OFFERYNNAU STATUDOL CYMRU

2005 Rhif 258 (Cy.24)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) (Diwygio) 2005

Wedi'u gwneud - -	*8 Chwefror 2005*
Yn dod i rym - -	*28 Chwefror 2005*

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

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) (Diwygio) 2005 a deuant i rym ar 28 Chwefror 2005.

(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) 2004(**2**).

(3) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru yn unig.

Diwygiadau i'r prif Reoliadau

2. Yn rheoliad 2 o'r prif Reoliadau (Dehongli ac addasu) mewnosoder y diffiniad canlynol ar ôl y diffiniad o "Primary Care Act" —

> ""primary care organisation" means in respect of Wales a Local Health Board, in respect of England a Primary Care Trust, in respect of Scotland a Health Board and in respect of Northern Ireland a Health and Social Services Board or such successor bodies to those primary care organisations as may exist from time to time."

(**1**) 1977 p.49; *gweler* adran 128(1) fel y'i diwygiwyd gan Ddeddf Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 26(2)(g) ac (i), a chan Ddeddf Iechyd 1999 (p.8) ("Deddf 1999"), Atodlen 4, paragraff 38(2)(b), i gael y diffiniadau o "prescribed" a "regulations". Mewnosodwyd adran 28X gan Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43) ("Deddf 2003"), adran 179(1). Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a Deddf 1999, Atodlen 4, paragraff 37(6). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ("Gorchymyn Trosglwyddo Swyddogaethau"), O.S. 1999/672, erthygl 2 ac Atodlen 1, fel y'u diwygiwyd gan Ddeddf 1999, adran 66(5). Mae adran 197 o Ddeddf 2003 yn darparu bod unrhyw gyfeiriad yn Atodlen 1 o'r Gorchymyn Trosglwyddo Swyddogaethau at Ddeddf a ddiwygiwyd gan Ddeddf 2003 i'w drin fel petai'n cyfeirio at y Ddeddf honno fel y'i diwygiwyd gan Ddeddf 2003.

(**2**) O.S.2004/1020 (Cy. 117)

3. Ym mharagraff (1) o reoliad 3 o'r prif Reoliadau (Rhestri Cyflawnwyr) disodler yr ymadrodd "Part 2" gan yr ymadrodd "Part 3".

4. Ar ôl rheoliad 4 o'r prif Reoliadau (Gwneud cais am gael eu cynnwys ar restr cyflawnwyr) mewnosoder y canlynol—

"**Application for inclusion in a performers list by a performer already listed on a performers list of a primary care organisation**

4A.—(1) An application by a performer already included in a performers list held by a primary care organisation shall be made by sending the Local Health Board an application in writing, which shall include the information mentioned in paragraph (2), the undertakings required by paragraph (3), the certificate required by paragraph (4), the consent required by paragraph (5), any declaration required under paragraph (6) and any further information, undertakings, consents or documentation required under paragraph (7).

(2) The performer shall provide the information as required by paragraphs (2)(a), (b), (c), (d), (g), (h), (i) and (j) of regulation 4.

(3) The performer shall provide the undertakings as required by paragraphs (3)(a), (b), (c), (d) and (e) of regulation 4.

(4) The performer shall provide an enhanced criminal record certificate as required by paragraph (3)(f) of regulation 4, unless the performer has provided a certificate to the primary care organisation with which he or she is listed which is dated within the six months immediately preceding the date upon which the performer makes the application under this Regulation to the Local Health Board, in which case the performer shall submit a copy of such certificate certified as a copy of the original by the primary care organisation on whose list the performer is included.

(5) The performer shall provide

(a) the consent as required by paragraph (3)(g) of regulation 4; and

(b) consent to the release of information about the performer by the primary care organisation on whose list the performer is, corresponding to the information set out under paragraph (2)(e) of regulation 4 and clinical references taken by the Local Health Board corresponding to the requirements set out in paragraph (2)(f) of that Regulation.

(6) The performer shall send with the application a declaration as required by paragraph (4) and, where applicable, paragraph (5) of regulation 4 and any requisite details as set out in those paragraphs.

(7) The performer shall provide the authority required by paragraph (6) and such further information or documentation as may be required by the Local Health Board by paragraph (7) of regulation 4.

(8) A performer, who has applied in accordance with this Regulation to a Local Health Board for inclusion in its performers list, may perform primary services, despite not being included in that performers list, until the first of the following events arises —

(a) the Local Health Board notifies the performer of its decision on that application; or

(b) the end of a period of 2 months, starting with the date on which the Local Health Board receives the application under this Regulation from the performer.

(9) A performer may not withdraw an application made under this Regulation whilst a Local Health Board is deciding that application."