OFFERYNNAU STATUDOL CYMRU

2003 Rhif 975 (Cy.134)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (Cymru) 2003

Wedi'u gwneud - -	*1 Ebrill 2003*
Yn dod i rym —	
heblaw rheoliad 12	*6 Ebrill 2003*
rheoliad 12	*7 Ebrill 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 83A, 126(4) a 128(1) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(**1**) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (Cymru) 2003 a deuant i rym—

(a) heblaw rheoliad 12, ar 6 Ebrill 2003, a

(b) daw rheoliad 12 i rym ar 7 Ebrill 2003.

(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 1988(**2**).

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

(**1**) 1977 p.49 ("Deddf 1977"); mewnosodwyd adran 83A gan adran 14(1) o Ddeddf Nawdd Cymdeithasol 1988 (p.7) a'i diwygio gan baragraff 6 o Atodlen 2 i Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), gan baragraff 18(5) o Atodlen 9 i Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990") a chan baragraff 40 o Atodlen 1 i Ddeddf Awdurdodau Iechyd 1995 (p.17).
Diwygiwyd adran 126(4) gan adran 65(2) o Ddeddf 1990 a chan Atodlen 4, paragraff 37(6) i Ddeddf Iechyd 1999 (p.8).
Gweler adran 128(1), fel y'i diwygiwyd gan adran 26(2)(g) ac (i) o Ddeddf 1990, am ddiffiniadau o "prescribed" a "regulations".
Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 83A, 126(4) a 128(1) o Ddeddf 1977 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 Ddeddf 1999, adran 66(5).

(**2**) O.S.1988/551 fel y'i diwygiwyd gan O.S. 1989/394, 517 a 614, 1990/548, 918 a 661, 1991/557, 1992/1104, 1993/608, 1995/642 a 2352, 1996/410, 1346 a 2362, 1997/748 a 2393, 1998/417, 1999/767 a 2840 a 2001/1397 a 3322.

Diwygio rheoliad 2 o'r prif Reoliadau

2.—(1) Diwygir rheoliad 2(1) o'r prif Reoliadau (dehongli) yn unol â'r darpariaethau canlynol yn y rheoliad hwn.

(2) Hepgorir diffiniadau'r canlynol—

"amount withdrawn;"

"disabled person's tax credit;"

"working families' tax credit;".

(3) Yn y mannau priodol yn ôl trefn yr wyddor, mewnosodir y diffiniadau canlynol—

""child tax credit" means child tax credit under section 8 of the Tax Credits Act 2002(**3**);

"disability element" means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002;

"gross annual income" means income that is calculated for a tax year for the purposes of Part I of the Tax Credits Act 2002 in accordance with regulations made under section 7 of that Act;

"local health board" has the meaning assigned to it by section 16BA of the Act(**4**);

"port" includes an airport, ferry port or international train station in Great Britain from which an international journey begins;

"working tax credit" means working tax credit under section 10 of the Tax Credits Act 2002;"."

(4) Yn lle'r diffiniad o "family" rhoddir—

""family" has the meaning assigned to it by section 137(1) of the Social Security Contributions and Benefits Act 1992(**5**)) as it applies to income support, except that—

(a) in regulation (4)(2)(q) it has the meaning assigned to it by regulation 2(2) of the Tax Credits (Definition and Calculation of Income) Regulations 2002(**6**);

(b) in regulation 4(2)(j) and (l) it has the meaning assigned to it by section 35 of the Jobseekers Act 1995(**7**);

(c) in regulation 4(2)(o) it means any dependant, as defined in section 94 of the Immigration and Asylum Act 1999(**8**)who has been included in a claim by an asylum-seeker under Part VI of that Act.".

Diwygio rheoliad 3 o'r prif Reoliadau

3.—(1) Diwygir rheoliad 3 o'r prif Reoliadau (hawl i beidio â thalu ac i gael taliadau llawn) yn unol â'r darpariaethau canlynol o'r rheoliad hwn.

(2) Ym mharagraff (3)(a), ar ôl y geiriau "in attending a hospital" rhoddir "or any other place".

(3) Ym mharagraff (3)(b), yn lle'r geiriau "health authority" rhoddir "local health board".

(4) Ar ôl paragraff 3(b), mewnosodir yr is-baragraffau isod—

"(c) in attending an establishment managed by a local health board for the purpose of availing himself of services provided under the care of a consultant in pursuance of the Act,

(d) in travelling to a port in Great Britain for the purpose of travelling to a destination outside the United Kingdom in order to receive treatment provided pursuant to arrangements

(**3**) 2002 p.21.
(**4**) Mewnosodwyd adran 16BA gan Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002.
(**5**) 1992 p.4.
(**6**) O.S. 2002/2006.
(**7**) 1995 p.18.
(**8**) 1999 p.33.

made under section 23 of the Act or paragraph 13 of Schedule 2 to the National Health Service and Community Care Act 1990(**9**),".

Mewnosod rheoliad 3A i'r prif Reoliadau

4. Ar ôl rheoliad 3 o'r prif Reoliadau mewnosodir y rheoliad canlynol—

"**Entitlement to payment for travel abroad**

3A.—(1) Where a person receives services provided outside the United Kingdom pursuant to arrangements made under section 23 of the Act or paragraph 13 of Schedule 2 to the National Health Service and Community Care Act 1990, that person is entitled, subject to paragraph (2), to payment or repayment of the whole amount of the travelling expenses incurred by him in travelling from a port in Great Britain to a destination outside the United Kingdom in order to receive treatment there (including the travelling expenses of a companion in a case where it is necessary on medical grounds that the person should be accompanied).

(2) The entitlement to payment in paragraph (1) is dependent upon the health service body which has made the arrangements agreeing the mode and cost of the travel before costs are incurred.

(3) For the purposes of this regulation and regulations 3(3)(d), 5A, 7B and 8 "health service body" means a local health board, an NHS Trust or the National Assembly for Wales.".

Diwygio rheoliad 4 o'r prif Reoliadau

5.—(1) Diwygir rheoliad 4 o'r prif Reoliadau (disgrifiad o'r bobl sydd â'r hawl i beidio â thalu ac i gael taliadau llawn) yn unol â'r darpariaethau canlynol o'r rheoliad hwn.

(2) Yn lle geiriau agoriadol rheoliad 4 rhoddir —

"(1) Regulation 3(1) applies —

(a) in the case of the charges for dental appliances and dental treatment mentioned in regulation 3(2)(b)—

(i) to any person who either, at the time the arrangements for the treatment are made, or at the time the relevant charges are made, is a person described in paragraph (2), and

(ii) as respects the course of treatment to which the relevant charges relate;

(b) in any other case to any person mentioned in paragraph (2) who, at the time when the relevant charges are made or when the relevant travelling expenses are incurred, is a person described in paragraph (2).

(2) The persons described in this paragraph are-".

(3) Yn rheoliad 4(2)—

(a) yn lle is-baragraff (n) rhoddir yr is-baragraff canlynol—

"(n) an asylum-seeker for whom support is provided under Part VI of the Immigration and Asylum Act 1999; or".

(b) ar ôl is-baragraff (n) mewnosodir yr is-baragraffau canlynol —

"(o) a member of the same family as a person described in paragraph (n) of this regulation; or

(**9**) 1990 p.19.

(p) a relevant child within the meaning of section 23A of the Children Act 1989(**10**) whom a responsible local authority is supporting under section 23B(8) of that Act.

(q) a person who is a member of a family—

(i) that has a gross annual income of £14,200; and

(ii) one member of which is receiving—

(aa) working tax credit and child tax credit, or

(bb) working tax credit which includes a disability element, or

(cc) child tax credit, but is not eligible to receive working tax credit.";

(c) hebgorir is-baragraffau (c), (d), (g) ac (h).

Diwygio rheoliad 5A o'r prif Reoliadau

6.—(1) Diwygir rheoliad 5A o'r prif Reoliadau (talu treuliau teithio) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ar ddechrau rheoliad 5A ar ôl y geiriau "made under regulation 3(1)" mewnosodir ", 3A".

(3) Yn lle paragraff (a) rhoddir y paragraff isod—

"(a) in a case where the travelling expenses are incurred or to be incurred by a person in attending a hospital or any other place which is managed by an NHS trust or a local health board, by that NHS trust or that local health board;".

(4) Ar ôl paragraff (a) mewnosodir y paragraff canlynol—

"(aa) in a case falling within regulations 3(3)(d) or 3A, by the health service body which made the arrangements referred to in those provisions;".

Diwygio rheoliad 7 o'r prif Reoliadau

7.—(1) Diwygir rheoliad 7(1) o'r prif Reoliadau (hawliadau am beidio â thalu neu am gael taliadau) yn unol â'r darpariaethau canlynol o'r rheoliad hwn.

(2) Yn is-baragraff (a)(ii) o'r prif Reoliadau yn lle "(m) or (n)" rhoddir "(m), (n), (o), (p) or (q)".

(3) Yn lle is-baragraff (b) rhoddir yr is-baragraff canlynol—

"(b) provide any declaration of entitlement required under regulation 3(3) or 4(3) or any declaration or evidence of entitlement required under regulation 5(3) or 6(3) of the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(**11**)

Mewnosod rheoliad 7A i'r prif Reoliadau

8. Ar ôl rheoliad 7 o'r prif Reoliadau (hawliadau am beidio â thalu neu am gael taliadau) mewnosodir y rheoliad canlynol—

"**Notices of entitlement**

7A.—(1) If a person is entitled to full remission and payment because he or she is a member of a family described in regulation 4(2)(q), the National Assembly will issue a notice of entitlement.

(**10**) 1989 p.41. Mewn grym ers 1 Hydref 2001 (O.S.2001/2878).
(**11**) O.S.2001/1358 (Cy.86).