CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 3323 (Cy.276)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Rhif 3) (Cymru) 2001

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio ymhellach ar Reoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997 ("Rheoliadau 1997") a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986 ("Rheoliadau 1986") .

Mae Rheoliadau 1997 yn darparu ar gyfer cynllun o daliadau i'w gwneud gan yr Awdurdodau Iechyd ac Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol drwy gyfrwng system dalebau mewn perthynas â chostau a dynnir gan gategorïau penodol o bersonau mewn cysylltiad â phrofion golwg a chyflenwi, amnewid a thrwsio cyfarpar optegol.

Mae Rheoliadau 1986 yn cynnwys darpariaeth ar gyfer trefniadau gwasanaethau offthalmig cyffredinol o dan y Gwasanaeth Iechyd Gwladol.

Mae **Rheoliadau 2 a 3** o'r Rheoliadau hyn yn cynnwys diwygiadau sy'n rhoi hawl i bersonau sy'n ymadael â gofal awdurdod lleol ac sy'n cael eu cynnal yn gyfan gwbl neu'n rhannol gan yr awdurdod hwnnw gael cyfarpar optegol (ac mewn achosion priodol), a chael amnewid a thrwsio cyfarpar optegol yn unol â Rheoliadau 1997.

Mae **Rheoliadau 4 a 5** yn cynnwys diwygiadau i reoliadau 1986 fel bod gan bersonau o'r fath hawl i gael prawf ar eu golwg o dan wasanaethau offthalmig cyffredinol.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 3323 (W.276)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (No.3) (Wales) Regulations 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Optical Charges and Payments) Regulations 1997 ("the 1997 Regulations") and the National Health Service (General Ophthalmic Services) Regulations 1986 ("the 1986 Regulations").

The 1997 Regulations provide for a scheme of payments to be made by Health Authorities and NHS Trusts by means of a voucher system in respect of costs incurred by certain categories of persons in connection with sight tests and the supply, replacement and repair of optical appliances.

The 1986 Regulations contain provision for the arrangements for general ophthalmic services under the National Health Service.

Regulations 2 and 3 of these Regulations contain amendments that entitle persons leaving the care of a local authority and who are being wholly or partly maintained by that authority to the supply (and in appropriate cases), replacement and repair of optical appliances in accordance with the 1997 Regulations.

Regulations 4 and 5 contain amendments to the 1986 Regulations so that such persons are entitled to have their sight tested under general ophthalmic services.

OFFERYNNAU STATUDOL

2001 Rhif 3323 (Cy.276)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Rhif 3) (Cymru) 2001

Wedi'u gwneud	*28 Medi 2001*
Yn dod i rym	*1 Hydref 2001*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 38, 39, 78, 126(4) a 127 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(**a**) a pharagraffau 2 a 2A o Atodlen 12 iddi, drwy hyn yn gwneud y Rheoliadau canlynol:

(a) 1977 p.49; 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) i gael y diffiniadau o "prescribed" a "regulations".

Diwygiwyd adran 38 gan Ddeddf Gwasanaethau Iechyd 1980 (p.53) ("Deddf 1980"), adran 1 ac Atodlen 1, paragraff 51; gan Ddeddf Iechyd a Nawdd Cymdeithasol 1984 (p.48) ("Deddf 1984"), adran 1(3); gan O.S.1985/39, erthygl 7(11); gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49) ("Deddf 1988"), adran 13(1); a chan Ddeddf Awdurdodau Iechyd 1995 (p.17) ("Deddf 1995"), Atodlen 1, paragraff 27.

Estynnwyd adran 39 gan Ddeddf 1988, adran 17; a'i diwygio gan Ddeddf 1980, adran 1 ac Atodlen 1, Rhan I, paragraff 52; gan Ddeddf 1984, adran 1(4) ac Atodlen 1, paragraff 1 ac Atodlen 8; gan O.S.1985/39, erthygl 7(12); a chan Ddeddf 1995, Atodlen 1, paragraff 28.

Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a chan Ddeddf Iechyd 1999 (p.8) ("Deddf 1999"), Atodlen 4, paragraff 37(6).

Amnewidiwyd paragraff 2(1) o Atodlen 12 gan Ddeddf 1988, Atodlen 2, paragraff 8(1);

Mewnosodwyd paragraff 2A o Atodlen 12 gan Ddeddf 1984, Atodlen 1, Rhan 1, paragraff 3 a'i ddiwygio gan Ddeddf 1988, adran 13(2) a (3).

Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 38, 39, 78, 126(4) a 127 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977, a pharagraffau 2 a 2A o Atodlen 12 iddi, 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. 3323 (W.276)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (No.3) (Wales) Regulations 2001

Made	*28th September 2001*
Coming into force	*1st October 2001*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 38, 39, 78, 126(4) and 127 of, and paragraphs 2 and 2A of Schedule 12 to the National Health Service Act 1977(**a**) hereby makes the following Regulations:

(a) 1977 c.49; 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) for the definitions of "prescribed" and "regulations".

Section 38 was amended by the Health Services Act 1980 (c.53) ("the 1980 Act"), section 1 and Schedule 1, paragraph 51; by the Health and Social Security Act 1984 (c.48) ("the 1984 Act"), section 1(3); by S.I.1985/39, article 7(11); by the Health and Medicines Act 1988 (c.49) ("the 1988 Act"), section 13(1); and by the Health Authorities Act 1995 (c.17) ("the 1995 Act"), Schedule 1, paragraph 27.

Section 39 was extended by the 1988 Act, section 17; and amended by the 1980 Act, section 1 and Schedule 1, Part I, paragraph 52, by the 1984 Act, section 1(4) and Schedule 1, paragraph 1 and Schedule 8; by S.I.1985/39, article 7(12); and by the 1995 Act, Schedule 1, paragraph 28.

Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c.8) ("the 1999 Act"), Schedule 4, paragraph 37(6).

Paragraph 2(1) of Schedule 12 was substituted by the 1988 Act, Schedule 2, paragraph 8(1);

Paragraph 2A of Schedule 12 was inserted by the 1984 Act, Schedule 1, Part 1, paragraph 3 and amended by the 1988 Act, section 13(2) and (3).

The functions of the Secretary of State under sections 38, 39, 78, 126(4) and 127 of, and paragraphs 2 and 2A of Schedule 12, to the National Health Service Act 1977 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 (Ffioedd a Thaliadau Optegol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Rhif 3) (Cymru) 2001, a deuant i rym ar 1 Hydref 2001.

(2) Yn y Rheoliadau hyn, oni bai fod y cyd-destun yn mynnu fel arall -

ystyr "Rheoliadau 1997" (*"the 1997 Regulations"*) yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997(**a**);

ystyr "Rheoliadau 1986" (*"the 1986 Regulations"*) yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) (Cymru) 1986(**b**).

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

Diwygio rheoliad 8 o Reoliadau 1997

2. Yn rheoliad 8 o Reoliadau 1997 (cymhwyster - cyflenwi cyfarpar optegol), ar ôl paragraff (3)(j) ychwanegwch-

"(k) he is a relevant child for the purposes of section 23A of the Children Act 1989 to whose maintenance a responsible local authority is contributing under section 23B(8) of that Act".(**c**)

Diwygio rheoliad 16 o Reoliadau 1997

3. Ym mharagraff (5) o reoliad 16 o Reoliadau 1997 (llenwi talebau), yn lle "or (f)" rhowch "(f) or (k)".

Diwygio rheoliad 13 o Reoliadau 1986

4. Yn rheoliad 13 o Reoliadau 1986 (profion golwg - cymhwyster), ar ôl paragraff (2)(j) ychwanegwch-

"(k) he is a relevant child for the purposes of section 23A of the Children Act 1989 to whose maintenance a responsible local authority is contributing under section 23B(8) of that Act".

(a) O.S.1997/818; yr offerynnau diwygio perthnasol yw O.S.1997/2488, 1998/499, 1999/609, 2000/978 a 3119, 2001/1362 (Cy.90) a 1423 (Cy. 98).

(b) O.S.1986/975; yr offerynnau diwygio perthnasol yw O.S.1988/486, 1989/395, 1989/1175, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705, 1996/2320, 1999/693 a 1999/2481 a 2001/1362 (Cy.90) a 1423 (Cy. 98).

(c) 1989 p.41; mewnosodwyd adrannau 23A a 23B gan adran 2 o Ddeddf Plant (Ymadael â Gofal) 2000 (p.35).

Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (No.3) (Wales) Regulations 2001 and shall come into force on 1st October 2001.

(2) In these Regulations unless the context otherwise requires-

"the 1997 Regulations" (*"Rheoliadau 1997"*) means the National Health Service (Optical Charges and Payments) Regulations 1997(**a**);

" the 1986 Regulations" (*"Rheoliadau 1986"*) means the National Health Service (General Ophthalmic Services) Regulations 1986 (**b**).

(3) These Regulations shall apply to Wales only.

Amendment of regulation 8 of the 1997 Regulations

2. In regulation 8 of the 1997 Regulations (eligibility - supply of optical appliances), after paragraph (3)(j) add-

"(k) he is a relevant child for the purposes of section 23A of the Children Act 1989 to whose maintenance a responsible local authority is contributing under section 23B(8) of that Act".(**c**)

Amendment of regulation 16 of the 1997 Regulations

3. In paragraph (5) of regulation 16 of the 1997 Regulations (completion of vouchers), for "or (f)" substitute "(f) or (k)".

Amendment of regulation 13 of the 1986 Regulations

4. In regulation 13 of the 1986 Regulations (sight tests - eligibility), after paragraph (2)(j) add-

"(k) he is a relevant child for the purposes of section 23A of the Children Act 1989 to whose maintenance a responsible local authority is contributing under section 23B(8) of that Act".

(a) S.I.1997/818; the relevant amending instruments are S.I.1997/2488, 1998/499, 1999/609, 2000/978 and 3119, 2001/1362 (W.90) and 1423 (W.98).

(b) S.I.1986/975; the relevant amending instruments are S.I.1988/486, 1989/395, 1989/1175, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705, 1996/2320, 1999/693 and 1999/2481 and 2001/1362 and 1423.

(c) 1989 c.41; sections 23A and 23B were inserted by section 2 of the Children (Leaving Care) Act 2000 (c.35).

Diwygio rheoliad 13B o Reoliadau 1986

5. Yn rheoliad 13B o Reoliadau 1986 (prawf golwg a drinnir fel prawf golwg o dan wasanaethau offthalmig cyffredinol) -

(a) ym mharagraff (1)(b), yn lle "or (f)" rhowch "(f) or (k)"; a

(b) ym mharagraff (3), yn lle "or (f)" rhowch "(f) or (k)".

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

28 Medi 2001

Ysgrifennydd Cynulliad

(a) 1998 p.38.

Amendment of regulation 13B of the 1986 Regulations

5. In regulation 13B of the 1986 Regulations (sight test treated as a test under general ophthalmic services)-

(a) in paragraph (1)(b), for "or (f)" substitute "(f) or (k)"; and

(b) in paragraph (3), for "or (f)" substitute "(f) or (k)".

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

28th September 2001

J.E.Randerson

Assembly Secretary

(a) 1998 c.38.

©Ⓗ Hawlfraint y Goron 2001

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2001

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-090352-8

9 780110 903521

£1.75

W386/10/01 ON