OFFERYNNAU STATUDOL CYMRU

2008 Rhif 1425 (Cy.147)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol) a (Rhestri Cyflawnwyr) (Diwygiadau Amrywiol) (Cymru) 2008

Gwnaed - - - -	*3 Mehefin 2008*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*4 Mehefin 2008*
Yn dod i rym - -	*1 Gorffennaf 2008*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 47, 49, 63 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**) drwy hyn yn gwneud y Rheoliadau a ganlyn:

RHAN 1

Cyffredinol

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol) a (Rhestri Cyflawnwyr) (Diwygiadau Amrywiol) (Cymru) 2008.

(2) Daw'r Rheoliadau hyn i rym ar 1 Gorffennaf 2008.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(4) Yn y Rheoliadau hyn—

ystyr "y Rheoliadau Contractau GMC" ("*the GMS Contracts Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004(**2**); ac

ystyr "y Rheoliadau Rhestri Cyflawnwyr" ("*the Performers Lists Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) 2004(**3**).

(**1**) 2006 p. 42.
(**2**) O.S. 2004/478 (Cy.48).
(**3**) O.S. 2004/1020 (Cy. 117).

RHAN 2

Diwygio'r Rheoliadau Contractau GMC

Diwygio rheoliad 2 o'r Rheoliadau Contractau GMC

2. Yn y diffiniad o "CCT", hepgorer y geiriau ", including any such certificate awarded in pursuance of the competent authority functions of the Postgraduate Medical Education and Training Board specified in article 20(3)(a) of that Order".

Diwygio rheoliad 5 o'r Rheoliadau Contractau GMC

3. Yn rheoliad 5 (amod cyffedinol sy'n ymwneud â phob contract) o'r Rheoliadau Contractau GMC, ym mharagraff (2)(i)(ii), ar ôl "Insolvency Act 1986" mewnosoder "or Schedule 2A to the Insolvency (Northern Ireland) Order 1989"(**4**).

Diwygio Atodlen 6 i'r Rheoliadau Contractau GMC

4. Yn Atodlen 6 (telerau contractiol eraill) i'r Rheoliadau Contractau GMC—

(a) ym mharagraff 15 (cais am gynnwys person ar restr cleifion)—

(i) yn lle is-baragraff (4)(b), rhodder—

"(b) on behalf of any adult who lacks the capacity to make such an application, or to authorise such an application to be made on their behalf, by a relative of that person, the primary carer of that person, a donee of a lasting power of attorney granted by that person or a deputy appointed for that person by the court under the provisions of the Mental Capacity Act 2005(**5**).", a

(ii) yn is-baragraff (6)(b), yn lle "*incapable adult*", rhodder "*an adult who lacks capacity*";

(b) ym mharagraff 17(3) (sy'n ymwneud â gwrthod ceisiadau gan bersonau am gael eu cynnwys yn y rhestr o gleifion neu am gael eu derbyn fel preswylwyr dros dro), yn lle "*incapable adult*", rhodder "*an adult who lacks capacity*";

(c) ym mharagraff 18(1)(a) (sy'n ymwneud ag ymarferydd o ddewis y claf), yn lle "*incapable adult*", rhodder "*an adult who lacks capacity*";

(ch) yn lle paragraff 19(5)(b) (sy'n ymwneud â thynnu enw oddi ar y rhestr ar gais y claf), rhodder—

"(b) in the case of an adult patient who lacks the capacity to make the relevant request or receive the relevant advice, information or notification, a relative of that person, the primary carer of that person, a donee of a lasting power of attorney granted by that person or a deputy appointed for that person by the court under the provisions of the Mental Capacity Act 2005.";

(d) ym mharagraff 52 (cymwysterau cyflawnwyr)—

(i) yn is-baragraff (2)(b), hepgorer yr "or" terfynol,

(ii) yn is-baragraff (2)(c)(ii) yn lle "two" rhodder "three",

(iii) ar ôl is-baragraff (2)(c), ychwaneger y canlynol—

(**4**) O.S. 1989/2405 (G.I. 19).
(**5**) 2005 p. 9.

"(d) a medical practitioner who is already included in the medical performers list of another primary care organisation and who has submitted an application to a Local Health Board in accordance with regulation 4A of the National Health Service (Performers Lists) (Wales) Regulations 2004 until the first of the following events arises—

(i) the Local Health Board notifies him or her of its decision on that application; or

(ii) the end of a period of three months, starting with the date on which the application was submitted; or

(e) a medical practitioner, who—

(i) is not a GP Registrar;

(ii) is undertaking a programme of post-registration supervised clinical practice supervised by the Postgraduate Medical Education and Training Board ("a post-registration programme");

(iii) has notified the Local Health Board that he or she will be undertaking part or all of a post-registration programme in its area at least 24 hours before commencing any part of that programme taking place in the Local Health Board's area; and

(iv) has, with that notification, provided the Local Health Board with evidence sufficient for it to satisfy itself that he or she is undergoing a post-registration programme,

but only in so far as any medical services that the medical practitioner performs constitute part of a post-registration programme." , a

(iv) yn is-baragraff (3) ar ôl "regulation 21(2)" mewnosoder "and "primary care organisation" has the meaning given in regulation 2";

(dd) ym mharagraff 56 (amodau ar gyfer hyfforddi a chyflogi)—

(i) yn is-baragraff (1) yn lle "(2) and (3)" rhodder "(2) to (4)",

(ii) yn is-baragraff (3)(b) yn lle "two" rhodder "three",

(iii) ar ôl is-baragraff (3) mewnosoder y canlynol—

"(4) Where the prospective employee is a medical practitioner who is already included in the medical performers list of another primary care organisation and who has submitted an application to the Local Health Board in accordance with regulation 4A of the National Health Service (Performers Lists) (Wales) Regulations 2004, the requirements set out in sub-paragraph (1) shall apply with the modifications that—

(a) the name and address provided under sub-paragraph (1) may be the name and address of the Local Health Board on whose list the medical practitioner has applied for inclusion, provided that the name and address of the primary care organisation on whose list the medical practitioner is already included is provided in addition; and

(b) confirmation that the medical practitioner's name appears on that list shall not be required until the first of the following events arises—

(i) the Local Health Board notifies the medical practitioner of its decision on that application, or

(ii) the end of a period of three months, starting with the date on which the Local Health Board receives the application.