



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 150 (Cy.20)

2003 No. 150 (W.20)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**Rheoliadau'r Byrddau Iechyd Lleol
(Swyddogaethau) (Cymru)
2003**

**The Local Health Boards
(Functions) (Wales) Regulations
2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn pennu swyddogaethau Byrddau Iechyd Lleol a sefydlwyd ar gyfer pob ardal o Gymru yn unol ag adran 16BA o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 (gweler O.S. 2003/148).

These Regulations specify the functions of Local Health Boards established for all areas of Wales pursuant to section 16BA of the National Health Service Act 1977 (see S.I. 2003/148).

Bydd Byrddau Iechyd Lleol yn gyfrifol am arfer swyddogaethau, (yn ddarostyngedig i rai eithriadau penodedig sy'n ymwneud â gwasanaethau iechyd arbenigol, iechyd y cyhoedd a swyddogaethau sydd i'w cyflawni ar lefel ranbarthol), a oedd yn cael eu harfer gan gyn Awdurdodau Iechyd mewn perthynas ag unrhyw ran o'r ardal y mae'r Bwrdd Iechyd Lleol wedi'i sefydlu ar ei chyfer ac sydd wedi'u trosglwyddo i Gynulliad Cenedlaethol Cymru yn unol â gorchymyn a wnaed o dan adran 27 o Ddeddf Llywodraeth Cymru 1998 (Rheoliad 3(2) a'r Atodlen).

Local Health Boards will be responsible for exercising functions, (subject to certain specified exceptions relating to specialist health services, public health and functions to be undertaken on a regional basis), which were exercised by former Health Authorities in relation to any part of the area for which the Local Health Board is established and which have been transferred to the National Assembly for Wales pursuant to an order made under section 27 of the Government of Wales Act 1998 (Regulation 3(2) and the Schedule).

Bydd Byrddau Iechyd Lleol yn arfer eu swyddogaethau er budd y personau hynny sydd fel arfer yn preswyllo yn eu hardal (Rheoliad 1(2)).

Local Health Boards will exercise their functions for the benefit of those persons usually resident in their area (Regulation 1(2)).

2003 Rhif 150 (Cy.20)

2003 No. 150 (W.20)

Y GWASANAETH IECHYD
GWLADOL, CYMRUNATIONAL HEALTH
SERVICE, WALESRheoliadau'r Byrddau Iechyd Lleol
(Swyddogaethau) (Cymru)
2003The Local Health Boards
(Functions) (Wales) Regulations
2003*Wedi'u gwneud*

29 Ionawr 2003

Made

29th January 2003

Yn dod i rym

1 Ebrill 2003

Coming into force

1st April 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 16BB(1), (3) a (5) a 126(1) a (4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 a deuant i rym ar 1 Ebrill 2003 a byddant yn gymwys i Gymru yn unig.

Dehongli

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

ystyr "Awdurdod Iechyd perthnasol" ("*relevant Health Authority*") yw Awdurdod Iechyd a fu gynt mewn bodolaeth ar gyfer yr ardal y mae'r Bwrdd Iechyd Lleol yn cael ei sefydlu ar ei chyfer;

dylid dehongli "gorchymyn BIL1" ("*LHB order*") yn unol ag adran 16BA(2) o'r Ddeddf;

ystyr "y dyddiad perthnasol" ("*the relevant date*") yw-

The National Assembly for Wales, in exercise of powers conferred upon it by sections 16BB(1), (3) and (5) and 126(1) and (4) of the National Health Service Act 1977(a) hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations may be cited as the Local Health Board (Functions) (Wales) Regulations 2003 and shall come into force on 1st April 2003 and shall apply to Wales only.

Interpretation

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

"the Act" ("*y Ddeddf*") means the National Health Service Act 1977;

"LHB order" ("*gorchymyn BILL*") shall be construed in accordance with section 16BA(2) of the Act;

"the relevant date" ("*y dyddiad perthnasol*") means-

(a) 1st April 2003; or

(b) the date on which the Local Health Board

(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) a chan Ddeddf Iechyd 1999 (p.8) ("Deddf 1999"), Atodlen 4, paragraff 38(2)(b), ar gyfer y diffiniad o "prescribed" a regulations".

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

Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 126(4) o Ddeddf 1977 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 Ddeddf 1999, adran 66(5).

Mewnosodwyd adran 16BB gan adran 6 o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17).

(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) and by the Health Act 1999 (c.8) ("the 1999 Act"), Schedule 4, paragraph 38(2)(b), for the definition of "prescribed" and "regulations".

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

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

Section 16BB was inserted by section 6 of the National Health Service Reform and Health Care Professions Act 2002 (c.17).

- (a) 1 Ebrill 2003; neu
- (b) y dyddiad pan gafodd y Bwrdd Iechyd Lleol dan sylw ei sefydlu, p'un bynnag yw'r diwethaf; ystyr "y Ddeddf" ("*the Act*") yw Deddf y Gwasanaeth Iechyd Gwladol 1977.

(2) At ddibenion y Rheoliadau hyn, y personau y mae'r Bwrdd Iechyd Lleol yn gyfrifol amdanynt mewn unrhyw flwyddyn yw'r personau sydd fel arfer yn preswyllo yn yr ardal y mae'r Bwrdd Iechyd Lleol wedi'i sefydlu ar ei chyfer.

(3) Yn ddarostyngedig i unrhyw gyfarwyddyd y gall y Cynulliad Cenedlaethol ei roi gogyfer ag unrhyw achos neu fathau o achosion penodol, os oes amheuaeth ynghylch ymhle y mae'r person fel arfer yn preswyllo at ddibenion paragraff (2) -

- (a) caiff y person ei drin fel pe bai fel arfer yn preswyllo yn y cyfeiriad a roddir ganddo ef i'r person neu gorff sy'n darparu gwasanaethau ar ei gyfer, sef y cyfeiriad y mae'r person fel arfer yn preswyllo ynddo;
- (b) pan nad yw'r person yn rhoi cyfeiriad o'r fath, caiff ei drin fel pe bai fel arfer yn preswyllo yn y cyfeiriad y mae ef yn ei roi i'r person neu'r corff sy'n darparu gwasanaethau ar ei gyfer, sef cyfeiriad mwyaf diweddar y person;
- (c) pan nad oes modd penderfynu ar gyfeiriad arferol y person o dan is-baragraff (a) a (b) uchod, caiff y person ei drin fel ei fod fel arfer yn preswyllo yn yr ardal y mae'r person yn bresennol ynddi.

Swyddogaethau i'w harfer gan Fyrddau Iechyd Lleol

3.-(1) Yn ddarostyngedig i unrhyw waharddiadau neu gyfyngiadau mewn gorchymyn BIL1 mae'r swyddogaethau a bennwyd ym mharagraff (2) i gael eu harfer gan Fwrdd Iechyd Lleol o'r dyddiad perthnasol.

(2) Y swyddogaethau y cyfeirir atynt ym mharagraff (1) yw'r swyddogaethau a oedd yn cael eu harfer gan Awdurdod Iechyd perthnasol am hanner nos ar 31 Mawrth 2003 ac sydd wedi'u trosgwlyddo i Gynulliad Cenedlaethol Cymru drwy orchymyn a wnaed yn unol ag adran 27 o Ddeddf Llywodraeth Cymru(a) heblaw'r swyddogaethau eraill hynny y cyfeirir atynt yn yr Atodlen;

in question was established, whichever is the latest; "relevant Health Authority" ("*Awdurdod Iechyd perthnasol*") means the Health Authority previously in existence for the area for which the Local Health Board is established.

(2) For the purposes of these Regulations, the persons for whom a Local Health Board is responsible in any year are the persons usually resident in the area for which the Local Health Board is established.

(3) Subject to any direction which the National Assembly may give as to any particular case or classes of case, if there is doubt as to where a person is usually resident for the purposes of paragraph (2) -

- (a) the person shall be treated as usually resident at the address given by him or her to the person or body providing him or her with services, as being that at which the person usually resides;
- (b) where the person gives no such address, he or she shall be treated as usually resident at the address which he or she gives to the person or body providing him or her with services, as being the person's most recent address;
- (c) where the person's usual address cannot be determined under sub-paragraphs (a) and (b) above, he or she shall be treated as usually resident in the area in which the person is present.

Functions to be exercised by Local Health Boards

3.-(1) Subject to any prohibitions or restrictions in a LHB order, the functions specified in paragraph (2) are to be exercised by a Local Health Board as from the relevant date.

(2) The functions referred to in paragraph (1) are the functions which were exercised by a relevant Health Authority as at midnight 31st March 2003 and which have been transferred to the National Assembly for Wales by order made pursuant to section 27 of the Government of Wales Act(a) except those functions referred to in the Schedule;

(a) 1998 p.38.

(a) 1998 c.38.

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

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

29 Ionawr 2003

29th January 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

YR ATODLEN

SCHEDULE

Rheoliad 3(2)

Regulation 3(2)

Swyddogaethau eithriedig Awdurdod Iechyd perthnasol

Excepted functions of a relevant Health Authority

Commissioning of Specialist Services for adults and children in respect of:-	Description	Commissioning of Specialist Services for adults and children in respect of:-	Description
Blood and bone marrow transplantation	Autografts and Allografts, all phases.	Blood and bone marrow transplantation	Autografts and Allografts, all phases.
Assessment and provision of equipment for people with complex physical disability	Prosthetics and complex orthotics; Wheelchair provision including complex postural seating and powered wheelchair controls; Communication aids (excluding all forms of hearing aids and cochlear implants); Environmental controls and other electronic assistive technology; Telecare.	Assessment and provision of equipment for people with complex physical disability	Prosthetics and complex orthotics; Wheelchair provision including complex postural seating and powered wheelchair controls; Communication aids (excluding all forms of hearing aids and cochlear implants); Environmental controls and other electronic assistive technology; Telecare.
Haemophilia and other bleeding disorders	All activity including genetic support.	Haemophilia and other bleeding disorders	All activity including genetic support.
Spinal services	All activity in designated centres in respect of spinal injuries (with damage or threat to spinal cord function); Complex spinal deformity surgery and reconstructive surgery (without threat to spinal cord function).	Spinal services	All activity in designated centres in respect of spinal injuries (with damage or threat to spinal cord function); Complex spinal deformity surgery and reconstructive surgery (without threat to spinal cord function).
Burns services	Services based on referral guidelines in the 'Standards and Strategy for Burn Care'	Burns services	Services based on referral guidelines in the 'Standards and Strategy for Burn Care'
Cystic fibrosis	All services including outreach and shared care.	Cystic fibrosis	All services including outreach and shared care.
Cleft lip and palate services	All relevant services.	Cleft lip and palate services	All relevant services.
Allergy	Activity at designated centres only.	Allergy	Activity at designated centres only.
Medical genetics	Clinical genetics; Laboratory genetics; Cytogenetics; Molecular genetics; Metabolic biochemistry; Strategic planning for population screening programmes.	Medical genetics	Clinical genetics; Laboratory genetics; Cytogenetics; Molecular genetics; Metabolic biochemistry; Strategic planning for population screening programmes.

Pathology	
Commissioning of Specialist Services for Adults in respect of:-	
Cancer Services (excluding District General Hospital Oncology)	
Complex rehabilitation for brain injury and complex disability	Centres providing a significant proportion of complex rehabilitation excluding district level rehabilitation and local aftercare and rehabilitation.
Neurosciences	Neurosurgery; Neurology (excluding in-patient stroke); Neurorehabilitation; Neuropathology; Neurophysiology; Neuroradiology; Neurophthalmology; Neurootology.
Renal services	Treatment for End Stage Renal Failure; Treatment for acute renal failure; General nephrology (provided in a main nephrology unit); Renal related surgery; Dialysis.
Home parenteral nutrition	Home care packages and support provided by hospital team.
Cardiology and cardiac surgery	Cardiothoracic transplantation (including implantable ventricular assist devices); Pulmonary hypertension; Cardiac electrophysiology; Congenital heart disease; Invasive cardiology and cardiac surgery.
Infectious diseases	Inpatient activity only.
Heptology, hepatobiliary and pancreatic surgery (adult)	Treatment of patients with viral hepatitis; Services for patients with acute liver failure and advanced complications of cirrhosis; Services for patients with benign and malignant liver

Pathology	
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	tumours and cancer of the intra- and extra-hepatic biliary tree (including pancreas); Hepatobiliary and pancreatic surgery.		tumours and cancer of the intra- and extra-hepatic biliary tree (including pancreas); Hepatobiliary and pancreatic surgery.
Mental Health	Tertiary Eating Disorder services; Neuropsychiatry; Forensic Services; Mental health services for deaf people; Gender Identity disorder; Perinatal psychiatric services(Mother and Baby Units); Complex and/or Treatment resistant disorders.	Mental Health	Tertiary Eating Disorder services; Neuropsychiatry; Forensic Services; Mental health services for deaf people; Gender Identity disorder; Perinatal psychiatric services(Mother and Baby Units); Complex and/or Treatment resistant disorders.
Women's health	Foetal medicine including prenatal diagnosis and foetal therapy.	Women's health	Foetal medicine including prenatal diagnosis and foetal therapy.
Commissioning of Specialist Services for Children in respect of:-		Commissioning of Specialist Services for Children in respect of:-	
	Cardiology and cardiothoracic surgery; Nephrology, including renal replacement therapy; Gastroenology/Hepatology/ Nutritional support; Respiratory; Oncology; Malignant Haematology; Non-malignant haematology; Neonatal intensive care; Paediatric intensive care; Immunological disorder/infectious disease/allergy; Paediatric pathology; Paediatric Neurosciences (Including complex disability and rehabilitation); Metabolic Disorders; Paediatric endocrinology and diabetes; Rheumatology; Child and adolescent mental health services; Dermatology; Paediatric surgery; Paediatric orthopaedic surgery; Paediatric ophthalmology; Paediatric ear, nose and throat surgery; Paediatric oral and		Cardiology and cardiothoracic surgery; Nephrology, including renal replacement therapy; Gastroenology/Hepatology/ Nutritional support; Respiratory; Oncology; Malignant Haematology; Non-malignant haematology; Neonatal intensive care; Paediatric intensive care; Immunological disorder/infectious disease/allergy; Paediatric pathology; Paediatric Neurosciences (Including complex disability and rehabilitation); Metabolic Disorders; Paediatric endocrinology and diabetes; Rheumatology; Child and adolescent mental health services; Dermatology; Paediatric surgery; Paediatric orthopaedic surgery; Paediatric ophthalmology; Paediatric ear, nose and throat surgery; Paediatric oral and

	maxillofacial surgery; Paediatric plastic surgery; Paediatric urology; Complex child and adolescent gynaecology, congenital anomalies and intersex.
Other services:-	
	Dermatology (adult);
	Pathology;
	Cochlear implants (adult);
	National Poisons Information Service;
	Thoracic surgery;
	NHS Direct;
	Population screening Services including cervical cytology and breast screening; Plastic Surgery (all ages) Emergency ambulance services.
Functions under section 87 of the Water Industry Act 1991 (c.56)	
Emergency Planning services.	

	maxillofacial surgery; Paediatric plastic surgery; Paediatric urology; Complex child and adolescent gynaecology, congenital anomalies and intersex.
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