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Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) (Diwygio) (Cymru) 2002

Wedi'u gwneud - -	*28 Mawrth 2002*
Yn dod i rym - -	*1 Ebrill 2002*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 29, 29A, 29B a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(**1**) ac adran 65 o Ddeddf Iechyd a Gofal Cymdeithasol 2001(**2**) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) (Diwygio) (Cymru) 2002 a deuant i rym ar 1 Ebrill 2002.

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

(3) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992(**3**).

(4) Mae'r prif Reoliadau yn cael eu diwygio yn unol â darpariaethau canlynol y Rheoliadau hyn.

(**1**) 1977 c. 49; gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwaldol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 26(2)(g) ac (i), ar gyfer y ddiffiniadau o "prescribed" a "regulations". Estynwyd adran 29 gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), adran 17; ac fe'i diwygiwyd gan Ddeddf Gwasanethau Iechyd 1980 (p..53), adrannau 1 a 7 ac Atodlen 1, paragraff 42(b); gan Ddeddf Iechyd a Gwasnaethau Cymdeithasol a Beirniadaethau Nawdd Cymdeithasol 1983 (p.41), Atodlen 6, paragraff 2, gan Ddeddf Meddygaeth 1983 (p.54), adran 56(1) ac Atodlen 5, paragraff 16(a), gan O.S. 1985/39, erthygl 7(3); gan Ddeddf yr Awdurdodau Iechyd 1995 (p.17), Atodlen 1, paragraff 18; a can Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46) ("Deddf 1997"), Atodlen 2, paragraff 8. Mewnosodwyd adran 29A gan Ddeddf 1997, adran 32, ac fe'i diwygiwyd gan Ddeddf Iechyd a Gofal Cymdeithasol 2001 (p.15) ("Deddf 2001"), adran 20. Mewnosodwyd adran 29B gan Ddeddf 1997, adran 32, ac fe'i diwygiwyd gan Ddeddf 2001, adrannau 15 ac 20. Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2), gan Ddeddf Iechyd 1999 (p.8), Atodlen 4, paragraff 37(6) a chan Ddeddf 2001, Atodlen 5, paragraff 5(13)(b).
Mewn perthynas â Chymru, trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwadol 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 ac Atodlen 1 iddi; mae adran 68 o Ddeddf 2001 yn darparu bod Atodlen 1 i'w dehongli i gynnwys y diwygiadau a wnaethpwyd gan y Ddeddf honno i Ddeddf 1977; mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(**2**) 2001 p. 15.

(**3**) O.S. 1992/635; yr offerynnau diwygio perthnasol yw O.S. 1998/682, 1998/2838 a 2000/220 (mae'r diwygiadau a wnaethpwyd gan y Rheoliadau hyn effaith yng Nghymru yn rhinwedd O.S. 2000/1707, Cy.114).

Diwygio rheoliad 2

2. Yn rheoliad 2(1) (dehongli), hepgorwch y diffiniad o "Medical Practices Committee".

Diwygio Rhan II o'r prif Reoliadau

3. Yn rheoliad 4 (rhestr feddygol), ym mharagraffau (3) a (5)(f), ym mha le bynnag yr ymddengys y geiriau "by the Medical Practices Committee" rhowch yn eu lle'r geiriau "by the Health Authority".

4.—(1) Diwygir Rheoliad 5A (hawl ffafriol i gael eich cynnwys ar restr feddygol) yn unol â'r paragraffau canlynol—

(2) ym mharagraff (2)(a) yn lle "the Medical Practices Committee" rhowch "the Health Authority";

(3) ym mharagraff (2)(b), yn lle "under section 33(4)(b) of the Act" rhowch "under regulation 13(1)(c)";

(4) hepgorwch baragraff (4).

5. Yn rheoliad 6 (diwygio neu dynnu'n ôl o restr feddygol), ym mharagraff (5) yn lle'r geiriau o "Where a Health Authority" hyd at " and the Medical Practices Committee grants such variation," rhowch "Where the Health Authority grants an application for the variation of a condition imposed pursuant to regulation 13(1)(b), ".

Diwygio Rhan III o'r prif Reoliadau

6. Hepgorwch reoliadau 10 (y Pwyllgor Practisiau Meddygol - penodi aelodau a chyfnod dal swydd) ac 11 (cyfeiriadau ac adroddiadau gan Awdurdod Iechyd i'r Pwyllgor Practisiau Meddygol).

7. Yn lle rheoliad 12 (penderfyniadau'r Pwyllgor Practisiau Meddygol) rhowch—

"Consideration of vacancies by Health Authorities

12.—(1) A Health Authority may consider at any time whether there is, or will be a vacancy for a doctor to provide general medical services in their area.

(2) A Health Authority must consider whether there is, or will be a vacancy for a doctor in their area if—

(a) it has been asked to do so by a doctor who provides general medical services in their area , or

(b) a doctor has died, or has withdrawn from, or been removed from the Health Authority's medical list.

(3) Where paragraph (2) applies and where a doctor's prospective patients are situated in the area of more than one Health Authority, any of those Health Authorities may—

(a) elect to consider separately whether there is a vacancy in respect of the prospective patients residing in their area, or

(b) agree to deal jointly with one or more other Health Authorities with prospective patients residing in their areas.

(4) In a case falling within paragraph (3)(b), the Health Authority in whose area reside the largest number of the prospective patients shall decide whether to declare a vacancy, and, if it does so, it shall proceed in accordance with regulation 13 .

(5) If a Health Authority is considering whether or not there is, or will be a vacancy, the Health Authority shall before reaching a decision—

(a) consider the matters set out in Part I of Schedule 3;

(b) obtain from any other Health Authority in whose area prospective patients reside, such information as it thinks necessary.

(6) In reaching their decision a Health Authority shall, in particular, take account of—

(a) the needs of persons in their area for personal medical services;

(b) any relevant financial considerations;

(c) the effect of creating a vacancy on any other Health Authority in whose area prospective patients reside;

(d) any services outside general medical services and personal medical services already provided by doctors in the area.

8.—(1) Diwygir rheoliad 13 (datgan swyddi gwag) yn unol â paragraffau canlynol.

(2) Ym mharagraff (1) yn lle'r geiriau "If the Medical Practices Committee" hyd at "in a locality" rhowch "If a Health Authority decides that the number of doctors undertaking to provide general medical services in an area".

(3) Yn lle paragraff (1)(c) rhowch—

"(c) may impose the condition that any doctor who is to fill a particular vacancy may provide general medical services only in such part of the area as the Health Authority may specify.".

(4) Ym mharagraff (2)(e)(ii) yn lle'r geiriau o " as shall have been specified in" hyd at y diwedd, rhowch "as the Health Authority may specify.".

(5) Hepgorwch baragraffau (3) a (4).

(6) Ar ôl paragraff (4) ychwanegwch—

"(5) In a case to which regulation 12(3)(b) applies, before deciding which of the conditions set out in paragraph (2) it is appropriate to specify, the Health Authority declaring the vacancy shall consult any Health Authority in whose area prospective patients reside.

(6) When a Health Authority declares a vacancy to which regulation 18A or 18B applies, the vacancy will automatically lapse by effluxion of time after a period of 12 months beginning with the date of the declaration of the vacancy.

(7) When a Health Authority declares a vacancy for a sole practitioner, it shall advertise the vacancy within three months of the declaration of the vacancy or such further period as may be agreed by the National Assembly for Wales.

(8) The Health Authority shall notify its decision in writing, giving reasons, to—

(a) the Local Medical Committee;

(b) any doctor who made a request under regulation 12(2)(a);

(c) any Health Authority or Health Board in whose area prospective patients reside.

(9) In this Part of these Regulations, where the prospective patients of a doctor reside in the area of more than one Health Authority, any reference to "area" shall be construed as a reference to those areas in which prospective patients reside.".

9. Hepgorwch reoliad 14 (adroddiad gan Awdurdod Iechyd i'r Pwyllgor Practisiau Meddygol).

10.—(1) Yn lle rheoliad 15 (amrywio a diddymu penderfyniadau'r Pwyllgor Practisiau Meddygol) rhowch—

"**Variation and revocation of decisions of Health Authorities**

15.—(1) Subject to paragraph (2), the Health Authority which declared a vacancy may—

(a) except in cases where an additional doctor has already been nominated or approved pursuant to regulation 18A, 18B or 18C, revoke a decision made pursuant to regulation 13(1) to declare a vacancy for an additional doctor in an area;

(b) in the case of a condition imposed pursuant to regulation 13(1)(b) (or such a condition as varied pursuant to this regulation), vary the condition by imposing in relation to any doctor who fills or would fill that particular vacancy another condition set out in regulation 13(2);

(c) in the case of a condition imposed pursuant to regulation 13(1)(c) (or such condition as varied pursuant to this regulation), revoke the condition or vary it by specifying such other part of the area in which the doctor is to be excluded from providing general medical services as the Health Authority considers appropriate; or

(d) refuse to vary or revoke the decision in question.

(2) The Health Authority may not vary or revoke any decision referred to in paragraph (1) (b) or (c) without the written consent of any doctor to whom the existing condition applies.

(3) Before making a decision to vary or revoke a decision under this regulation, the Health Authority shall consult—

(a) the Local Medical Committee for its area;

(b) any Health Authority in whose area prospective patients reside.

(4) In cases where the Health Authority has, at the request or with the consent of a particular doctor considered whether to vary a condition imposed pursuant to regulation 13(1)(b) or vary or revoke a condition imposed pursuant to regulation 13(1)(c) then the Health Authority shall give to that doctor a written statement of the reasons for its decision.".

11. Yn lle rheoliad 16 (effaith amrywio neu ddiddymu) rhowch—

"**16.** A decision of a Health Authority under regulations 13 or 15 has effect until it is varied or revoked, or expires by effluxion of time pursuant to regulation 13 (6)."

12.—(1) Diwygir rheoliad 17 (penderfyniad Awdurdod Iechyd ynglyn â'r math o swydd wag) yn unol â'r paragraffau canlynol.

(2) Yn lle paragraff (1) rhowch—

"(1) This regulation applies where a Health Authority decides that there is a vacancy for an additional doctor in an area.";

(3) Ym mharagraffau (2) a (3) ym mha le bynnag yr ymddengys y geiriau "If the Health Authority made a reference pursuant to regulation 11(1)" rhowch yn eu lle'r geiriau "Where the Health Authority considered in accordance with regulation 12(2)(a) whether to declare a vacancy".

(4) Yn lle paragraff (5) rhowch—

"(5) In making their decision the Health Authority must—

(a) in a case to which regulation 12(3)(b) applies, consult any Health Authority in whose area the prospective patients reside; and

(b) take account, in particular, of the needs of the patients in the area.".

13. Yn rheoliad 18 (ymgynghori gyda'r Pwyllgor Meddygol Lleol)—

(a) yn lle is-baragraffau (a) i (c) rhowch—

"(a) declares a vacancy under regulation 13(1)(a),

(b) imposes conditions on a doctor under regulation 13(1)(b),

(c) decides under regulation 15 to vary or revoke a decision,";

(b) ar ôl is-baragraff (f), yn lle "where regulation 11(2)(a)" rhowch "where regulation 12 (1)".

14. Yn rheoliad 18A(4) (swyddi gwag mewn partneriaethau penodol), ar ôl "agreed" ychwanegwch "(after consultation with any other Health Authority in whose area prospective patients reside).".

15.—(1) Diwygir Rheoliad 18B (swyddi gwag mewn partneriaethau yn gyffredinol) yn unol â'r paragraffau canlynol.

(2) Ym mharagraff (2) y mha le bynnag yr ymddengys y geiriau "in the locality" rhowch yn eu lle'r geiriau "in the area";

(3) Ar ôl paragraff (2) mewnosodwch—

"(2A) Before setting the criteria referred to in paragraph (2)(a), the Health Authority must consult any other Health Authority in whose area prospective patients reside.";

(4) Ym mharagraff (7), ar ôl "agreed between the Health Authority" mewnosodwch "(after consultation with any other Health Authority in whose area prospective patients reside)".

16.—(1) Diwygir rheoliad 18C(swyddi gwag unig ymarferwyr) yn unol â'r paragraffau canlynol.

(2) Ym mharagraff (6) hepgorwch "to the Secretary of State ".

(3) Ym mharagraff (7)—

(a) yn lle "regulation 12(4)(d)" rhowch "regulation 13(7)";

(b) yn lle'r geiriau "must make a further reference" hyd at y diwedd, rhowch "must consider again in accordance with regulation 12 whether there is, or will be, a vacancy in the area.".

(4) Yn lle paragraff (8) rhowch—

"(8) No vacancy may be re-advertised until the expiry of the period for appeal, or, if an appeal is lodged under regulation 18G, until that appeal is dismissed.".

17.—(1) Diwygir rheoliad 18D (hysbysebu swyddi gwag unig ymarferwyr) yn unol â'r paragraffau canlynol.

(2) Yn lle paragraff (1)(a) rhowch—

"(a) the Health Authority has declared a vacancy, pursuant to regulation 13(1)(a), for an additional doctor in an area; and".

(3) Ym mharagraff (2) yn lle "within such period as the Medical Practices Committee has specified pursuant to regulation 12 (4)(d)," rhowch "within the period specified in regulation 13(7),".

(4) Ym mharagraff (3)—

(a) yn is-baragraff (b) yn lle "by the Medical Practices Committee " rhowch "by the Health Authority ";

(b) yn lle "the locality" rhowch "the area".

(5) Ym mharagraff (6) yn lle "the locality" rhowch "the area, and shall be set after consultation with any other Health Authority in whose area prospective patients reside."

18. Yn rheoliad 18E(meini prawf er mwyn derbyn cymeradwyaeth ac enwebiad), ym mharagraff (3) hepgorwch "to the Secretary of State ".

19.—(1) Diwygir rheoliad 18F (mynediad i restr feddygol) yn unol â'r paragraffau canlynol.

(2) Ym mharagraff (1), hepgorwch ",and shall inform the Medical Practices Committee that it has done so.";

(3) Ar ôl paragraff (1) mewnosodwch—