



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2004 Rhif 1042 (Cy.124)**

**2004 No. 1042 (W.124)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Treuliau Teithio a  
Pheidio â Chodi Tâl) a (Ffioedd a  
Thaliadau Optegol) a  
(Gwasanaethau Offthalmig  
Cyffredinol) (Diwygio) (Cymru)  
2004

The National Health Service  
(Travelling Expenses and  
Remission of Charges) and  
(Optical Charges and Payments)  
and (General Ophthalmic Services)  
(Amendment) (Wales) Regulations  
2004

**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 diwygio ymhellach Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 1988 ("Rheoliadau 1988"), Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997 ("Rheoliadau 1997") a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986 ("Rheoliadau 1986").

These Regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 ("the 1988 Regulations"), the National Health Service (Optical Charges and Payments) Regulations 1997 ("the 1997 Regulations") and the National Health Service (General Ophthalmic Service) Regulations 1986 ("the 1986 Regulations").

Mae Rheoliadau 1988 yn darparu ar gyfer peidio â chodi tâl y Gwasanaeth Iechyd Gwladol ("GIG") ac ar gyfer talu treuliau teithio mewn achosion penodol.

The 1988 Regulations provide for the remission of National Health Service ("NHS") charges and for the payment of travelling expenses in certain cases.

Mae Rheoliadau 1997 yn darparu ar gyfer cynllun taliadau sydd i'w gwneud gan Fyrddau Iechyd Lleol ac Ymddiriedolaethau'r GIG trwy gyfrwng system dalebau mewn perthynas â chostau a dynnir gan gategoriâu penodol o bersonau mewn cysylltiad â phroffion llygaid, ac â chyflenwi, ailosod a thrwsio teclynau optegol.

The 1997 Regulations provide for a scheme of payments to be made by Local Health Boards 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.

Mae Rheoliadau 1986 yn cynnwys darpariaeth ar gyfer trefniadau i ddarparu gwasanaethau offthalmig cyffredinol o dan y GIG.

The 1986 Regulations contain provision for the arrangements for the provision of general ophthalmic services under the NHS.

Mae'r newidiadau a wneir gan y Rheoliadau hyn yn codi'r lefel incwm sy'n cymhwyso'r rhai sydd â hawl i

The changes made by these Regulations increase the income level at which entitlement arises to repayment

ad-daliad o dreuliau teithio ac i beidio â thalu taliadau'r GIG, ac i gael prawf llygaid y GIG a thaleb tuag at gost teclyn optegol. Codir y lefel incwm sy'n cymhwyso'r rhai sydd â hawl, a hynny o'r hyn sy'n cyfateb i ofynion person (neu sy'n llai na hynny) i'r hyn sy'n fwy na'i ofynion ef neu hi gan bum deg y cant neu lai o dâl presgripsiwn y GIG sy'n daladwy ar hyn o bryd yn unol â Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) 2000 (y tâl ar hyn o bryd yw £6.40).

of travel expenses and a full remission of NHS charges, an NHS sight test and a voucher towards the cost of an optical appliance. The income level at which entitlement arises is increased from that which is equal (or less than) a person's requirements to that which exceeds his or her requirements by fifty per cent or less of the NHS prescription charge currently payable in accordance with the National Health Service (Charges for Drugs and Appliances) Regulations 2000 (the charge is currently £6.40).

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*Wedi'u gwneud**1 Ebrill 2004**Made**1st April 2004**Yn dod i rym**6 Ebrill 2004**Coming into force**6th April 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 38, 78(1), 83A, 126(4) a 128(1) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) a pharagraff 2A o Atodlen 12 iddi,

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 38, 78(1), 83A, 126(4) and 128(1) of and paragraph 2A of Schedule 12 to, the National Health Service Act 1977(a) hereby

(a) 1977 p.49 ("Deddf 1977"). Diwygiwyd Adran 38 gan Ddeddf Gwasanaethau Iechyd 1980 (p.53) 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), Atodlen 1, paragraff 27.

(a) 1977 c.49 ("the 1977 Act"). Section 38 was amended by the Health Services Act 1980 (c.53), 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), Schedule 1, paragraph 27.

Diwygiwyd adran 78(1) gan Ddeddf 1988, adran 25 ac Atodlen 3.

Section 78(1) was amended by the 1988 Act, section 25 and Schedule 3.

Mewnosodwyd adran 83A gan adran 14(1) o Ddeddf Nawdd Cymdeithasol 1988 (p.7) ac fe'i diwygiwyd gan baragraff 6 o Atodlen 2 i Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), gan baragraff 18(5) o Atodlen 9 i Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990 (p.19) ("Deddf 1990") a chan baragraff 40 o Atodlen 1 i Ddeddf Awdurdodau Iechyd 1995 (p.17).

Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c.7) and amended by paragraph 6 of Schedule 2 to the Health and Medicines Act 1988 (c.49), by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act") and by paragraph 40 of Schedule 1 to the Health Authorities Act 1995 (c.17).

Diwygiwyd adran 126(4) gan adran 65(2) o Ddeddf 1990; gan Atodlen 4, paragraff 37(6) i Ddeddf Iechyd 1999 (p.8); gan adran 2(5) o Ddeddf Iechyd a Gofal Cymdeithasol 2001 (p.15) a pharagraffau 5 a 13 o Atodlen 2 iddi ac adrannau 6(3) a 37(1) o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17).

Section 126(4) was amended by section 65(2) of the 1990 Act; by Schedule 4, paragraph 37(6) to the Health Act 1999 (c.8); by section 2(5) of and paragraphs 5 and 13 of Schedule 2 to the Health and Social Care Act 2001 (c.15) and sections 6(3) and 37(1) of the National Health Service Reform and Health Care Professions Act 2002 (c.17).

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 ac fe'i diwygiwyd gan Ddeddf 1988, adran 13(2) a (3).

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 was amended by the 1988 Act, section 13(2) and (3).

*Gweler* adran 128(1), fel y'i diwygiwyd gan adran 26 (2)(g) ac (i) o Ddeddf 1990 ar gyfer y diffiniadau o "prescribed" a "regulations".

*See* section 128(1), as amended by section 26(2)(g) and (i) of the 1990 Act, for the definitions of "prescribed" and "regulations".

Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 38, 78(1), 83A, 126(4) a 128(1) 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(4); adran 68(1) o Ddeddf Iechyd a Gofal Cymdeithasol 2001 (p.15); adran 40(1) o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17) ac adran 197(1) o Ddeddf y Gwasanaeth Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43).

The functions of the Secretary of State under sections 38, 78(1), 83A, 126(4) and 128(1) 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(4); section 68(1) of the Health and Social Care Act 2001 (c.15); section 40(1) of the National Health Service Reform and Health Care Professions Act 2002 (c.17) and section 197(1) of the National Health and Social Care (Community Health and Standards) Act 2003 (c.43).

drwy hyn yn gwneud y Rheoliadau canlynol:

## Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) a (Ffioedd a Thaliadau Optegol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Cymru) 2004 a deuant i rym ar 6 Ebrill 2004.

(2) Yn y Rheoliadau hyn -

ystyr "Rheoliadau 1988" ("*the 1988 Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 1988(a);

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

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

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

## Diwygio rheoliad 4 o Reoliadau 1988

2. Yn rheoliad 4(2)(j) o Reoliadau 1988 (disgrifiad o bersonau sydd â hawl i beidio â thalu o gwbl ac i gael taliadau llawn), yn lle "requirements equal or exceed his or her income resources", rhodder "income resources do not exceed his or her requirements or exceed his or her requirements by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000"(ch).

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(a) O.S.1988/551 fel y'i diwygiwyd gan O.S.1989/394, 517 a 614, 1990/548, 918 a 661, 1991/557, 1992/1104, 1993/608, 1995/642 a 2352, 1996/410, 1346 a 2362, 1997/748 a 2393, 1998/417, 1999/767 a 2840 (Cy.20), 2001/1397 (Cy.92) a 3322 (Cy.275), 2003/975 (Cy.134) a 2003/2561 (Cy.250).

(b) O.S.1997/818; yr offerynnau diwygio perthnasol yw O.S.1997/2488, 1998/499, 1999/609, 2000/978 (Cy.48), 2000/3119 (Cy.198), 2001/1362 (Cy.90) a 1423 (Cy.98), 2002/186 (Cy.25) a 1506 (Cy.151), 2003/301(Cy.43) a 955 (Cy.129).

(c) O.S.1986/975; yr offerynnau diwygio perthnasol yw O.S.1988/558, 1989/395 a 1175, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705 a 2320, 1999/693, 1999/2481(Cy.21), 2001/1362 (Cy.90) a 2003/955(Cy.129).

(ch) O.S.2000/620; fel y'i diwygiwyd gan 2000/2393 a 3189, 2001/746 a 2887, 2002/548, 1386 a 2352, 2003/585, 699 a 1084 a 2004/633.

makes the following Regulations:

## Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) and (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2004 and will come into force on 6th April 2004.

(2) In these Regulations -

"the 1988 Regulations" ("*Rheoliadau 1988*") means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(a);

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

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

(3) These Regulations apply to Wales only.

## Amendment of regulation 4 of the 1988 Regulations

2. In regulation 4(2)(j) of the 1988 Regulations (description of persons entitled to full remission and payment), for "requirements equal or exceed his or her income resources", substitute "income resources do not exceed his or her requirements or exceed his or her requirements by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000"(d).

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(a) S.I.1988/551 as amended by S.I.1989/394, 517 and 614, 1990/548, 918 and 661, 1991/557, 1992/1104, 1993/608, 1995/642 and 2352, 1996/410, 1346 and 2362, 1997/748 and 2393, 1998/417, 1999/767 and 2840 (W.20), 2001/1397 (W.92) and 3322 (W.275), 2003/975 (W.134) and 2003/2561 (W.250).

(b) S.I.1997/818; the relevant amending instruments are S.I.1997/2488, 1998/499, 1999/609, 2000/978 (W.48), 2000/3119 (W.198), 2001/1362 (W.90) and 1423 (W.98), 2002/186 (W.25) and 1506 (W.151), 2003/301(W.43) and 955 (W.129).

(c) S.I.1986/975; the relevant amending instruments are S.I.1988/558, 1989/395 and 1175, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705 and 2320, 1999/693, 1999/2481(W.21), 2001/1362 (W.90) and 2003/955(W.129).

(d) S.I.2000/620; as amended by 2000/2393 and 3189, 2001/746 and 2887, 2002/548, 1386 and 2352, 2003/585, 699 and 1084 and 2004/633.

### **Diwygio rheoliad 8 o Reoliadau 1997**

3. Yn rheoliad 8(3)(e) o Reoliadau 1997 (cymhwyster - cyflenwi teclynnau optegol), ar ôl "requirements as so calculated", mewnosoder "or exceed his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000".

### **Diwygio rheoliad 13 o Reoliadau 1986**

4. Yn rheoliad 13(2)(e) o Reoliadau 1986 (profion llygaid - cymhwyster), yn lle "or equal to his requirements as so calculated", rhodder "his requirements as so calculated or exceed his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000".

### **Defnyddio'r Rheoliadau hyn**

5.-(1) Lle penderfynir ar hawl person i gael treuliau teithio'r Gwasanaeth Iechyd Gwladol wedi'u talu drosto neu ar ei hawl i beidio â thalu o gwbl dâl y Gwasanaeth Iechyd Gwladol o dan reoliad 4 o Reoliadau 1988 a hynny ar neu ar ôl 6 Ebrill 2004, rhaid penderfynu ar hynny yn unol â'r diwygiad sydd wedi'i wneud gan reoliad 2 o'r Rheoliadau hyn, ni waeth pryd y codir y tâl neu pryd y tynnir treuliau teithio'r Gwasanaeth Iechyd Gwladol.

(2) Lle penderfynir ar hawl person i gael taliad am neu at gost teclyn optegol o dan reoliad 8 o Reoliadau 1997, neu ar gymhwyster person i gael prawf llygaid o dan reoliad 13 o Reoliadau 1986 a hynny ar neu ar ôl 6 Ebrill 2004, rhaid penderfynu ar hawl neu gymhwyster o'r fath yn unol â'r diwygiadau sydd wedi'u gwneud gan reoliadau 3 neu 4 o'r Rheoliadau hyn.

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

1 Ebrill 2004

*Rhodri Morgan*

Prif Weinidog Cymru

### **Amendment of regulation 8 of the 1997 Regulations**

3. In regulation 8(3)(e) of the 1997 Regulations (eligibility - supply of optical appliances), after "requirements as so calculated", insert "or exceed his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000".

### **Amendment of regulation 13 of the 1986 Regulations**

4. In regulation 13(2)(e) of the 1986 Regulations (sight tests - eligibility), for "or equal to his requirements as so calculated", substitute "his requirements as so calculated or exceed his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000".

### **Use of these Regulations**

5.-(1) Where a person's entitlement to payment of National Health Service travelling expenses or the full remission of a National Health Service charge under regulation 4 of the 1988 Regulations is determined on or after the 6th April 2004, it must be determined in accordance with the amendment made by regulation 2 of these Regulations irrespective of when the charge is made or the National Health Service travelling expenses are incurred.

(2) Where a person's entitlement to a payment for or towards the cost of an optical appliance under regulation 8 of the 1997 Regulations, or a person's eligibility for a sight test under regulation 13 of the 1986 Regulations is determined on or after the 6th April 2004, such entitlement or eligibility must be determined in accordance with the amendments made by regulations 3 or 4 of these Regulations.

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

1st April 2004

First Minister for Wales

(a) 1998 p.38.

(a) 1998 c.38.





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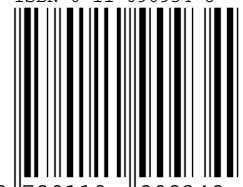
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