CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 1396 (Cy.91)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2001

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992 ("y prif Reoliadau") sy'n rheoli trefniadau sydd i'w gwneud gan Awdurdodau Iechyd ar gyfer darparu gwasanaethau fferyllol o dan Ddeddf y Gwasanaeth Iechyd 1977 mewn perthynas â'u hardaloedd.

Mae **rheoliad 2** yn mewnosod diffiniad newydd o "Charges Regulations" yn rheoliad 2(1) (dehongli) o'r prif Reoliadau.

Mae **rheoliad 3** yn estyn yr amgylchiadau lle y mae'n ofynnol i fferyllydd ofyn i berson sy'n cyflwyno archeb ar gyfer cyffuriau a chyfarpar o dan baragraff 3(1) o delerau gwasanaeth y fferyllydd i ddarparu tystiolaeth benodedig i gadarnhau ceisiadau penodol sy'n ymwneud ag esemptiadau rhag ffioedd sy'n ddyledus o dan Reoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2001.

Mae **rheoliad 4** yn yr un modd yn diwygio'r gofynion i feddygon ac awdurdod i ddarparu gwasanaethau fferyllol ar gyfer claf o dan reoliad 20 o'r prif Reoliadau.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No.1396 (W.91)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Pharmaceutical Services) Regulations 1992 ("the principal Regulations") which govern arrangements to be made by Health Authorities for the provision, in respect of their areas, of pharmaceutical services under the National Health Service Act 1977.

Regulation 2 inserts a new definition of "Charges Regulations" into regulation 2(1) (interpretation) of the principal Regulations.

Regulation 3 extends the circumstances in which a chemist is required to ask a person presenting an order for drugs and appliances under paragraph 3(1) of the chemist's terms of service to provide specified evidence to substantiate specific claims relating to exemptions from charges due under the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001.

Regulation 4 similarly amends the requirements for doctors authorised to provide pharmaceutical services for a patient under regulation 20 of the principal Regulations.

OFFERYNNAU STATUDOL

2001 Rhif 1396 (Cy.91)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2001

Wedi'u gwneud *29 Mawrth 2001*

Yn dod i rym *1 Ebrill 2001*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 41, 42, 43, a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 (**a**) drwy hyn yn gwneud y Rheoliadau canlynol:

(**a**) 1977 p. 49 ("Deddf 1977"); gweler adran 128(1), fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 26(2)(g) ac (i) a chan Ddeddf Iechyd 1999 (p.8) ("Deddf 1999"), Atodlen 4, paragraff 38(2) i gael y diffiniadau o "prescribed" a "regulations".

Diwygiwyd adran 41 gan Ddeddf y Gwasanaethau Iechyd 1980 (p. 53), ("Deddf 1980"), adrannau 1 ac 20(1) ac Atodlen 1, paragraff 53 ac Atodlen 7, gan O.S.1985/39, erthygl 7(13); gan Ddeddf 1990, Atodlen 9, paragraff 18(1) ac Atodlen 10; gan Ddeddf Cynhyrchion Meddyginiaethol: Rhagnodi gan Nyrsys etc. 1992 (p.28), adran 2; gan Ddeddf Awdurdodau Iechyd 1995 (p. 17) ("Deddf 1995"), Atodlen 1, paragraff 29; a chan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p. 46), ("Deddf 1997"), Atodlen 2, paragraff 13.

Amnewidiwyd adran 42 gan Ddeddf y Gwasanaeth Iechyd Gwladol (Diwygio) 1986 (p. 66), adran 3(1); ei hestyn gan Ddeddf Iechyd a Meddyginiaethau 1988 (p. 49), adran 17; a'i diwygio gan O.S.1987/2202, erthygl 4; gan Ddeddf 1990, adran 12(3); a chan Ddeddf 1995, Atodlen 1, paragraff 30.

Diwygiwyd adran 43 gan Ddeddf 1980, Atodlen 9, paragraff 18(2); gan Ddeddf 1995, Atodlen 1, paragraff 31; a chan Ddeddf 1997, adran 29(1) ac Atodlen 2, paragraff 14.

Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a chan Ddeddf Iechyd 1999, Atodlen 4, paragraff 37(6).

Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 41, 42, 43 a 126(4) o Ddeddf 1977 eu trosglwyddo 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 adran 66(5) o Ddeddf 1999.

STATUTORY INSTRUMENTS

2001 No.1396 (W.91)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Pharmaceutical Services) (Amendment) (Wales) 2001

Made *29th March 2001*

Coming into force *1st April 2001*

The National Assembly for Wales in exercise of the powers conferred upon it by sections 41, 42, 43 and 126(4) of the National Health Service Act 1977(**a**) hereby makes the following Regulations:

(**a**)1977 c.49 ("the 1977 Act"); see section 128(1), as amended by the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), section 26(2)(g) and (i), and by the Health Act 1999 (c.8) ("the 1999 Act"), Schedule 4, paragraph 38(2), for the definitions of "prescribed" and "regulations".

Section 41 was amended by the Health Services Act 1980 (c. 53), ("the 1980 Act"), sections 1 and 20(1) and Schedule 1, paragraph 53 and Schedule 7, by S.I.1985/39, article 7(13); by the 1990 Act, Schedule 9, paragraph 18(1) and Schedule 10; by the Medicinal Products: Prescription by Nurses etc. Act 1992 (c.28), section 2; by the Health Authorities Act 1995 (c. 17) ("the 1995 Act"), Schedule 1, paragraph 29; and by the National Health Service (Primary Care) Act 1997 (c. 46) ("the 1997 Act"), Schedule 2, paragraph 13.

Section 42 was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3(1); extended by the Health and Medicines Act 1988 (c. 49), section 17; and amended by S.I.1987/2202, article 4; by the 1990 Act, section 12(3); and by the 1995 Act, Schedule 1, paragraph 30.

Section 43 was amended by the 1980 Act, Schedule 9, paragraph 18(2); by the 1995 Act, Schedule 1, paragraph 31; and by the 1997 Act, section 29(1) and Schedule 2, paragraph 14.

Section 126(4) was amended by the 1990 Act, section 65(2) and by the 1999 Act, Schedule 4, paragraph 37(6).

The functions of the Secretary of State under sections 41, 42, 43 and 126(4) of the 1977 Act are transferred to the National Assembly for Wales by The National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1, as amended by section 66(5) of the 1999 Act.

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2001 a deuant i rym ar 1 Ebrill 2001.

(2) Yn y Rheoliadau hyn -

ystyr "y prif Reoliadau" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(**a**);

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

Diwygio rheoliad 2 o'r prif Reoliadau

2. Yn Rheoliad 2(1) o'r prif Reoliadau (dehongli) yn lle'r diffiniad o "Charges Regulations" rhoddir y diffiniad canlynol yn y lle priodol -

" "Charges Regulations" means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(**b**); "

Diwygio Rhan II o Atodlen 2 i'r prif Reoliadau

3.-(1) Caiff Rhan II o Atodlen 2 i'r prif Reoliadau (telerau gwasanaeth ar gyfer fferyllwyr), ei diwygio yn unol â'r darpariaethau canlynol.

(2) Ym mharagraff 3 (darparu gwasanaethau fferyllol)-

(a) yn is-baragraff (1C)(a)(i)(**c**) dilëwch y geiriau "any of sub-paragraphs (d) to (g) of regulation 6(1)" a mewnosodwch y geiriau "regulation 8(1)";

(b) yn is-baragraff (1C)(a) dilëwch y geiriau " (d), (e) or (f) of regulation 6(1)" a mewnosodwch y geiriau "(a), (b), (c), (d) or (e) of regulation 8(1)".

(a) O.S.1992/662; dyma'r offferynnau diwygio perthnasol O.S.1993/2451, 1994/2402, 1995/644, 1996/698, 1998/681 a 2224 a 1999/696.

(b) O.S.2001/1358 (W.86)

(c) Mewnosodwyd is-baragraff (1C) gan O.S.1996/696.

Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2001 and shall come into force on 1st April 2001.

(2) In these Regulations -

"the principal Regulations" means the National Health Service (Pharmaceutical Services) Regulations 1992(**a**);

(3) These Regulations apply to Wales only.

Amendment of regulation 2 of the principal Regulations

2. In Regulation 2(1) of the principal Regulations (interpretation) for the definition of "Charges Regulations" there shall be substituted in the appropriate place the following definition-

" "Charges Regulations" means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(**b**); "

Amendment of Part II of Schedule 2 to the principal Regulations

3.-(1) Part II of Schedule 2 to the principal Regulations (terms of service for chemists), shall be amended in accordance with the following provisions.

(2) In paragraph 3 (provision of pharmaceutical services)-

(a) in sub-paragraph (1C)(a)(i)(**c**) delete the words "any of sub-paragraphs (d) to (g) of regulation 6(1)" and insert the words "regulation 8(1)";

(b) in sub-paragraph (1C)(a) delete the words " (d), (e) or (f) of regulation 6(1)" and insert the words "(a), (b), (c), (d) or (e) of regulation 8(1)".

(a) S.I.1992/662; the relevant amending instruments are S.I.1993/2451, 1994/2402, 1995/644, 1996/698, 1998/681 and 2224 and 1999/696.

(b) S.I.2001/1358 (W.86)

(c) Sub-paragraph (1C) was inserted by S.I.1996/696.

Diwygio Rhan III o Atodlen 2 i'r prif Reoliadau

4.-(1) Caiff Rhan III o Atodlen 2 i'r prif Reoliadau (telerau gwasanaeth ar gyfer meddygon sy'n darparu gwasanaethau fferyllol) ei diwygiio yn unol â'r darpariaethau canlynol.

(2) Ym mharagraff 11B(**a**)-

(a) yn is-baragraff (a)(i) dilëwch y geiriau "any of sub-paragraphs (d) to (g) of regulation 6(1)" a mewnosodwch y geiriau "regulation 8(1)";

(b) yn is-baragraff 11B(a) dilëwch y geiriau "(d), (e) or (f) of regulation 6(1)" a mewnosodwch y geiriau "(a), (b), (c), (d) or (e) of regulation 8(1)".

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

29 Mawrth 2001

D Elis Thomas

Llywydd y Cynulliad Cenedlaethol

(a) Mewnosodwyd paragraff 11B gan O.S.1999/696.

(b) 1998 p.38

Amendment of Part III of Schedule 2 to the principal Regulations

4.-(1) Part III of Schedule 2 to the principal Regulations (terms of service for doctors who provide pharmaceutical services) shall be amended in accordance with the following provisions.

(2) In paragraph 11B(**a**)-

(a) in sub-paragraph (a)(i) delete words "any of sub-paragraphs (d) to (g) of regulation 6(1)" and insert the words "regulation 8(1)";

(b) in sub-paragraph 11B(a) delete the words "(d), (e) or (f) of regulation 6(1)" and insert the words "(a), (b), (c), (d) or (e) of regulation 8(1)".

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

29th March 2001

D Elis Thomas

The Presiding Officer of the National Assembly

(a) Paragraph 11B was inserted by S.I.1999/696.

(b) 1998 c.38

OFFERYNNAU STATUDOL

2001 Rhif 1396 (Cy.91)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2001

STATUTORY INSTRUMENTS

2001 No. 1396 (W.91)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Pharmaceutical Services) (Amendment) (Wales) 2001

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