CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 3236 (Cy.316)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Rhif 2) (Cymru) 2003

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 (O.S. 1992/662) ("y prif Reoliadau") sy'n llywodraethu'r trefniadau ar gyfer darparu gwasanaethau fferyllol o dan Ddeddf y Gwasanaeth Iechyd Gwladol 1977.

Mae Rheoliad 2 o'r prif Reoliadau yn cael ei ddiwygio fel y bydd cyfeiriad at "Health Authority" yn cael ei drin fel cyfeiriad at "Local Health Board".

Diwygir Rheoliad 12 a 13 fel bod cyfeiriadau at "Local Health Board" yn cael eu rhoi yn lle "FHSA".

Mae'r Rheoliadau hyn yn gwneud diwygiadau hefyd i Reoliad 18B o'r prif Reoliadau (y cynllun gwobrwyo).

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. 3236 (W.316)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Pharmaceutical Services) (Amendment)(No.2) (Wales) Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Pharmaceutical Services) Regulations 1992 (S.I.1992/662) ("the principal Regulations") which govern the arrangements the provision of pharmaceutical services under the National Health Service Act 1977.

Regulation 2 of the principal Regulations is amended so that references to a "Health Authority" will be treated as a reference to a "Local Health Board".

Regulations 12 and 13 are amended so that references to a Local Health Board are substituted for references to an "FHSA".

These Regulations also make amendments to Regulation 18B of the principal Regulations (reward scheme).

OFFERYNNAU STATUDOL

2003 Rhif 3236 (Cy.316)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Rhif 2) (Cymru) 2003

Wedi'u gwneud	*9 Rhagfyr 2003*
Yn dod i rym	*12 Rhagfyr 2003*

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**) yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Rhif 2) (Cymru) 2003, a deuant i rym ar 12 Rhagfyr 2003.

(2) Yn y Rheoliadau hyn ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r

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

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

Diwygiwyd adran 41 gan Ddeddf 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 1995, Atodlen 1, paragraff 29 a chan Ddeddf 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 1988, 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.

Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 41, 42, 43 a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 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).

STATUTORY INSTRUMENTS

2003 No. 3236 (W.316)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Pharmaceutical Services) (Amendment) (No.2) (Wales) Regulations 2003

Made	*9th December 2003*
Coming into force	*12th December 2003*

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:

Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Amendment) (No.2) (Wales) Regulations 2003 and shall come into force on 12th December 2003.

(2) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service

(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 definitions of "prescribed" and "regulations".

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

Section 41 was amended by the Act 1980, 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 1995 Act, Schedule 1, paragraph 29 and by 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 1988 Act, 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.

The functions of the Secretary of State under sections 41, 42, 43 and 126(4) of the National Health Service Act 1977 were 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 the 1999 Act, section 66(5).

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.-(1) Mae Rheoliad 2 o'r prif Reoliadau (dehongli) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff (1) mewnosodwch y diffiniad canlynol yn y lle priodol yn nhrefn yr wyddor -

""Local Health Board" has the meaning assigned to it by section 16BA of the Act(**b**);".

(3) Ar ôl paragraff (1B), mewnosodwch y paragraff canlynol -

" (1C) In the application of these Regulations in relation to Wales "Health Authority" shall, in each place where these words occur, have effect as if there were substituted in the words "Local Health Board".

Diwygio rheoliad 12 o'r prif Reoliadau

3. Yn rheoliad 12 o'r prif Reoliadau (penderfynu ceisiadau o ran lleoliadau a reolir), yn is-baragraff 1(d) yn lle "FHSA", ym mhob man lle mae'r talfyriad hwn yn digwydd, rhodder y geiriau "Local Health Board".

Diwygio rheoliad 13 o'r prif Reoliadau

4. Yn rheoliad 13 o'r prif Reoliadau (apelau mewn cysylltiad â phenderfyniadau o dan reoliad 12), yn is-baragraff 2(a) yn lle "FHSA", ym mhob man lle mae'r talfyriad hwn yn digwydd, rhodder y geiriau "Local Health Board".

Diwygio rheoliad 18B o'r prif Rheoliadau

5. Yn rheoliad 18B o'r prif Reoliadau (y cynllun gwobrwyo), ym mharagraff (1)-

(a) yn is-baragraff (i)-

(i) yn lle "immediately informed" rhowch "informed", a

(ii) ar ôl y geiriau "of this action" mewnosodwch "as soon as practicable";

(b) yn is-baragraff (ii)-

(a) O.S. 1992/662; yr offerynnau diwygio perthnasol yw O.S. 1993/2451, 1994/2402, 1995/644, 1996/698, 1998/681 a 2224, 1999/696, 2001/1396 a 2002/3189 (Cy.305).

(b) Mewnosodwyd adran 16BA yn Neddf y Gwasanaeth Iechyd Gwladol 1977 gan Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p. 17).

(Pharmaceutical Services) Regulations 1992(**a**).

(3) These Regulations apply to Wales only.

Amendment of regulation 2 of the principal Regulations

2.-(1) Regulation 2 of the principal Regulations (interpretation) is amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) insert the following definition in the appropriate place in the alphabetical order -

""Local Health Board" has the meaning assigned to it by section 16BA of the Act(**b**);".

(3) After paragraph (1B), insert the following paragraph-

" (1C) In the application of these Regulations in relation to Wales "Health Authority" shall, in each place where these words occur, have effect as if there were substituted in the words "Local Health Board".

Amendment of regulation 12 of the principal Regulations

3. In regulation 12 of the principal Regulations (determination of applications in respect of controlled localities), in paragraph (1)(d) for "FHSA", in each place where this abbreviation occurs, substitute the words "Local Health Board".

Amendment of regulation 13 of the principal Regulations

4. In regulation 13 (appeals in connection with determinations under regulation 12), in sub-paragraph (2)(a) for "FHSA", in each place where this abbreviation occurs, substitute the words "Local Health Board".

Amendment of regulation 18B of the principal Regulations

5. In regulation 18B of the principal Regulations (reward scheme), in paragraph (1)-

(a) in sub-paragraph (i)-

(i) for "immediately informed" substitute "informed", and

(ii) after the words " of this action" insert "as soon as practicable";

(b) in sub-paragraph (ii)-

(a) S.I.1992/662; relevant amending instruments are S.I.1993/2451, 1994/2402, 1995/644, 1996/698, 1998/681 and 2224, 1999/696, 2001/1396 and 2002/3189 (W.305).

(b) Section 16BA was inserted into the National Health Service Act 1977 by the Health Service Reform and Health Care Professions Act 2002 (c.17).

(i) ar ôl "but" rhowch "had reason to believe at that time or", a

(ii) yn lle "within the period of 14 days beginning with the date the order was presented" rhowch "as soon as practicable"; ac

(c) ar ddiwedd y geiriau cloi, ychwanegwch "which has thereafter established that the order referred to in this paragraph was not a genuine order for the person named on the prescription form".

(i) after "but" insert "had reason to believe at that time or", and

(ii) for "within the period of 14 days beginning with the date the order was presented" substitute "as soon as practicable"; and

(c) at the end of the fall out words, add "which has thereafter established that the order referred to in this paragraph was not a genuine order for the person named on the prescription form".

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**)

9 Rhagfyr 2003

9th December 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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