



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2007 Rhif 121 (Cy.11)**

**2007 No. 121 (W.11)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**THE NATIONAL HEALTH  
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Presgripsiynau am Ddim  
a Ffioedd am Gyffuriau a  
Chyfarpar) (Cymru) 2007

National Health Service (Free  
Prescriptions and Charges for  
Drugs and Appliances) (Wales)  
Regulations 2007

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

1. Mae'r Rheoliadau hyn yn dirymu a disodli, gyda diwygiadau, Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) 2001(1) fel y'u diwygiwyd.

1. These Regulations revoke and replace, with amendments, the National Health Service (Charges for Drugs and Appliances) Regulations 2001(1) as amended.

2. Yn unol â hynny, mae'r Rheoliadau hyn yn dileu'r ffioedd ynghylch cyffuriau a chyfarpar a gyflenwir i gleifion sydd wedi'u cofrestru gydag Ymarferwyr Cyffredinol (YC) yng Nghymru neu sydd wedi'u cofrestru gydag YC yn Lloegr ond eu bod yn dal cardiau hawl dilys gan fferyllwyr sy'n darparu gwasanaethau fferyllol (rheoliad 3), gan feddygon sy'n darparu gwasanaethau fferyllol (rheoliad 4), gan Fyrddau Iechyd Lleol ac Ymddiriedolaethau GIG (rheoliad 5) ac mewn canolfannau cerdded i mewn (rheoliad 6) a phan gyflenwir hwy yn unol â chyfarwyddiadau grwp cleifion (rheoliad 7). Mae Rheoliadau 3 a 4 ymhellach yn darparu ar gyfer ffioedd am gyffuriau a chyfarpar i unrhyw gleifion heblaw cleifion sydd wedi'u cofrestru gydag YC yng Nghymru neu wedi'u cofrestru gydag YC yn Lloegr ond sy'n dal cardiau hawl dilys.

2. Accordingly, these Regulations abolish charges in respect of drugs and appliances supplied to patients registered with GPs in Wales, or registered with GPs in England but holding valid entitlement cards, where such drugs and appliances are supplied by chemists providing pharmaceutical services (regulation 3), by doctors providing pharmaceutical services (regulation 4), by Local Health Boards and NHS trusts (regulation 5) and at walk-in centres (regulation 6) and when they are supplied in accordance with patient group directions (regulation 7). Regulations 3 and 4 further provide for charges for drugs and appliances to any patients other than patients registered with GPs in Wales or registered with GPs in England but holding valid entitlement cards.

3. Ac eithrio o dan yr amgylchiadau a nodir ym mharagraff 2 uchod, mae'r Rheoliadau hyn yn darparu ar gyfer codi a chasglu ffioedd am gyffuriau a chyfarpar sy'n cael eu cyflenwi o dan Ddeddf y Gwasanaeth Iechyd Gwladol 1977(2). Gwneir darpariaeth ar wahân ar gyfer ffioedd deintyddol ac optegol.

3. Save in the circumstances outlined in paragraph 2 above, these Regulations provide for the making and recovery of charges for drugs and appliances supplied under the National Health Service Act 1977(2). Provision for dental charges and optical charges is made separately.

(1) S.I. 2001/1358 (Cy.86).

(2) 1977 p.49.

(1) S.I. 2001/1358 (W.86).

(2) 1977 c.49.

4. Mae'r Rheoliadau'n darparu ar gyfer esemptiadau rhag talu ffioedd am gyffuriau a chyfarpar sy'n gymwys i gleifion heblaw'r rheini sydd wedi'u cofrestru gydag YC yng Nghymru neu wedi'u cofrestru gydag YC yn Lloegr ond sy'n dal cardiau hawl dilys (rheoliad 8) ac yn darparu ymhellach ar gyfer cleifion sydd wedi'u cofrestru gydag YC yng Nghymru neu wedi'u cofrestru gydag YC yn Lloegr ond sy'n dal cardiau hawl dilys i wneud cais am dystysgrifau esemptio (rheoliad 9).

5. Mae rheoliad 11 yn darparu ar gyfer dyroddi cardiau hawl sydd yn galluogi preswylwyr yng Nghymru i gael cyffuriau a chyfarpar am ddim pan fo'r cyffuriau a chyfarpar yn cael eu gweinyddu gan fferyllwyr neu feddygon yng Nghymru.

6. Mae'r Rheoliadau hefyd yn darparu esemptiad rhag ffioedd ar gyfer carcharorion (rheoliad 10).

7. Mae Arfarniad Rheoleiddiol ar y Rheoliadau hyn wedi'i baratoi a'i osod yn Llyfrgell Cynulliad Cenedlaethol Cymru.

4. The Regulations provide for exemptions from payment of charges for drugs and appliances which will apply to patients other than those registered with GPs in Wales or registered with GPs in England but holding valid entitlement cards (regulation 8) and further provide for patients registered with GPs in Wales or registered with GPs in England but holding valid entitlement cards to apply for exemption certificates (regulation 9).

5. Regulation 11 provides for the issuing of entitlement cards enabling Welsh residents registered with GPs in England to obtain drugs and appliances free of charge where the same are dispensed by chemists or doctors within Wales.

6. The Regulations also provide for exemption from charges for prisoners (regulation 10).

7. A regulatory appraisal has been prepared in respect of these Regulations and placed in the library of the National Assembly for Wales.

**2007 Rhif 121 (Cy.11)****2007 No. 121 (W.11)****Y GWASANAETH IECHYD  
GWLADOL, CYMRU****NATIONAL HEALTH  
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Presgripsiynau am Ddim  
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Chyfarpar) (Cymru) 2007

National Health Service (Free  
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Regulations 2007

*Wedi'u gwneud*

*23 Ionawr 2007*

*Made*

*23 January 2007*

*Yn dod i rym*

*1 Ebrill 2007*

*Coming into force*

*1 April 2007*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 77, 83, 83A a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1) a pharagraff 1 o Atodlen 12 iddi, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales in exercise of the powers conferred by sections 77, 83, 83A and 126(4) of, and paragraph 1 of Schedule 12 to, the National Health Service Act 1977(1) hereby makes the following Regulations:-

**Enwi, cychwyn a chymhwyso**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007 a deuant i rym ar 1 Ebrill 2007.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

**Title, commencement and application**

1.-(1) The title of these Regulations is the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 and they come into force on 1 April 2007.

(2) These regulations apply in relation to Wales.

**Dehongli**

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

ystyr "anabledd wedi'i dderbyn" ("*accepted disablement*") yw anaf neu glefyd corfforol neu feddyliol y mae'r Cynulliad Cenedlaethol yn derbyn eu bod i'w priodoli i wasanaeth yn lluoedd arfog y Goron neu unrhyw wasanaeth arall a benderfynir gan y Cynulliad, neu eu bod wedi'u gwaethygu gan wasanaeth o'r fath;

mae i "Bwrdd Iechyd Lleol" yr ystyr a roddir i "Local Health Board" yn adran 16BA o'r Ddeddf(2);

**Interpretation**

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

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

"accepted disablement" ("*anabledd wedi'i dderbyn*") means physical or mental injury or disease which is accepted by the National Assembly as attributable to or aggravated by service in the armed forces of the Crown or such other service as it may determine;

"accredited course" ("*cwrs a achredwyd*") means a course accredited by the Nursing and Midwifery Council;

(1) 1977 p.49

(2) Disoddir adran 16BA o'r Ddeddf gan adran 11 o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006 gydag effaith o 1 Mawrth 2007.

(1) 1977 c.49.

ystyr "Canolfan cerdded i mewn" ("*Walk-in centre*") yw canolfan lle y mae gwybodaeth a thriniaeth am fân anhwylderau yn cael eu darparu ar gyfer y cyhoedd o dan drefniadau a wneir gan neu ar ran y Cynulliad Cenedlaethol;

mae "carchar" ("*prison*") yn cynnwys sefydliad tramgwyddwyr ifanc ond nid canolfan hyfforddi ddiogel neu garchar y llynges, carchar milwrol neu garchar y llu awyr, ac at ddibenion y diffiniad hwn-

ystyr "canolfan hyfforddi ddiogel" ("*secure training centre*") yw man y mae tramgwyddwyr sy'n destun gorchmynion cadw a hyfforddi o dan adran 100 o Ddeddf Pwerau'r Llysoedd Troseddol (Dedfrydu) 2000(1) (tramgwyddwyr o dan 18 oed: gorchmynion dal gafael a hyfforddi) y gellir dal gafael ynddynt a'u hyfforddi a'u haddysgu a'u paratoi ar gyfer eu rhyddhau;

ystyr "carcharor" ("*prisoner*") yw person a gedwir mewn carchar, lle darperir gwasanaethau deintyddol, offthalmig, fferyllol neu nyrsio o dan y Ddeddf(2)gan, neu o dan drefniadau a wnaed gan Fwrdd Iechyd Lleol ac eithio yn rhinwedd adran 7(2) o Ddeddf Iechyd a Meddyginiaethau 1988(3) (estyniad pwerau'r Ysgrifennydd Gwladol i ariannu'r Gwasanaeth Iechyd);

ystyr "sefydliad tramgwyddwyr ifanc" ("*young offender institution*") yw man i ddal gafael ar dramgwyddwyr a ddedfrydwyd i gael eu cadw mewn sefydliad i dramgwyddwyr ifanc neu ddalfa am oes;

mae i "cerdyn hawl" ("*entitlement card*") yr ystyr a briodolir iddo gan reoliad 11(1);

ystyr "cerdyn hawl dilys" ("*valid entitlement card*") yw cerdyn hawl sydd mewn grym ac sy'n gymwys i'r claf a enwir ar ffurflen bresgipsiwn gyfatebol;

ystyr "claf" ("*patient*") yw -

- (a) unrhyw berson y rhoddir gwasanaethau meddygol sylfaenol iddo o dan Ran 1 o'r Ddeddf(4);
- (b) unrhyw berson sy'n gwneud cais i fferylllydd ddarparu gwasanaethau fferyllol iddo ac at ddibenion y Rheoliadau hyn mae'n cynnwys person sy'n gweithredu ar ran person o'r fath;
- (c) unrhyw berson sy'n gofyn am wybodaeth neu driniaeth gan Ganolfan cerdded i mewn;
- (ch) unrhyw berson sy'n gwneud cais am gael cyffur wedi'i gyflenwi yn unol â Chyfarwyddyd Grwp Cleifion;

"appliance" ("*cyfarpar*") means a listed appliance within the meaning of section 41 of the Act(1);

"batch issue" ("*swp-ddyroddiad*") means a form provided by a Local Health Board and issued by a repeatable prescriber at the same time as a repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services, which is in the format specified in Part 2 of Schedule 1 to the GMS Contract Regulations, and which-

- (a) is generated by a computer and not signed by a repeatable prescriber;
- (b) relates to a particular repeatable prescription and contains the same date as that prescription;
- (c) is issued as one of a sequence of forms, the number of which is equal to the number of occasions on which the drugs or appliances ordered on the repeatable prescription may be provided; and
- (d) specifies a number denoting its place in the sequence referred to in paragraph (c);

"the Charges Regulations 2000" ("*Rheoliadau Ffioedd 2000*") means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(2);

"the Charges Regulations 2001" ("*Rheoliadau Ffioedd 2001*") means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(3);

"chemist" ("*fferylllydd*") includes any person, other than a doctor, providing pharmaceutical services;

"dispensing services" ("*gwasanaethau gweinyddu*") means services corresponding to pharmaceutical services under the terms of a GMS contract which give effect to paragraphs 47 to 51 of Schedule 6 to the GMS Contract Regulations;

"doctor" ("*meddyg*") means a registered medical practitioner;

"Drug Tariff" ("*Tariff Cyffuriau*") means the statement compiled, published and amended from time to time by the National Assembly pursuant to regulation 18 of the National Health Service (Pharmaceutical Services) Regulations 1992(4) (standards of, and payments for, drugs and appliances);

"drugs" ("*cyffuriau*") includes medicines;

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(1) 2000 p.6.

(2) Darperir gwasanaethau deintyddol, offthalmig a fferyllol yn eu trefn o dan Rannau 4, 5, 6 a 7 o Ddeddf Gwasanaeth Iechyd Gwladol gydag effaith o 1 Mawrth 2007.

(3) 1988 p.49.

(4) Darperir gwasanaethau meddygol sylfaenol o dan Ran 4 o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006 gydag effaith o 1 Mawrth 2007.

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(1) Section 41 of the Act is replaced by section 80 of the National Health Service (Wales) Act 2006 (c.42) with effect from 1 March 2007.

(2) S.I. 2000/620, as last amended by S.I. 2006/675.

(3) S.I. 2001/1358 (W.86), as last amended by S.I. 2006/1792 (W.188).

(4) S.I. 1992/662, as last amended in relation to Wales by S.I. 2005/1013 (W.67).

mae i'r term "claf cymwys" ("*qualifying patient*") yr ystyr a briodolir iddo gan reoliad 11(3);

ystyr "cofrestr berthnasol" ("*relevant register*") yw-

- (a) mewn perthynas â nyrs neu gydwrraig, y Gofrestr Nyrsion a Bydwreigiaeth;
- (b) mewn perthynas â fferylllydd, y gofrestr a gedwir yn unol ag adran 2(1) o Ddeddf Fferylliaeth 1954(1) neu'r gofrestr a gedwir yn unol ag Erthyglau 6 a 9 o Orchymyn Fferylliaeth (Gogledd Iwerddon) 1976(2);
- (c) mewn perthynas â pherson y mae ei enw wedi'i gofrestru yn y rhan o'r ofrestr a gedwir gan y Cyngor Proffesiynau Iechyd yn unol ag Erthygl 5 o Orchymyn Proffesiynau Iechyd 2001(3) sy'n ymwneud â-
  - (i) ciropodyddion a phodiatriyddion;
  - (ii) ffysiotherapyddion; neu
  - (iii) radiograffyddion: diagnostig neu therapiwtig,y gofrestr honno; ac
- (ch) mewn perthynas ag optometrydd cofrestredig, y gofrestr optometryddion a gedwir o dan adran 7(a) o Ddeddf Optegwyr 1989(4);

ystyr "Cofrestr Nyrsio a Bydwreigiaeth" ("*Nursing and Midwifery Register*") yw'r gofrestr a gedwir gan y Cyngor Nyrsio a Bydwreigiaeth o dan Orchymyn Nyrsio a Bydwreigiaeth 2001(5);

ystyr "Contract GMS" ("*GMS Contract*") yw contract o dan adran 28Q o'r Ddeddf;

ystyr "cwrs a achredwyd" ("*accredited course*") yw cwrs a achredwyd gan y Cyngor Nyrsio a Bydwreigiaeth;

ystyr "cyfarpar" ("*appliance*") yw cyfarpar rhestredig o fewn ystyr adran 41 o'r Ddeddf(6);

mae "Cyfarwyddyd Grwp Cleifion" ("*Patient Group Direction*") i'w ddehongli yn unol â rheoliad 7(2);

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;

mae "cyffuriau" ("*drugs*") yn cynnwys meddyginiaethau;

"elastic hosiery" ("*hosan elastig*") means anklet, legging, knee-cap, below-knee or thigh stocking;

"entitlement card" ("*cerdyn hawl*") has the meaning assigned to it by regulation 11(1);

"equivalent batch issue" ("*swp-ddyroddiad cyfatebol*") means a form provided under equivalent arrangements having effect in England, Scotland and Northern Ireland which is issued by a repeatable prescriber at the same time as an equivalent repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services;

"equivalent prescription form" ("*ffurflen brescripsiwn gyfatebol*") means a form provided and issued under equivalent arrangements having effect in England, Scotland or Northern Ireland to enable a person to obtain pharmaceutical services or local pharmaceutical services, or in Scotland pharmaceutical care services provided under Part 1 of the National Health Service (Scotland) Act 1978(1), and does not include-

- (a) a Welsh prescription form;
- (b) a Welsh repeatable prescription; or
- (c) an equivalent repeatable prescription;

"equivalent repeatable prescription" ("*presgripsiwn amlroddadwy cyfatebol*") means a prescription contained in a form and issued in accordance with arrangements having effect in England, Scotland and Northern Ireland to enable a person to obtain equivalent repeat dispensing services to those provided within Wales;

"exemption" ("*esemptiad*") means any exemption provided for in regulation 8;

"exemption certificate" ("*tystysgrif esemptio*") has the meaning assigned to it by regulation 9(1);

"the GMS Contract Regulations" ("*Rheoliadau Contract GMS*") means the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(2);

"GMS contract" ("*contract GMS*") means a general medical services contract under section 28Q of the Act;

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(1) 1954 p.61.

(2) Rh. St. 1976/1213 (G.I.22).

(3) O.S. 2001/254.

(4) 1989 p.44.

(5) O.S. 2001/253.

(6) Disodlir adran 41 o'r Ddeddf gan adran 80 o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006 gydag effaith o 1 Mawrth 2007.

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(1) 1978 c.29.

(2) S.I. 2004/478 (W.48) as last amended by S.I. 2006/945 (W.94).



ystyr "y Ddeddf" ("*the Act*") yw Deddf y Gwasanaeth Iechyd Gwladol 1977;

ystyr "esemptiad" ("*exemption*") yw unrhyw ollyngiad a ddarperir ar ei gyfer yn rheoliad 8;

mae "fferyllydd" ("*chemist*") yn cynnwys unrhyw berson, heblaw meddyg, sy'n darparu gwasanaethau fferyllydd;

ystyr "fferyllydd-ragnodydd annibynnol" ("*pharmacist independent prescriber*") yw person-

- (a) sy'n fferyllydd, a
- (b) y cofnodir yn erbyn ei enw yn y gofrestr berthnasol nodyn yn dynodi ei fod yn gymwys i archebu cyffuriau, meddyginiaethau a chyfarpar fel fferyllydd-ragnodydd annibynnol;

ystyr "ffurflen bresgripsiwn gyfatebol" ("*equivalent prescription form*") yw ffurflen a ddarparwyd ac a ddyroddwyd o dan drefniadau cyfatebol sy'n effeithiol yn Lloegr, yr Alban neu Ogledd Iwerddon i alluogi person i gael gwasanaethau fferyllydd neu wasanaethau fferyllydd lleol, neu yn yr Alban wasanaethau gofal fferyllydd a ddarperir o dan Ran 1 o Ddeddf y Gwasanaeth Iechyd Gwladol (yr Alban) 1978(1), ac nid yw'n cynnwys-

- (a) ffurflen bresgripsiwn Gymreig;
- (b) presgripsiwn amlroddadwy Cymreig; neu
- (c) presgripsiwn amlroddadwy cyfatebol;

ystyr "ffurflen bresgripsiwn Gymreig" ("*Welsh prescription form*") yw ffurflen a ddarperir gan Fwrdd Iechyd Lleol neu Ymddiriedolaeth GIG yng Nghymru a ddyroddwyd gan ragnodydd neu ddeintydd i alluogi person i gael gwasanaethau fferyllydd ac nid yw'n cynnwys-

- (a) presgripsiwn amlroddadwy Cymreig;
- (b) ffurflen bresgripsiwn gyfatebol; neu
- (c) presgripsiwn amlroddadwy cyfatebol,

ac at ddibenion y diffiniad hwn-

ystyr "un o Ymddiriedolaethau'r GIG yng Nghymru" ("*Welsh NHS Trust*") yw Ymddiriedolaeth y GIG y lleolir y cyfan neu'r rhan fwyaf o'i hysbytai, sefydliadau a chyfleusterau yng Nghymru;

ystyr "gwasanaethau amlweinyddu" ("*repeat dispensing services*") yw gwasanaethau fferyllydd sy'n ymwneud â darparu cyffuriau neu gyfarpar gan fferyllydd yn unol â phresgripsiwn amlroddadwy;

"independent nurse prescriber" ("*nyrs sy'n rhagnodi'n annibynnol*") means a person-

- (a) who is registered in the Nursing and Midwifery Register, and
- (b) in respect of whom an annotation signifying that he or she is qualified to order drugs, medicines and appliances from-
  - (i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIB(i) of the Drug Tariff, or
  - (ii) the Nurse Prescribers' Extended Formulary for Community Practitioners in Part XVIIB(i) of the Drug Tariff,

is also recorded in that register;

"Local Health Board" ("*Bwrdd Iechyd Lleol*") has the meaning assigned to it by section 16BA of the Act(1);

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

"nurse independent prescriber" ("*nyrs-ragnodydd annibynnol*") means a person-

- (a) whose name is registered in the Nursing and Midwifery Register, and
- (b) who, in respect of a person practising in Wales on or after 1 February 2007, has passed an accredited course to practise as a nurse independent prescriber;

"Nursing and Midwifery Register" ("*Cofrestr Nyrsio a Bydwreigiaeth*") means the register maintained by the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001(2);

"patient" ("*claf*") means-

- (a) any person who is provided with primary medical services under Part 1 of the Act(3);
- (b) any person who applies to a chemist for the provision of pharmaceutical services and includes for the purposes of these Regulations a person acting on behalf of such a person;
- (c) any person who seeks information or treatment from a Walk-in centre;
- (d) any person who applies to be supplied with a drug in accordance with a Patient Group Direction;

"Patient Group Direction" ("*Cyfarwyddyd Grwp Cleifion*") is to be construed in accordance with regulation 7(2);

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(1) 1978 p.29.

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(1) Section 16BA of the Act is replaced by section 11 of the National Health Service (Wales) Act 2006 with effect from 1 March 2007.

(2) S.I. 2001/253.

(3) Primary medical services are provided under Part 4 of the National Health Service (Wales) Act 2006 with effect from 1 March 2007.

ystyr "gwasanaethau gweinyddu" ("*dispensing services*") yw gwasanaethau sy'n cyfateb i wasanaethau fferyllol o dan delerau contract GMS sy'n rhoi effaith i baragraffau 47 i 51 o Atodlen 6 i Reoliadau Contract GMS;

ystyr "hosan elastig" ("*elastic hosiery*") yw hosan i'r pigwrn, i'r goes, i'r ben-glin, i'r goes o dan y benglin neu i'r glun;

ystyr "meddyg" ("*doctor*") yw ymarferydd meddygol cofrestredig;

ystyr "nyrs-ragnodydd annibynnol" ("*nurse independent prescriber*") yw person-

- (a) y mae ei enw wedi'i gofrestru yn y Gofrestr Nyrsion a Bydwreigiaeth, a
- (b) sydd, o ran y person sy'n ymarfer yng Nghymru ar 1 Chwefror 2007 neu ar ôl y dyddiad hwnnw, wedi llwyddo mewn cwrs a achredwyd ar gyfer ymarfer fel nyrs-ragnodydd annibynnol;

ystyr "nyrs sy'n rhagnodi'n annibynnol" ("*independent nurse prescriber*") yw person-

- (a) sydd wedi'i gofrestru yn y Gofrestr Nyrsio a Bydwreigiaeth, a
- (b) y mae nodyn yn ei gylch yn dynodi ei fod yn gymwys i archebu cyffuriau, meddyginiaethau a chyfarpar-
  - (i) o'r Llyfr Fferyllol Nyrsys sy'n Rhagnodi sydd ar gyfer Nyrsys Ardal ac Ymwelwyr Iechyd yn Rhan XVIIB(i) o'r Tariff Cyffuriau, neu
  - (ii) o'r Llyfr Fferyllol Nyrsys sy'n Rhagnodi sydd ar gyfer Ymarferwyr Cymunedol yn Rhan XVIIB(i) o'r Tariff Cyffuriau,

hefyd wedi'i gofnodi yn y gofrestr honno;

ystyr "presgripsiwn amlroddadwy cyfatebol" ("*equivalent repeatable prescription*") yw presgripsiwn a geir mewn ffurflen ac a ddyroddwyd o dan drefniadau cyfatebol sy'n effeithiol yn Lloegr, yr Alban neu Ogledd Iwerddon i alluogi person i gael gwasanaethau amlweinyddu sydd yn gyfateboli'r rhai hynny a ddarperir yng Nghymru;

ystyr "presgripsiwn amlroddadwy Cymreig" ("*Welsh repeatable prescription*") yw presgripsiwn ar ffurf a ddarperir gan Fwrdd Iechyd Lleol ac a ddyroddwyd gan ragnodydd amlroddadwy i alluogi

"pharmacist independent prescriber" ("*fferylllydd-ragnodydd annibynnol*") means a person-

- (c) who is a pharmacist, and
- (d) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;

"prescriber" ("*rhagnodydd*") means-

- (a) a doctor,
- (b) an independent nurse prescriber,
- (c) a supplementary prescriber,
- (d) a nurse independent prescriber, and
- (e) a pharmacist independent prescriber.

"Primary Care Trust" ("*Ymddiriedolaeth Gofal Sylfaenol*") means a Primary Care Trust established under section 16A of the Act(1);

"prison" ("*carchar*") includes a young offender institution but not a secure training centre or a naval, military or air force prison, and for the purposes of this definition-

"prisoner" ("*carcharor*") means a person who is detained in a prison in which medical, dental, ophthalmic, pharmaceutical or nursing services are provided under the Act(2) by, or under arrangements made by a Local Health Board otherwise than by virtue of section 7(2) of the Health and Medicines Act 1988(3) (extension of the powers of Secretary of State for financing the Health Service);

"secure training centre" ("*canolfan hyfforddi diogel*") means a place in which offenders subject to detention and training orders under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000(4) (offenders under 18: detention and training orders) may be detained and given training and education and prepared for their release; and

"young offender institution" ("*sefydliad tramgwyddwyr ifanc*") means a place for the detention of offenders sentenced to detention in a young offender institution or to custody for life;

"qualifying patient" ("*claf cymwys*") has the meaning assigned to it by regulation 11(3);

"relevant register" ("*cofrestr berthnasol*") means-

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(1) Section 16A of the Act is replaced by section 18 of the National Health Service Act 2006 (c.41) with effect from 1 March 2007.

(2) Medical, dental, ophthalmic and pharmaceutical services are provided under Parts 4, 5, 6, and 7 of the National Health Service (Wales) Act 2006 respectively with effect from 1 March 2007.

(3) 1988 c.49.

(4) 2000 c.6.

person i gael gwasanaethau fferyllol yn y fformat a bennir yn Rhan 1 o Atodlen 1 i Reoliadau Contract GMS ac-

- (a) a gynhyrchir gan gyfrifiadur ond a lofnodir gan ragnodydd amlroddadwy; a
- (b) sy'n dangos y ceir darparu'r cyffuriau neu'r cyfarpar a orchmynnir ar y ffurflen fwy nag unwaith, ac sy'n pennu sawl gwaith y ceir eu darparu;

ystyr "rhagnodydd" yw-

- (a) meddyg,
- (b) nyrs sy'n rhagnodi'n annibynnol,
- (c) rhagnodydd atodol,
- (ch) nyrs-ragnodydd annibynnol, ac
- (d) fferyllydd-ragnodydd annibynnol;

ystyr "rhagnodydd amlroddadwy" ("*repeatable prescriber*") yw rhagnodydd-

- (a) sy'n contractiwr GMS sy'n darparu gwasanaethau rhagnodi amlroddadwy o dan delerau ei contract sy'n rhoi effaith i baragraff 40 o Atodlen 6 i'r Rheoliadau Contract GMS; neu
- (b) sy'n gyflogedig neu a gymrwyd ymlaen gan contractiwr GMS sy'n darparu gwasanaethau rhagnodi amlroddadwy o dan delerau ei contract sy'n rhoi effaith i baragraff 40 o Atodlen 6 i'r Rheoliadau Contract GMS;

ystyr "rhagnodydd atodol" ("*supplementary prescriber*") yw person-

- (a) y mae ei enw wedi'i gofrestru yn-
  - (i) y Gofrestr Nyrsio a Bydwreigiaeth;
  - (ii) y Gofrestr Fferyllwyr Fferyllol a gedwir yn unol ag adran 2(1) o Ddeddf Fferylliaeth 1954;
  - (iii) y gofrestr a gedwir yn unol ag Erthyglau 6 a 9 o Orchymyn Fferylliaeth (Gogledd Iwerddon) 1976,
  - (iv) y rhan o'r gofrestr a gedwir gan Gyngor Proffesiynau Iechyd Cymru yn unol ag erthygl 5 o Orchymyn Proffesiynau Iechyd Cymru 2001 sy'n ymwneud ag-
    - (aa) ciropodyddion a phodiatriyddion;
    - (bb) ffysiotherapyddion; neu
    - (cc) radiograffyddion: diagnostig neu therapiwtig, neu
  - (v) yn y gofrestr optometryddion a gedwir gan y Cyngor Optegol Cyffredinol yn unol ag

- (a) in relation to a nurse or a midwife, the Nursing and Midwifery Register;
- (b) in relation to a pharmacist, the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954(1) or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(2);
- (c) in relation to a person whose name is registered in the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(3) relating to-
  - (i) chiroprodists and podiatrists;
  - (ii) physiotherapists; or
  - (iii) radiographers: diagnostic or therapeutic;

that register; and

- (d) in relation to a registered optometrist, the register of optometrists maintained under section 7(a) of the Opticians Act 1989(4);

"repeat dispensing services" ("*gwasanaethau amlweinyddu*") means pharmaceutical services which involve the provision of drugs or appliances by a chemist in accordance with a repeatable prescription;

"repeatable prescriber" ("*rhagnodydd amlroddadwy*") means a prescriber who is-

- (a) a GMS contractor who provides repeatable prescribing services under the terms of its contract which give effect to paragraph 40 of Schedule 6 to the GMS Contract Regulations; or
- (b) employed or engaged by a GMS contractor who provides repeatable prescribing services under the terms of a contract which give effect to paragraph 40 of Schedule 6 to the GMS Contract Regulations;

"supplementary prescriber" ("*rhagnodydd atodol*") means a person

- (a) whose name is registered in-
  - (i) the Nursing and Midwifery Register,
  - (ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954;
  - (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976,

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(1) 1954 c.61.

(2) S.R. 1976/1213 (N.I. 22).

(3) S.I. 2001/254.

(4) 1989 c.44.



adran 7(a) o Ddeddf Optegwyr 1989, a

- (b) y cofnodwyd yn erbyn ei enw yn y gofrestr berthnasol nodyn yn dynodi ei fod yn gymwys i archebu cyffuriau, meddyginiaethau a chyfarpar fel rhagnodydd atodol;

ystyr "Rheoliadau Contract GMS" ("*the GMS Contract Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau'r Gwasanaethau Meddygol Cyffredino) (Cymru) 2004(1);

ystyr "Rheoliadau Ffioedd 2000" ("*the Charges Regulations 2000*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) 2000(2);

ystyr "Rheoliadau Ffioedd 2001" ("*the Charges Regulations 2001*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2001(3);

ystyr "y Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl" ("*the Travelling Expenses and Remission of Charges Regulations*") yw Rheoliadau Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 1988(4);

ystyr "swp-ddyroddiad" ("*batch issue*") yw ffurflen sy'n cael ei darparu gan Fwrdd Iechyd Lleol a'i dyroddi gan ragnodydd amlroddadwy yr un pryd â phresgripsiwn amlroddadwy i alluogi fferylllydd i gael taliad am ddarparu gwasanaethau amlweinyddu, ac sydd yn y fformat a bennir yn Rhan 2 o Atodlen 1 i'r Rheoliadau Contract GMS, ac sydd -

- (a) yn cael ei chynhyrchu gan gyfrifiadur ond nad yw'n cael ei llofnodi gan ragnodydd amlroddadwy;
- (b) yn ymwneud â phresgripsiwn amlroddadwy penodol ac yn cynnwys yr un dyddiad â'r presgripsiwn hwnnw;
- (c) yn ffurfio rhan o ddilyniant o ffurflenni, lle mae'r nifer o ffurflenni yn gyfartal â nifer yr adegau y caniateir darparu'r cyffuriau neu'r cyfarpar a orchmynwyd ar y presgripsiwn amlroddadwy; ac
- (ch) yn pennu Rhif i ddynodi ei lle yn y dilyniant y cyfeiriwyd ato ym mharagraff (c);

ystyr "swp-ddyroddiad cyfatebol" ("*equivalent batch issue*") yw ffurflen a ddarperir o dan drefniadau cyfatebol sy'n effeithiol yn Lloegr, yr

- (iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001 relating to-

- (aa) chiropodists and podiatrists,  
(bb) physiotherapists,  
(cc) radiographers: diagnostic or therapeutic, or

- (v) the register of optometrists maintained by the General Optical Council in pursuance of section 7(a) of the Opticians Act 1989, and

- (b) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber;

"terms of service" ("*telerau gwasanaeth*") means the terms on which general ophthalmic services and pharmaceutical services are provided under the Act;

"the Travelling Expenses and Remission of Charges Regulations" ("*y Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl*") means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(1);

"treatment" ("*triniaeth*") includes examination and diagnosis;

"valid entitlement card" ("*cerdyn hawl dilys*") means an entitlement card which is in force and applies to the patient named on an equivalent prescription form;

"Walk-in centre" ("*Canolfan cerdded i mewn*") means a centre at which information and treatment for minor conditions is provided to the public under arrangements made by or on behalf of the National Assembly;

"Welsh prescription form" ("*ffurflen bresripsiwn Gymreig*") means a form provided by a Local Health Board or a Welsh NHS Trust and issued by a prescriber or a dentist to enable a person to obtain pharmaceutical services and does not include-

- (a) a Welsh repeatable prescription;  
(b) an equivalent prescription form; or  
(c) an equivalent repeatable prescription,

and for the purposes of this definition-

(1) O.S. 2004/478 (Cy.48), fel y'u diwygiwyd ddiwethaf gan O.S. 2006/945 (Cy.94).

(2) O.S. 2000/620, fel y'u diwygiwyd ddiwethaf gan O.S. 2006/675.

(3) O.S. 2001/1358 (Cy.86), fel y'u diwygiwyd ddiwethaf gan O.S. 2003/1792 (Cy. 188).

(4) O.S. 1988/551, fel y'u diwygiwyd ddiwethaf gan O.S. 2006/2791 (Cy. 232).

(1) S.I. 1988/551, as last amended by S.I. 2006/2791 (W.232).

Alban a Gogledd Iwerddon a ddyroddir gan ragnodydd amlroddadwy ar yr un pryd â phresgripsiwn amlroddadwy cyfatebol i alluogi fferylllydd i gael taliad am ddarparu gwasanaethau amlweinyddu;

ystyr "Tariff Cyffuriau" ("*Drug Tariff*") yw datganiad a lunnir, ei gyhoeddi a'i ddiwygio o dro i dro gan Gynulliad Cenedlaethol yn unol â rheoliad 18 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(1) (safonau a thaliadau am gyffuriau a chyfarpar);

ystyr "telerau gwasanaeth" ("*terms of service*") yw'r telerau y mae gwasanaethau offthalmig cyffredinol a gwasanaethau fferyllol yn cael eu darparu odanynt o dan y Ddeddf;

mae "triniaeth" ("*treatment*") yn cynnwys archwilio a diagnosis;

mae i'r term "tystysgrif esemptio" ("*exemption certificate*") yr ystyr a briodolir iddo gan reoliad 9(1);

ystyr "Ymddiriedolaeth Gofal Sylfaenol" ("*Primary Care Trust*") yw Ymddiriedolaeth Gofal Sylfaenol a sefydlwyd o dan adran 16A o'r Ddeddf(2).

(2) At ddibenion y Rheoliadau hyn mae cyflenwi gyferbyn â gorchymyn ar un ffurflen bresgripsiwn, neu ar un presgripsiwn amlroddadwy (ond dim ond pan fo'r cyflenwi yn erbyn un swp-ddyroddiad ynghylch y presgripsiwn amlroddadwy hwnnw)-

- (a) symiau o'r un cyffur mewn mwy nag un cynhwysydd yn cael ei drin fel cyflenwi un swm yn unig o gyffur;
- (b) mwy nag un cyfarpar o'r un math, ac eithrio yn achos hosanau elastig a theits, neu gyflenwi dwy neu fwy o gydrannau'r un cyfarpar, yn cael ei drin fel cyflenwi un cyfarpar yn unig.

(3) Cyhyd â bod contractau yr ymrwymir iddynt o dan erthygl 13 o Orchymyn Darpariaethau Trosiannol a Chanlyniadol y Gwasanaethau Meddygol Cyffredinol (Cymru) 2004(3) ("*contractau rhagosodedig*") mewn bod, bernir bod unrhyw gyfeiriad yn y Rheoliadau hyn at gontract GMS yn cynnwys cyfeiriad at gontract yr ymrwymir iddo o dan yr erthygl honno, a bernir bod unrhyw gyfeiriad at deler mewn contract GMS yn cynnwys cyfeiriad at y teler cyfatebol yn y contract rhagosodedig.

"a Welsh NHS Trust" ("*un o Ymddiriedolaethau'r GIG yng Nghymru*") means an NHS Trust all or most of whose hospitals, establishments and facilities are situated in Wales;

"Welsh repeatable prescription" ("*presgripsiwn amolroddadwy Cymreig*") means a prescription contained in a form provided by a Local Health Board and issued by a repeatable prescriber to enable a person to obtain pharmaceutical services, which is in the format specified in Part 1 of Schedule 1 to the GMS Contract Regulations and which-

- (a) is generated by a computer but signed by a repeatable prescriber; and
- (b) indicates that the drugs or appliances ordered on that form may be provided more than once, and specifies the number of occasions on which they may be provided.

(2) For the purposes of these Regulations the supply against an order on one prescription form, or on one repeatable prescription (but only where the supply is against one batch issue relating to that repeatable prescription)-

- (a) of quantities of the same drug in more than one container shall be treated as the supply of only one quantity of a drug;
- (b) of more than one appliance of the same type, except in the case of elastic hosiery and tights, or of two or more component parts of the same appliance, shall be treated as the supply of only one appliance.

(3) For as long as there are in existence contracts entered into under article 13 of the General Medical Services Transitional and Consequential Provisions (Wales) Order 2004(1) ("*default contracts*") any reference in these Regulations to a GMS contract shall be read as including a reference to a contract entered into under that article and any reference to a term of a GMS contract shall be read as including a reference to the equivalent term of the default contract.

(1) O.S. 1992/662, fel y'u diwygiwyd ddiwethaf mewn perthynas â Chymru gan O.S.2005/1013 (Cy.67).

(2) Disodlir adran 16A o Ddeddf gan adran 18 o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006 gydag effaith o 1 Mawrth 2007.

(3) O.S. 2004/477 (Cy. 47).

(1) S.I. 2004/477 (W.47).

(4) Onid yw'r cyd-destun yn mynnu fel arall, mae unrhyw gyfeiriad yn y Rheoliadau hyn at reoliad neu Atodlen â rhif yn gyfeiriad at y rheoliad yn y Rheoliadau hyn neu at yr Atodlen iddynt sy'n dwyn y rhif hwnnw, ac mae unrhyw gyfeiriad mewn rheoliad at baragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad hwnnw.

### **Cyflenwi cyffuriau a chyfarpar gan fferyllwyr**

3.-(1) Rhaid i fferylllydd sy'n darparu gwasanaethau fferyllol i glaf beidio â chodi na chasglu ffi am unrhyw gyffuriau neu gyfarpar a gyflenwir fel rhan o'r gwasanaethau hynny yn yr amgylchiadau canlynol-

- (a) os yw'r claf yn cyflwyno ffurflen bresgripsiwn Gymreig; neu
- (b) os yw'r claf yn cyflwyno ffurflen bresgripsiwn gyfatebol a cherdyn hawl dilys.

(2) Ac eithrio lle y bodlonir yr amgylchiadau ym mharagraff (1) (a) neu (b) uchod, rhaid i fferylllydd sy'n darparu gwasanaethau fferyllol i glaf, yn ddarostyngedig i baragraff (3), godi a chasglu ffi oddi wrth y claf hwnnw,-

- (a) am eitem hosan elastig y ffi a bennir yn rheoliad 3(1)(a) o Reoliadau Ffioedd 2000,
- (b) am gyflenwi pob cyfarpar arall ac am bob swm o gyffur, y ffi a bennir yn rheoliad 3(1)(b) o Reoliadau Ffioedd 2000.

(3) Os telir ffi o dan baragraff (2), rhaid i'r person sy'n talu, bryd hynny lofnodi datganiad yn ysgrifenedig ar y ffurflen bresgripsiwn gyfatebol bod y ffi berthnasol wedi cael ei thalu.

(4) Rhaid i fferylllydd sy'n darparu gwasanaethau fferyllol amlroddadwy i glaf beidio â chodi na chasglu ffi am unrhyw gyffuriau neu gyfarpar a gyflenwir fel rhan o'r gwasanaethau hynny yn yr amgylchiadau canlynol-

- (a) os bydd swp-ddyddiad yn gymwys i gyflenwad o unrhyw gyfarpar neu swm o gyffur a weinyddir gan fferylllydd i'r claf hwnnw; neu
- (b) os bydd swp-ddyddiad cyfatebol yn gymwys i gyflenwad o unrhyw gyfarpar neu swm o gyffur a weinyddir gan fferylllydd i'r claf hwnnw ac os bydd y claf yn cyflwyno cerdyn hawl dilys.

(5) Ac eithrio lle y bodlonir yr amgylchiadau ym mharagraff (1)(a) neu (b) uchod, rhaid i fferylllydd sy'n darparu gwasanaethau gweinyddu amlroddadwy i glaf, yn ddarostyngedig i baragraff (6), godi a chasglu ffi oddi wrth y claf hwnnw-

- (a) am eitem hosan elastig, y ffi a bennir yn rheoliad 3(1A)(b)(i) o Reoliadau Ffioedd 2000,

(4) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation in, or Schedule to, these Regulations which bears that number, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

### **Supply of drugs and appliances by chemists**

3.-(1) A chemist who provides pharmaceutical services to a patient must not make or recover a charge for any drugs or appliances supplied as part of those services in the following circumstances-

- (a) where the patient presents a Welsh prescription form; or
- (b) where the patient presents both an equivalent prescription form and a valid entitlement card.

(2) Save where the circumstances in paragraph (1) (a) or (b) above are satisfied, a chemist who provides pharmaceutical services to a patient, must, subject to paragraph (3), make and recover from that patient,-

- (a) in respect of an item of elastic hosiery the charge that is specified in regulation 3(1)(a) of the Charges Regulations 2000,
- (b) in respect of the supply of each other appliance and each quantity of a drug, the charge that is specified in regulation 3(1)(b) of the Charges Regulations 2000.

(3) Where a charge is paid under paragraph (2), the person making the payment must on doing so sign a declaration in writing on the equivalent prescription form that the relevant charge has been paid.

(4) A chemist who provides repeat dispensing services to a patient must not make or recover a charge for any drugs or appliances supplied as part of those services in the following circumstances-

- (a) where a batch issue applies to the supply of any appliance or quantity of drug dispensed by the chemist to that patient; or
- (b) where an equivalent batch issue applies to the supply of any appliance or quantity of drug dispensed by the chemist to that patient and where the patient presents a valid entitlement card.

(5) Save where the circumstances in paragraph (4) (a) or (b) above are satisfied, a chemist who provides repeat dispensing services to a patient must, subject to paragraph (6), make and recover from that patient-

- (a) in respect of an item of elastic hosiery, the charge specified in regulation 3(1A)(b)(i) of the Charges Regulations 2000,

- (b) am gyflenwi pob cyfarpar arall ac am bob swm o gyffur, y ffi a bennir yn rheoliad 3(1A)(b)(ii) o Reoliadau Ffioedd 2000.

(6) Os telir ffi o dan baragraff (5), rhaid i'r person sy'n talu, bryd hynny lofnodi datganiad yn ysgrifenedig ar y swp-ddyroddiad cyfatebol bod y ffi berthnasol wedi cael ei thalu.

(7) At ddibenion paragraff (2) os oes cyffur a orchmynnir ar un ffurflen bresgripsiwn gyfatebol yn cael ei gyflenwi fesul rhan, rhaid talu'r ffi a bennir yn rheoliad 3(4) o Reoliadau Ffioedd 2000 pan gaiff y rhan gyntaf ei chyflenwi.

(8) Ni chaniateir codi na chasglu ffioedd o dan baragraffau (2) neu (5) yn yr amgylchiadau canlynol-

- (a) pan fydd esemptiad o dan reoliad 8 a bod datganiad o hawl i esemptiad wedi'i gwblhau'n briodol gan neu ar ran y claf-
- (i) mewn achosion pan gyflwynir ffurflen bresgripsiwn gyfatebol, ar y ffurflen bresgripsiwn gyfatebol,
- (ii) mewn achosion sy'n dod o fewn paragraff (5) ar y swp-ddyroddiad ynghylch y presgripsiwn amlroddadwy cyfatebol, ar yr adeg y cyflenwir y cyffur neu'r cyfarpar;
- (b) pan fydd y claf yn preswyllo mewn ysgol neu sefydliad y mewnosodwyd ei henw neu ei enw ar y ffurflen bresgripsiwn gyfatebol gan ragnodydd yn unol â theler contract gwasanaethau meddygol cyffredinol sy'n rhoi effaith i baragraff 44(2) o Atodlen 6 i Reoliadau Contract GMS neu drefniadau eraill ar gyfer darparu gwasanaethau meddygol sylfaenol a wnaed o dan adran 16CC(2) o'r Ddeddf(1);
- (c) pan fydd hawl i beidio â thalu'r ffi o dan reoliad 3 o Reoliadau Treuliau Teithio a Pheidio â Chodi Tâl a datganiad o hawl i beidio â thalu wedi'i gwblhau'n briodol gan neu ar ran y claf yn unol â rheoliad 7 o'r Rheoliadau hynny.

(9) Ni fydd fferylllydd, beth bynnag fo telerau ei wasanaeth, o dan rwymedigaeth i ddarparu gwasanaethau fferyllol o ran gorchymyn ar-

- (a) ffurflen bresgripsiwn gyfatebol,  
(b) presgripsiwn amlroddadwy cyfatebol,

oni thelir yn gyntaf iddo gan y claf unrhyw ffi y mae'n ofynnol ei chodi a'i chasglu gan baragraff (2) neu (5), yn ôl y digwydd, o ran y gorchymyn hwnnw.

- (b) in respect of the supply of each other appliance and of each quantity of a drug, the charge that is specified in regulation 3(1A)(b)(ii) of the Charges Regulations 2000.

(6) Where a charge is paid under paragraph (5), the person making the payment must on doing so sign a declaration in writing on the equivalent batch issue that the relevant charge has been paid.

(7) For the purposes of paragraph (2) where a drug ordered on a single equivalent prescription form is supplied by instalments, the charge specified in regulation 3(4) of the Charges Regulations 2000 must be paid upon the supply of the first instalment.

(8) No charges may be made and recovered under paragraphs (2) or (5) where-

- (a) there is an exemption under regulation 8 and a declaration of entitlement to exemption is duly completed by or on behalf of the patient-
- (i) in cases where an equivalent prescription form is presented, on the equivalent prescription form,
- (ii) in cases falling within paragraph (5) on the equivalent batch issue relating to the equivalent repeatable prescription, at the time the drug or appliance is supplied;
- (b) the patient is resident in a school or institution the name of which is inserted on the equivalent prescription form by a prescriber pursuant to the term of a GMS Contract which gives effect to paragraph 44(2) of Schedule 6 to the GMS Contract Regulations or of other arrangements for the provision of primary medical services made under section 16CC(2) of the Act(1);

(c) there is entitlement to remission of the charge under regulation 3 of the Travelling Expenses and Remission of Charges Regulations and a declaration of entitlement to remission is duly completed by or on behalf of the patient in accordance with regulation 7 of those Regulations.

(9) A chemist, notwithstanding his or her terms of service, is under no obligation to provide pharmaceutical services in respect of an order on-

- (a) an equivalent prescription form,  
(b) an equivalent repeatable prescription,

unless he or she is first paid by the patient any charge required to be made and recovered by paragraph (2) or (5), as the case may be, in respect of that order.

(1) Disodlir adran 16CC(2) o Ddeddf gan adran 41(2) o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006 gydag effaith o 1 Mawrth 2007.

(1) Section 16CC(2) of the Act is replaced by section 41(2) of the National Health Service (Wales) Act 2006 with effect from 1 March 2007.



(10) Rhaid i fferylllydd sy'n codi ac yn casglu ffi o dan baragraff (2) neu (5), os bydd y claf yn gofyn am hynny, roi derbynneb i'r claf am y swm a dderbyniwyd ar y ffurflen a ddarperir at y diben a rhaid i'r ffurflen honno gynnwys ffurfiau o ddatganiad yn cefnogi cais am ad-daliad a gwybodaeth o ran i bwy y gellir gwneud cais iddo am ad-daliad.

(11) Caiff unrhyw swm a fyddai fel arall yn daladwy gan Fwrdd Iechyd Lleol i fferylllydd o ran darparu gwasanaethau fferyllol gan y fferylllydd ei leihau gan swm unrhyw ffioedd y mae'n ofynnol eu codi a'u casglu gan y darpariaethau blaenorol yn y rheoliad hwn.

### **Cyflenwi cyffuriau a chyfarpar gan feddygon**

4.-(1) Rhaid i feddyg sy'n darparu gwasanaethau fferyllol i glaf beidio â chodi ffi na chasglu ffi am unrhyw gyffuriau neu gyfarpar a gyflenwir fel rhan o'r gwasanaethau hynny yn yr amgylchiadau canlynol-

- (a) os yw'r claf yn cyflwyno ffurflen bresgripsiwn Gymreig; neu
- (b) os yw'r claf yn cyflwyno ffurflen bresgripsiwn gyfatebol a cherdyn hawl dilys.

(2) Ac eithrio lle y bodlonir yr amgylchiadau ym mharagraff (1) uchod, rhaid i feddyg sy'n darparu gwasanaethau fferyllol i glaf, yn ddarostyngedig i baragraff (3), godi a chasglu ffi oddi wrth y claf hwnnw-

- (a) am eitem hosan elastig y ffi a bennir yn rheoliad 4(1)(a) o Reoliadau Ffioedd 2000,
- (b) am gyflenwi pob cyfarpar arall ac am bob swm o gyffur, y ffi a bennir yn rheoliad 4(1)(b) o Reoliadau Ffioedd 2000.

(3) Rhaid peidio â chodi na chasglu ffi o dan baragraff (2) -

- (a) os oes yna esemptiad o dan reoliad 8 a bod datganiad o hawl i gael esemptiad ar y ffurflen bresgripsiwn wedi'i gwblhau'n briodol gan y claf neu ar ei ran; neu
- (b) pan fydd hawl i beidio â thalu'r ffi o dan reoliad 3 o Reoliadau Treuliau Teithio a Pheidio â Chodi Tâl a datganiad o hawl i beidio â thalu wedi'i gwblhau'n briodol gan neu ar ran y claf yn unol â rheoliad 7 o'r Rheoliadau hynny.

(4) Os telir ffi o dan baragraff (2), rhaid i'r person sy'n talu, bryd hynny lofnodi datganiad yn ysgrifenedig ar y ffurflen bresgripsiwn gyfatebol bod y ffi berthnasol wedi cael ei thalu.

(5) At ddibenion paragraff (2) os oes cyffur a orchmynnir ar un ffurflen bresgripsiwn gyfatebol yn cael ei gyflenwi fesul rhan, rhaid talu'r ffi a bennir yn rheoliad 4(4) o Reoliadau Ffioedd 2000 pan gaiff y

(10) A chemist who makes and recovers a charge under paragraph (2) or (5) must, if so required by the patient, give the patient a receipt for the amount received on the form provided for the purpose which form must contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.

(11) Any sum which would otherwise be payable by a Local Health Board to a chemist in respect of the provision by the chemist of pharmaceutical services will be reduced by the amount of any charges which are required to be made and recovered by the preceding provisions of this regulation.

### **Supply of drugs and appliances by doctors**

4.-(1) A doctor who provides pharmaceutical services to a patient must not make or recover a charge for any drugs or appliances supplied as part of those services in the following circumstances-

- (a) where the patient presents a Welsh prescription form; or
- (b) where the patient presents both an equivalent prescription form and a valid entitlement card.

(2) Save where the circumstances in paragraph (1)(a) and (b) above are satisfied, a doctor who provides pharmaceutical services to a patient, must, subject to paragraph (3), make and recover from that patient,-

- (a) in respect of an item of elastic hosiery the charge that is specified in regulation 4(1)(a) of the Charges Regulations 2000,
- (b) in respect of the supply of each other appliance and each quantity of a drug, the charge that is specified in regulation 4(1)(b) of the Charges Regulations 2000.

(3) No charge may be made and recovered under paragraph (2) where-

- (a) there is exemption under regulation 8 and a declaration of entitlement to exemption on the equivalent prescription form is duly completed by or on behalf of the patient; or
- (b) there is entitlement to remission of the charge under regulation 3 of the Travelling Expenses and Remission of Charges Regulations and a declaration of entitlement to remission is duly completed by or on behalf of the patient in accordance with regulation 7 of those Regulations.

(4) Where a charge is paid under paragraph (2), the person making the payment must on doing so sign a declaration in writing on the equivalent prescription form that the relevant charge has been paid.

(5) For the purposes of paragraph (2) where a drug ordered on a single equivalent prescription form is supplied by instalments, the charge specified in regulation 4(4) of the Charges Regulations 2000



rhan gyntaf ei chyflenwi.

(6) Ni fydd meddyg o dan unrhyw rwymedigaeth i ddarparu gwasanaethau fferyllol y mae'n ofynnol codi a chasglu ffi mewn perthynas â hwy o dan baragraff (2) onid yw'r claf yn gyntaf yn talu swm y ffi honno iddo.

(7) Rhaid i feddyg sy'n codi ac yn casglu ffi o dan baragraff (2), os bydd y claf yn gofyn am hynny, roi derbynneb i'r claf am y swm a dderbyniwyd ar y ffurflen a ddarperir at y diben a rhaid i'r ffurflen honno gynnwys ffurfiau o ddatganiad yn cefnogi cais iddo am ad-daliad a gwybodaeth o ran i bwy y gellir gwneud cais iddo am ad-daliad.

(8) Ni fydd dim yn y rheoliad hwn yn awdurdodi talu ffi os yw'r cyffur neu'r cyfarpar a gyflenwir naill ai-

- (a) yn angenrheidiol ar gyfer triniaeth ar unwaith ac nad oes gorchymyn ar gyfer y cyffur neu'r cyfarpar wedi'i wneud ar ffurflen bresgripsiwn gyfatebol; neu
- (b) yn cael eu rhoi i'r claf, neu eu rhoi ar y claf, gan y meddyg yn bersonol.

#### **Cyflenwi cyffuriau a chyfarpar gan Fyrddau Iechyd Lleol ac Ymddiriedolaethau GIG**

5. Nid yw claf yn atebol i dalu ffioedd i Fwrdd Iechyd Lleol neu un o Ymddiriedolaethau'r GIG sy'n cyflenwi cyffuriau neu gyfarpar i'r claf hwnnw at ddibenion ei driniaeth.

#### **Cyflenwi cyffuriau a chyfarpar mewn Canolfannau cerdded i mewn**

6. Nid yw claf yn atebol i dalu ffioedd am gyffuriau neu gyfarpar a gyflenwir at ddibenion ei driniaeth gan ragnodydd mewn Canolfan cerdded i mewn neu am gyffuriau a roddir neu gyfarpar a osodir yn y Ganolfan.

#### **Cyflenwi cyffuriau o dan Gyfarwyddiadau Grwpiau Cleifion**

7.-(1) Nid yw claf yn atebol i dalu ffioedd am gyffuriau yn unol â Chyfarwyddyd Grwp Cleifion neu am gyffuriau a gyflenwir at ddibenion ei roi'n bersonol gan unrhyw berson sy'n cyflenwi yn unol â'r Cyfarwyddyd Grwp Cleifion

(2) At ddibenion y rheoliad hwn, mae'r cyfeiriad at gyflenwi cyffur yn unol â Chyfarwyddyd Grwp Cleifion yn gyfeiriad at gyflenwi cyffur at y diben hwnnw y darperir ar ei gyfer yng Ngorchymyn Meddyginiaethau (Gwerthu gan Fferyllfeydd ac yn Gyffredinol - Esemptiad) 1980(1) neu yng Ngorchymyn Meddyginiaethau Presgripsiwn yn Unig (Defnydd Dynol) 1997(2).

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(1) O.S. 1980/1924.

(2) O.S. 1997/1830.

payable for that drug must be paid upon the supply of the first instalment.

(6) A doctor is under no obligation to provide pharmaceutical services for which a charge is required to be made and recovered by paragraph (2) unless he or she is first paid the amount of that charge by the patient.

(7) A doctor who makes and recovers a charge under paragraph (2) must, if so required by the patient, give the patient a receipt for the amount received on the form provided for the purpose which form must contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.

(8) Nothing in this regulation shall authorise the payment of a charge where the drug or appliance supplied either-

- (a) is needed for immediate treatment and no order for the drug or appliance is made on an equivalent prescription form; or
- (b) is administered or applied to the patient by the doctor personally.

#### **Supply of drugs and appliances by Local Health Boards and NHS trusts**

5. A patient is not liable to pay charges to a Local Health Board or an NHS trust which supplies to that patient for the purposes of his or her treatment, drugs, or appliances.

#### **Supply of drugs and appliances at Walk-in centres**

6. A patient is not liable to pay charges for drugs or appliances supplied for the purposes of his or her treatment by a prescriber at a Walk-in Centre or for drugs administered or appliance fitted at the Centre.

#### **Supply of drugs under Patient Group Directions**

7.-(1) A patient is not liable to pay charges for drugs supplied in accordance with a Patient Group Direction or for drugs supplied for personal administration by any person making the supply in accordance with the Patient Group Direction.

(2) For the purposes of this regulation the reference to the supply of a drug in accordance with a Patient Group Direction is a reference to the supply of a drug for that purpose as provided for in the Medicines (Pharmacy and General Sale - Exemption) Order 1980(1) or in the Prescription Only Medicines (Human Use) Order 1997(2).

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(1) S.I. 1980/1924.

(2) S.I. 1997/1830.

## Esemptiadau

8.-(1) Yn ddarostyngedig i baragraff (3), ni fydd ffi yn daladwy o dan baragraff (2) neu (5) o reoliad 3 neu baragraff (2) o reoliad 4 gan-

- (a) person sy'n esempt o dan baragraff 1(1) (a) i (d) o Atodlen 12 i'r Ddeddf(1);
- (b) person sydd wedi cyrraedd 60 oed;
- (c) menyw sydd â thystysgrif esemptio ddilys a ddyroddwyd drwy drefniadau yn Lloegr, yr Alban neu Ogledd Iwerddon ar y sail ei bod yn fenyw sy'n disgwyl plentyn neu'n fenyw a roes enedigaeth yn y deuddeng mis diwethaf i blentyn byw neu blentyn y gellid ei gofrestru fel plentyn marw-anedig o dan Ddeddf Cofrestru Genedigaethau a Marwolaethau 1953(2);
- (ch) person sydd â thystysgrif esemptio ddilys a ddyroddwyd o dan drefniadau ar gyfer esemptiadau rhag ffioedd am gyffuriau a chyfarpar yn Lloegr, yr Alban neu Ogledd Iwerddon ar y sail ei fod yn dioddef oddi wrth un neu fwy o'r cyflyrau canlynol-
  - (i) ffistwla parhaol (gan gynnwys caecostomi, colostomi, laryngostomi neu ileostomi) sy'n gwneud gorchuddion llawfeddygol neu gyfarpar yn ofynnol yn barhaol;
  - (ii) yr anhwylderau canlynol -
    - ffurfiau o hypoadrenaledd (gan gynnwys clefyd Addison) y mae therapi amnewid penodol yn hanfodol ar ei gyfer
    - diabetes insipidus a mathau eraill o hypobit?idedd
    - diabetes mellitus - ac eithrio os yw'n cael ei drin drwy ddeiet yn unig
    - hypoparathyroidedd
    - myasthenia gravis
    - myxoedema
  - (iii) epilepsi sy'n ei gwneud yn ofynnol i barhau â therapi gwrth-ddirdynnol;
  - (iv) anabledd corfforol parhaus sy'n rhwystro'r claf rhag gadael ei breswylfa heb gymorth person arall;
- (d) person sydd â thystysgrif esemptio ddilys a ddyroddwyd o dan drefniadau ar gyfer esemptiadau rhag ffioedd am gyffuriau a chyfarpar yn Lloegr, yr Alban neu Ogledd Iwerddon o ran cyflenwi cyffuriau a chyfarpar ar gyfer trin anabledd sydd wedi'i dderbyn;

(1) Disodlir Is-baragraffau 1(a) i (d) o baragraff 1 o Atodlen 12 i'r Ddeddf gan is-baragraff 1(a) i (d), yn eu trefn, a ddan 122 o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) gydag effaith 1 Mawrth 2007.

(1) 1953 p.20.

## Exemptions

8.-(1) Subject to paragraph (3), no charge will be payable under paragraphs (2) or (5) of regulation 3 or paragraph (2) of regulation 4 by

- (a) a person who is exempt under paragraph 1(1) (a) to (d) of Schedule 12 to the Act(1);
- (b) a person who has attained the age of 60 years;
- (c) a woman with a valid exemption certificate issued by arrangements in England, Scotland or Northern Ireland on the ground that she is an expectant mother or has within the last twelve months given birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953(2);
- (d) a person with a valid exemption certificate issued under arrangements for exemptions from charges for drugs and appliances in England, Scotland or Northern Ireland on the ground that he or she is suffering from one of more of the following conditions-
  - (i) permanent fistula (including caecostomy, colostomy, laryngostomy or ileostomy) requiring continuous surgical dressing or an appliance;
  - (ii) the following disorders-
    - forms of hypoadrenalism (including Addison's disease) for which specific substitution therapy is essential
    - diabetes insipidus and other forms of hypopituitarism
    - diabetes mellitus--except where treatment is by diet alone
    - hypoparathyroidism
    - myasthenia gravis
    - myxoedema
  - (iii) epilepsy requiring continuous anti-convulsive therapy;
  - (iv) a continuing physical disability which prevents the patient from leaving his or her residence without the help of another person;
- (e) a person with a valid exemption certificate issued under arrangements for exemptions from charges for drugs and appliances in England, Scotland or Northern Ireland in respect of the supply of drugs and appliances for the treatment of accepted disablement;

(1) Sub-paragraphs (1)(a) to (d) of paragraph 1 of Schedule 12 to the Act is replaced by sub-paragraphs (1)(a) to (d) respectively of section 122 of the National Health Service (Wales) Act 2006 with effect from 1 March 2006.

(2) 1953 c.20.

(dd) person sydd â thystysgrif ragdalau ddilys a ddyroddwyd o dan drefniadau ar gyfer esemptiadau rhag ffioedd am gyffuriau a chyfarpar yn Lloegr, yr Alban neu Ogledd Iwerddon.

(2) Yn ddarostyngedig i baragraff (3), rhaid i berson sy'n dymuno gwneud cais am yr hawl i esemptiad o dan baragraff (1) ddarparu unrhyw ddatganiad o hawl sy'n ofynnol o dan reoliadau 3(8) neu 4(3).

(3) Nid yw'n ofynnol i berson sy'n esempt o dan baragraff 1(1)(c) o Atodlen 12 i'r Deddf neu o dan baragraff 1(b) o'r rheoliad hwn ddarparu unrhyw ddatganiad o hawl sy'n ofynnol gan reoliadau 3(8) neu 4(3) os dyroddir-

- (a) ffurflen bresgripsiwn gyfatebol; neu
- (b) presgripsiwn amlroddadwy cyfatebol,

a bod dyddiad geni'r person wedi'i argraffu drwy gyfrwng cyfrifiadur ar y ffurflen berthnasol.

(4) Caiff esemptiad drwy gyfeirio at oedran neu ddilysrwydd tystysgrif esemptio ei benderfynu drwy gyfeirio at yr oedran neu'r dilysrwydd ar y diwrnod -

- (a) yn achos gwasanaethau fferyllol a ddarperir gan fferyllydd, pan gyflwynir y gorchymyn am gyffuriau neu gyfarpar i'w weinyddu;
- (b) mewn unrhyw achos arall, pan gaiff y cyffuriau neu'r cyfarpar eu cyflenwi.

(5) Os oes cais am esemptiad wedi'i wneud ond heb ei gadarnhau ac nad oes ffi wedi'i chasglu yn sgil y cais, rhaid i'r Bwrdd Iechyd Lleol neu, os yw'r cyffuriau neu'r cyfarpar wedi'u cyflenwi gan un o ymddiriedolaethau'r GIG, rhaid i'r ymddiriedolaeth GIG honno gasglu'r ffi honno oddi wrth y person o dan sylw.

#### **Tystysgrifau esemptio - gwneud cais amdanynt a'u rhoi**

9.-(1) Er gwaethaf darpariaethau rheoliadau 3(1) a (4), 4(1), 5, 6 a 7(1) caiff person sy'n gwneud cais am esemptiad ar y sail -

- (a) ei bod yn fenyw sy'n disgwyl neu sydd wedi rhoi genedigaeth yn ystod y deuddeg mis diwethaf i blentyn byw neu i blentyn y gellir cofrestru ei fod yn farw-anedig o dan Ddeddf Cofrestru Genedigaethau a Marwolaethau 1953;
- (b) ei fod yn dioddef o un neu fwy o'r cyflyrau a osodir ym mharagraff (i) i (iv) o reoliad 8(1)(ch);
- (c) bod arno angen cyflenwad o'r cyffuriau a/neu'r cyfarpar ar gyfer trin anabledd wedi'i dderbyn

(f) a person with a valid pre-payment certificate issued under arrangements for exemptions from charges for drugs and appliances in England, Scotland or Northern Ireland.

(2) Subject to paragraph (3) a person who wishes to claim entitlement to exemption under paragraph (1) must provide any declaration of entitlement required under regulations 3(8) or 4(3).

(3) A person who is exempt under paragraph 1(1)(c) of Schedule 12 to the Act or under paragraph (1)(b) of this regulation is not required to provide any declaration of entitlement required by regulations 3(8) or 4(3) where-

- (a) an equivalent prescription form; or
- (b) an equivalent repeatable prescription,

is issued and the person's date of birth is printed by means of a computer on the relevant form.

(4) An exemption by reference to age or the validity of an exemption certificate is to be determined by reference to the age or validity on the day on which-

- (a) in the case of pharmaceutical services provided by a chemist, the order for drugs or appliances is presented for dispensing;
- (b) in any other case, the drugs or appliances are supplied.

(5) Where a claim to exemption has been made but is not substantiated and in consequence of the claim a charge has not been recovered, the Local Health Board or, where the drugs or appliances were supplied by an NHS trust, that NHS trust must recover such charge from the person concerned.

#### **Certificates of exemption - application and issue**

9.-(1) Notwithstanding the provisions of regulations 3(1) and (4), 4(1), 5, 6 and 7(1), a person who wishes to claim exemption on the ground that

- (a) she is an expectant mother or has within the last twelve months given birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953;
- (b) he or she is suffering from one or more of the conditions set out in paragraph (i) to (iv) of regulation 8(1)(d);
- (c) he or she requires the supply of drugs and/or appliances for the treatment of accepted disablement

wneud cais am dystysgrif sy'n rhoi'r esemptiad (a elwir yn "tystysgrif esemptio") i'r Bwrdd Iechyd Lleol yn achos esemptiad o dan is-baragraff (a) neu (b) ar ffurflen a roddir at y diben hwnnw ac yn achos esemptiad o dan is-baragraff (c) i un o swyddfeydd yr Adran Nawdd Cymdeithasol ar ffurflen a roddir at y diben hwnnw gan y Cynulliad Cenedlaethol.

(2) Pan gaiff Bwrdd Iechyd Lleol ei fodloni fod gan geisydd hawl i gael esemptiad o dan baragraff (1)(a), rhaid iddo ddyroddi dystysgrif esemptio a fydd yn ddilys -

- (a) yn achos menyw sy'n disgwyl plentyn tan ddiwedd ei beichiogrwydd ac, os yw'n rhoi genedigaeth i blentyn byw neu i blentyn y gellid ei gofrestru fel un marw-anedig o dan Ddeddf Cofrestru Genedigaethau a Marwolaethau 1953, tan ddiwedd y cyfnod o ddeuddeng mis sy'n dechrau gyda'r dyddiad y disgwylir iddi esgor;
- (b) yn achos mam sydd wedi rhoi genedigaeth i blentyn, tan ddiwedd y cyfnod o ddeuddeng mis sy'n dechrau ar ddyddiad geni'r plentyn hwnnw.

(3) Pan gaiff Bwrdd Iechyd Lleol ei fodloni bod gan geisydd hawl i gael esemptiad o dan baragraff 1(b), rhaid iddo ddyroddi dystysgrif esemptio i'r ceisydd a fydd yn ddilys am unrhyw gyfnod y bydd y Bwrdd Iechyd Lleol yn penderfynu arno.

(4) Os caiff y Cynulliad Cenedlaethol ei fodloni bod gan geisydd hawl i gael esemptiad o dan baragraff (1)(c), rhaid iddo ddyroddi dystysgrif esemptio i'r ceisydd a fydd yn ddilys am unrhyw gyfnod y bydd y Cynulliad Cenedlaethol yn penderfynu arno

### **Esemptiad rhag ffioedd i garcharorion**

**10.** Nid yw carcharor yn atebol i dalu unrhyw ffioedd o dan y Rheoliadau hyn.

### **Cardiau hawl**

**11.**-(1) Pan gaiff Bwrdd Iechyd Lleol ei fodloni bod person yn glaf cymwys, bydd yn dyroddi cerdyn i'r person hwnnw (y cyfeirir ato yn y Rheoliadau hyn fel "cerdyn hawl") a fydd yn ddilys am unrhyw gyfnod y bydd y Bwrdd Iechyd Lleol yn penderfynu arno.

(2) Mae cerdyn hawl a ddyroddir yn rhoi i'r claf cymwys yr hawl i gael cyffuriau a chyfarpar yn ddi-dâl o dan baragraffau (1)(b) a (4)(b)(i) o reoliad 3 a pharagraff (1) o reoliad 4.

(3) At ddibenion y Rheoliadau hyn ystyr "claf cymwys" yw person -

- (a) sy'n preswyllo yng Nghymru; a
- (b) sy'n derbyn gwasanaethau meddygol sylfaenol o dan Ran 1 o'r Ddeddf gan ddarparwyd a

may apply for a certificate conferring exemption (to be known as an "exemption certificate") to the Local Health Board in the case of an exemption under sub-paragraph (a) or (b) on a form supplied for that purpose and in the case of an exemption under sub-paragraph (c) to an office of the Department of Social Security on a form supplied for that purpose by the National Assembly.

(2) A Local Health Board, on being satisfied that an applicant is entitled to exemption under paragraph (1)(a), must issue an exemption certificate which will be valid-

- (a) in the case of an expectant mother until the end of her pregnancy and, where she gives birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953, until the end of the period of twelve months beginning with the expected date of confinement;
- (b) in the case of a mother who has given birth to a child, until the end of the period of twelve months beginning with the date of birth of that child.

(3) A Local Health Board, on being satisfied that an applicant is entitled to exemption under paragraph (1)(b) must issue to the applicant an exemption certificate which will be valid for such period as it may determine.

(4) The National Assembly, on being satisfied that an applicant is entitled to exemption under paragraph (1)(c), will issue to the applicant an exemption certificate which will be valid for such period as it may determine.

### **Exemption from charges for prisoners**

**10.** A prisoner is not liable to pay any charges under these Regulations.

### **Entitlement cards**

**11.**-(1) A Local Health Board, on being satisfied that a person is a qualifying patient, must issue to that person a card (in these Regulations referred to as an "entitlement card") which will be valid for such period as the Local Health Board may determine.

(2) An entitlement card which is issued confers on the qualifying patient the right to obtain drugs and appliances free of charge under paragraphs (1)(b) and (4)(b)(i) of regulation 3 and paragraph 1(b) of regulation 4;

(3) For the purposes of these Regulations "a qualifying patient" means a person who-

- (a) is resident in Wales; and
- (b) receives primary medical services under Part 1 of the Act from a provider who is contracted to

gontractiwyd i ddarparu gwasanaethau o'r fath  
gydag Ymddiriedolaeth Gofal Sylfaenol; ac

mae'n cynnwys person sy'n gweithredu ar ran person  
o'r fath.

### **Darpariaethau Trosiannol**

**12.** Mae'r darpariaethau trosiannol yn Atodlen 1 yn  
effeithiol.

### **Mân Ddiwygiadau a Diwygiadau Canlyniadol**

**13.** Diwygir y darpariaethau a restrir yn Atodlen 2 fel  
a bennir ynddi.

### **Diddymu**

**14.** Mae'r Rheoliadau a bennir yng ngholofn (1) o  
Atodlen 3 drwy hyn yn cael eu dirymu o ran Cymru i'r  
graddau a bennir yng ngholofn (3) o'r Atodlen honno.

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

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Llywydd y Cynulliad Cenedlaethol

provide such services with a Primary Care  
Trust; and

includes a person acting on behalf of such a person.

### **Transitional Provisions**

**12.** The transitional provisions in Schedule 1 take  
effect.

### **Minor and Consequential Amendments**

**13.** The provisions listed in Schedule 2 are amended  
as therein specified.

### **Revocations**

**14.** The Regulations specified in column (1) of  
Schedule 3 are revoked in relation to Wales to the  
extent specified in column (3) of that Schedule.

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

23 January 2007

The Presiding Officer of the National Assembly

*D. Elis-Thomas*



**Ad-dalu ffioedd**

1.-(1) Os oes ffi wedi'i thalu o dan Reoliadau Ffioedd 2001 gan neu ar ran person a oedd adeg y taliad yn esempt rhag y gofyniad i dalu'r ffi honno o dan reoliad 8 o'r Rheoliadau hynny, gall cais am ad-dalu'r ffi gael ei wneud yn unol â pharagraff (2) gan neu ar ran y person hwnnw.

(2) Rhaid i'r cais am ad-daliad -

- (a) cael ei wneud i'r person neu'r corff a bennir yn y dderbynneb a roddir o dan reoliad 3(8), 4(6), 5(6), 6(5), neu 7(5) o Reoliadau Ffioedd 2001 fel y person neu'r corff y mae'n rhaid gwneud cais am ad-dalu ffioedd iddo;
- (b) cael ei wneud mewn unrhyw ffurf a modd y gall y Cynulliad Cenedlaethol benderfynu arnynt ar gyfer y ceisydd, unrhyw ddsbarth o geisydd neu geiswyr yn gyffredinol;
- (c) cael ei wneud o fewn tri mis o'r dyddiad y cafodd y cyffur neu'r cyfarpar eu cyflenwi i'r ceisydd neu o fewn unrhyw gyfnod y gall y Cynulliad Cenedlaethol ei ganiatáu am reswm da;
- (ch) cael ei gyflwyno ynghyd â'r dderbynneb am y ffi a dalwyd a datganiad o'r seiliau dros yr esemptiad.

(3) Yn achos ffi o dan reoliad 5 o ran cyfarpar a bennir yng ngholofn (1) o Atodlen 1 i Reoliadau Ffioedd 2001, mae rheoliad 11(3) o Reoliadau Ffioedd 2001 yn gymwys.

(4) Mae trefniadau a wnaed gan y Cynulliad Cenedlaethol ar gyfer ad-dalu unrhyw ffi a dalwyd o dan reoliad 11(4) o Reoliadau Ffioedd 2001 gan berson sydd â hawl i esemptiad yn parhau i fod yn effeithiol at ddibenion paragraff 1.

**Tystysgrifau rhagdal**

2.-(1) Os bydd person wedi cael tystysgrif ragdalu yn rhinwedd gwneud unrhyw daliad yn unol â rheoliad 10 o Reoliadau Ffioedd 2001, a bod y cyfnod perthnasol fel y'i diffinnir gan baragraff (3) heb ddirwyn i ben, gellir gwneud cais am ad-daliad, gan neu ar ran y person hwnnw neu ei ystâd, yn unol â pharagraff (4) o ran pob mis cyfan ar ôl 1 Ebrill 2007.

**Repayment of charges**

1.-(1) Where a charge has been paid under the Charges Regulations 2001 by or on behalf of a person who was at the time of payment exempt from the requirement to pay that charge under regulation 8 of those Regulations, an application for repayment of that charge may be made in accordance with paragraph (2) by or on behalf of that person.

(2) The application for repayment must -

- (a) be made to the person or body specified in the receipt which is given under regulation 3(8), 4(6), 5(6), 6(5) or 7(5) of the Charges Regulations 2001 as being the person or body to whom application for repayment of charges is to be made;
- (b) be made in such form and manner as the National Assembly may determine for the applicant, any class of applicant or applicants generally;
- (c) be made within 3 months from the date on which the drug or appliance was supplied to the applicant or within such period as the National Assembly may, for good cause, allow;
- (d) be accompanied by the receipt for the charge paid and a declaration as to the grounds of exemption.

(3) In the case of a charge under regulation 5 in respect of an appliance specified in column (1) of Schedule 1 to the Charges Regulations 2001, regulation 11(3) of the Charges Regulations 2001 applies.

(4) Arrangements made by the National Assembly for the repayment of any charge paid under regulation 11(4) of the Charges Regulations 2001 by a person who is entitled to exemption continue to have effect for the purposes of paragraph 1.

**Pre payment Certificates**

2.-(1) Where a person has obtained a pre-payment certificate by virtue of making any payment in accordance with regulation 10 of the Charges Regulations 2001, and the relevant period as defined by paragraph (3) is unexpired, an application for a refund may be made, by or on behalf of that person or his or her estate, in accordance with paragraph (4) in respect of each complete month following 1 April 2007.

(2) Cyfrifir yr ad-daliad y cyfeirir ato ym mharagraff (1) fel a ganlyn-

- (a) yn achos tystysgrif ragdalau ddilys am 4 mis, un chwarter o'r swm rhagnodedig a dalwyd am bob mis cyfan pan yw neu pan oedd y dystysgrif ragdalau'n ddilys;
- (b) yn achos tystysgrif ragdalau ddilys am 12 mis, un rhan o ddeuddeg o'r swm rhagnodedig a dalwyd am bob mis cyfan pan yw neu pan oedd y dystysgrif ragdalau'n ddilys;

ac at ddiwedd y cyfrifo hwn, ystyr "mis cyfan" yw mis sy'n dechrau ar ddyddiad fis calendr union ar ôl y dyddiad pan ddaeth y dystysgrif ragdalau'n ddilys a chan ddiweddu ar y dyddiad sy'n union o flaen y dyddiad hwnnw yn y mis canlynol.

(3) Ym mharagraff (1) ystyr "y cyfnod perthnasol" yw cyfnod dilysrwydd y dystysgrif ragdalau heb gynnwys y mis y gwneir y cais am ad-daliad o dan baragraff (1) ar ei gyfer.

(4) Rhaid i geisiadau o dan y rheoliad hwn gael eu gwneud i'r Bwrdd Iechyd Lleol a gafodd y swm rhagnodedig o dan reoliad 10 o Reoliadau Ffioedd 2001 a rhaid bod tystysgrif gyda'r cais (os rhodddwyd un) a datganiad yn cefnogi'r cais, a rhaid i'r cais a'r ad-daliad gael eu gwneud yn y fath fodd ac yn ddarostyngedig i'r amodau hynny y gall y Cynulliad Cenedlaethol benderfynu arnynt.

(2) The refund referred to in paragraph (1) is calculable as follows-

- (a) in the case of a pre-payment certificate valid for 4 months, one quarter of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;
- (b) in the case of a pre-payment certificate valid for 12 months one twelfth of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

and for the purposes of these calculations "complete month" means a month beginning on the monthly anniversary of the date upon which the pre-payment certificate became valid and ending on the date immediately preceding that date in the following month.

(3) In paragraph (1) "the relevant period" means the period of validity of the pre-payment certificate excluding the month in respect of which an application for repayment under paragraph (1) may be made.

(4) Applications under this regulation must be made to the Local Health Board that received the prescribed sum under regulation 10 of the Charges Regulations 2001 and must be accompanied by the certificate (where granted) and a declaration in support of the claim, and the claim and any repayment must be made in such manner and subject to such conditions as the National Assembly may determine.

Rheoliad 13

Regulation 13

**Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992**

1.-(1) Diwygir Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992 fel a ddarperir yn y paragraff hwn.

(2) Yn rheoliad 2(1) (dehongli) yn lle'r diffiniad o "the Charges Regulations" rhodder y canlynol-

""the Charges Regulations" means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007".

(3) Ym mharagraff (7) o Ran 2 (Gwasanaethau Hanfodol) o Atodlen 2 dileer y term "or (1A)";

**Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 1988**

2.-(1) Diwygir Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 1988 fel a ddarperir yn y paragraff hwn.

(2) Yn lle paragraff (1)(b) o reoliad 7 rhodder y paragraff canlynol-

"(1)(b) provide any declaration of entitlement required under regulation 3(8) or 4(3) of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007."

**Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau'r Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004**

3.-(1) Diwygir Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau'r Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004 fel a ddarperir yn y paragraff hwn.

(2) Ym mharagraff 11A o Ran 1 o Atodlen 6 (Telerau Contractol Eraill)-

(a) yn is-baragraff (1) yn lle'r diffiniad o "the Charges Regulations" rhodder y canlynol-

""the Charges Regulations" means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007".

(b) yn is-baragraff (5)(a) yn lle'r term "4(1)" rhodder y term "4(3)".

**The National Health Service (Pharmaceutical Services) Regulations 1992**

1.-(1) The National Health Service (Pharmaceutical Services) Regulations 1992 are amended as provided in this paragraph.

(2) In regulation 2(1) (interpretation) substitute the definition of "the Charges Regulations" with the following-

""the Charges Regulations" means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007".

(3) In paragraph (7) of Part 2 (Essential Services) of Schedule 2 delete the term "or (1A)".

**The National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 1988**

2. Substitute the entirety of paragraph (1)(b) of regulation 7 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 1988 with the following-

"(1)(b) provide any declaration of entitlement required under regulation 3(8) or 4(3) of the National Health Services (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007."

**The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

3.-(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 are amended as provided in this paragraph.

(2) In paragraph 11A of Part 1 of Schedule 6 (Other Contractual Terms)-

(a) in sub-paragraph (1) substitute the definition of "the Charges Regulations" with the following-

""the Charges Regulations" means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007".

(b) in sub-paragraph (5)(a) substitute the term "4(1)" with the term "4(3)".

ATODLEN 3

SCHEDULE 3

RHEOLIADAU A DDIRYMWYD

REGULATIONS REVOKED

Rheoliad 14

Regulation 14

(1)	(2)	(3)	(1)	(2)	(3)
<i>Rheoliadau a ddirymwyd</i>	<i>Cyfeirnod</i>	<i>Rhychwant y dirymiad</i>	<i>Regulations revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2001	OS 2001/1358 (Cy.86)	Y Rheoliadau cyfan ac eithrio rheoliadau 11(3) a (4). Rheoliadau (3) a (4) gydag effaith o 1 Gorffennaf 2007.	National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001	SI 2001/1358 (W.86)	The whole Regulations except regulation 11(3) and (4). Regulation 11(3) and 11(4) with effect from 1 July 2007.
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Diwygio) (Cymru) 2001	OS 2001/1359 (Cy.196)	Y Rheoliadau cyfan	National Health Service (Charges for Drugs and Appliances) (Amendment) (Wales) Regulations 2001	SI 2001/1359 (W.196)	The whole Regulations
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau ynghylch Rhagnodi gan Nyrsys Atodol ac Annibynnol) (Cymru) 2003	OS 2003/2624 (Cy.252)	Rheoliad 4	National Health Service (Amendments concerning Supplementary and Independent Nurse Prescribing) (Wales) Regulations 2003	SI 2003/2624 (W.252)	Regulation 4
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol etc) (Presgripsiynau Amlroddadwy) (Diwygio) (Cymru) 2004	OS 2004/1018 (Cy.115)	Rheoliadau 1(4), 7 ac 8	National Health Service (Pharmaceutical Services etc) (Repeatable Prescriptions) (Amendment) (Wales) Regulations 2004	SI 2004/1018 (W.115)	Regulations 1(4), 7 and 8
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2004	OS 2004/1605 (Cy.164)	Y Rheoliadau cyfan	National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2004	SI 2004/1605 (W.164)	The whole Regulations

Gorchymyn Deddf Iechyd 1999 (Diwygiadau Canlyniadol) (Nyrsio a Bydwreigiaeth) 2004	OS 2004/1771	Paragraff 29 o Ran 2 o Atodlen 2	Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004	SI 2004/1771	Paragraph 29 of Part 2 of Schedule 2
Gorchymyn Darpariaethau Trosiannol a Chanlyniadol y Gwasanaethau Meddygol Cyffredinol (Cymru) (Rhif 2) 2004	OS 2004/1016 (Cy.113)	Paragraff 24 o Atodlen 1	General Medical Services Transitional and Consequential Provisions (Wales) (No.2) Order 2004	SI 2004/1016 (W.113)	Paragraph 24 of Schedule 1
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2005	OS 2005/427 (Cy.44)	Y Rheoliadau cyfan	National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2005	SI 2005/427 (W.44)	The whole Regulations
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) (Rhif 2) 2005	OS 2005/1915 (Cy.158)	Y Rheoliadau cyfan	National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2005	SI 2005/1915 (W.158)	The whole Regulations
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2006	OS 2006/943 (Cy.92)	Y Rheoliadau cyfan	National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2006	SI 2006/943 (W.92)	The whole Regulations
Gorchymyn Darpariaethau Trosiannol a Chanlyniadol Gwasanaethau Deintyddol Cyffredinol a Gwasanaethau Deintyddol Personol (Cymru) 2006	OS 2006/946 (Cy.95)	Paragraff 4 o Atodlen 1	General Dental Services and Personal Dental Services Transitional and Consequential Provisions (Wales) Order 2006	SI 2006/946 (W.95)	Paragraph 4 of Schedule 1
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) (Rhif 2) 2006	OS 2006/1792 (Cy.188)	Y Rheoliadau cyfan	National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006	SI 2006/1792 (W.188)	The whole Regulations



**2007 Rhif 121 (Cy.11)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Presgripsiynau am Ddim  
a Ffioedd am Gyffuriau a  
Chyfarpar) (Cymru) 2007

**2007 No. 121 (W.11)**

**NATIONAL HEALTH  
SERVICE, WALES**

National Health Service (Free  
Prescriptions and Charges for  
Drugs and Appliances) (Wales)  
Regulations 2007

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