OFFERYNNAU STATUDOL CYMRU

2002 Rhif 2879 (Cy.275)

Y PROFFESIWN MEDDYGOL, CYMRU

Rheoliadau Erthylu (Diwygio) (Cymru) 2002

Wedi'u gwneud - -	*20 Tachwedd 2002*
Yn dod i rym - -	*17 Rhagfyr 2002*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 2 o Ddeddf Erthylu 1967 (**1**)) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r rheoliadau hyn yw Rheoliadau Erthylu (Diwygio) (Cymru)2002, a deuant i rym ar 17 Rhagfyr 2002

(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("the principal Regulations") yw Rheoliadau Erthylu 1991(**2**).

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

Diwygio rheoliad 2

2. Yn lle rheoliad 2 (dehongli) yn y prif Reoliadau rhowch—

"**2.** In these Regulations—

"the Act" means the Abortion Act 1967;

"electronic communication" has the same meaning as in section 15 of the Electronic Communications Act 2000(**3**);

"practitioner" means a registered medical practitioner;

"solicitor" means a person qualified to act as a solicitor as provided by section 1 of the Solicitors Act 1974."(**4**)

(**1**) 1967 p.87; diwygiwyd adran 2(2) gan Orchymyn Trosglwyddo Swyddogaethau (Iechyd a Nawdd Cymdeithasol) 1988 (O.S.1988/1843), erthygl 5(4) ac Atodlen 3 a chan Ddeddf yr Alban (Addasdiadau Canlyniadol) (Rhif 1) 1999 (O.S.1999/1042), erthygl 5 ac Atodlen 3. Trosglwyddwyd swyddogaethau Ysgrifennydd Gwladol Cymru o dan adran 2 o'r Ddeddf i Gynulliad Cenedlaethol Cymru o dan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S.199/672), ac Atodlen 1 iddo.

(**2**) O.S.1991/499.

(**3**) 2000 p.7.

(**4**) 1974 p.47.

Diwygio rheoliad 3

3. Yn lle rheoliad 3(1) (tystysgrif barn) yn y prif Reoliadau rhowch—

"**3.**—(1) Any opinion to which section 1 of the Act refers shall be certified—

(a) in the case of a pregnancy terminated in accordance with section 1(1) of the Act, either—

(i) in the form set out in Part I of Schedule I to these Regulations; or

(ii) in a certificate signed and dated by both practitioners jointly or in separate certificates signed and dated by each practitioner stating:—

(a) the full name and address of each practitioner;

(b) the full name and address of the pregnant woman;

(c) whether or not each practitioner has seen or examined, or seen and examined, the pregnant woman; and

(d) that each practitioner is of the opinion formed in good faith that at least one and the same ground mentioned in paragraph (a) to (d) of section 1(1) of the Act is fulfilled.

(b) in the case of a pregnancy terminated in accordance with section 1(4) of the Act, either—

(i) in the form set out in Part II of Schedule I to these Regulations; or

(ii) in a certificate giving the full name and address of the practitioner and containing:—

(a) the full name and address of the pregnant woman; and

(b) stating that the practitioner is of the opinion formed in good faith that one of the grounds mentioned in section 1(4) of the Act is fulfilled.".

Diwygio rheoliad 4

4. Yn rheoliad 4 yn y prif Reoliadau (hysbysiad o derfyniad)—

(a) ym mharagraff (1)—

(ii) yn is-baragraff (b) hepgorwch y geiriau "in the form set out";

(ii) yn lle'r geiriau "in a sealed envelope within 7 days of termination" rhowch y geiriau "or her within 14 days of the termination either in a sealed envelope or by electronic communication transmitted by an electronic communications system solely used for the transfer of confidential information to him or her";

(b) ym mharagraff (2)—

(i) mewnosodwch y ffigur "79" o flaen y gair "Whitehall";

(ii) yn lle'r geiriau "of the Welsh Office, Cathays Park, Cardiff, CF1 3NQ" rhowch y geiraiu "for Wales, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.".

Diwygio rheoliad 5

5. Yn rheoliad 5 o'r prif Reoliadau (cyfyngu ar ddatgelu gwybodaeth)—

(a) yn is-baragraff (a)(i)—

(i) yn lle'r geiriau "the Welsh Office" rhowch "the National Assembly for Wales";

(ii) yn lle'r geiriau “of that Office” rhowch “for Wales”;

(b) ar ôl is-baragraff (a)(ii) ychwaneger—

“(iii) to an individual authorised by the Chief Medical Officer who is engaged in setting up, maintaining and supporting a computer system for the purpose of recording, processing and holding such notice or information; or”;

(c) ar ôl paragraff (h) ychwaneger—

“(i) to the woman whose pregnancy was terminated, on her supplying to the Chief Medical Officer written details of her date of birth, the date and place of the termination and a copy of the certificate of registration of her birth certified as a true copy of the original by a solicitor or a practitioner.”.

Amnewid

6. Yn lle Atodlen 2 i'r prif Reoliadau (hysbysu erthyliad) rhodder yr Atodlen a nodir yn yr Atodlen i'r Rheoliadau hyn.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**5**)

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

20 Tachwedd 2002

(**5**) 1998 p.38

YR ATODLEN

Rheoliad 6

"SCHEDULE 2

Regulation 4

Information to be supplied in an Abortion Notification

1. Full name and address (including postcode) of the practitioner who terminated the pregnancy and the General Medical Counsel registration number of the practitioner.

2. In non-emergency cases particulars of the practitioners who gave a certificate of opinion pursuant to section 1(1) of the Act and whether they saw or examined, or saw and examined the patient before giving the certificate.

3. Patient's details—

(a) patient's hospital or clinic number or National Health Service number or (if unavailable) patient's full name;

(b) date of birth;

(c) in the case of a patient resident in the United Kingdom, her full postcode or, if the postcode is unavailable, her address;

(d) in the case of a patient resident outside the United Kingdom, her country of residence;

(e) ethnicity (if disclosed by the patient);

(f) martial status; and

(g) parity.

4. Name and address of place of termination.

5. Whether the termination was paid for privately or not.

6. Date and method of foeticide if appropriate.

7. In a case where the termination is by surgery—

(a) date of termination;

(b) the method of termination used; and

(c) in cases where the dates are different, the date of admission to the place of termination and the date of discharge from the place of termination;

8. In a case where the termination is by non-surgical means—

(a) the date of treatment with antiprogestrone;

(b) the date of treatment with prostaglandin;

(c) the date the termination is confirmed;

(d) in cases where the place of treatment with prostaglandin is different from the place of treatment with antiprogestrone, the name and address at which the prostaglandin was administered;

(e) details of other agents used and the date of administration; and

(f) the date of discharge if an overnight stay is required.

9. Number of complete weeks of gestation.

10. The ground(s) certified for terminating the pregnancy contained in the certificate of opinion given pursuant to section 1(1) of the Act together with the following additional information in the case of—

(a) the ground specified in paragraph (a), whether or not there was a risk to the patient's mental health and if not, her main medical conditions;

(b) the grounds specified in paragraphs (b) and (c), the main medical condition(s) of the patient;

(c) the ground specified in paragraph (d), any foetal abnormalities diagnosed, together with method of diagnosis used, and any other reasons for termination.

11. The ground(s) certified for terminating the pregnancy contained in the certificate of opinion given pursuant to section 1(4) of the Act and the patient's main medical conditions;

12. In cases of selective termination the original number of foetuses and the number of foetuses remaining.

13. Whether or not the patient was offered chlamydia screening.

14. Particulars of any complications experienced by the patient up to the date of discharge.

15. In the case of the death of the patient the date and cause of death.".

EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Erthylu 1991 ("y prif Reoliadau").

Mae Rheoliad 3 o'r Rheoliadau hyn yn diwygio rheoliad 3 o'r prif Reoliadau i ddarparu ar gyfer tystysgrifau barn a roddir yn unol ag adrannnau 1(1) a 1(4) o Ddeddf Erthylu 1967 i gael eu rhoi naill ai yn y ffurf a bennir yn Rhan I a Rhan II o'r Atodlen i'r Rheoliadau hynny neu mewn tystysgrif sy'n cynnwys yr wybodaeth a bennir yn y Rheoliadau hynny.

Mae rheoliadau 4 (hysbysiad o derfyniad) a 6 yn amnewid Atodlen 2 newydd i'r prif Reoliadau gan bennu'r wybodaeth sydd i'w hysbysu i'r Prif Swyddog Meddygol o fewn 14 diwrnod o derfyniad beichiogrwydd a darparu bod yr hysbysiad yn cael ei anfon mewn amlen dan sêl neu'n cael ei drosglwyddo fel gohebiaeth electronig sy'n defnyddio system cyfathrebu electronig a ddefnyddir yn unig ar gyfer trosglwyddo gwybodaeth gyfrinachol i'r Prif Swyddog.

Mae rheoliad 5 yn diwygio rheoliad 5 o'r prif Reoliadau (cyfyngu ar ddatgelu gwybodaeth) i ddarparu ar gyfer hysbysiad o derfyniad beichiogrwydd a'r wybodaeth sy'n cyd-fynd ag ef i gael ei ddatgelu i unigolyn a awdurdodir gan y Prif Swyddog Meddygol sy'n ymwneud â gosod, cynnal neu gefnogi system gyfrifiadurol a ddefnyddir at ddibenion cofnodi, prosesu neu gynnwys hysbysiad neu wybodaeth o'r fath (rheoliad 5(b)) a'i datgelu i fenyw y terfynwyd ei beichiogrwydd, ar ôl iddi gyflwyno i'r Prif Swyddog Meddygol fanylion ysgrifenedig am ei dyddiad geni, dyddiad a lle'r terfyniad a chopi o'r dystysgrif gofrestru a ardystiwyd yn gopi dilys o'r gwreiddiol gan gyfreithiwr neu ymarferydd (rheoliad 5(c)).