



**Cynulliad Cenedlaethol Cymru**

**National Assembly for Wales**

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2000 Rhif 999 (Cy.56)**

**2000 No. 999 (W. 56)**

**GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

Gorchymyn Deddf Iechyd 1999  
(Practisiau Deiliad-cronfa)  
(Trosglwyddo Asedau, Arbedion,  
Hawliau a Rhwymedigaethau a  
Darpariaethau Trosiannol) (Cymru)  
2000

The Health Act 1999 (Fund-  
holding Practices) (Transfer of  
Assets, Savings, Rights and  
Liabilities and Transitional  
Provisions) (Wales) Order 2000

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn gwneud darpariaethau trosiannol mewn perthynas â diddymu, drwy adran 1 o Ddeddf Iechyd 1999, system ddeiliad-cronfa gan Ymarferydd Cyffredinol yng Nghymru, fel y'u sefydlwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990.

This Order makes transitional provisions in connection with the abolition, by section 1 of the Health Act 1999, of the system of General Practitioner fund-holding in Wales, as established by the National Health Service and Community Care Act 1990.

Yn benodol, mae'r Gorchymyn yn darparu ar gyfer trosglwyddo asedau, hawliau a rhwymedigaethau mewn perthynas â deiliad-cronfa i'r Awdurdod Iechyd perthnasol o bractis deiliad-cronfa blaenorol (erthyglau 2 a 3) ac ar gyfer defnydd yr Awdurdod Iechyd o'r asedau hynny drwy fod yn atebol am y rhwymedigaethau a drosglwyddir iddo a'r rheini a gedwir gan y cyn-aelodau o bractisiau deiliad-cronfa (erthyglau 4 a 6).

In particular, the Order provides for the transfer of assets, rights and liabilities connected with fund-holding to the relevant Health Authority of the former fund-holding practice (articles 2 and 3) and for the use by the Health Authority of those assets in meeting liabilities transferred to it and those retained by the former members of the fund-holding practices (articles 4 and 6).

Pan fydd asedau yn dal yno ar ôl i holl rhwymedigaethau'r practis deiliad-cronfa blaenorol gael eu cyflawni, mae'r balans i'w ddosrannu, lle mae cyn-aelodau o bractis mewn ardal Awdurdod Iechyd heblaw'r Awdurdod Iechyd perthnasol, rhwng yr Awdurdodau Iechyd hynny (erthygl 7), a beth bynnag mae i'w gymhwyso gan yr Awdurdod Iechyd at y dibenion a bennwyd yn unol â dymuniadau cyn-aelodau'r practis (erthygl 8).

Where there are still assets after all the liabilities of the former fund-holding practice have been met the balance is to be apportioned, where there are former members of a practice in the area of a Health Authority other than the relevant Health Authority, between those Health Authorities (article 7), and in any event to be applied by the Health Authority for specified purposes in accordance with the wishes of the former members of the practice (article 8).

Yn ychwanegol, yn Rhannau V a VI, gwneir darpariaeth fel bod y rhwymedigaethau ynglŷn â

In addition, in Parts V and VI, provision is made so that, notwithstanding the abolition of fund-holding,

chyfrifo, er gwaethaf diddymu deiliad-cronfa, yn dal yn gymwys hyd nes bod cyfrifon terfynol wedi cael eu harchwilio a'u cyflwyno. Gellir o hyd archwilio i gŵynion mewn perthynas â chynnal practis deiliad-cronfa. Gellir datrys y materion sydd dros ben ynglŷn â defnyddio'r arbedion o ddeiliad-cronfa a gellir adennill symiau dynodedig a gamdefnyddiwyd, ar 1 Ebrill 2000 neu cyn hynny.

obligations relating to accounts apply until final accounts have been audited and submitted. Complaints in relation to the conduct of a fund-holding practice may still be examined. Outstanding matters relating to the use of savings from fund-holding may be resolved and misapplied allotted sums recovered, on or after 1st April 2000.

**2000 Rhif 999 (Cy.56)****2000 No. 999 (W. 56)****GWASANAETH IECHYD  
GWLADOL, CYMRU****NATIONAL HEALTH  
SERVICE, WALES**

Gorchymyn Deddf Iechyd 1999  
(Practisiau Deiliad-cronfa)  
(Trosglwyddo Asedau, Arbedion,  
Hawliau a Rhwymedigaethau a  
Darpariaethau Trosiannol) (Cymru)  
2000.

The Health Act 1999 (Fund-  
holding Practices) (Transfer of  
Assets, Savings, Rights and  
Liabilities and Transitional  
Provisions) (Wales) Order 2000

*Wedi ei wneud* 27 Mawrth 2000

*Made* 27th March 2000

*Yn dod i rym* 1 Ebrill 2000

*Coming into force* 1st April 2000

**TREFN Y GORCHYMYN****ARRANGEMENT OF ORDER****RHAN 1***Cyffredinol***PART 1***General*

1. Enwi, cychwyn, dehongli a chymhwyso

1. Citation, commencement, interpretation and application

**RHAN II***Trosglwyddo asedau, hawliau a rhwymedigaethau***PART II***Transfer of assets, rights and liabilities*

2. Trosglwyddo asedau
3. Trosglwyddo hawliau a rhwymedigaethau

2. Transfer of assets
3. Transfer of rights and liabilities

**RHAN III***Awdurdodau Iechyd i fod yn atebol am  
rwymedigaethau ac i dalu costau***PART III***Liabilities and costs to be met by  
Health Authorities*

4. Defnyddio asedau a drosglwyddir
5. Costau a dynnir wrth baratoi cyfrifon y practisiau deiliad-cronfa gweddilliol
6. Hawliau a rhwymedigaethau sy'n parhau gyda'r cyn-aelodau

4. Use of transferred assets
5. Costs incurred in preparing the accounts of residual fund-holding practices
6. Rights and liabilities remaining with former members

#### **RHAN IV**

##### *Balans terfynol*

7. Cyfrifo a dosrannu'r balans terfynol
8. Dylanwad dros y balans terfynol

#### **PART IV**

##### *Final balance*

7. Calculation and apportionment of final balance
8. Influence over final balance

#### **RHAN V**

##### *Cyfrifon*

9. Paratoi cyfrifon
10. Archwilio cyfrifon

#### **PART V**

##### *Accounts*

9. Preparation of accounts
10. Audit of accounts

#### **RHAN VI**

##### *Darpariaethau eithrio*

11. Ymchwilio i gŵynion gan Gomisiynydd y Gwasanaeth Iechyd
12. Ymchwilio i gŵynion eraill
13. Adennill cyfraniad at y swm dynodedig
14. Amrywio a phenderfynu'r swm dynodedig
15. Ceisiadau heb eu cwblhau ynglŷn ag arbedion
16. Adennill symiau a gamddefnyddiwyd

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo, gan Adran 63 o Ddeddf Iechyd 1999(a) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Gorchymyn canlynol:

#### **PART VI**

##### *Saving provisions*

11. Investigation of complaints by Health Service Commissioner
12. Investigation of other complaints
13. Recovery of contribution to allotted sum
14. Variation and determination of allotted sum
15. Outstanding applications relating to savings
16. Recovery of misapplied sums

The National Assembly for Wales, in exercise of the powers conferred on it by section 63 of the Health Act 1999(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

#### **RHAN I**

##### *CYFFREDINOL*

#### **Enwi, cychwyn, dehongli a chymhwyso**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Iechyd 1999 (Practisiau Deiliad-cronfa) (Trosglwyddo Asedau, Arbedion, Hawliau a Rhwymedigaethau a Darpariaethau Trosiannol) (Cymru) 2000 a daw i rym ar 1 Ebrill 2000.

(2) Yn y Gorchymyn hwn, oni fydd y cyd-destun yn mynnu'n wahanol -

#### **PART 1**

##### *GENERAL*

#### **Citation, commencement, interpretation and application**

1.-(1) This Order may be cited as the Health Act 1999 (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) (Wales) Order 2000 and shall come into force on 1st April 2000.

(2) In this Order, unless the context otherwise requires—

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(a) 1999 p.8. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol dros Iechyd o dan adran 63 o Ddeddf Iechyd 1999 i Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); gwnaed y diwygiad perthnasol gan adran 66(5)(c) o Ddeddf Iechyd 1999.

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(a) 1999 c.8. The functions of the Secretary of State for Health under section 63 of the Health Act 1999 are transferred to the National Assembly for Wales ("the National Assembly") by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the relevant amendment is made by section 66(5)(c) of the Health Act 1999.

dehonglir “arbedion” (“*savings*”) yn unol â rheoliad 25(1) a (2) o Reoliadau 1996;**(a)**

dehonglir “asedau a drosglwyddir” (“*transferred assets*”) yn unol ag erthygl 2;

dehonglir “balans terfynol” (“*final balance*”) yn unol ag erthygl 7;

ystyr “cydsyniad ysgrifenedig” (“*written consent*”) yw cydsyniad ysgrifenedig gan yr Awdurdod Iechyd i ddefnyddio rhan o’r swm dynodedig ar gyfer diben penodol yn unol â rheoliad 25(2) o Reoliadau 1996 neu reoliad 24 o Reoliadau Gwasanaeth Iechyd Gwladol (Practisiau Deiliad-cronfa) 1993**(b)** fel yr oedd y rheoliad cymwys yn cael effaith ar y dyddiad y rhoddwyd y cydsyniad;

ystyr “cyfrif deiliad-cronfa” (“*fund-holding account*”) yw cyfrif banc (yn cynnwys unrhyw gyfrif mewn cymdeithas adeiladu a ymgorfforwyd o dan Ddeddf Cymdeithasau Adeiladu 1986)**(c)** a gynhelir gan gyn-aelodau practis deiliad-cronfa at ddiben derbyn swm dynodedig neu unrhyw ran ohono;

ystyr “cyn-aelodau o bractis deiliad-cronfa” (“*former members of a fund-holding practice*”) yw ymarferwyr meddygol -

a) a oedd yn aelodau o bractis deiliad-cronfa ac -

i) a roes y gorau i’w cydnabyddiaeth fel practis deiliad-cronfa yn unol â rheoliad 11 o Reoliadau 1996, neu

ii) y tynnwyd eu cydnabyddiaeth yn unol â rheoliad 32 o Reoliadau Diwygio’r Gwasanaeth Iechyd Gwladol (Practisiau Deiliad-cronfa) 1999**(ch)**; neu

b) a oedd yn aelodau o bractis deiliad-cronfa gweddilliol;

ystyr “y Cynulliad Cenedlaethol” (“*the National Assembly*”) yw Cynulliad Cenedlaethol Cymru;

ystyr “cytundeb balans” (“*balance agreement*”) yw cytundeb ysgrifenedig a lofnodwyd ar ran yr Awdurdod Iechyd a chan bob un o gyn-aelodau practis deiliad-cronfa, yr effeithir ar eu cyfran o’r balans terfynol gan y cytundeb, sy’n nodi sut y mae balans terfynol y practis hwnnw i’w ddefnyddio ar gyfer un neu fwy o’r dibenion a nodir yn erthygl 8(4);

“the 1977 Act” (“*Deddf 1977*”) means the National Health Service Act 1977**(a)**;

“the 1990 Act” (“*Deddf 1990*”) means the National Health Service and Community Care Act 1990**(b)**;

“the 1996 Regulations” (“*Rheoliadau 1996*”) means the National Health Service (Fund-holding Practices) Regulations 1996**(c)** as in force before the coming into force of this Order;

“allotted sum” (“*swm dynodedig*”) means any sum determined by the National Assembly and payable by the relevant Health Authority in accordance with section 15(1) of the 1990 Act as then in force, or a sum to be determined in accordance with article 14 of this Order;

“balance agreement” (“*cytundeb balans*”) means a written agreement signed on behalf of the Health Authority and by each former member of a fund-holding practice whose portion of the final balance is affected by the agreement, setting out how the final balance of that practice is to be applied for one or more of the purposes set out in article 8(4);

“final balance” (“*balans terfynol*”) shall be construed in accordance with article 7;

“former members of a fund-holding practice” (“*cyn-aelodau o bractis deiliad-cronfa*”) means the medical practitioners who—

(a) were members of a fund-holding practice and who—

(i) renounced recognition as a fund-holding practice in accordance with regulation 11 of the 1996 Regulations, or

(ii) had recognition removed in accordance with regulation 32 of the National Health Service (Fund-holding Practices) Amendment Regulations 1999**(d)**; or

(b) were members of a residual fund-holding practice;

“fund-holding account” (“*cyfrif deiliad-cronfa*”) means a bank account (including any account with a building society incorporated under the Building Societies Act 1986**(e)**) maintained by the former members of a fund-holding practice for the purpose of receiving an allotted sum or any part of it;

“fund-holding practice” (“*practis deiliad-cronfa*”) means a fund-holding practice recognised under the 1990 Act as then in force;

(a) Diwygiwyd rheoliad 25 (1) gan O.S. 1999/261, rheoliad 22. Diwygiwyd rheoliad 25(2) gan O.S.1997/747 rheoliad 14; gan O.S. 1998/693 a diwygiwyd rheoliad 11 gydag eithriadau gan O.S. 1999/261, rheoliadau 22 a 29 yn ôl eu trefn.

(b) O.S. 1993/567; yr offeryn diwygio perthnasol yw O.S. 1995/693. Diddymwyd yr offerynnau hynny gan O.S 1998/706.

(c) 1986 p.53.

(ch) O.S. 1999/261.

(a) 1977 c.49.

(b) 1990 c.19.

(c) S.I. 1996/706, amended by S.I. 1997/747, 1997/1678, 1998/693 and 1999/261.

(d) S.I. 1999/261.

(e) 1986 c.53.

ystyr “darpariaethau deiliad-cronfa” (“*fund-holding provisions*”) yw adrannau 14 i 17 o Ddeddf 1990(a);

ystyr Deddf 1977 (“*1977 Act*”) yw Deddf y Gwasanaeth Iechyd Gwladol 1977(b);

ystyr Deddf 1990 (“*the 1990 Act*”) yw Deddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990(c);

ystyr “hysbysiad” (“*notice*”) yw hysbysiad ysgrifenedig;

ystyr “maint rhestr” (“*list size*”) yw y nifer o unigolion ar restr cleifion ymarferydd meddygol sy’n darparu gwasanaethau meddygol cyffredinol yn unol â threfniadau o dan adran 29 o Ddeddf 1977(ch);

ystyr “practis deiliad-cronfa” (“*fund-holding practice*”) yw practis deiliad-cronfa a gydnabyddir o dan Ddeddf 1990 fel yr oedd mewn grym ar y pryd;

ystyr “practis deiliad-cronfa gweddilliol” (“*residual fund-holding practice*”) yw practis deiliad-cronfa a gydnabyddwyd ar gyfer y flwyddyn ariannol 1999-2000;

ystyr “Rheoliadau 1996” (“*the 1996 Regulations*”) yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Practisiau Deiliad-cronfa)1996(d) fel yr oeddynt mewn grym cyn i'r Gorchymyn hwn ddod i rym;

ystyr “swm dynodedig” (“*allotted sum*”) yw unrhyw swm a benderfynir gan y Cynulliad Cenedlaethol ac sy’n daladwy gan yr Awdurdod Iechyd perthnasol yn unol ag adran 15(1) o Ddeddf 1990 fel yr oedd mewn grym ar y pryd, neu swm i’w benderfynu yn unol ag erthygl 14 o’r Gorchymyn hwn.

(3) Yn y Gorchymyn hwn, ac eithrio lle’r ymddengys y gwrthwyneb, mae unrhyw gyfeiriad at Awdurdod Iechyd yn gyfeiriad at yr Awdurdod Iechyd

“fund-holding provisions” (“darpariaethau deiliad-cronfa”) means sections 14 to 17 of the 1990 Act(a);

“list size” (“*maint rhestr*”) means the number of individuals on the list of patients of a medical practitioner who provides general medical services in accordance with arrangements under section 29 of the 1977 Act(b);

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“notice” (“*hysbysiad*”) means notice in writing;

“residual fund-holding practice” (“*practis deiliad-cronfa gweddilliol*”) means a fund-holding practice that was recognised for the financial year 1999-2000;

“savings” (“*arbedion*”) shall be construed in accordance with regulation 25(1) and (2) of the 1996 Regulations(c);

“transferred assets” (“*asedau a drosglwyddir*”) shall be construed in accordance with article 2; and

“written consent” (“*cydsyniad ysgrifenedig*”) means written consent by the Health Authority to the application of part of the allotted sum for a specific purpose in accordance with regulation 25(2) of the 1996 Regulations or regulation 24 of the National Health Service (Fund-holding Practices) Regulations 1993(d) as the applicable regulation had effect on the date the consent was given.

(3) In this Order, except where the contrary appears, any reference to a Health Authority is a reference to the relevant Health Authority, construed in accordance

(a) Diwygiwyd adrannau 14, 15, 16 ac 17 o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) (“Deddf 1990”) gan, yn eu trefn, baragraffau 73, 74, 75 a 76 o Atodlen 1 i Ddeddf Awdurdodau Iechyd 1995(p.17) ac, ar gyfer adrannau 14 ac 15, paragraff 65 o Atodlen 2 i Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46); diddymwyd yr adrannau hynny i gyd gan Ddeddf Iechyd 1999 (p.8), adran 1, a ddaeth i rym gan Orchymyn Deddf Iechyd 1999 (Cychwyn Rhif 2) Cymru 2000, O.S. 2000/1026(Cy.62) (C.26).

(b) 1977 p.49

(c) 1990 p.19

(ch) Estynnwyd adran 29 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 (p.49) (“Deddf 1977”) gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), adran 17; a diwygiwyd hi gan Ddeddf Gwasanaethau Iechyd 1980 (p.53), adrannau 1 a 7 ac Atodlen 1, paragraff 42(b); gan Ddeddf Iechyd a Gwasanaethau Cymdeithasol a Dyfarniadau Nawdd Cymdeithasol 1983 (p.41), Atodlen 6, paragraff 2; gan Ddeddf Feddygol 1983 (p.54), adran 56(1) ac Atodlen 5, paragraff 16(a); gan O.S. 1985/39, erthygl 7(3); gan Ddeddf Awdurdodau Iechyd 1995 (p.17), Atodlen 1, paragraff 18; a chan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46), Atodlen 2, paragraff 8.

(d) O.S. 1996/706, a ddiwygiwyd gan O.S. 1997/747, 1997/1678, 1998/693 a 1999/261.

(a) Sections 14, 15, 16 and 17 of the National Health Service and Community Care Act (c.19)(“the 1990 Act”) were amended by, respectively, paragraphs 73, 74, 75 and 76 of Schedule 1 to the Health Authorities Act 1995 (c.17) and, for sections 14 and 15, paragraph 65 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c.46); all of those sections were repealed by Health Act 1999 (c.8), section 1, which was brought into force by The Health Act 1999 (Commencement No. 2) (Wales) Order 2000, S.I. 2000/1026 (W.62) (C.26).

(b) Section 29 of the National Health Service Act 1977 (c.49)(“the 1977 Act”) 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 and Schedule 1, paragraph 42(b); by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 6, paragraph 2; by the Medical Act 1983 (c.54), section 56(1) and Schedule 5, paragraph 16(a); by S.I. 1985/39, article 7(3); by the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 18; and by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, paragraph 8.

(c) Regulation 25(1) was amended by S.I. 1999/261, regulation 22. Regulation 25(2) was amended by S.I. 1997/747, regulation 14; by S.I. 1998/693, regulation 11 and was amended with savings by S.I. 1999/261, regulations 22 and 29 respectively.

(d) S.I. 1993/567; the relevant amending instrument is S.I. 1995/693. Those instruments were revoked by S.I. 1998/706.

perthnasol, a ddehonglir yn unol ag Adran 15(1B) ac (1C)(a) o Ddeddf 1997 fel yr oedd mewn grym yn union cyn i'r Gorchymyn hwn ddod i rym.

(4) Yn y Gorchymyn hwn mae unrhyw gyfeiriad at hawliau a rhwymedigaethau cyn-aelodau o bractis deiliad-cronfa yn gyfeiriad at yr hawliau a gafwyd a'r rhwymedigaethau a dynnwyd ynglŷn â defnyddio'r swm dynodedig.

(5) Bydd y Gorchymyn hwn yn gymwys i Gymru'n unig.

## RHAN II

### TROSLWYDDO ASED AU, HAWLIAU A RHWYMEDIGAETHAU

#### Trosglwyddo Asedau

2.-(1) Trosglwyddir y swm dynodedig, neu unrhyw ran ohono sy'n weddill, am y flwyddyn ariannol 1999-2000, neu unrhyw flwyddyn flaenorol, p'un a ddaliwyd ef gan gyn-aelodau'r practis deiliad-cronfa neu gan yr Awdurdod Iechyd, ar 1 Ebrill 2000 i'r Awdurdod Iechyd.

(2) Ar 1 Ebrill 2000 amnewidir yr Awdurdod Iechyd fel deiliad cyfrif y cyfrif deiliad-cronfa.

(3) Bydd yr Awdurdod Iechyd yn ymdrin â'r swm dynodedig a drosglwyddwyd o dan baragraff (1) yn unol ag erthyglau 4 i 8.

#### Trosglwyddo hawliau a rhwymedigaethau

3.-(1) Yn ddarostyngedig i baragraffau (2) a (3) trosglwyddir—

(a) unrhyw hawliau yr oedd gan gyn-aelodau o bractis deiliad-cronfa hawl iddynt, neu y gallent eu gorfodi yn union cyn 1 Ebrill 2000; a

(b) unrhyw rwymedigaethau yr oedd cyn-aelodau practis deiliad-cronfa yn ddarostyngedig iddynt, neu y gellid eu gorfodi yn eu herbyn yn union cyn y dyddiad hwnnw,

i'r Awdurdod Iechyd ar y dyddiad hwnnw, neu yn ôl y digwydd, gellir eu gorfodi ar y dyddiad hwnnw neu wedyn gan yr Awdurdod Iechyd neu yn ei erbyn.

(2) Ni fydd paragraff (1) yn gymwys i unrhyw hawliau a gafwyd neu rwymedigaethau a dynnwyd ynglŷn â defnyddio arbedion yr oedd gofyn cael cydsyniad ysgrifenedig ar eu cyfer.

(a) Ychwanegwyd adran 15(1B) o Ddeddf 1977 gan adran 12(1) o Ddeddf 1990 ac amnewidiwyd hi gan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p. 46) Atodlen 2, paragraff 4(3); ychwanegwyd is-adran 1(C) o Ddeddf 1997 gan Ddeddf Awdurdodau Iechyd 1995 (p.17), Atodlen 1, paragraff 6.

with section 15(1B) and (1C)(a) of the 1977 Act as in force immediately prior to the coming into force of this Order.

(4) In this Order any reference to the rights and liabilities of the former members of a fund-holding practice is a reference to the rights acquired and liabilities incurred in connection with the application of the allotted sum.

(5) This Order shall apply only to Wales.

## PART II

### TRANSFER OF ASSETS, RIGHTS AND LIABILITIES

#### Transfer of assets

2.-(1) The allotted sum, or any remaining part of it, for the financial year 1999-2000, or any previous year, whether held by the former members of the fund-holding practice or by the Health Authority, shall on 1st April 2000 be transferred to the Health Authority.

(2) On 1st April 2000 the Health Authority shall be substituted as the account holder of the fund-holding account.

(3) The Health Authority shall deal with the allotted sum transferred under paragraph (1) in accordance with articles 4 to 8.

#### Transfer of rights and liabilities

3.-(1) Subject to paragraphs (2) and (3)—

(a) any rights to which the former members of the fund-holding practice were entitled, or which were enforceable by them immediately before 1st April 2000; and

(b) any liabilities to which the former members of the fund-holding practice were subject, or which were enforceable against them immediately before that date,

shall on that date be transferred to or, as the case may be, shall on and after that date be enforceable by or against the Health Authority.

(2) Paragraph (1) shall not apply to any rights acquired or liabilities incurred in connection with the application of savings for which written consent was required.

(a) Section 15(1B) of the 1977 Act was added by section 12(1) of the 1990 Act and substituted by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, paragraph 4(3); subsection (1C) of the 1977 Act was added by the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 6.

(3) Ni fydd paragraff (1) yn gymwys i unrhyw hawliau a gafwyd neu rwymedigaethau a dynnwyd ynglŷn â defnyddio'r swm dynodedig er mwyn -

(a) prynu nwyddau a defnyddiau ar gyfer eu defnyddio gan y practis deiliad-cronfa blaenorol, gan gynnwys contractiau cadw-a-chynnal ynglŷn â chyfrifiaduron neu offer swyddfa;

(b) taliadau o dan gytundebau prydlesu a hurbwrcasu er mwyn prynu nwyddau a defnyddiau.

### **RHAN III**

#### *RHWYMEDIGAETHAU Y BYDD YR AWDURDODAU IECHYD YN ATEBOL AMDANYNT A CHOSTAU Y BYDDANT YN EU TALU*

#### **Defnyddio asedau a drosglwyddir**

4.-(1) Yn ddarostyngedig i baragraff (2), pan fydd -

(a) unrhyw asedau wedi eu trosglwyddo i'r Awdurdod Iechyd yn unol ag erthygl 2; a

(b) yn unol ag erthyglau 3, 5 neu 6, gellir gorfodi unrhyw rwymedigaeth yn erbyn yr Awdurdod Iechyd, neu mae unrhyw gost i'w thalu gan yr Awdurdod Iechyd,

bydd yr Awdurdod Iechyd yn sicrhau bod y rhwymedigaeth neu'r gost yn y lle cyntaf yn cael ei thalu o'r asedau a drosglwyddwyd.

(2) Pan fydd rhwymedigaethau a chostau yn uwch na chyfanswm gwerth yr asedau a drosglwyddwyd, rhaid talu amdanynt o'r asedau a drosglwyddwyd yn y drefn ganlynol—

(a) costau a dynnwyd wrth baratoi cyfrifon fel y'u nodir yn erthygl 5;

(b) y gost o fod yn atebol am hawliau a rhwymedigaethau a gadwyd gan gyn-aelodau'r practis deiliad-cronfa fel y'u nodir yn erthygl 6;

(c) y gost o fod yn atebol am hawliau a rhwymedigaethau a drosglwyddwyd i'r Awdurdod Iechyd yn unol ag erthygl 3.

#### **Costau a dynnir wrth baratoi cyfrifon y practisiau deiliad-cronfa gweddilliol**

5.-(1) Yn ddarostyngedig i erthygl 9, bydd yr Awdurdod Iechyd yn talu costau rhesymol a dynnwyd gan gyn-aelodau o bractis deiliad-cronfa a oedd yn bractis deiliad-cronfa gweddilliol wrth baratoi cyfrifon blynyddol y practis hwnnw ar gyfer y flwyddyn ariannol 1999-2000, a gall gynnwys-

(a) taliadau i weithwyr neu gyn-weithwyr y practis deiliad-cronfa gweddilliol;

(3) Paragraph (1) shall not apply to any rights acquired or liabilities incurred in connection with the application of the allotted sum for the purpose of —

(a) the purchase of goods and materials for the use of the former fund-holding practice, including support and maintenance contracts relating to computers or office equipment;

(b) payments under leasing and hire purchase agreements for the purchase of goods and materials.

### **PART III**

#### *LIABILITIES AND COSTS TO BE MET BY HEALTH AUTHORITIES*

#### **Use of transferred assets**

4.-(1) Subject to paragraph (2), where—

(a) any assets have been transferred to the Health Authority in accordance with article 2; and

(b) in accordance with articles 3, 5, or 6, any liability is enforceable against the Health Authority, or any cost is to be met by the Health Authority,

the Health Authority shall secure that the liability or cost shall first be met out of the transferred assets.

(2) Where liabilities and costs exceed the total value of the transferred assets they shall be met from the transferred assets in the following order—

(a) costs incurred in preparation of the accounts as set out in article 5;

(b) the cost of meeting rights and liabilities retained by the former members of the fund-holding practice as set out in article 6;

(c) the cost of meeting rights and liabilities transferred to the Health Authority in accordance with article 3.

#### **Costs incurred in preparing the accounts of residual fund-holding practices**

5.-(1) Subject to article 9, the Health Authority shall meet the reasonable costs incurred by the former members of a fund-holding practice which was a residual fund-holding practice in preparing annual accounts of that practice for the financial year 1999-2000, which may include—

(a) payments to employees or former employees of the residual fund-holding practice;



(b) taliadau naill ai -

(i) i gyn-aelod o'r practis deiliad-cronfa gweddilliol, neu

(ii) i ymarferydd meddygol cofrestredig ar gyfer darparu gwasanaethau meddygol cyffredinol i gleifion y practis deiliad-cronfa gweddilliol blaenorol sydd wrthi'n paratoi'r cyfrifon;

(c) ffioedd archwilwyr;

(ch) taliadau sy'n ymwneud â chyfrifiaduron a gwybodaeth technoleg.

(2) Caiff yr Awdurdod Iechyd secondio unrhyw un o'i swyddogion neu ei weithwyr hefyd i gynorthwyo cyn-aelodau'r practis deiliad-cronfa gweddilliol wrth baratoi cyfrifon blynyddol y practis deiliad-cronfa ar gyfer y flwyddyn ariannol 1999-2000, ac yn yr achos hwnnw bydd yn talu cost y secondiad.

(3) Caiff yr Awdurdod Iechyd ryddhad o unrhyw rwymedigaeth i dalu costau a dynnwyd yn unol â pharagraff 1, yn gyfan neu'n rhannol, wrth ryddhau rhwymedigaeth cyn-aelodau practis deiliad-cronfa gweddilliol i unrhyw berson arall.

#### **Hawliau a rhwymedigaethau sy'n parhau gyda'r cyn-aelodau**

**6.-**(1) Yn ddarostyngedig i baragraffau (2) a (3), caiff unrhyw rwymedigaeth na ellid ei gorfodi yn erbyn yr Awdurdod Iechyd yn unol ag erthygl 3, ei thalu er hynny gan yr Awdurdod Iechyd os yw'r rhwymedigaeth -

(a) yn un sy'n digwydd o fewn erthygl 3(2); neu

(b) yn cael ei thynnu cyn 1 Ebrill 2000 neu ar ôl hynny yn unol â chydysyniad ysgrifenedig a roddwyd cyn y dyddiad hwnnw.

(2) Bydd yr Awdurdod Iechyd yn rhwym i dalu am rwymedigaeth cyn-aelodau o'r practis deiliad-cronfa o dan baragraff (1) hyd at yr isafswm o unrhyw derfyn sydd ar y swm i'w ddefnyddio a nodir yn y cydysyniad ysgrifenedig neu ym mharagraffau 3(B) a 3(C) o reoliad 25(a) o Reoliadau 1996 fel y cafodd y paragraffau hynny effaith ar y dyddiad y rhoddwyd cydysyniad yr Awdurdod Iechyd.

(3) Pan fydd cyn-aelodau'r practis deiliad-cronfa yn dod yn ymwybodol o unrhyw hawliad yn ymwneud â rhwymedigaeth sy'n dod o fewn paragraff (1), rhaid iddynt -

(a) rhoi gwybod i'r Awdurdod Iechyd am yr hawliad; a

(b) gweithredu yn ôl gofyniad rhesymol yr Awdurdod Iechyd er mwyn osgoi, dadlau, gwrthwynebu, cyfaddawdu, amddiffyn neu apelio yn erbyn yr hawliad.

(b) payments to either—

(i) a former member of the residual fund-holding practice, or

(ii) a registered medical practitioner to provide general medical services to the patients of the former residual fund-holding practice who is engaged in preparing those accounts;

(c) auditor's fees;

(d) payments relating to computers and information technology.

(2) The Health Authority may also second any of its officers or employees to assist the former members of a residual fund-holding practice with the preparation of the annual accounts of the fund-holding practice for the financial year 1999-2000, in which case it shall meet the cost of such secondment.

(3) The Health Authority may discharge its liability to meet the costs incurred in accordance with paragraph (1), in whole or part, by discharging the liability of the former members of the residual fund-holding practice to any other person.

#### **Rights and liabilities remaining with former members**

**6.-**(1) Subject to paragraphs (2) and (3), any liability which did not become enforceable against the Health Authority in accordance with article 3, shall nevertheless be paid for by the Health Authority if the liability—

(a) is one which falls within article 3(2); or

(b) is incurred on or after 1st April 2000 pursuant to a written consent granted before that date.

(2) The Health Authority shall be liable to pay for a liability of the former members of the fund-holding practice under paragraph (1) up to the lower of any limitation on the sum to be applied set out in the written consent or in paragraphs (3B) and (3C) of regulation 25(a) of the 1996 Regulations as those paragraphs had effect on the date the Health Authority consent was granted.

(3) Where the former members of a fund-holding practice become aware of any claim relating to a liability falling within paragraph (1), they shall-

(a) notify the Health Authority of the claim; and

(b) take such action as the Health Authority shall reasonably require to avoid, dispute, resist, compromise, defend, or appeal against the claim.

(a) Mewnosodwyd paragraffau 3B a 3C o reoliad 25 gan O.S. 1998/693, Rheoliad 11(4). Diwygiwyd paragraff 3(B) gan O.S. 1999/261, rheoliad 22(7) ac amnewidiwyd paragraff 3(C) gan O.S. 1999/261, rheoliad 22(8).

(a) Paragraphs (3B) and (3C) of regulation 25 were inserted by S.I. 1998/693, regulation 11(4). Paragraph (3B) was amended by S.I. 1999/261, regulation 22(7), and paragraph (3C) was substituted by S.I. 1999/261, regulation 22(8).

**RHAN IV**  
*BALANS TERFYNOL*

**Cyfrifo a dosrannu'r balans terfynol**

7.-(1) Pan fodlonir Awdurdod Iechyd fod yr holl rwymedigaethau a'r costau a drosglwyddwyd iddo neu y mae'n gyfrifol amdanynt wedi eu rhyddhau yn unol ag erthyglau 4, 5 a 6, bydd yr Awdurdod Iechyd yn penderfynu a fydd unrhyw ran o'r asedau a drosglwyddwyd iddo o dan erthygl 2 yn aros.

(2) Bydd yr Awdurdod Iechyd yn rhoi gwybod i bob cyn-aelod o'r practis deiliad-cronfa drwy hysbysiad am y gyfran nas gwariwyd o asedau a drosglwyddwyd, gan gynnwys unrhyw arbedion o bractis deiliad-cronfa gweddilliol ar gyfer y flwyddyn ariannol 1999-2000, fel balans terfynol cyn-aelodau'r practis deiliad-cronfa.

(3) Pan gynhwysir un neu ragor o'r cyn-aelodau o bractis deiliad-cronfa ar restrau meddygol un neu fwy o'r Awdurdodau Iechyd heblaw'r Awdurdod Iechyd perthnasol, bydd balans terfynol y practis deiliad-cronfa hwnnw'n cael ei ddosrannu rhwng yr Awdurdod Iechyd perthnasol a'r Awdurdodau Iechyd eraill hynny yn unol â pharagraffau (5) i (7) a bydd yr Awdurdod Iechyd perthnasol yn trosglwyddo i'r Awdurdod neu i'r Awdurdodau Iechyd eraill hynny y gyfran honno o'r balans terfynol y mae gan bob un hawl iddi.

(4) Pan ddosrennir y balans terfynol o bractis deiliad-cronfa blaenorol rhwng Awdurdodau Iechyd bydd yr Awdurdod Iechyd perthnasol yn rhoi gwybod i bob Awdurdod Iechyd sy'n ymwneud â'r mater a phob cyn-aelod o'r practis deiliad-cronfa drwy hysbysiad am y dosraniad a swm cyfran pob cyn-aelod.

(5) Hawl pob Awdurdod Iechyd fydd cyfran pob cyn-aelod o'r practis deiliad-cronfa sydd ar ei restr feddygol a gyfrifir yn unol â pharagraffau (6) a (7).

(6) Pan oedd cytundeb ysgrifenedig mewn grym ar 31 Mawrth 2000, rhwng cyn-aelodau'r practis deiliad-cronfa a wnaeth ddarpariaeth benodol i ddosrannu'r arbedion rhwng yr aelodau hynny, dosrennir y balans terfynol yn unol â'r cytundeb hwnnw.

(7) Pan nad oedd cytundeb o'r fath mewn grym ar 31 Mawrth 2000, dosrennir y balans terfynol rhwng cyn-aelodau'r practis deiliad-cronfa, fel y bydd cyfran pob cyn-aelod o'r practis deiliad-cronfa o'r balans terfynol yr un gyfradd o falans terfynol cyflawn y practis â'r gyfradd yr oedd ei faint rhestr yn ei ddwyn i swm holl feintiau rhestr cyn-aelodau'r practis deiliad-cronfa ar y dyddiad dosrannu.

(8) Pan fydd cyn-aelod o bractis deiliad-cronfa yn

**PART IV**  
*FINAL BALANCE*

**Calculation and apportionment of final balance**

7.-(1) When a Health Authority is satisfied that all liabilities and costs transferred to it or due to be met by it, have been discharged in accordance with articles 4, 5 and 6, the Health Authority shall determine whether there remains any part of the assets transferred under article 2.

(2) The Health Authority shall inform each former member of a fund-holding practice by notice of the unspent proportion of the transferred assets which, including any savings of a residual fund-holding practice for the financial year 1999-2000, is referred to in this Order as the final balance of the former members of the fund-holding practice.

(3) Where one or more of the former members of the fund-holding practice are included on the medical lists of one or more Health Authorities other than the relevant Health Authority, the final balance of that fund-holding practice shall be apportioned between the relevant Health Authority and such other Health Authority or Authorities in accordance with paragraphs (5) to (7) and the relevant Health Authority shall transfer to such other Health Authority or Authorities that proportion of the final balance to which each is entitled.

(4) Where the final balance of a former fund-holding practice is apportioned between Health Authorities the relevant Health Authority shall inform each Health Authority concerned and each former member of the fund-holding practice by notice of the apportionment and the amount of each former member's portion.

(5) The entitlement of each Health Authority shall be the portion of each former member of the fund-holding practice who is on its medical list calculated in accordance with paragraphs (6) and (7).

(6) Where there was a written agreement in force on 31st March 2000, between the former members of the fund-holding practice which made specific provision for the apportionment of savings between those members, the final balance shall be apportioned in accordance with that agreement.

(7) Where there was no such agreement in force on 31st March 2000, the final balance shall be apportioned between the former members of the fund-holding practice so that in respect of each former member of the fund-holding practice his portion of the final balance shall be the same proportion of the total final balance of the practice as the proportion which his list size bore to the sum of all the list sizes of the former members of the fund-holding practice on the apportionment date.

marw neu'n ymddeol neu'n gadael y practis ar ôl dosrannu balans terfynol y practis -

(a) pan geir darpariaeth ar gyfer y digwyddiad perthnasol mewn cytundeb o dan baragraff (6), ymdrinir â chyfran y cyn-aelod yn unol â'r cytundeb hwnnw;

(b) pan nad oes gytundeb o dan baragraff (6) neu pan nad yw'r cytundeb yn gwneud darpariaeth ar gyfer y digwyddiad perthnasol, bydd cyfran y cyn-aelod i'w benderfynu gan yr Awdurdod Iechyd ac ni fydd erthygl 8 yn gymwys i'r gyfran honno.

(9) Yn yr erthygl hon ystyr "dyddiad dosrannu" yw -

(a) yn achos practisiau deiliad-cronfa blaenorol nad oedd yn cael eu cydnabod yn bractisiau deiliad-cronfa ar 31 Mawrth 2000, y dyddiad pan beidwyd â chydabod y practis deiliad-cronfa blaenorol yn bractis deiliad-cronfa; a

(b) 31 Mawrth 2000, yn achos practisiau deiliad-cronfa gweddilliol a oedd yn dal i gael eu cydnabod ar y dyddiad hwnnw.

### **Dylanwad dros y balans terfynol**

**8.-(1)** Yn ddarostyngedig i weddill paragraffau'r erthygl hon, bydd yr Awdurdod Iechyd yn defnyddio unrhyw falans terfynol ar gyfer cyn-aelodau o bractis deiliad-cronfa fel a ganlyn:-

(a) at y dibenion a bennir yn y cytundeb balans rhyngddo ef a'r cyn-aelodau, neu

(b) pan na wnaethpwyd cytundeb balans cyn dyddiad y cytundeb wrth ryddhau'r rhwymedigaethau a dynnwyd gan gyn-aelodau practis deiliad-cronfa at y dibenion a bennir ym mharagraff (4) ond hyd at fwyafswm ar gyfer pob blwyddyn ariannol o £90,000, a sicrheir y bydd y swm hwnnw ar gael -

(i) ac eithrio bod paragraff (9)(b) yn gymwys, ym mhob un o'r blynyddoedd ariannol 1999-2000 i 2002-2003;

(ii) pan fydd paragraff (9)(b) yn gymwys, ym mhob un o'r blynyddoedd ariannol 2000-2001 i 2002-2003, gan ychwanegu'r swm ar gyfer y flwyddyn ariannol 1999-2000 at y swm y trefnir y bydd ar gael yn unrhyw un o'r blynyddoedd hynny.

(2) Ac eithrio lle mae cytundeb balans yn dal i fod mewn grym ar y dyddiad hwnnw, pan fydd unrhyw ran o'r balans terfynol heb ei wario ar 1 Ebrill 2003, ni fydd gofyn bellach i'r Awdurdod Iechyd ei wario i ryddhau rhwymedigaethau a dynnwyd gan gyn-aelodau'r practis deiliad-cronfa.

(3) Ni ddefnyddir y balans terfynol yn unol ag is-baragraff (a) neu (b) o erthygl 8(1) hyd nes -

(8) Where a former member of a fund-holding practice dies or retires or leaves the practice following the apportionment of the practice's final balance—

(a) where there is provision for the relevant contingency in an agreement under paragraph (6), the portion of the former member shall be dealt with in accordance with that agreement;

(b) where there is no agreement under paragraph (6) or such an agreement makes no provision for the relevant contingency, the portion of the former member shall be at the disposal of the Health Authority and article 8 shall not apply to that portion.

(9) In this article, "apportionment date" means—

(a) in the case of former fund-holding practices which were not recognised fund-holding practices on 31st March 2000, the date on which the former fund-holding practice ceased to be recognised as a fund-holding practice; and

(b) 31st March 2000, in the case of residual fund-holding practices which were still recognised on that date.

### **Influence over final balance**

**8.-(1)** Subject to the remaining paragraphs of this article, the Health Authority shall apply any final balance for the former members of a fund-holding practice as follows—

(a) for the purposes specified in a balance agreement between itself and the former members, or

(b) where no balance agreement has been entered into before the agreement date, in discharging liabilities incurred by the former members of the fund-holding practice for the purposes specified in paragraph (4) but only up to a maximum for each financial year of £90,000, such sum to be made available—

(i) except where paragraph (9)(b) applies, in each of the financial years 1999-2000 to 2002-2003;

(ii) where paragraph (9)(b) applies, in each of the financial years 2000-2001 to 2002-2003, with the sum for the financial year 1999-2000 added to the sum made available in any of those years.

(2) Except where there is still a balance agreement in force on that date, where any part of the final balance is unspent on 1st April 2003 the Health Authority shall no longer be required to spend it in discharging liabilities incurred by the former members of a fund-holding practice.

(3) The final balance shall not be applied in accordance with either sub-paragraph (a) or (b) of article 8(1) until—

(a) ac eithrio yn achos cyn-aelodau o bractis deiliad-cronfa nad oedd bellach yn cael ei gydnabod fel practis deiliad-cronfa ar 1 Ebrill 1998, y bydd y cyfrifon ariannol ar gyfer y flwyddyn ariannol 1998-1999 wedi'u cyflwyno, ac yn achos practisiau deiliad-cronfa gweddilliol, y flwyddyn ariannol 1999 - 2000, i'r Awdurdod Iechyd a'u harchwilio, yn unol ag erthyglau 9 a 10; a

(b) pan fydd angen dosrannu'r balans terfynol yn unol ag erthygl 7, mae'r Awdurdod Iechyd wedi anfon hysbysiadau yn ôl gofynion erthygl 7(4).

(4) Ni cheir defnyddio'r balans terfynol ond at un neu ragor o'r dibenion canlynol -

(a) prynu deunydd neu offer sydd -

(i) i'w defnyddio ar gyfer trin (gan gynnwys triniaeth ddiagnostig) cleifion cyn-aelodau'r practis deiliad-cronfa, neu

(ii) sy'n gwella cysur neu gyfleuster cleifion cyn-aelodau'r practis deiliad-cronfa,

(b) taliadau i -

(i) deietegwyr, neu

(ii) ymgynghorwyr yn darparu cyngor ar ddeiet, traul alcohol, ysmegu neu faterion iechyd personol eraill,

(c) prynu cyfrifiaduron, yn cynnwys caledwedd a meddalwedd

(ch) taliadau i staff heblaw cyflogau a thaliadau eraill a ganiateir gan baragraff 52(3) o'r Datganiad a gyhoeddwyd yn unol â rheol 34 o Reoliadau Gwasanaeth Iechyd Cenedlaethol (Gwasanaethau Meddygol Cyffredinol) 1992(a),

(d) cynlluniau i wella rhagnodi,

(dd) taliadau ar gyfer -

(i) prynu deunyddiau neu offer addysg iechyd,

(ii) cynghori ar ledaenu addysg iechyd i gleifion,

(e) mewn perthynas ag unrhyw adeilad y mae'r cyn-aelodau yn cynnal eu practis ohono -

(i) gwelliannau i'r adeilad gan gynnwys newidiadau i'r adeilad neu ei addurno a phrynu dodrefn a dodrefniadau,

(ii) adeiladu estyniad,

(a) except in the case of the former members of a fund-holding practice which was no longer recognised as a fund-holding practice on 1st April 1998, the annual accounts for the financial year 1998-1999, and in the case of residual fund-holding practices, the financial year 1999-2000, have been submitted to the Health Authority and audited, in accordance with articles 9 and 10; and

(b) where apportionment of the final balance is necessary in accordance with article 7, the Health Authority has sent out the notices required by article 7(4).

(4) The final balance may only be applied for one or more of the following purposes—

(a) the purchase of material or equipment which—

(i) is to be used for the treatment (including diagnostic treatment) of patients of the former members of the fund-holding practice, or

(ii) enhances the comfort or convenience of patients of the former members of the fund-holding practice,

(b) payments to—

(i) dieticians, or

(ii) counsellors providing advice on diet, alcohol consumption, smoking or other personal health matters,

(c) the purchase of computers, including hardware and software,

(d) payments to staff other than salaries and other payments permitted by paragraph 52(3) of the Statement published in accordance with regulation 34 of the National Health Service (General Medical Services) Regulations 1992(a),

(e) initiatives to improve prescribing,

(f) payments for—

(i) the purchase of health education materials or equipment,

(ii) advice on the dissemination of health education to patients,

(g) in relation to any premises from which the former members carry on their practice—

(i) improvements to the premises including alterations to or decoration of the premises and the purchase of furniture and furnishings,

(ii) building an extension,

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(a) O.S. 1992/635, y mae diwygiadau iddo nad ydynt yn berthnasol i'r erthygl hon.

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(a) S.I. 1992/635, to which there are amendments not relevant to this article.

Ile mae'r gwelliant neu'r estyniad arfaethedig yn gyson â'r cynllun buddsoddi a fabwysiadwyd gan yr Awdurdod Iechyd sy'n arfer swyddogaethau ynglŷn â chleifion practis deiliad-cronfa blaenorol.

(5) Yn ddarostyngedig i baragraff (7), lle tynnodd cyn-aelod o bractis deiliad-cronfa allan o'r practis deiliad-cronfa cyn 1 Ebrill 1999 mewn amgylchiadau ar wahân i farwolaeth neu ymddeoliad a bod cyfran o arbedion y practis deiliad-cronfa wedi'i throsglwyddo i'r Awdurdod Iechyd yn unol â rheoliad 9(5) o Reoliadau 1996(a), caiff unrhyw arbedion felly sy'n parhau gyda'r Awdurdod Iechyd ar 1 Ebrill 2000 eu gwario ar unrhyw un o'r dibenion a nodir ym mharagraff (4) y gall y cyn-aelod ofyn amdano ac ni fydd paragraff (1) yn gymwys.

(6) Yn ddarostyngedig i baragraff (7), pan drosglwyddwyd arbedion o bractis deiliad-cronfa y tynnwyd cydnabyddiaeth oddi arno i Awdurdod Iechyd yn unol â rheoliad 17 o Reoliadau 1996, gellir gwario arbedion felly sy'n parhau gyda'r Awdurdod Iechyd ar 1 Ebrill 2000 at y dibenion a nodir ym mharagraff (4) y gall cyn-aelodau o'r practis hwnnw ofyn amdanynt, ac ni fydd paragraff (1) yn gymwys.

(7) Er gwaethaf paragraffau (5) a (6) a diddymiad darpariaethau deiliad-cronfa, pan fydd yr Awdurdod Iechyd eisoes wedi ymrwmo i wario arbedion yn unol â rheoliad 9(5) neu 17(3) o Reoliadau 1996 ar gyfer un o'r dibenion a nodir yn rheoliad 25 o'r Rheoliadau hynny, caiff ddefnyddio'r arbedion hynny at y diben hwnnw ac ni fydd yr erthygl hon yn gymwys i'r arbedion hynny.

(8) Pan ddosrennir balans terfynol practis deiliad-cronfa blaenorol yn unol ag erthygl 7, a bod yr Awdurdod Iechyd perthnasol yn trosglwyddo i Awdurdod Iechyd arall swm sy'n cynrychioli cyfran cyn-aelod o'r deiliad-cronfa dan sylw, yr Awdurdod Iechyd a fydd yn cael y gyfran honno fydd yn defnyddio'r balans terfynol yn unol â pharagraff (1) ac ef fydd yn mynd i unrhyw gytundeb balans â'r cyn-aelod hwnnw.

(9) Yn yr erthygl hon, ystyr "dyddiad cytundeb" -

(a) yn achos cyn-aelodau practisiau deiliad-cronfa heblaw practisiau deiliad-cronfa gweddilliol, yw 30 Ebrill 2000,

(b) yn achos cyn-aelodau o bractisiau deiliad-cronfa a oedd yn bractisiau deiliad-cronfa gweddilliol, yw 1 Ebrill 2001.

where the proposed improvement or extension is consistent with any investment plan adopted by the Health Authority which exercises functions in relation to the patients of the former fund-holding practice.

(5) Subject to paragraph (7), where a former member of a fund-holding practice withdrew from the fund-holding practice before 1st April 1999 in circumstances other than death or retirement and a proportion of the savings of the fund-holding practice was transferred to the Health Authority in accordance with regulation 9(5) of the 1996 Regulations(a), any such savings which remain with the Health Authority on 1st April 2000 may be spent for any of the purposes set out in paragraph (4) which the former member may require and paragraph (1) shall not apply.

(6) Subject to paragraph (7), where savings of a fund-holding practice from which recognition was removed were transferred to a Health Authority in accordance with regulation 17 of the 1996 Regulations, any such savings which remain with the Health Authority on 1st April 2000 may be spent for any of the purposes set out in paragraph (4) which the former members of that practice may require, and paragraph (1) shall not apply.

(7) Notwithstanding paragraphs (5) and (6) and the repeal of the fund-holding provisions, where the Health Authority has already entered a commitment to spend savings pursuant to regulation 9(5) or 17(3) of the 1996 Regulations for one of the purposes specified in regulation 25 of those Regulations, it may apply those savings for that purpose and this article shall not apply to those savings.

(8) Where the final balance of a former fund-holding practice is apportioned in accordance with article 7, and the relevant Health Authority transfers to another Health Authority an amount representing the portion of a former member of that fund-holding, it shall be the Health Authority which receives that portion which shall apply that final balance in accordance with paragraph (1) and enter any balance agreement with that former member.

(9) In this article, "agreement date" means—

(a) in the case of former members of fund-holding practices other than residual fund-holding practices, 30th April 2000,

(b) in the case of former members of fund-holding practices which were residual fund-holding practices, 1st April 2001.

(a) Diwygiwyd rheoliad 9(5) o Reoliadau 1996 gan O.S. 1997/747, rheoliad 7 a 1998/693, rheoliad 4. Diddymwyd paragraffau (2) i (6) o reoliad 9 gan O.S. 1999/261, rheoliad 13, ond yn rhinwedd rheoliad 29(1) o'r offeryn hwnnw maent yn parhau i fod yn gymwys lle tynnodd aelod o'r practis deiliad-cronfa allan o'r practis hwnnw mewn amgylchiadau heblaw marwolaeth neu ymddeoliad cyn 1 Ebrill 1999.

(a) Regulation 9(5) of the 1996 Regulations was amended by S.I. 1997/747, regulation 7 and 1998/693, regulation 4. Paragraphs (2) to (6) of regulation 9 were revoked by S.I. 1999/261, regulation 13, but by virtue of regulation 29(1) of that instrument continue to apply where a member of a fund-holding practice withdrew from that practice in circumstances other than death or retirement before 1st April 1999.

**RHAN V**  
*CYFRIFON*

**Paratoi cyfrifon**

9.-(1) Yn ddarostyngedig i baragraff (2), bydd y ddyletswydd yn adran 98(2B)(c) o Ddeddf 1977(a) yn gymwys i gyn-aelodau o bractis deiliad-cronfa a oedd yn bractis deiliad-cronfa gweddilliol (gan gynnwys y cyn-aelodau o bractis felly a roes y gorau i'w cydnabyddiaeth yn unol â rheoliad 11 o Reoliadau 1996(b)) ynglŷn â'r flwyddyn ariannol 1999 - 2000 fel y mae'n gymwys i flynyddoedd ariannol eraill.

(2) Pan dynnir cydnabyddiaeth yn ystod y flwyddyn ariannol 1999-2000, oddi wrth gyn-aelodau o bractis deiliad-cronfa yn unol â rheoliadau 13 ac 14 neu 15 ac 16 o Reoliadau 1996, cyflawnir y ddyletswydd a osodir o dan adran 98(2B)(c) o Ddeddf 1977 gan yr Awdurdod Iechyd.

(3) At ddibenion paragraffau (1) a (2), bydd adran 98(2B) o Ddeddf 1977 yn parhau i fod yn gymwys fel pe na ddiddymwyd darpariaethau y deiliad-cronfa.

(4) Bydd y cyn-aelodau o bractis deiliad-cronfa a oedd yn bractis deiliad-cronfa gweddilliol yn cyflwyno cyfrifon blynyddol ar gyfer y flwyddyn ariannol 1999-2000 i'r Awdurdod Iechyd ar 13 Mai 2000 neu cyn hynny.

**Archwilio cyfrifon**

10. Bydd unrhyw ddyletswydd a osodwyd ar gyn-aelodau practis deiliad-cronfa gan Ran II o Ddeddf Comisiwn Archwilio 1998(c) nas cyflawnwyd erbyn 1 Ebrill 2000 yn cael ei chyflawni gan gyn-aelodau'r practis deiliad-cronfa yn unol â darpariaethau'r Rhan honno ac unrhyw gyfarwyddiadau a roddir o bosibl gan y Cynulliad Cenedlaethol fel pe na bai'r darpariaethau deiliad-cronfa wedi'u diddymu.

**RHAN VI**

*DARPARIAETHAU EITHRIO*

**Ymchwilio i gŵynion gan Gomisiynydd y Gwasanaeth Iechyd**

11. Gellir ymchwilio i gŵyn a wnaed i Gomisiynydd y Gwasanaeth Iechyd dros Gymru o dan Ddeddf

- 
- (a) Mewnosodwyd adran 98(2B)(c) o Ddeddf 1977 gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19), adran 20(2)(b), ac fe'i diwygiwyd gan Ddeddf Awdurdodau Iechyd 1995, adran 2(1) ac Atodlen 1, paragraff 50(c);
- (b) Diwygiwyd rheoliad 11 gan O.S. 1999/261, rheoliad 14.
- (c) 1998 (p.18).

**PART V**  
*ACCOUNTS*

**Preparation of accounts**

9.-(1) Subject to paragraph (2), the duty in section 98(2B)(c) of the 1977 Act(a) shall apply to former members of a fund-holding practice which was a residual fund-holding practice (including those former members of such a practice who have renounced recognition in accordance with regulation 11 of the 1996 Regulations(b)) with respect to the financial year 1999-2000 as it applies for other financial years.

(2) Where, during the financial year 1999-2000, recognition has been removed from the former members of a fund-holding practice in accordance with regulations 13 and 14 or 15 and 16 of the 1996 Regulations, the duty imposed under section 98(2B)(c) of the 1977 Act shall be performed by the Health Authority.

(3) For the purposes of paragraphs (1) and (2), section 98(2B) of the 1977 Act shall continue to apply as though the fund-holding provisions had not been repealed.

(4) The former members of a fund-holding practice which was a residual fund-holding practice shall submit the annual accounts for the financial year 1999-2000 to the Health Authority on or before 13th May 2000.

**Audit of accounts**

10. Any duty imposed on the former members of a fund-holding practice by Part II of the Audit Commission Act 1998(c) but not performed by 1st April 2000 shall be performed by the former members of the fund-holding practice in accordance with the provisions of that Part and of any directions which may be given by the National Assembly as though the fund-holding provisions had not been repealed.

**PART VI**

*SAVING PROVISIONS*

**Investigation of complaints by Health Service Commissioner**

11. A complaint made to the Health Service Commissioner for Wales under the Health Service

- 
- (a) Section 98(2B)(c) of the 1977 Act was inserted by the National Health Service and Community Care Act 1990 (c.19), section 20(2)(b), and amended by the Health Authorities Act 1995, section 2(1) and Schedule 1, paragraph 50(c);
- (b) Regulation 11 was amended by S.I. 1999/261, regulation 14.
- (c) 1998 (c.18).

Comisiynwyr y Gwasanaeth Iechyd 1993(a) mewn perthynas â chyn-aelodau practis deiliad-cronfa p'un a wnaed y gwyn cyn diddymu'r darpariaethau deiliad-cronfa neu wedi hynny, neu os na chwblhawyd y mater, bydd yr ymchwiliad yn parhau gan y Comisiynydd hwnnw yn unol â'r Ddeddf honno fel pe bai effaith adran 3(1B) o'r Ddeddf honno yn parhau.

### Ymchwilio i gwynion eraill

12. Bydd y drefn ymchwilio i gynion a sefydlwyd o dan baragraff 47A o Atodlen 2 i Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992(b) ac a weithredir odanynt yn gymwys mewn perthynas ag unrhyw gwyn ynglŷn â defnydd y swm dynodedig gan gyn-aelodau practis deiliad-cronfa, p'un a'i a wnaed y gwyn cyn i'r Gorchymyn hwn ddod i rym, neu ar y dyddiad y daw i rym neu wedi hynny, ac, er gwaethaf diddymu'r darpariaethau deiliad-cronfa, bydd cyn-aelodau'r practis deiliad-cronfa'n cydweithredu â'r ymchwiliad i'r gwyn gan yr Awdurdod Iechyd yn ôl gofynion paragraff 47B o Atodlen 2 i'r Rheoliadau hynny.

### Adennill cyfraniad at y swm dynodedig

13. Pan oedd hawl gan Awdurdod Iechyd, cyn 1 Ebrill 2000, i adennill cyfran o daliad gan Awdurdod Iechyd arall o dan adran 15(4) o Ddeddf 1990(c), er gwaethaf diddymu'r darpariaethau deiliad-cronfa bydd hawl gan yr Awdurdod Iechyd hwnnw i adennill y swm hwnnw yn unol â'r adran honno ac yn unol ag unrhyw gyfarwyddiadau a roddir gan y Cynulliad Cenedlaethol; ac at ddibenion adennill o'r fath bydd adran 15(4) o Ddeddf 1990 yn parhau i fod yn gymwys fel pe na bai wedi'i diddymu.

### Amrywio a phenderfynu'r swm dynodedig

14.-(1) Bydd y drefn ar gyfer amrywio swm dynodedig a arfaethir o dan baragraffau (4A) i (4C) o reoliad 18 o Reoliadau 1996(ch) yn gymwys, er gwaethaf diddymu'r darpariaethau deiliad-cronfa, i'r swm dynodedig a arfaethir am y flwyddyn ariannol 1999 - 2000.

Commissioners Act 1993(a) in relation to the former members of a fund-holding practice whether made before or after the repeal of the fund-holding provisions may be investigated, or if not disposed of, shall continue to be investigated by that Commissioner in accordance with that Act as though section 3(1B) of that Act still had effect.

### Investigation of other complaints

12. The procedure to investigate complaints established and operated under paragraph 47A of Schedule 2 to the National Health Service (General Medical Services) Regulations 1992(b) shall apply in relation to any complaint about the use of the allotted sum by the former members of the fund-holding practice, whether a complaint was made before, on or after the date this Order comes into force, and notwithstanding the repeal of the fund-holding provisions the former members of the fund-holding practice shall cooperate with the investigation of the complaint by the Health Authority as required by paragraph 47B of Schedule 2 to those Regulations.

### Recovery of contribution to allotted sum

13. Where, before 1st April 2000, a Health Authority was entitled to recover a portion of a payment from another Health Authority under section 15(4) of the 1990 Act(c), notwithstanding the repeal of the fund-holding provisions that Health Authority shall be entitled to recover such an amount in accordance with that section and any directions given by the National Assembly; and for the purposes of such recovery section 15(4) of the 1990 Act shall continue to apply as if it had not been repealed.

### Variation and determination of allotted sum

14.-(1) The procedure for varying a proposed allotted sum under paragraphs (4A) to (4C) of regulation 18 of the 1996 Regulations(d) shall not withstanding the repeal of the fund-holding provisions be applied to the proposed allotted sum for the financial year 1999-2000.

(a) Ddeddf Comisiynwyr y Gwasanaeth Iechyd (p.46) ("Ddeddf 1993"), fel y'i diwygiwyd gan Ddeddf Comisiynwyr y Gwasanaeth Iechyd (Diwygio) 1996 (p.5). Hefgorwyd cyfeiriad at adran 3(1B) o Ddeddf 1993 gan Ddeddf Iechyd 1999, Adran 65(1) ac Atodlen 4, paragraff 85 fel y doed â hi i rym gan Orchymyn Deddf Iechyd 1999 (Cychwyn Rhif 2) (Cymru) 2000 (OS. 2000/1026 (Cy.62) (c.26)).

(b) O.S. 1992/635. Mewnosodwyd paragraffau 47A a 47B gan O.S. 1996/702, rheoliad 5.

(c) Amnewidiwyd adran 15(4) o Ddeddf 1990 gan Ddeddf Awdurdodau Iechyd 1995 (p.17), Atodlen 1, paragraff 74(d) ac fe'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997, Atodlen 2, paragraff 65(5).

(ch) Mewnosodwyd paragraffau (4A) i (4C) gan O.S. 1997/1678, rheoliad 3(2).

(a) The Health Service Commissioners Act 1993 (c.46) ("the 1993 Act"), as amended by the Health Service Commissioners (Amendment) Act 1996 (c.5). Reference to section 3(1B) of the 1993 Act was omitted by the Health Act 1999, section 65(1) and Schedule 4, paragraph 85 as brought into force by the Health Act 1999 (Commencement No. 2) (Wales) Order 2000 (S.I. 2000/1026 (W.62)(c.26)).

(b) S.I. 1992/635. Paragraphs 47A and 47B were inserted by S.I. 1996/702, regulation 5.

(c) Section 15(4) of the 1990 Act was substituted by the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 74(d) and amended by the National Health Service (Primary Care) Act 1997, Schedule 2, paragraph 65(5).

(d) Paragraphs (4A) to (4C) were inserted by S.I. 1997/1678, regulation 3(2).

(2) Bydd y drefn ar gyfer penderfynu swm dynodedig o dan baragraff (5) a (6) o reoliad 18 o Reoliadau 1996(a) yn gymwys i'r swm dynodedig a gafodd ei amrywio ar gyfer y flwyddyn ariannol 1999 - 2000, er gwaethaf diddymu'r darpariaethau deiliad-cronfa.

(3) At ddibenion paragraffau (1) a (2), bydd paragraff (4A) i (6) o reoliad 18 o Reoliadau 1996 yn parhau yn gymwys fel pe na bai'r darpariaethau deiliad-cronfa wedi'u diddymu.

### Ceisiadau heb eu cwblhau ynglŷn ag arbedion

**15.-**(1) Bydd unrhyw geisiadau a wnaed cyn 1 Ebrill 2000 i'r Awdurdod Iechyd i ddefnyddio'r swm dynodedig ar gyfer diben a bennwyd yn rheoliad 25(2) o Reoliadau 1996 er gwaethaf diddymu'r darpariaethau deiliad-cronfa yn cael eu penderfynu gan yr Awdurdod Iechyd, a bydd y penderfyniad hwnnw'n ddarostyngedig i hawl apêl, yn unol â rheoliad 25(b).

(2) Bydd unrhyw apêl a wnaed cyn 1 Ebrill 2000 i'r Cynulliad Cenedlaethol, neu pan fo'r hawl i apelio i'r Cynulliad Cenedlaethol yn codi ar 1 Ebrill 2000 neu wedi hynny, yn erbyn gwrthodiad yr Awdurdod Iechyd i gydsynio â defnyddio unrhyw ran o'r swm dynodedig at ddiben a bennwyd yn rheoliad 25(2) o Reoliadau 1996 er gwaethaf diddymu'r darpariaethau deiliad-cronfa yn cael ei phenderfynu gan y Cynulliad Cenedlaethol yn unol â rheoliad 25.

(3) At ddibenion paragraffau (1) a (2), bydd paragraffau (3) i (7) o reoliad 25 o Reoliadau 1996 yn parhau i fod yn gymwys fel pe na bai'r darpariaethau deiliad-cronfa wedi'u diddymu.

### Adennill symiau a gamddefnyddiwyd

**16.-**(1) Er gwaethaf diddymu'r darpariaethau deiliad-cronfa, caiff y Cynulliad Cenedlaethol ar 1 Ebrill 2000 ddefnyddio'r drefn yn rheoliad 26 o Reoliadau 1996(c) i benderfynu a gafodd unrhyw ran o'r swm dynodedig ei gamddefnyddio gan gyn-aelodau o bractis deiliad-cronfa a gall yr Awdurdod Iechyd yn unol â'r Rheoliad hwnnw adennill unrhyw swm a ddefnyddwyd a bydd rheoliad 26 o Reoliadau 1996 yn gymwys i'r penderfyniadau hynny fel pe na bai'r darpariaethau deiliad-cronfa wedi'u diddymu.

(2) Bydd paragraff (1) yn gymwys p'un a gychwynwyd y gweithdrefnau i benderfynu a gafodd swm ei gamddefnyddio neu i adennill y fath swm cyn 1 Ebrill 2000 neu beidio.

- 
- (a) Diwygwyd paragraff (5) gan O.S. 1997/1678, rheoliad 3, paragraffau (3) a (4) a mewnosodwyd paragraff (6) ganddo.
- (b) Diwygwyd rheoliad 25 gan O.S. 1997/747, 1997/1678, 1998/693 a 1999/261.
- (c) Diwygwyd rheoliad 26 o Reoliadau 1996 gan O.S. 1999/261, rheoliad 24.

(2) The procedure for determining an allotted sum under paragraph (5) and (6) of regulation 18 of the 1996 Regulations(a) shall be applied to the varied allotted sum for the financial year 1999-2000, notwithstanding the repeal of the fund-holding provisions.

(3) For the purposes of paragraphs (1) and (2), paragraph (4A) to (6) of regulation 18 of the 1996 Regulations shall continue to apply as though the fund-holding provisions had not been repealed.

### Outstanding applications relating to savings

**15.-**(1) Any applications made before 1st April 2000 to the Health Authority to apply the allotted sum for a purpose specified in regulation 25(2) of the 1996 Regulations shall notwithstanding the repeal of the fund-holding provisions be determined by the Health Authority, and that determination be subject to the right of appeal, in accordance with regulation 25(b).

(2) Any appeal made before 1st April 2000 to the National Assembly, or where the right to appeal to the National Assembly arises on or after 1st April 2000, against the Health Authority's refusal to consent to the application of any part of the allotted sum for a purpose specified in regulation 25(2) of the 1996 Regulations shall notwithstanding the repeal of the fund-holding provisions be determined by the National Assembly in accordance with regulation 25.

(3) For the purposes of paragraphs (1) and (2), paragraphs (3) to (7) of regulation 25 of the 1996 Regulations shall continue to apply as though the fund-holding provisions had not been repealed.

### Recovery of misapplied sums

**16.-**(1) Notwithstanding the repeal of the fund-holding provisions, the National Assembly may on or after 1st April 2000 apply the procedure in regulation 26 of the 1996 Regulations(c) to determine whether any part of the allotted sum has been misapplied by the former members of a fund-holding practice and the Health Authority may recover in accordance with that regulation any sum found to have been applied and regulation 26 of the 1996 Regulations shall apply to such determinations and recoveries as though the fund-holding provisions had not been repealed.

(2) Paragraph (1) shall apply whether or not the procedures to determine whether a sum had been misapplied or to recover such a sum had been begun before 1st April 2000.

- 
- (a) Paragraph (5) was amended by, and paragraph (6) was inserted by, S.I. 1997/1678, regulation 3, paragraphs (3) and (4) respectively.
- (b) Regulation 25 was amended by S.I. 1997/747, 1997/1678, 1998/693 and 1999/261.
- (c) Regulation 26 of the 1996 Regulations was amended by S.I. 1999/261, regulation 24.



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

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

*27 Mawrth 2000*

*27th March 2000*

*D. Elis Thomas*

*Llywydd y Cynulliad Cenedlaethol*

*The Presiding Officer of the National Assembly*





**Cynulliad Cenedlaethol Cymru**

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**2000 Rhif 999 (Cy.56)**

**GWASANAETH IECHYD  
GWLADOL, CYMRU**

Gorchymyn Deddf Iechyd 1999  
(Practisiau Deiliad-cronfa)  
(Trosglwyddo Asedau, Arbedion,  
Hawliau a Rhwymedigaethau a  
Darpariaethau Trosiannol) (Cymru)  
2000

**National Assembly for Wales**

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STATUTORY INSTRUMENTS

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**2000 No. 999 (W. 56 )**

**NATIONAL HEALTH  
SERVICE, WALES**

The Health Act 1999 (Fund-  
holding Practices) (Transfer of  
Assets, Savings, Rights and  
Liabilities and Transitional  
Provisions) (Wales) Order 2000

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