



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 424 (Cy.42)

2005 No. 424 (W.42)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau Deddf Iechyd a Gofal
Cymdeithasol (Iechyd Cymunedol
a Safonau) 2003 (Arolygiadau
Gofal Iechyd) (Cymru) 2005

The Health and Social Care
(Community Health and Standards)
Act 2003 (Healthcare Inspections)
(Wales) Regulations 2005

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Rheoliadau hyn yn gwneud darpariaeth mewn perthynas â swyddogaethau Cynulliad Cenedlaethol Cymru fel y'u nodir ym Mhennod 4 o Ran 2 ("Pennod 4") o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43).

These Regulations make provision in relation to the functions of the National Assembly for Wales set out in Chapter 4 of Part 2 ("Chapter 4") of the Health and Social Care (Community Health and Standards) Act 2003 (c.43).

Mae rheoliad 2 yn darparu y gall y Cynulliad, neu bersonau a awdurdodwyd ganddo, gael esboniad o ddogfennau neu wybodaeth a gafwyd gan y Cynulliad wrth iddo arfer ei swyddogaethau o dan Bennod 4.

Regulation 2 provides for the Assembly, or persons authorised by it, to be able to obtain an explanation of documents or information that the Assembly has obtained in the exercise of its functions under Chapter 4.

Ni chynhyrchwyd asesiad effaith reoleiddiol llawn ar gyfer yr offeryn hwn, gan nad yw'n effeithio ar gostau busnes.

A full regulatory impact assessment has not been produced for this instrument because it has no impact on the costs of business.

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Cymdeithasol (Iechyd Cymunedol
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Gofal Iechyd) (Cymru) 2005****The Health and Social Care
(Community Health and Standards)
Act 2003 (Healthcare Inspections)
(Wales) Regulations 2005**

Wedi'u gwneud *1 Mawrth 2005*
Yn dod i rym *31 Mawrth 2005*

Made *1 March 2005*
Coming into force *31 March 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 75(1) a (2) ac adran 195 o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003(1) yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred on it by section 75(1) and (2) and section 195 of the Health and Social Care (Community Health and Standards) Act 2003(1) makes the following Regulations:-

Enwi, cychwyn, cymhwyso a dehongli**Title, commencement, application and interpretation**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (Arolygiadau Gofal Iechyd) (Cymru) 2005, a deuant i rym ar 31 Mawrth 2005.

1.-(1) The name of these Regulations is the Health and Social Care (Community Health and Standards) Act 2003 (Healthcare Inspections) (Wales) Regulations 2005 and they come into force on 31 March 2005.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru yn unig.

(2) These Regulations apply in relation to Wales only.

(3) Yn y Rheoliadau hyn-

(3) In these Regulations-

ystyr "y Cynulliad" ("*the Assembly*") yw Cynulliad Cenedlaethol Cymru;

"the Act" ("*y Ddeddf*") means the Health and Social Care (Community Health and Standards) Act 2003;

ystyr "darparwr gwasanaeth" ("*service provider*") yw person sy'n darparu gofal iechyd i gorff GIG Cymru, neu sydd wedi gwneud hynny neu a fydd yn gwneud hynny(2); ac

"the Assembly" ("*y Cynulliad*") means the National Assembly for Wales; and

ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003.

"service provider" ("*darparwr gwasanaeth*") means a person who provides, has provided or is to provide healthcare for a Welsh NHS body(2).

(1) 2003 p.43. *Gweler* adran 148 o'r Ddeddf am y diffiniad o "prescribed".

(2) *Gweler* adran 149 o'r Ddeddf am sut i ddehongli cyfeiriadau at ofal iechyd a ddarperir gan un person ar gyfer person arall. *Gweler* adran 45(2) o'r Ddeddf am y diffiniad o "health care". *Gweler* adran 148 o'r Ddeddf am y diffiniad o "Welsh NHS body".

(1) 2003 c.43. *See* section 148 of the Act for the definition of "prescribed".

(2) *See* section 149 of the Act as to how references to the provision of health care by one person for another person are to be construed. *See* section 45(2) of the Act for the definition of "health care". *See* section 148 of the Act for the definition of "Welsh NHS body".

Y pŵer i ofyn am esboniad

2.-(1) Caiff y Cynulliad, neu bersonau a awdurdodwyd ganddo, ei gwneud yn ofynnol i unrhyw berson a ragnodwyd ym mharagraff (4) i ddarparu esboniad i'r Cynulliad neu i bersonau a awdurdodwyd felly (yn ôl y digwydd)-

- (a) unrhyw ddogfennau, cofnodion neu eitemau a arolygwyd, a gopiwyd neu a ddarparwyd o dan adrannau 72 i 74 o'r Ddeddf;
- (b) unrhyw wybodaeth a ddarparwyd o dan yr adrannau hynny; neu
- (c) unrhyw faterion sydd yn destun arfer unrhyw un o swyddogaethau'r Cynulliad o dan adran 70 o'r Ddeddf,

mewn amgylchiadau pan fo'r Cynulliad yn ystyried y byddai esboniad yn angenrheidiol neu'n hwylus at ddibenion Pennod 4 o Ran 2 o'r Ddeddf.

(2) Caiff y Cynulliad, neu'r personau a awdurdodwyd ganddo, ei gwneud yn ofynnol i'r esboniad gael ei roi-

- (a) yn bersonol (ac eithrio pan fo'r person y mae'n ofynnol iddo roi'r esboniad yn gorff neu yn bersonau corfforaethol neu anghorfforaethol); neu
- (b) yn ysgrifenedig.

(3) Pan fo'r Cynulliad, neu'r personau a awdurdodwyd ganddo, yn ei gwneud yn ofynnol i'r esboniad gael ei roi'n bersonol, rhaid rhoi'r esboniad ar adeg ac mewn man a bennir gan y Cynulliad, a rhaid i'r Cynulliad roi hysbysiad rhesymol i'r person y mae'n ofynnol iddo roi'r esboniad o'r amser hwnnw a'r man hwnnw.

(4) Dyma'r personau rhagnodedig-

- (a) corff GIG Cymru;
- (b) cadeirydd, aelod, cyfarwyddwr neu gyflogai o gorff GIG Cymru;
- (c) aelod o bwyllgor neu is-bwyllgor corff GIG Cymru;
- (ch) darparwr gwasanaeth;
- (d) cadeirydd, cyfarwyddwr neu gyflogai darparwr gwasanaeth;
- (dd) person (heblaw am berson a ragnodwyd yn is-baragraff (d)) sydd yn cynorthwyo darparwr gwasanaeth wrth iddo ddarparu gofal iechyd ar gyfer corff GIG Cymru;
- (e) awdurdod lleol neu aelod neu swyddog o awdurdod lleol;
- (f) maer etholedig awdurdod lleol o fewn ystyr adran 39(1) o Ddeddf Llywodraeth Leol 2000(1);

Power to require an explanation

2.-(1) The Assembly, or a persons authorised by it, may require any of the persons prescribed in paragraph (4) to provide to the Assembly or the persons so authorised (as the case may be) an explanation of-

- (a) any documents, records or items inspected, copied or provided under sections 72 to 74 of the Act;
- (b) any information provided under those sections; or
- (c) any matters which are the subject of the exercise of any functions of the Assembly under section 70 of the Act,

in circumstances where the Assembly considers the explanation necessary or expedient for the purposes of Chapter 4 of Part 2 of the Act.

(2) The Assembly or the persons so authorised may require the explanation to be provided -

- (a) in person (unless the person required to provide the explanation is a body or persons corporate or unincorporate); or
- (b) in writing.

(3) Where the Assembly or the persons so authorised require the explanation to be provided in person, the explanation must be provided at a time and place specified by the Assembly, and the Assembly must give the person required to provide the explanation reasonable notice of that time and place.

(4) The persons prescribed are-

- (a) a Welsh NHS body;
- (b) a chairman, member, director or employee of a Welsh NHS body;
- (c) a member of a committee or sub-committee of a Welsh NHS body;
- (d) a service provider;
- (e) a chairman, director or employee of a service provider;
- (f) a person (other than a person prescribed in sub-paragraph (e)) who is assisting a service provider in the provision of health care for a Welsh NHS body;
- (g) a local authority or a member or officer of a local authority;
- (h) an elected mayor of a local authority within the meaning of section 39(1) of the Local Government Act 2000(1);

(1) 2000 p.22.

(1) 2000 c.22.

(ff) person (heblaw am berson a ragnodwyd uchod) sydd yn cynorthwyo corff GIG Cymru wrth arfer ei swyddogaethau, neu sydd wedi gwneud hynny neu a fydd yn gwneud hynny.

(i) a person (other than a person prescribed above) who is assisting, has assisted or is to assist a Welsh NHS body in the exercise of its functions.

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

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

1 Mawrth 2005

1 March 2005

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

(1) 1998 p.38

(1) 1998 c.38

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