CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2000 Rhif 1707 (Cy. 114)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) Diwygio (Cymru) 2000

NODYN ESBONIADOL

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

Effaith y Rheoliadau hyn yw diwygio ymhellach ar Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992 ("y prif Reoliadau"), sy'n rheoleiddio'r telerau y bydd meddygon yn darparu gwasanaethau meddygol cyffredinol odanynt o dan Ddeddf y Gwasanaeth Iechyd Gwladol 1977 ("Deddf 1977").

Mae'r Rheoliadau yn peri bod y diwygiadau testunol i'r prif reoliadau sydd wedi'u gwneud gan Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) Diwygio 2000 ("Rheoliadau 2000") ac sy'n gymwys yn Lloegr, yn effeithiol yng Nghymru.

Mae rheoliad 2 o Reoliadau 2000 yn ei gwneud yn ofynnol bod Awdurdod Iechyd yn tynnu enw unrhyw feddyg a gollfernir o lofruddio neu a gollfernir o dramgwydd troseddol a'i garcharu i chwe mis o garchar o leiaf oddi ar ei restr feddygol (a hynny drwy ddiwygio rheoliad 7 o'r prif Reoliadau (tynnu oddi ar y rhestr feddygol)).

Mae Rheoliad 5 o Reoliadau 2000 hefyd yn gosod gofyniad ar feddyg sy'n gwneud cais i Awdurdod Iechyd am gael ei enwebu neu ei gymeradwyo ar gyfer swydd wag mewn practis wneud datganiad a yw wedi'i gollfarnu o unrhyw dramgwydd troseddol, wedi'i rwymo neu wedi'i rybuddio, neu yn destun achos troseddol ar y pryd, ac a yw, neu a yw wedi bod, yn

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EXPLANATORY NOTE

(This note does not form part of the Regulations.)

These regulations have effect to further amend the National Health Service (General Medical Services) Regulations 1992 ("the principal Regulations"), which regulate the terms on which doctors provide general medical services under the National Health Service Act 1977 ("the 1977 Act").

The textual amendments of the principal regulations which are made by the National Health Service (General Medical Services) Amendment Regulations 2000 ("the 2000 Regulations") and which extend to England are made to have effect in Wales.

Regulation 2 of the 2000 Regulations requires a Health Authority to remove the name of any doctor convicted of murder or convicted of a criminal offence and sentenced to at least six months imprisonment from its medical list (by amending regulation 7 of the principal Regulations (removal from the medical list)).

Regulation 5 of the 2000 Regulations also imposes a requirement on a doctor applying to a Health Authority for nomination or approval for a practice vacancy to make a declaration as to whether he has been convicted of any criminal offence, been bound over or cautioned, or is the subject at present of criminal proceedings, and whether he is or has been the subject of any

destun achos disgyblu gan ei gorff proffesiynol neu gorff rheoleiddio, boed yn y DU neu mewn man arall (a hynny drwy fewnosod paragraff 6A ym mharagraff 6 o Ran III o Atodlen 3 i'r prif Reoliadau (yr wybodaeth a'r ymrwymiadau sydd i'w rhoi gan ymarferydd mewn cysylltiad â chais am gael ei enwebu neu ei gymeradwyo ar gyfer swydd wag mewn practis)).

Mae rheoliad 3 o Reoliadau 2000 yn darparu bod rhaid i Awdurdod Iechyd beidio â chymeradwyo meddyg os ydynt o'r farn ei fod yn anaddas ar ôl ystyried y datganiad (a hynny drwy fewnosod paragraff (1)(bb) yn rheoliad 18E o'r prif Reoliadau (meini prawf cymeradwyo ac enwebu)).

Mae rheoliad 4 o Reoliadau 2000 yn darparu bod rhaid i fanylion y datganiad hwn gael eu cynnwys yn yr wybodaeth a roddir gan Awdurdod Iechyd wrth roi tystlythyr i'r Pwyllgor Practisiau Meddygol (a hynny drwy ddiwygio paragraff 8 o Ran I o Atodlen 3 i'r prif Reoliadau (yr wybodaeth sydd i'w chynnwys mewn adroddiad gan yr Awdurdod Iechyd wrth roi tystlythyr i'r Pwyllgor Practisiau Meddygol)).

disciplinary proceedings by his professional body or regulatory body, whether in the UK or elsewhere (by inserting a paragraph 6A into paragraph 6 of Part III to Schedule 3 of the principal Regulations (information and undertakings to be given by a practitioner in connection with an application for nomination or approval for a practice vacancy)).

Regulation 3 of the 2000 Regulations provides that a Health Authority shall not approve a doctor if they consider him unsuitable having considered the declaration (by inserting a paragraph (1)(bb) into regulation 18E of the principal Regulations (criteria for approval and nomination)).

Regulation 4 of the 2000 Regulations provides that the details of this declaration must be included in the information provided by a Health Authority when making a reference to the Medical Practices Committee (by amending paragraph 8 of Part I of Schedule 3 to the principal Regulations (information to be included in a report by a Health Authority when making a reference to the Medical Practices Committee)).

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Wedi'u gwneud	*21 Mehefin 2000*
Yn dod i rym	*1 Gorffennaf 2000*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 29, 29B a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977**(a)** a'r holl bwerau eraill sy'n ei alluogi yn y cyswllt hwnnw:-

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) Diwygio (Cymru) 2000 a deuant i rym ar 1 Gorffennaf 2000.

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

(a) 1977 p.49; gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19), adran 26 (2)(g) ac (i), i gael y diffiniadau o "prescribed" a "regulations". Estynnwyd adran 29 gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), adran 17; a'i diwygio gan Ddeddf y Gwasanaethau Iechyd 1980 (p.53), adrannau 1 a 7; gan Ddeddf Iechyd a Gwasanaethau Cymdeithasol a Dyfarniadau Nawdd Cymdeithasol 1983 (p.41), Atodlen 6, paragraff 2; gan O.S. 1985/39, erthygl 7(3); a chan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46) ("Deddf 1997"). Mewnosodwyd adran 29B gan Ddeddf 1997, adran 32. Diwygiwyd adran 126(4) gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19), adran 65(2); a (mewn perthynas â Lloegr) Deddf Iechyd 1999 (p.8), Atodlen 4, paragraff 37(6). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 29, 29B a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 (p.49) i Gynulliad Cenedlaethol Cymru o dan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo).

(b) O.S. 1992/635 ("y prif Reoliadau"); y Rheoliadau diwygio perthnasol yw O.S.1995/3093 ac O.S. 1998/2838 (ychwanegwyd Rheoliad 18E at y prif Reoliadau drwy reoliad 5(2) o O.S. 1998/2838 ac Atodlen 1 iddo ac amnewidiwyd Atodlen 3 i'r prif Reoliadau gan O.S. 1998/2838).

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2000 No. 1707 (W. 114)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Medical Services) Amendment (Wales) Regulations 2000

Made	*21st June 2000*
Coming into force	*1st July 2000*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 29, 29B and 126(4) of the National Health Service Act 1977**(a)** and of all other powers enabling it in that behalf:-

Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Health Service (General Medical Services) Amendment (Wales) Regulations 2000 and shall come into force on 1st July 2000.

(2) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (General Medical Services) Regulations 1992**(b)**.

(a) 1977 c.49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c.19), section 26 (2)(g) and (i), for the definitions of "prescribed" and "regulations". Section 29 was extended by the Health and Medicines Act 1988 (c.49), section 17; and amended by the Health Services Act 1980 (c.53), sections 1 and 7; by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 6, paragraph 2; by S.I. 1985/39, article 7(3); and by the National Health Service (Primary Care) Act 1997 (c.46) ("the 1997 Act"). Section 29B was inserted by the 1997 Act, section 32. Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c.19), section 65(2); and (in relation to England) the Health Act 1999 (c.8), Schedule 4, paragraph 37(6). The functions of the Secretary of State under sections 29, 29B and 126(4) of the National Health Service Act 1977 (c.49) were transferred to the National Assembly for Wales under article 2 of, and Schedule 1, to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) S.I. 1992/635 ("the principal Regulations"); relevant amending Regulations are S.I.1995/3093 and S.I. 1998/2838 (Regulation 18E was added to the principal Regulations by regulation 5(2) of and Schedule 1 to S.I. 1998/2838 and Schedule 3 to the principal Regulations was substituted by S.I. 1998/2838).

(3) Bydd y Rheoliadau hyn yn gymwys i Gymru yn unig.

Diwygio'r prif Reoliadau

2. Ar ddiwedd rheoliad 2 o'r prif Reoliadau (Dehongli) mewnosodir y paragraff canlynol—

"(5) In regulations 7 and 18E and Schedule 3 the amendments made by the National Health Service (General Medical Services) Amendment Regulations 2000 **(a)** shall also have effect in Wales.".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998**(b)**.

(3) These Regulations shall apply to Wales only.

Amendment of the principal Regulations

2. At the end of regulation 2 of the principal Regulations (Interpretation) there shall be inserted the following paragraph—

"(5) In regulations 7 and 18E and Schedule 3 the amendments made by the National Health Service (General Medical Services) Amendment Regulations 2000**(a)** shall also have effect in Wales.".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(b)**.

D.Elis Thomas

21 Mehefin 2000

21st June 2000

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) O.S. 2000/220.

(b) 1998 p.38.

(a) S.I. 2000/220.

(b) 1998 c.38.

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Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) Diwygio (Cymru) 2000

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