarwyddwr”.

RHAN 6

Diwygiadau i Reoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009

Diwygiadau i Reoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009

21. Mae Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009(**2**) wedi eu diwygio fel a ganlyn.

Diwygiadau i reoliad 1(2)

22. Yn rheoliad 1(2) (enwi, cychwyn a dehongli)—

(a) yn y diffiniad o “penodai”, ar ôl “cadeirydd” mewnosoder “neu is-gadeirydd”;

(b) yn y diffiniad o “cyfarwyddwr”, ar ôl “chadeirydd” mewnosoder “a’i his-gadeirydd”.

(**1**) O.S. 2009/2058 (Cy. 177).

(**2**) O.S. 2009/1385 (Cy. 141), a ddiwygiwyd gan O.S. 2012/1641 ac O.S. 2013/235; mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol.

PART 5

Amendments to the Public Health Wales National Health Service Trust (Establishment) Order 2009

Amendments to the Public Health Wales National Health Service Trust (Establishment) Order 2009

19. The Public Health Wales National Health Service Trust (Establishment) Order 2009(**1**) is amended as follows.

Amendments to article 4

20. In article 4 (directors of the trust)—

(a) after “chairman” insert “and vice-chair”;

(b) for “5” substitute “6”.

PART 6

Amendments to the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009

Amendments to the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009

21. The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(**2**) are amended as follows.

Amendments to regulation 1(2)

22. In regulation 1(2) (citation, commencement and interpretation)—

(a) in the definition of “appointee”, after “chair” insert “, vice-chair”;

(b) in the definition of “director”, after “chair” insert “and vice-chair”.

(**1**) S.I. 2009/2058 (W. 177).

(**2**) S.I. 2009/1385 (W. 141), amended by S.I. 2012/1641 and S.I. 2013/235; there are other amending instruments but none is relevant.

Diwygiadau i reoliad 2

23. Yn rheoliad 2 (mwyafswm nifer y cyfarwyddwyr)—

(a) ym mharagraff (1)—

(i) yn lle "11" rhodder "12";

(ii) ar ôl "cadeirydd" mewnosoder "na'r is-gadeirydd";

(b) ym mharagraff (2)—

(i) ar ôl "cadeirydd" mewnosoder "na'r is-gadeirydd";

(ii) yn lle "5 cyfarwyddwr" rhodder "6 chyfarwyddwr".

Diwygiad i reoliad 4(c)

24. Yn rheoliad 4(c) (cyfarwyddwyr gweithredol), yn lle "tri chyfarwyddwr" rhodder "pedwar cyfarwyddwr".

Diwygiadau i reoliad 8

25. Yn rheoliad 8 (deiliadaeth swydd cadeirydd a chyfarwyddwyr)—

(a) yn y pennawd, ar ôl "cadeirydd" mewnosoder ", is-gadeirydd":

(b) ym mharagraff (1), ar ôl "cadeirydd" mewnosoder "ac is-gadeirydd".

Diwygiad i reoliad 10

26. Yn rheoliad 10 (terfynu deiliadaeth swydd cadeirydd a chyfarwyddwyr anweithredol)—

(a) yn y pennawd, ar ôl "cadeirydd" mewnosoder ", is-gadeirydd";

(b) ym mharagraff (1), ar ôl "cadeirydd" mewnosoder "neu is-gadeirydd";

(c) ym mharagraff (2), ar ôl "gadeirydd" mewnosoder "neu'n is-gadeirydd" ac ar ôl "cadeirydd" mewnosoder "neu is-gadeirydd";

(d) ym mharagraff (3), ar ôl "gadeirydd" mewnosoder "neu'n is-gadeirydd";

(e) ym mharagraff (4), ar ôl "cadeirydd", yn y lle cyntaf y mae'n digwydd, mewnosoder "neu is-gadeirydd" ac yn yr ail le y mae'n digwydd mewnosoder ", yr is-gadeirydd";

(f) ym mharagraff (5), ar ôl "gadeirydd" mewnosoder "neu'n is-gadeirydd" ac ar ôl "cadeirydd" mewnosoder ", is-gadeirydd";

(g) ym mharagraff (6), ar ôl "gadeirydd" mewnosoder "neu'n is-gadeirydd";

(h) ym mharagraff (7), ar ôl "cadeirydd" mewnosoder "neu is-gadeirydd".

Amendments to regulation 2

23. In regulation 2 (maximum number of directors)—

(a) in paragraph (1)—

(i) for "11" substitute "12";

(ii) after "chair" insert "and vice-chair";

(b) in paragraph (2)—

(i) after "chair" insert "and vice-chair";

(ii) for "5" substitute "6".

Amendment to regulation 4(c)

24. In regulation 4(c) (executive directors), for "three" substitute "four".

Amendments to regulation 8

25. In regulation 8 (tenure of office of chair and directors)—

(a) in the heading, after "chair" insert ", vice-chair":

(b) in paragraph (1), after "chair" insert ", vice-chair".

Amendments to regulation 10

26. In regulation 10 (termination of tenure of office of chair and non-executive directors)—

(a) in the heading, after "chair" insert ", vice-chair";

(b) in paragraph (1), after "chair" insert ", vice-chair";

(c) in paragraph (2), after "chair", in both places it occurs, insert "or vice-chair";

(d) in paragraph (3), after "chair" insert ", vice-chair";

(e) in paragraph (4), after "chair", in both places it occurs, insert ", vice-chair";

(f) in paragraph (5), after "chair", in both places it occurs, insert ", vice-chair";

(g) in paragraph (6), after "chair" insert ", vice-chair";

(h) in paragraph (7), after "chair" insert ", vice-chair".

Diwygiadau i reoliad 11

27. Yn rheoliad 11 (atal cadeirydd a chyfarwyddwyr anweithredol o'u swyddi), ar ôl "cadeirydd", ym mhob lle y mae'n digwydd, mewnosoder ", is-gadeirydd" (gan gynnwys y pennawd).

Hepgor rheoliad 13

28. Hepgorer rheoliad 13.

Diwygiad i reoliad 14

29. Yn rheoliad 14(1) (cymhwystra ar gyfer ailbenodi), ar ôl "cadeirydd" mewnosoder "neu is-gadeirydd".

Diwygiadau i reoliad 15

30. Yn rheoliad 15 (datgymhwyso rhag penodi cadeirydd a chyfarwyddwyr anweithredol)—

(a) yn y pennawd, ar ôl "cadeirydd" mewnosoder ", is-gadeirydd";

(b) ym mharagraff (1), ar ôl "gadeirydd", yn y lle cyntaf y mae'n digwydd, mewnosoder "neu'n is-gadeirydd";

(c) ym mharagraff (4), ar ôl "gadeirydd", yn y ddau le y mae'n digwydd, mewnosoder "neu'n is-gadeirydd".

Hepgor rheoliad 17

31. Hepgorer rheoliad 17.

Diwygiad i reoliad 18

32. Yn lle rheoliad 18 (pwerau is-gadeirydd), rhodder—

"**18.** O ran cadeirydd yr Ymddiriedolaeth—

(a) os yw wedi marw;

(b) os yw wedi peidio â bod yn ddeiliad y swydd; neu

(c) os nad yw'n gallu cyflawni dyletswyddau'r cadeirydd oherwydd salwch, oherwydd ei fod yn absennol o Gymru a Lloegr, oherwydd ei fod wedi ei atal dros dro o dan reoliad 11 neu oherwydd unrhyw achos arall,

rhaid i'r is-gadeirydd weithredu fel cadeirydd hyd nes y caiff cadeirydd newydd ei benodi neu hyd nes bod y cadeirydd presennol yn ailafael yn nyletswyddau'r cadeirydd; a rhaid cymryd bod cyfeiriadau at y cadeirydd yn Atodlen 2, tra nad oes cadeirydd neu tra na fydd y cadeirydd yn gallu cyflawni ei ddyletswyddau, yn cynnwys cyfeiriadau at yr is-gadeirydd."

Amendments to regulation 11

27. In regulation 11 (suspension of chair and non-executive directors), after "chair", in each place it occurs, insert ", vice-chair" (including the heading).

Omission of regulation 13

28. Omit regulation 13.

Amendment to regulation 14

29. In regulation 14(1) (eligibility for reappointment), after "chair" insert ", vice-chair".

Amendments to regulation 15

30. In regulation 15 (disqualification for appointment of chair and non-executive directors)—

(a) in the heading, after "chair" insert ", vice-chair";

(b) in paragraph (1), after "chair", in the first place it occurs, insert ", vice-chair";

(c) in paragraph (4), after "chair", in both places it occurs, insert ", vice-chair".

Omission of regulation 17

31. Omit regulation 17.

Amendment to regulation 18

32. For regulation 18 (powers of vice-chair), substitute—

"**18.** Where the chair of the Trust—

(a) has died;

(b) has ceased to hold office; or

(c) is unable to perform the duties of chair owing to illness, absence from England and Wales, suspension under regulation 11 or any other cause,

the vice-chair must act as chair until a new chair is appointed or the existing chair resumes the duties of chair; and references to the chair in Schedule 2 must, so long as there is no chair or the chair is unable to perform their duties, be taken to include references to the vice-chair."

Diwygiad i reoliad 21

33. Yn rheoliad 21 (pwyllgor ar gyfer penodi prif swyddog yn gyfarwyddwr), ar ôl "cadeirydd" mewnosoder "ac is-gadeirydd".

Diwygiad i reoliad 22

34. Yn rheoliad 22 (pwyllgor ar gyfer penodi cyfarwyddwyr gweithredol ac eithrio'r prif swyddog), ar ôl "cadeirydd" mewnosoder ", yr is-gadeirydd".

Diwygiadau i Atodlen 1

35. Yn Atodlen 1 (gweithdrefnau ar gyfer penodi'r cadeirydd a chyfarwyddwyr anweithredol)—

(a) yn y pennawd, ar ôl "cadeirydd" mewnosoder ", yr is-gadeirydd";

(b) ym mharagraff 1, ar ôl "cadeirydd" mewnosoder ", yr is-gadeirydd".

Diwygiadau i Atodlen 2

36. Yn Atodlen 2 (rheolau ynghylch cyfarfodydd a thrafodion yr Ymddiriedolaeth), ym mharagraff 3—

(a) ar ôl is-baragraff (1) mewnosoder—

"(1A) Os yw'r cadeirydd yn absennol o'r cyfarfod, rhaid i'r is-gadeirydd, os yw'n bresennol, lywyddu.";

(b) yn is-baragraff (2) hepgorer "(os o gwbl)".

Amendment to regulation 21

33. In regulation 21 (committee for appointing chief officer as director), after "chair" insert ", vice-chair".

Amendment to regulation 22

34. In regulation 22 (committee for appointing executive directors other than chief officer), after "chair" insert ", vice-chair".

Amendments to Schedule 1

35. In Schedule 1 (procedures for appointment of the chair and non-executive directors)—

(a) in the heading, after "chair" insert ", vice-chair";

(b) in paragraph 1, after "chair" insert ", vice-chair".

Amendments to Schedule 2

36. In Schedule 2 (rules as to meetings and proceedings of the Trust), in paragraph 3—

(a) after sub-paragraph (1) insert—

"(1A) If the chair is absent from the meeting, the vice-chair, if present, must preside.";

(b) in sub-paragraph (2) omit "(if any)".

Eluned Morgan

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
Am 1.49 p.m. ar 8 Mawrth 2022

Minister for Health and Social Services, one of the Welsh Ministers
At 1.49 p.m. on 8 March 2022

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£6.90

http://www.legislation.gov.uk/id/wsi/2022/251

ISBN 978-0-348-39269-2