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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2017 Rhif 909 (Cy. 221)**

**2017 No. 909 (W. 221)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

**Rheoliadau Addysg a Gwella  
Iechyd Cymru 2017**

**The Health Education and  
Improvement Wales Regulations  
2017**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch aelodaeth a gweithdrefnau Addysg a Gwella Iechyd Cymru ("AaGIC"). Mae AaGIC yn Awdurdod Iechyd Arbennig a sefydlir o dan adran 22 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 gan Orchymyn Addysg a Gwella Iechyd Cymru (Sefydlu a Chyfansoddiad) 2017.

Yn benodol, mae'r Rheoliadau hyn yn darparu ar gyfer penodi a chyfnod swydd y cadeirydd, y prif weithredwr ac aelodau eraill o AaGIC (rheoliadau 3 a 4), ar gyfer cymhwysra ac anghymhwysu aelodau (rheoliadau 5 a 6), ar gyfer trefniadau penodi (rheoliad 7) ac ar gyfer terfynu penodiad aelodau nad ydynt yn swyddogion a'u hatal dros dro (rheoliadau 8 a 9).

Hefyd, mae darpariaeth wedi ei chynnwys sy'n ymwneud â phenodi a phwerau is-gadeirydd (rheoliadau 10, 11 a 12) a phenodi pwyllgorau ac is-bwyllgorau ac arfer swyddogaethau ganddynt (rheoliadau 13 a 14). Gwneir darpariaeth hefyd mewn perthynas â chynnal trafodion (rheoliad 15 ac Atodlen 2), i'w gwneud yn ofynnol i AaGIC gadw cyfrifon a chyflwyno adroddiadau i Weinidogion Cymru (rheoliadau 16 a 17) ac mewn perthynas â datgelu buddiant ariannol (rheoliad 18).

**EXPLANATORY NOTE**

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

These Regulations make provision concerning the membership and procedures of Health Education and Improvement Wales ("HEIW"). HEIW is a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006 by the Health Education and Improvement Wales (Establishment and Constitution) Order 2017.

In particular, these Regulations provide for the appointment and term of office of the chair, the chief executive and other members of HEIW (regulations 3 and 4), for eligibility and disqualification of members (regulations 5 and 6), arrangements for appointment (regulation 7) and for the termination of appointment and suspension of non-officer members (regulations 8 and 9).

Also included is provision relating to the appointment and powers of a vice-chair (regulations 10, 11 and 12) and the appointment of, and exercise of functions by, committees and sub-committees (regulations 13 and 14). Provision is also made in relation to the conduct of proceedings (regulation 15 and Schedule 2), for requiring HEIW to keep accounts and furnish reports to the Welsh Ministers (regulations 16 and 17) and for the disclosure of a pecuniary interest (regulation 18).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

**2017 Rhif 909 (Cy. 221)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**Rheoliadau Addysg a Gwella  
Iechyd Cymru 2017**

*Gwnaed* 11 Medi 2017  
*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 13 Medi 2017  
*Yn dod i rym* 5 Hydref 2017

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1) a pharagraffau 3(3) a (4), 5 a 13 o Atodlen 5 iddi, ac ar ôl ymgynghori yn unol â pharagraff 4(1) o Atodlen 5 i'r Ddeddf honno.

**Enwi a chychwyn**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg a Gwella Iechyd Cymru 2017.

(2) Daw'r Rheoliadau hyn i rym ar 5 Hydref 2017.

**Dehongli**

2. Yn y Rheoliadau hyn—

ystyr “AaGIC” (“*HEIW*”) yw Addysg a Gwella Iechyd Cymru a sefydlir gan Orchymyn Addysg a Gwella Iechyd Cymru (Sefydlu a Chyfansoddiad) 2017(2);

ystyr “aelod” (“*member*”), ac eithrio yn rheoliad 5(2) a pharagraffau 3(4) a 4(1) o Atodlen 1, yw aelod o AaGIC, yn cynnwys y cadeirydd;

ystyr “cadeirydd” (“*chair*”) yw cadeirydd AaGIC;

ystyr “corff gwasanaeth iechyd” (“*health service body*”) yw—

**2017 No. 909 (W. 221)**

**NATIONAL HEALTH  
SERVICE, WALES**

**The Health Education and  
Improvement Wales Regulations  
2017**

*Made* 11 September 2017  
*Laid before the National Assembly for Wales*  
13 September 2017  
*Coming into force* 5 October 2017

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 203(9) and (10) of, and paragraphs 3(3) and (4), 5 and 13 of Schedule 5 to, the National Health Service (Wales) Act 2006(1) and after consultation in accordance with paragraph 4(1) of Schedule 5 to that Act.

**Title and commencement**

1.—(1) The title of these Regulations is the Health Education and Improvement Wales Regulations 2017.

(2) These Regulations come into force on 5 October 2017.

**Interpretation**

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the National Health Service (Wales) Act 2006;

“chair” (“*cadeirydd*”) means the chairman of HEIW;

“health service body” (“*corff gwasanaeth iechyd*”) means—

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(1) 2006 p. 42.  
(2) O.S. 2017/890 (Cy. 216).

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(1) 2006 c. 42.

- (a) grŵp comisiynu clinigol a sefydlir o dan adran 14D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(1),
- (b) Bwrdd Iechyd neu Fwrdd Iechyd Arbennig wedi ei gyfansoddi o dan adran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(2),
- (c) Addysg Iechyd Lloegr,
- (d) yr Awdurdod Ymchwil Iechyd,
- (e) Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol,
- (f) y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal,
- (g) Bwrdd Iechyd Lleol,
- (h) ymddiriedolaeth GIG a sefydlir neu a barheir o dan adran 18 o'r Ddeddf neu a sefydlir o dan adran 25 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006,
- (i) ymddiriedolaeth sefydledig GIG,
- (j) Addysg GIG yr Alban,
- (k) Asiantaeth Hyfforddiant Meddygol a Deintyddol Gogledd Iwerddon;

ystyr "y Ddeddf" ("*the Act*") yw Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

ystyr "gwasanaeth iechyd" ("*health service*") yw gwasanaethau a ddarperir fel rhan o'r gwasanaeth iechyd a barheir o dan adran 1(1) o'r Ddeddf.

- (a) a clinical commissioning group established under section 14D of the National Health Service Act 2006(1),
- (b) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(2),
- (c) Health Education England,
- (d) the Health Research Authority,
- (e) the National Health Service Commissioning Board,
- (f) the National Institute for Health and Care Excellence,
- (g) a Local Health Board,
- (h) an NHS trust established or continued under section 18 of the Act or established under section 25 of the National Health Service Act 2006,
- (i) an NHS foundation trust,
- (j) NHS Education for Scotland,
- (k) Northern Ireland Medical and Dental Training Agency;

"health service" ("*gwasanaeth iechyd*") means services provided as part of the health service continued under section 1(1) of the Act;

"HEIW" ("*AaGIC*") means Health Education and Improvement Wales established by the Health Education and Improvement Wales (Establishment and Constitution) Order 2017(3);

"member" ("*aelod*"), except in regulation 5(2) and paragraphs 3(4) and 4(1) of Schedule 1, means a member of HEIW, including the chair.

### Penodi aelodau

3.—(1) Penodir aelodau AaGIC fel a ganlyn—

- (a) penodir y cadeirydd gan Weinidogion Cymru;
- (b) penodir hyd at chwe aelod arall yn ogystal â'r cadeirydd gan Weinidogion Cymru;
- (c) penodir y prif weithredwr yn unol â pharagraff (4);
- (d) penodir hyd at bedwar aelod arall gan yr aelodau a benodir o dan is-baragraffau (a) a (b).

### Appointment of members

3.—(1) The members of HEIW are appointed as follows—

- (a) the chair is appointed by the Welsh Ministers;
- (b) up to six other members in addition to the chair are appointed by the Welsh Ministers;
- (c) the chief executive is appointed in accordance with paragraph (4);
- (d) up to four other members are appointed by the members appointed under sub-paragraphs (a) and (b).

(1) 2006 p. 41.  
(2) 1978 p. 29.

(1) 2006 c. 41.  
(2) 1978 c. 29.  
(3) S.I. 2017/890 (W. 216).

(2) Ni chaniateir i'r aelodau a benodir o dan baragraff (1)(a) a (b) fod yn gyflogeion AaGIC, a chyfeirir atynt yn y Rheoliadau hyn fel "aelodau nad ydynt yn swyddogion".

(3) Cyflogeion AaGIC fydd yr aelodau a benodir o dan baragraff (1)(c) a (d), a chyfeirir atynt yn y Rheoliadau hyn fel "swyddog-aelodau".

(4) Penodir y prif weithredwr gan yr aelodau nad ydynt yn swyddogion ar wahân i'r prif weithredwr cyntaf a benodir gan Weinidogion Cymru.

### **Cyfnod swydd**

4.—(1) Yn ddarostyngedig i'r Rheoliadau hyn, mae person yn dal swydd fel aelod nad yw'n swyddog yn unol â thelerau penodiad y person hwnnw.

(2) Cyfnod penodiad aelod nad yw'n swyddog yw'r cyfnod hwnnw, nad yw'n hwy na 4 blynedd, a bennir gan Weinidogion Cymru wrth benodi.

(3) Mae person sydd wedi bod yn aelod nad yw'n swyddog yn gymwys i gael ei ailbenodi ond ni chaniateir i berson fod yn aelod nad yw'n swyddog am gyfnod cyfan sy'n hwy nag 8 mlynedd.

(4) Caiff person ymddiswyddo o'i swydd fel aelod nad yw'n swyddog drwy roi hysbysiad ysgrifenedig i Weinidogion Cymru.

(5) Yn ddarostyngedig i'r Rheoliadau hyn, mae person yn dal swydd fel swyddog-aelod yn unol â thelerau penodiad y person hwnnw.

(6) Caiff person ymddiswyddo o'i swydd fel swyddog-aelod drwy roi hysbysiad ysgrifenedig i AaGIC.

(7) Os yw AaGIC o'r farn nad yw er lles AaGIC neu'r gwasanaeth iechyd i swyddog-aelod barhau i ddal swydd, rhaid i AaGIC derfynu ei benodiad ar unwaith.

### **Aelodau nad ydynt yn swyddogion – cymhwysra**

5.—(1) Mae person yn anghymwys i fod yn gadeirydd neu'n aelod nad yw'n swyddog os yw'r person hwnnw yn cael, neu wedi cael yn y flwyddyn flaenorol, ei gyflogi am dâl gan—

- (a) Bwrdd Iechyd Lleol; neu
- (b) ymddiriedolaeth GIG a sefydlir o dan Adran 18 o'r Ddeddf.

(2) At ddibenion paragraff (1), nid yw person i'w drin fel un sydd wedi ei gyflogi am dâl a hynny ddim ond am ei fod wedi dal swydd cadeirydd, is-gadeirydd neu aelod nad yw'n swyddog o Fwrdd Iechyd Lleol neu swydd cadeirydd, is-gadeirydd neu gyfarwyddwr anweithredol ymddiriedolaeth GIG.

(2) The members appointed under paragraph (1)(a) and (b) must not be employees of HEIW and are referred to in these Regulations as "non-officer members".

(3) The members appointed under paragraph (1)(c) and (d) are to be employees of HEIW and are referred to in these Regulations as "officer members".

(4) The chief executive is appointed by the non-officer members apart from the first chief executive who is appointed by the Welsh Ministers.

### **Terms of office**

4.—(1) Subject to these Regulations, a person holds office as a non-officer member in accordance with the terms of that person's appointment.

(2) The tenure of office of a non-officer member is such period, not exceeding 4 years, as the Welsh Ministers specify on the making of the appointment.

(3) A person who has been a non-officer member is eligible for reappointment but a person must not be a non-officer member for a total period of more than 8 years.

(4) A person may resign from office as a non-officer member by giving notice in writing to the Welsh Ministers.

(5) Subject to these Regulations, a person holds office as an officer member in accordance with the terms of that person's appointment.

(6) A person may resign from office as an officer member by giving notice in writing to HEIW.

(7) If HIEW is of the opinion that it is not in the interests of HIEW or of the health service that an officer member should continue to hold office, HIEW must immediately terminate his or her appointment.

### **Non-officer members – eligibility**

5.—(1) A person is ineligible to be a chair or non-officer member if that person is, or has been within the preceding year, in the paid employment of—

- (a) a Local Health Board; or
- (b) an NHS trust established under section 18 of the Act.

(2) For the purposes of paragraph (1), a person is not to be treated as having been in paid employment by reason only of having held the position of chair, vice-chair or non-officer member of a Local Health Board or a chair, vice-chair or non-executive director of an NHS trust.

## **Aelodau nad ydynt yn swyddogion – anghymhwysu**

6.—(1) Mae person wedi ei anghymhwysu rhag cael ei benodi, neu rhag dal swydd, fel aelod nad yw'n swyddog pan fo'r person hwnnw yn dod o fewn un neu ragor o baragraffau Atodlen 1.

(2) Os yw person wedi cael ei benodi'n aelod nad yw'n swyddog ac yn dod yn anghymwys o dan y rheoliad hwn, rhaid i'r person hysbysu Gweinidogion Cymru yn ysgrifenedig ynghylch yr anghymhwysiad.

## **Aelodau nad ydynt yn swyddogion – trefniadau ar gyfer penodi**

7. Rhaid i Weinidogion Cymru sicrhau bod y trefniadau ar gyfer penodi personau'n aelodau yn cymryd i ystyriaeth y cod a gyhoeddir gan Weinidog Swyddfa'r Cabinet sy'n gosod—

- (a) yr egwyddorion ar gyfer penodiadau cyhoeddus; a
- (b) y canllawiau ar yr ymarferiadau i'w dilyn mewn perthynas â gwneud penodiadau cyhoeddus.

## **Aelodau nad ydynt yn swyddogion – terfynu cyfnod y penodiad**

8.—(1) Rhaid i Weinidogion Cymru derfynu penodiad person yn aelod nad yw'n swyddog ar unwaith os yw Gweinidogion Cymru wedi eu bodloni—

- (a) nad yw er lles AaGIC neu'r gwasanaeth iechyd i'r person hwnnw barhau i ddal y swydd; neu
- (b) bod y person wedi ei anghymhwysu o dan reoliad 6 rhag dal y swydd neu ei fod wedi ei anghymhwysu adeg ei benodiad.

(2) Mae Gweinidogion Cymru yn terfynu penodiad person o dan baragraff (1) drwy roi hysbysiad ysgrifenedig i'r perwyl hwnnw.

(3) Os daw i sylw Gweinidogion Cymru fod person, ar adeg penodiad y person yn aelod nad yw'n swyddog, wedi ei anghymhwysu o dan reoliad 6, rhaid i Weinidogion Cymru—

- (a) datgan na chafodd y person ei benodi'n briodol; a
- (b) hysbysu'r person yn ysgrifenedig i'r perwyl hwnnw.

(4) Os daw i sylw Gweinidogion Cymru fod person sydd wedi ei benodi'n aelod nad yw'n swyddog wedi dod yn anghymwys o dan reoliad 6 ers y penodiad, rhaid i Weinidogion Cymru hysbysu'r person yn ysgrifenedig i'r perwyl hwnnw.

## **Non-officer members – disqualification from membership**

6.—(1) A person is disqualified from appointment, or from holding office as a non-officer member where that person falls within one or more paragraphs of Schedule 1.

(2) If a person has been appointed as a non-officer member and becomes disqualified under this regulation, the person must notify the Welsh Ministers in writing of the disqualification.

## **Non-officer members – arrangements for appointment**

7. The Welsh Ministers must ensure that the arrangements for the appointment of persons as members take into account the code published by the Minister for the Cabinet Office which sets out—

- (a) the principles for public appointments; and
- (b) the guidance on the practices to be followed in relation to making public appointments.

## **Non-officer members – termination of term of appointment**

8.—(1) The Welsh Ministers must immediately terminate a person's appointment as a non-officer member if the Welsh Ministers are satisfied—

- (a) that it is not in the interests of HEIW or of the health service for that person to continue to hold office; or
- (b) that the person is disqualified under regulation 6 from holding office or was disqualified at the time of their appointment.

(2) The Welsh Ministers terminate a person's appointment under paragraph (1) by giving notice in writing to that effect.

(3) If it comes to the notice of the Welsh Ministers that at the time of a person's appointment as a non-officer member the person was disqualified under regulation 6, the Welsh Ministers must—

- (a) declare that the person was not duly appointed; and
- (b) notify the person in writing to that effect.

(4) If it comes to the notice of the Welsh Ministers that a person appointed as a non-officer member has, since the appointment, become disqualified under regulation 6, the Welsh Ministers must notify the person in writing to that effect.

(5) Os yw person wedi cael hysbysiad o dan baragraff (2), (3) neu (4), mae cyfnod penodiad y person wedi ei derfynu gydag effaith ar unwaith ac mae'r person i beidio â gweithredu fel aelod.

### **Aelodau nad ydynt yn swyddogion – atal dros dro o'r swydd**

9.—(1) Caiff Gweinidogion Cymru atal dros dro aelod nad yw'n swyddog o'i swydd tra eu bod yn ystyried a ddylent derfynu penodiad y person hwnnw o dan reoliad 8.

(2) Rhaid i Weiniogion Cymru roi hysbysiad o'r penderfyniad i atal person dros dro ac mae'r ataliad dros dro yn cymryd effaith pan gaiff y person yr hysbysiad.

(3) Caniateir i'r hysbysiad—

- (a) cael ei ddanfôn â llaw, ac os felly, trinnir bod yr aelod wedi ei gael pan gaiff ei ddanfôn; neu
- (b) cael ei anfon drwy'r post dosbarth cyntaf i gyfeiriad post hysbys diwethaf y person, ac os felly, trinnir bod y person wedi ei gael ar y trydydd diwrnod ar ôl y diwrnod pan gaiff ei bostio.

(4) Ni chaniateir i'r cyfnod cychwynnol o atal dros dro fod yn hwy na 6 mis.

(5) Caiff Gweinidogion Cymru adolygu'r ataliad dros dro ar unrhyw adeg.

(6) Caiff Gweinidogion Cymru adolygu'r ataliad dros dro os ydynt yn cael cais ysgrifenedig gan y person i wneud hynny, ond nid oes rhaid iddynt gynnal adolygiad os yw cyfnod o lai na 3 mis wedi mynd heibio ers dechrau'r cyfnod cychwynnol o atal dros dro.

(7) Yn dilyn adolygiad, caiff Gweinidogion Cymru—

- (a) dirymu'r ataliad dros dro; neu
- (b) atal y person dros dro am gyfnod arall nad yw'n hwy na 6 mis ar ôl i'r cyfnod presennol ddod i ben.

(8) Rhaid i Weiniogion Cymru ddirymu'r ataliad dros dro os ydynt yn penderfynu ar unrhyw adeg—

- (a) nad oes sail dros derfynu penodiad person o dan reoliad 8; neu
- (b) bod sail o'r fath ond nid yw Gweinidogion Cymru â'u bryd ar derfynu penodiad y person o dan y darpariaethau hynny.

(5) If a person has received notice under paragraph (2), (3) or (4) the person's term of appointment is terminated with immediate effect and the person is to cease to act as a member.

### **Non-officer members – suspension from office**

9.—(1) The Welsh Ministers may suspend a non-officer member from office while they consider whether to terminate that person's appointment under regulation 8.

(2) The Welsh Ministers must give notice of the decision to suspend a person and the suspension takes effect when the person receives the notice.

(3) The notice may be—

- (a) delivered in person, in which case the member is treated as receiving it when it is delivered; or
- (b) sent by first class post to the person's last known postal address, in which case the person is treated as receiving it on the third day after the day on which it is posted.

(4) The initial period of suspension must not exceed 6 months.

(5) The Welsh Ministers may review the suspension at any time.

(6) The Welsh Ministers may review the suspension if requested in writing by the person to do so, but need not carry out a review if a period of less than 3 months has elapsed since the beginning of the initial period of suspension.

(7) Following a review, the Welsh Ministers may—

- (a) revoke the suspension; or
- (b) suspend the person for another period of not more than 6 months from the expiry of the current period.

(8) The Welsh Ministers must revoke the suspension if at any time they decide that—

- (a) there are no grounds to terminate a person's appointment under regulation 8; or
- (b) there are such grounds but the Welsh Ministers are not minded to terminate that person's appointment under those provisions.

## **Penodi is-gadeirydd**

**10.**—(1) Caiff yr aelodau benodi un o'r aelodau nad ydynt yn swyddogion, ac eithrio'r cadeirydd, i fod yn is-gadeirydd am unrhyw gyfnod, nad yw'n hwy na gweddill cyfnod y person hwnnw yn aelod, a bennir ganddynt wrth benodi.

(2) Caiff aelod a benodir o dan baragraff (1) ymddiswyddo ar unrhyw adeg o swydd yr is-gadeirydd drwy roi hysbysiad ysgrifenedig i'r cadeirydd neu, os yw swydd y cadeirydd yn wag, i'r aelodau.

(3) Nid yw'r rheoliad hwn yn gymwys os yw rheoliad 11 yn gymwys.

## **Penodi is-gadeirydd pan fo'r cadeirydd wedi ei atal dros dro**

**11.**—(1) Mae'r rheoliad hwn yn gymwys pan fo'r cadeirydd wedi ei atal dros dro o dan reoliad 9.

(2) Os yw is-gadeirydd wedi cael ei benodi o dan reoliad 10(1), mae'r penodiad hwnnw yn peidio â chael effaith.

(3) Caiff Gweinidogion Cymru ailbenodi'r person a grybwyllir ym mharagraff (2) neu benodi aelod arall nad yw'n swyddog i fod yn is-gadeirydd.

(4) Rhaid i benodiad is-gadeirydd o dan baragraff (3) fod am gyfnod nad yw'n hwy na'r cyfnod byrraf o'r canlynol—

- (a) y cyfnod y mae'r cadeirydd wedi ei atal dros dro ar ei gyfer; neu
- (b) gweddill cyfnod penodiad yr aelod nad yw'n swyddog yn aelod.

(5) Pan fo'r cyfnod y mae aelod wedi cael ei benodi'n is-gadeirydd ar ei gyfer yn dod i ben, caiff Gweinidogion Cymru ailbenodi'r aelod yn is-gadeirydd neu benodi aelod arall nad yw'n swyddog yn is-gadeirydd.

(6) Caiff person a benodir o dan baragraff (3) neu (5) ymddiswyddo, ar unrhyw adeg, o swydd yr is-gadeirydd drwy roi hysbysiad ysgrifenedig i Weinidogion Cymru.

(7) Caiff Gweinidogion Cymru derfynu penodiad person yn is-gadeirydd o dan baragraff (3) neu (5) os yw Gweinidogion Cymru yn meddwl y byddai er lles pennaf AaGIC i aelod arall nad yw'n swyddog fod yn is-gadeirydd.

- (8) Os yw—
- (a) person yn ymddiswyddo o swydd is-gadeirydd o dan baragraff (6); neu

## **Appointment of vice-chair**

**10.**—(1) The members may appoint one of the non-officer members, other than the chair, to be vice-chair for such period, not exceeding the remainder of that person's term as a member, as they may specify on the appointment.

(2) A member appointed under paragraph (1) may at any time resign from the office of vice-chair by giving notice in writing to the chair or, if the office of chair is vacant, to the members.

(3) This regulation does not apply if regulation 11 applies.

## **Appointment of vice-chair where chair is suspended**

**11.**—(1) This regulation applies where the chair is suspended under regulation 9.

(2) If a vice-chair has been appointed under regulation 10(1), that appointment ceases to have effect.

(3) The Welsh Ministers may re-appoint the person mentioned in paragraph (2) or appoint another non-officer member to be vice-chair.

(4) The appointment of a vice-chair under paragraph (3) must be for a period not exceeding the shorter of—

- (a) the period for which the chair is suspended; or
- (b) the remainder of the non-officer member's term of appointment as a member.

(5) When the period for which a member is appointed as vice-chair expires, the Welsh Ministers may re-appoint the member as vice-chair or appoint another non-officer member as vice-chair.

(6) A person appointed under paragraph (3) or (5) may, at any time, resign from the office of vice-chair by giving notice in writing to the Welsh Ministers.

(7) The Welsh Ministers may terminate a person's appointment as vice-chair under paragraph (3) or (5) if the Welsh Ministers think that it would be in the best interests of HEIW for another non-officer member to be vice-chair.

- (8) If—
- (a) a person resigns from the office of vice-chair under paragraph (6); or



- (b) Gweinidogion Cymru yn terfynu penodiad person yn is-gadeirydd o dan baragraff (7),

caiff Gweinidogion Cymru benodi aelod arall nad yw'n swyddog yn is-gadeirydd o dan baragraff (3).

### **Pwerau'r is-gadeirydd**

**12.**—(1) Mae'r rheoliad hwn yn gymwys—

- (a) os yw'r cadeirydd wedi ei atal dros dro o dan reoliad 9 ac mae aelod nad yw'n swyddog wedi ei benodi i fod yn is-gadeirydd o dan reoliad 11; neu
- (b) os yw aelod nad yw'n swyddog wedi ei benodi i fod yn is-gadeirydd o dan reoliad 10 ac—
- (i) mae swydd y cadeirydd yn wag am unrhyw reswm; neu
- (ii) nid yw'r cadeirydd yn gallu cyflawni dyletswyddau'r cadeirydd oherwydd salwch, absenoldeb neu unrhyw reswm arall.

(2) Pan fo'r rheoliad hwn yn gymwys—

- (a) mae'r is-gadeirydd i weithredu fel cadeirydd hyd nes y caiff cadeirydd newydd ei benodi neu hyd nes bod y cadeirydd presennol yn ailafael yn nyletswyddau'r cadeirydd (yn ôl y digwydd); a
- (b) mae cyfeiriadau yn Atodlen 2 at y cadeirydd, tra nad oes cadeirydd ar gael i gyflawni dyletswyddau'r cadeirydd, i gael eu cymryd i gynnwys cyfeiriadau at yr is-gadeirydd.

### **Penodi pwyllgorau ac is-bwyllgorau**

**13.**—(1) Yn ddarostyngedig i unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru, caiff AaGIC benodi pwyllgorau AaGIC, ac os yw Gweinidogion Cymru yn cyfarwyddo hynny, rhaid iddo wneud hynny.

(2) Caiff pwyllgor i AaGIC gynnwys aelodau o AaGIC yn gyfan gwbl neu'n rhannol, neu bersonau nad ydynt yn aelodau o AaGIC yn gyfan gwbl.

(3) Yn ddarostyngedig i unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru neu gan AaGIC, caiff pwyllgor a benodir o dan y rheoliad hwn benodi is-bwyllgorau, ac os yw Gweinidogion Cymru yn cyfarwyddo hynny, rhaid iddo wneud hynny.

(4) Caiff is-bwyllgor i AaGIC gynnwys aelodau pwyllgor (boed yn aelodau o AaGIC neu beidio) yn gyfan gwbl neu'n rhannol, neu bersonau nad ydynt yn aelodau o AaGIC neu bwyllgor yn gyfan gwbl.

- (b) the Welsh Ministers terminate a person's appointment as vice-chair under paragraph (7),

the Welsh Ministers may appoint another non-officer member as vice-chair under paragraph (3).

### **Powers of vice-chair**

**12.**—(1) This regulation applies if—

- (a) the chair is suspended under regulation 9 and a non-officer member is appointed to be vice-chair under regulation 11; or
- (b) a non-officer member is appointed to be vice-chair under regulation 10 and—
- (i) the office of chair is vacant for any reason; or
- (ii) the chair is unable to perform the duties of chair owing to illness, absence or any other cause.

(2) Where this regulation applies—

- (a) the vice-chair is to act as chair until a new chair is appointed or the existing chair resumes the chair's duties (as the case may be); and
- (b) references in Schedule 2 to the chair are, for so long as there is no chair available to perform the duties of the chair, to be taken to include references to the vice-chair.

### **Appointment of committees and sub-committees**

**13.**—(1) Subject to any directions given by the Welsh Ministers, HEIW may, and if so directed by the Welsh Ministers must, appoint committees of HEIW.

(2) A committee of HEIW may consist wholly or partly of members of HEIW or wholly of persons who are not members of HEIW.

(3) Subject to any directions given by the Welsh Ministers or by HEIW, a committee appointed under this regulation may, and if so directed by the Welsh Ministers, must appoint sub-committees.

(4) A sub-committee of HEIW may consist wholly or partly of members of a committee (whether or not members of HEIW) or wholly of persons who are not members of HEIW or a committee.

(5) Yn ddarostyngedig i unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru, mae rheoliad 6 yn gymwys i benodi aelodau pwyllgorau ac is-bwyllgorau fel y mae yn gymwys i benodi aelodau AaGIC.

### Trefniadau ar gyfer arfer swyddogaethau

14. Yn ddarostyngedig i unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru, caiff AaGIC wneud trefniadau ar gyfer arfer unrhyw un neu ragor o'i swyddogaethau gan bwyllgor neu is-bwyllgor a benodir o dan reoliad 13, neu gan swyddog AaGIC, ac ym mhob achos yn ddarostyngedig i'r cyfyngiadau a'r amodau hynny y gwêl AaGIC yn dda.

### Cyfarfodydd a thrafodion

15.—(1) Rhaid cynnal cyfarfodydd a thrafodion AaGIC yn unol â'r rheolau a nodir yn Atodlen 2 ac yn unol â rheolau sefydlog a wneir o dan y rheoliad hwn.

(2) Rhaid i AaGIC wneud rheolau sefydlog ar gyfer rheoli ei drafodion a'i fusnes, gan gynnwys darpariaeth ar gyfer atal dros dro bob un neu unrhyw un neu ragor o'r rheolau sefydlog.

(3) Caiff AaGIC amrywio, dirymu ac ail-wneud ei reolau sefydlog.

(4) Caiff AaGIC wneud, amrywio a dirymu rheolau sefydlog sy'n ymwneud â chworwm, trafodion a lleoliad cyfarfod pwyllgor neu is-bwyllgor i AaGIC.

(5) O ran rheolau sefydlog AaGIC neu bwyllgor neu is-bwyllgor—

- (a) rhaid iddynt gael eu gwneud yn unol ag unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru; a
- (b) maent yn ddarostyngedig i ddarpariaethau'r Rheoliadau hyn ac unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru.

### Adroddiadau

16.—(1) Ar gyfer pob blwyddyn ariannol, rhaid i AaGIC—

- (a) llunio adroddiad blynyddol ynghylch sut y mae wedi cyflawni ei swyddogaethau yn ystod y flwyddyn honno; a
- (b) anfon copi o'r adroddiad hwnnw at Weinidogion Cymru cyn gynted â phosibl ar ôl diwedd y flwyddyn ariannol honno.

(2) Rhaid i AaGIC—

- (a) cyflwyno unrhyw adroddiadau eraill i Weinidogion Cymru yn y modd ac ar yr adeg a gyfarwyddir gan Weinidogion Cymru; a

(5) Subject to any directions given by the Welsh Ministers, regulation 6 applies to the appointment of members of committees and sub-committees as it applies to the appointment of members of HEIW.

### Arrangements for the exercise of functions

14. Subject to any directions given by the Welsh Ministers, HEIW may make arrangements for the exercise of any of its functions by a committee or sub-committee appointed under regulation 13, or by an officer of HEIW, in each case subject to such restrictions and conditions as HEIW thinks fit.

### Meetings and proceedings

15.—(1) The meetings and proceedings of HEIW must be conducted in accordance with the rules set out in Schedule 2 and with standing orders made under this regulation.

(2) HEIW must make standing orders for the regulation of its proceedings and business, including provision for the suspension of all or any of the standing orders.

(3) HEIW may vary, revoke and remake its standing orders.

(4) HEIW may make, vary and revoke standing orders relating to the quorum, proceedings and place of a meeting of a committee or sub-committee of HEIW.

(5) Standing orders of HEIW or a committee or sub-committee—

- (a) must be made in accordance with any directions given by the Welsh Ministers; and
- (b) are subject to the provisions of these Regulations and any directions given by the Welsh Ministers.

### Reports

16.—(1) For each financial year HEIW must—

- (a) prepare an annual report on how it has discharged its functions during that year; and
- (b) send a copy of that report to the Welsh Ministers as soon as possible after the end of that financial year.

(2) HEIW must—

- (a) make such other reports to the Welsh Ministers in such manner and at such time as the Welsh Ministers direct; and

- (b) darparu i Weinidogion Cymru unrhyw wybodaeth y mae Gweinidogion Cymru yn gofyn amdani o bryd i'w gilydd.

### **Cyfrifon**

17. Ar gyfer pob blwyddyn ariannol, rhaid i AaGIC—

- (a) cadw cyfrifon priodol a chofnodion priodol mewn perthynas â'r cyfrifon hynny; a  
(b) llunio datganiad o gyfrifon;

yn unol ag unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru.

### **Datgelu buddiant ariannol**

18.—(1) Mae'r paragraff hwn yn gymwys pan fo gan aelod fuddiant ariannol, boed yn uniongyrchol neu'n anuniongyrchol, mewn contract, contract arfaethedig neu fater arall a'i fod yn bresennol mewn cyfarfod o AaGIC lle y mae'r contract, y contract arfaethedig neu'r mater arall yn cael ei ystyried.

(2) Yn ddarostyngedig i'r darpariaethau a ganlyn o'r rheoliad hwn, pan fo paragraff (1) yn gymwys mewn cysylltiad ag aelod, rhaid i'r aelod, yn y cyfarfod a chyn gynted ag y bo'n ymarferol ar ôl i'r cyfarfod gychwyn, ddatgelu'r buddiant a rhaid iddo beidio â chymryd rhan wrth ystyried neu drafod y contract, y contract arfaethedig neu'r mater arall na phleidleisio ar unrhyw gwestiwn mewn cysylltiad ag ef.

(3) Caiff Gweinidogion Cymru, yn ddarostyngedig i'r amodau hynny y gwelant yn dda eu gosod, ddatgymhwyso gofyniad a osodir gan baragraff (2) os yw Gweinidogion Cymru yn meddwl ei bod er lles y gwasanaeth iechyd i wneud hynny.

(4) Caiff AaGIC, drwy reolau sefydlog a wneir o dan reoliad 15(2), ddarparu ar gyfer gwahardd aelod o gyfarfod o AaGIC tra bo unrhyw gontract, contract arfaethedig neu fater arall y mae gan yr aelod fuddiant ariannol ynddo, boed yn uniongyrchol neu'n anuniongyrchol, o dan ystyriaeth.

(5) Nid yw unrhyw dâl, digollediad neu lwfansau sy'n daladwy i aelod yn rhinwedd paragraff 2 o Atodlen 5 i'r Ddeddf (tâl a lwfansau) yn fuddiant ariannol at ddibenion y rheoliad hwn.

(6) Yn ddarostyngedig i baragraffau (3) a (7), rhaid trin yr aelod at ddibenion y rheoliad hwn fel pe bai ganddo fuddiant ariannol anuniongyrchol mewn contract, contract arfaethedig neu fater arall—

- (a) os yw'r aelod yn gyfarwyddwr i gwmni neu gorff arall y gwnaed y contract ag ef neu y bwriedir gwneud y contract ag ef neu y mae ganddo fuddiant ariannol uniongyrchol yn y mater arall sydd o dan ystyriaeth; neu

- (b) provide the Welsh Ministers with such information as the Welsh Ministers from time to time request.

### **Accounts**

17. For each financial year HEIW must—

- (a) keep proper accounts and proper records in relation to those accounts; and  
(b) prepare a statement of accounts;

in accordance with any directions given by the Welsh Ministers.

### **Disclosure of pecuniary interest**

18.—(1) This paragraph applies where a member has a pecuniary interest, direct or indirect, in a contract, proposed contract or other matter and is present at a meeting of HEIW at which the contract, proposed contract or other matter is the subject of consideration.

(2) Subject to the following provisions of this regulation, where paragraph (1) applies in respect of a member, the member must at the meeting and as soon as practicable after its commencement, disclose the interest and must not take part in the consideration or discussion of the contract, proposed contract or other matter or vote on any question with respect to it.

(3) The Welsh Ministers may, subject to such conditions they think fit to impose, disapply a requirement imposed by paragraph (2) if the Welsh Ministers think it is in the interests of the health service to do so.

(4) HEIW may, by standing orders made under regulation 15(2), provide for the exclusion of a member from a meeting of HEIW while any contract, proposed contract or other matter in which the member has a pecuniary interest, direct or indirect, is under consideration.

(5) Any remuneration, compensation or allowances payable to a member by virtue of paragraph 2 of Schedule 5 to the Act (pay and allowances) is not a pecuniary interest for the purposes of this regulation.

(6) Subject to paragraphs (3) and (7), the member must be treated for the purposes of this regulation as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member is a director of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

- (b) os yw'r aelod yn bartner i berson, neu'n cael ei gyflogi gan berson, y gwnaed y contract ag ef, neu y bwriedir gwneud y contract ag ef neu y mae ganddo fuddiant ariannol uniongyrchol yn y mater arall sydd o dan ystyriaeth, ac yn achos dau unigolyn sy'n cydfyw fel cwpl (boed yn briod neu mewn partneriaeth sifil neu beidio) cymerir bod buddiant un person, os yw'n hysbys i'r llall, at ddiben y rheoliad hwn yn fuddiant i'r llall hefyd.

(7) Nid yw aelod i gael ei drin fel pe bai ganddo fuddiant ariannol mewn contract, contract arfaethedig neu fater arall a hynny dim ond oherwydd—

- (a) aelodaeth o gwmni neu gorff arall os nad oes gan yr aelod fuddiant llesiannol yng ngwarannau'r cwmni neu'r corff arall; neu
- (b) buddiant mewn cwmni, corff neu berson y mae'r aelod yn gysylltiedig ag ef fel y crybwyllir ym mharagraff (6) sydd mor bell neu ddi-nod fel na ellir yn rhesymol farnu ei fod yn debygol o ddylanwadu ar yr aelod wrth ystyried neu drafod unrhyw gwestiwn mewn cysylltiad â'r contract, y contract arfaethedig neu'r mater arall, neu wrth bleidleisio arno.

(8) Pan—

- (a) bo gan aelod fuddiant ariannol anuniongyrchol mewn contract, contract arfaethedig neu fater arall a hynny dim ond oherwydd buddiant llesiannol yng ngwarannau cwmni neu gorff arall;
- (b) na fo cyfanswm gwerth enwol y gwarannau yn fwy na £5,000 neu ganfed ran o gyfanswm gwerth enwol y cyfalaf cyfranddaliadau a ddyroddwyd gan y cwmni neu'r corff, pa un bynnag yw'r lleiaf, ac
- (c) os yw'r cyfalaf cyfranddaliadau yn perthyn i fwy nag un dosbarth, na fo cyfanswm gwerth enwol y cyfranddaliadau yn unrhyw un dosbarth y mae gan y person fuddiant llesiannol ynddo yn fwy na chanfed ran o gyfanswm y cyfalaf cyfranddaliadau a ddyroddwyd yn y dosbarth hwnnw,

nid yw'r rheoliad hwn yn gwahardd yr aelod rhag cymryd rhan wrth ystyried neu drafod y contract, y contract arfaethedig neu'r mater arall, neu rhag pleidleisio ar unrhyw gwestiwn mewn cysylltiad ag ef, ond, o dan amgylchiadau o'r fath rhaid i'r aelod serch hynny ddatgan ei fuddiant.

(9) Mae'r rheoliad hwn yn gymwys, yn ddarostyngedig i unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru—

- (a) i bwyllgor neu is-bwyllgor fel y mae'n gymwys i AaGIC; a

- (b) the member is a partner of, or is in the employment of, a person with whom the contract was made, or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration, and in the case of two individuals living together as a couple (whether married or in a civil partnership or not) the interest of one is, if known to the other, to be taken for the purpose of this regulation as also being an interest of the other.

(7) A member is not to be treated as having a pecuniary interest in a contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in securities of the company or other body; or
- (b) of an interest in a company, body or person with which the member is connected as mentioned in paragraph (6) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to the contract, proposed contract or other matter.

(8) Where a member—

- (a) has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body;
- (b) the total nominal value of the securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the lesser; and
- (c) if the share capital is of more than one class, the total nominal value of shares of any one class in which the person has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class,

this regulation does not prohibit the member from taking part in the consideration or discussion of the contract, proposed contract or other matter, or from voting on any question with respect to it, but, in such circumstances the member must nonetheless disclose their interest.

(9) This regulation applies, subject to any directions given by the Welsh Ministers—

- (a) to a committee or sub-committee as it applies to HEIW; and

(b) i aelod o bwyllgor neu is-bwyllgor (pa un a yw'r person yn aelod o AaGIC ai peidio) fel y mae'n gymwys i aelod o AaGIC.

(10) Yn y rheoliad hwn—

ystyr “cyfranddaliadau” (“*shares*”) yw cyfranddaliadau yng nghyfalaf cyfranddaliadau cwmni neu gorff arall neu yn stoc cwmni neu gorff arall;

ystyr “gwarannau” (“*securities*”) yw—

(a) cyfranddaliadau neu ddyledebau, pa un a ydynt yn arwystl ar asedau cwmni neu gorff arall ai peidio, neu hawl neu fuddiant mewn cyfranddaliad neu ddyledeb; neu

(b) hawl (boed yn wirioneddol neu'n amodol) mewn cysylltiad ag arian a fenthycwyd i gymdeithas ddiwydiannol neu ddarbodus neu gymdeithas adeiladu, neu arian a adnewwyd gyda hi.

(b) to a member of a committee or sub-committee (whether or not the person is a member of HEIW) as it applies to a member of HEIW.

(10) In this regulation—

“securities” (“*gwarannau*”) means—

(a) shares or debentures, whether or not constituting a charge on the assets of a company or other body, or rights or interests in a share or debenture; or

(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, an industrial or provident society or building society;

“shares” (“*cyfranddaliadau*”) means shares in the share capital of a company or other body or the stock of a company or other body.

*Vaughan Gething*

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion Cymru  
11 Medi 2017

Cabinet Secretary for Health, Well-being and Sport,  
one of the Welsh Ministers  
11 September 2017

# YR ATODLENNI

## ATODLEN 1 Rheoliad 6 ANGHYMHWYSO

### Euogfarnau troseddol

1.—(1) Mae'r person wedi ei euogfarnu o fewn y cyfnod o 5 mlynedd yn union cyn dyddiad y penodiad arfaethedig, neu ar unrhyw adeg yn ystod cyfnod y swydd yn cael ei euogfarnu—

- (a) yn y Deyrnas Unedig o unrhyw drosedd; neu
- (b) y tu allan i'r Deyrnas Unedig o drosedd a fyddai, pe bai wedi ei chyflawni yn unrhyw ran o'r Deyrnas Unedig, yn drosedd yn y rhan honno;

ac, yn y naill achos neu'r llall, canlyniad terfynol yr achos oedd dedfryd o garchar (pa un a yw'n ddedfryd ohiriedig ai peidio) am gyfnod o ddim llai na 3 mis heb yr opsiwn o dalu dirwy.

(2) At ddibenion y paragraff hwn, bernir mai'r dyddiad euogfarnu yw'r dyddiad y mae'r cyfnod a ganiateir yn gyffredinol ar gyfer gwneud apêl neu gais mewn cysylltiad â'r euogfarn yn dod i ben neu, os gwneir apêl neu gais o'r fath, y dyddiad y penderfynir yn derfynol ar yr apêl neu'r cais, neu'r dyddiad y rhoddir y gorau i'r apêl neu'r cais, neu'r dyddiad y mae'r apêl yn methu am na chafodd ei dwyn yn ei blaen neu'r dyddiad y mae'r cais yn methu am na chafodd ei ddwyn yn ei flaen.

### Methodaliad

2.—(1) Mae'r person yn ddarostyngedig i orchymyn cyfyngu methodaliad neu orchymyn cyfyngu methodaliad interim neu wedi gwneud gwneud compôwnd neu drefniant â'i gredydwy.

(2) Pan fo person wedi ei anghymhwysu o dan isbaragraff (1)—

- (a) os diddymir y methodaliad ar y sail na ddylai'r person fod wedi cael ei ddyfarnu'n fethdalwr neu ar y sail bod dyledion y person wedi cael eu talu'n llawn, mae'r person hwnnw yn dod yn gymwys i gael ei benodi'n aelod ar ddyddiad y diddymiad;
- (b) os caiff person ei ryddhau o fethdaliad, mae'r person hwnnw yn dod yn gymwys i gael ei benodi'n aelod ar ddyddiad y rhyddhau;

# SCHEDULES

## SCHEDULE 1 Regulation 6 DISQUALIFICATION

### Criminal convictions

1.—(1) The person has within the period of 5 years immediately preceding the date of the proposed appointment been convicted, or at any time during their term of office is convicted—

- (a) in the United Kingdom of any criminal offence; or
- (b) outside the United Kingdom of an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence in that part;

and, in either case, the final outcome of the proceedings was a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of paying a fine.

(2) For the purposes of this paragraph, the date of conviction is deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

### Bankruptcy

2.—(1) The person is subject to a bankruptcy restrictions order, an interim bankruptcy restrictions order or has made a composition or an arrangement with creditors.

(2) Where a person is disqualified under subparagraph (1)—

- (a) if the bankruptcy is annulled on the ground that the person ought not to have been adjudged bankrupt or on the ground that the person's debts have been paid in full, that person becomes eligible for appointment as a member on the date of the annulment;
- (b) if the person is discharged from bankruptcy, that person becomes eligible for appointment as a member on the date of the discharge;

- (c) os telir dyledion y person yn llawn, ac yntau wedi gwneud compôwnd neu drefniant â'i gredydwy, mae'r person hwnnw yn dod yn gymwys i gael ei benodi'n aelod ar y dyddiad y telir y dyledion hynny yn llawn; a
- (d) os, ar ôl gwneud compôwnd neu drefniant â'i gredydwy, mae cyfnod o 5 mlynedd wedi dod i ben o'r dyddiad y cyflawnwyd telerau y compôwnd neu'r trefniant, mae'r person yn dod yn gymwys i gael ei benodi'n aelod.

### Diswyddo o gorff gwasanaeth iechyd

3.—(1) Mae'r person wedi cael ei ddiswyddo, ac eithrio am fod y swydd wedi ei dileu, o unrhyw gyflogaeth am dâl gyda chorff gwasanaeth iechyd o fewn y cyfnod o 5 mlynedd yn union cyn dyddiad y penodiad arfaethedig neu'n ystod ei gyfnod fel aelod.

(2) Caiff person sydd wedi ei anghymhwyso o dan is-baragraff (1), ar ôl i gyfnod o 2 flynedd ddod i ben o ddyddiad y diswyddiad, wneud cais ysgrifenedig i Weinidogion Cymru i ddileu'r anghymhwysiad.

(3) Os yw Gweinidogion Cymru yn gwrthod cais person o dan is-baragraff (2), ni chaiff y person hwnnw wneud cais pellach cyn i gyfnod o 2 flynedd ddod i ben gan ddechrau â dyddiad cais diwethaf y person.

(4) At ddiben y paragraff hwn, nid yw person i'w drin fel un sydd wedi ei gyflogi am dâl a hynny dim ond oherwydd ei fod—

- (a) yn achos corff gwasanaeth iechyd nad yw'n ymddiriedolaeth GIG neu'n ymddiriedolaeth sefydledig GIG (ac eithrio grŵp comisiynu clinigol), yn gadeirydd neu'n aelod nad yw'n swyddog o'r corff;
- (b) yn achos ymddiriedolaeth GIG, yn gadeirydd neu'n gyfarwyddwr anweithredol i'r ymddiriedolaeth;
- (c) yn achos ymddiriedolaeth sefydledig GIG, yn gadeirydd, yn llywodraethwr neu'n gyfarwyddwr anweithredol i'r ymddiriedolaeth; neu
- (d) yn achos grŵp comisiynu clinigol, yn gadeirydd neu'n aelod o'r corff llywodraethu.

(5) Yn is-baragraff (4)(a), ystyr "aelod nad yw'n swyddog" yw aelod o'r corff gwasanaeth iechyd nad yw'n cael ei gyflogi gan y corff.

- (c) if, having made a composition or arrangement with creditors, the person's debts are paid in full, that person becomes eligible for appointment as a member on the date upon which such debts are paid in full; and
- (d) if, having made a composition or arrangement with creditors, a period of 5 years has expired from the date on which the terms of the composition or arrangement were fulfilled, that person becomes eligible for appointment as a member.

### Dismissal from health service body

3.—(1) The person has been dismissed within the period of 5 years immediately preceding the date of the proposed appointment or during their term as a member, otherwise than by reason of redundancy, from paid employment with a health service body.

(2) A person who is disqualified under sub-paragraph (1) may, after the expiry of 2 years from the date of dismissal, apply in writing to the Welsh Ministers to have that disqualification removed.

(3) If the Welsh Ministers refuse a person's application under sub-paragraph (2), no further application may be made by the person before the expiry of the period of 2 years beginning with the date of the person's last application.

(4) For the purpose of this paragraph, a person is not to be treated as having been in paid employment by reason only of having been—

- (a) in the case of a health service body which is not an NHS trust or an NHS foundation trust (other than a clinical commissioning group), the chairman or a non-officer member of the body;
- (b) in the case of an NHS trust, the chairman or a non-executive director of the trust;
- (c) in the case of an NHS foundation trust, the chairman, a governor or a non-executive director of the trust; or
- (d) in the case of a clinical commissioning group, the chair or a member of the governing body.

(5) In sub-paragraph (4)(a), "non-officer member" means a member of a health service body who is not employed by the body.

## **Terfynu aelodaeth o gorff gwasanaeth iechyd**

### **4.—(1) Mae—**

- (a) aelodaeth y person fel cadeirydd, aelod neu gyfarwyddwr corff gwasanaeth iechyd wedi ei therfynu, ac eithrio am fod y swydd wedi ei dileu, ymddiswyddiad gwirfoddol, ad-drefnu'r corff gwasanaeth iechyd, neu oherwydd bod cyfnod y swydd y penodwyd y person amdano wedi dod i ben; neu
- (b) y person wedi ei symud o'i swydd fel cadeirydd neu aelod o gorff llywodraethu grŵp comisiynu clinigol.

(2) Os yw person wedi ei anghymhwysu o dan is-baragraff (1), bydd yr anghymhwysiad yn peidio â chael effaith pan ddaw 2 flynedd i ben gan ddechrau ar y dyddiad y terfynir y cyfnod penodiad neu unrhyw gyfnod hwy a bennwyd gan y corff a derfynodd aelodaeth y person.

(3) Caiff Gweinidogion Cymru, pan wneir cais iddynt gan y person a anghymhwyswyd, leihau cyfnod yr anghymhwysiad a grybwyllir yn is-baragraff (2).

## **Anghymhwysiad yn dod i ben**

5. Pan fo Gweinidogion Cymru wedi rhoi cyfarwyddyd i ddileu anghymhwysiad o dan baragraff 3 neu pan fo cyfnod anghymhwysiad wedi dod i ben o dan baragraff 4, nid yw'r person wedi ei anghymwysu bellach at ddibenion yn Atodlen hon.

## **Termination of membership of health service body**

### **4.—(1) The person has—**

- (a) had his or her membership as chair, member or director of a health service body terminated, other than by reason of redundancy, voluntary resignation, reorganisation of the health service body, or expiry of the period of office for which that person was appointed; or
- (b) been removed from office as the chair or a member of the governing body of a clinical commission group.

(2) If a person is disqualified under sub-paragraph (1) the disqualification ceases to have effect on the expiry of 2 years beginning on the date of the termination of the term of appointment or such longer period as may have been specified by the body that terminated the person's membership.

(3) The Welsh Ministers may reduce the period of disqualification mentioned in sub-paragraph (2) on the application of the disqualified person.

## **Cessation of disqualification**

5. Where the Welsh Ministers have directed that a disqualification is to be removed under paragraph 3 or when the period of disqualification has come to an end under paragraph 4, the person is no longer disqualified for the purpose of this Schedule.



RHEOLAU AR GYFER  
CYFARFODYDD A THRAFODION  
AaGIC

1. Rhaid i gyfarfodydd AaGIC gael eu cynnal ar ddiwrnod ac mewn man a bennir gan y cadeirydd, a'r cadeirydd sy'n gyfrifol am gynnwyl y cyfarfod.

2.—(1) Caiff y cadeirydd alw cyfarfod o AaGIC ar unrhyw adeg.

(2) Os cyflwynir cais am gyfarfod, a hwnnw wedi ei lofnodi gan draean o leiaf o gyfanswm yr aelodau, i'r cadeirydd a bod y cadeirydd naill ai—

- (a) yn gwrthod galw cyfarfod; neu
- (b) heb wrthod y cais, yn methu â galw cyfarfod o fewn 21 o ddiwrnodau ar ôl i'r cais gael ei gyflwyno iddo,

caiff yr aelodau hynny alw am i gyfarfod gael ei gynnal ar unwaith.

(3) Yn is-baragraff (2), ystyr “cyfanswm yr aelodau” yw cyfanswm yr aelodau ac eithrio'r cadeirydd ac unrhyw aelod sydd wedi ei atal dros dro am y tro o dan reoliad 9.

3.—(1) Cyn pob cyfarfod, ac eithrio cyfarfod a elwir o dan baragraff 2(2), rhaid i hysbysiad o'r cyfarfod gael ei ddanfôn at bob aelod, neu gael ei anfon drwy'r post i gyfeiriad hysbys diwethaf pob aelod o leiaf 10 niwrnod elir cyn dyddiad y cyfarfod.

(2) Rhaid i hysbysiad o dan is-baragraff (1)—

- (a) pennu'r prif fusnes y bwriedir ei drafod yn y cyfarfod, a
- (b) cael ei lofnodi gan y cadeirydd neu gan swyddog a awdurdodir gan y cadeirydd i lofnodi ar ran y cadeirydd.

(3) Nid yw trafodion cyfarfod yn cael eu hannilysu gan fethiant i ddanfôn hysbysiad o'r fath i aelod.

(4) Nid yw is-baragraff (1) yn gymwys os yw'r cadeirydd yn meddwl ei bod yn angenrheidiol galw cyfarfod heb roi hysbysiad.

4.—(1) Yng nghyfarfod cyntaf AaGIC rhaid i'r cadeirydd lywyddu.

(2) Mewn cyfarfod o AaGIC (ac eithrio ei gyfarfod cyntaf) bydd y cadeirydd, neu yn absenoldeb y cadeirydd, yr is-gadeirydd (os oes un ac os yw'n bresennol) yn llywyddu.

RULES FOR THE MEETINGS AND  
PROCEEDINGS OF HEIW

1. Meetings of HEIW must be held on such day and at such place as may be fixed by the chair and the chair is responsible for convening the meeting.

2.—(1) The chair may call a meeting of HEIW at any time.

(2) If a requisition for a meeting, signed by at least one third of the total number of members is presented to the chair and the chair either—

- (a) refuses to call a meeting, or
- (b) without so refusing, does not call a meeting within 21 days after the requisition has been presented to him or her,

those members may call a meeting to be held immediately.

(3) In sub-paragraph (2), “total number of members” means the total number of members excluding the chair and any member suspended for the time being under regulation 9.

3.—(1) Before each meeting, other than a meeting called under paragraph 2(2), a notice of the meeting must be delivered to each member, or sent by post to each member's last known address at least 10 clear days before the date of the meeting.

(2) A notice under sub-paragraph (1) must—

- (a) specify the principal business proposed to be transacted at the meeting, and
- (b) be signed by the chair or by an officer authorised by the chair to sign on the chair's behalf.

(3) The proceedings of a meeting are not invalidated by failure to deliver such notice to a member.

(4) Sub-paragraph (1) does not apply if the chair thinks it is necessary to call a meeting without notice.

4.—(1) At HEIW's first meeting the chair must preside.

(2) At a meeting of HEIW (other than its first meeting) the chair, or in the chair's absence, the vice-chair (if there is one and they are present) presides.

(3) Mewn cyfarfod o AaGIC (ac eithrio ei gyfarfod cyntaf) os yw'r cadeirydd ac unrhyw is-gadeirydd yn absennol, bydd unrhyw aelod arall nad yw'n swyddog sy'n bresennol a ddewisir gan yr aelodau eraill sy'n bresennol at y diben yn llywyddu.

5. Mae pob cwestiwn mewn cyfarfod yn cael ei benderfynu gan fwyafrif pleidleisiau'r aelodau sy'n bresennol a thrwy bleidleisio ar y cwestiwn ac, os yw'r pleidleisiau yn gyfartal, mae gan y person sy'n llywyddu ail bleidlais a phleidlais fwrw.

6.—(1) Yn ddarostyngedig i is-baragraff (2) ac i unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru, ni chaniateir i unrhyw fusnes gael ei drin mewn cyfarfod oni bai bod chwe aelod yn bresennol.

(2) Rhaid i'r prif weithredwr fod yn bresennol mewn cyfarfod o AaGIC y mae aelodau eraill sy'n swyddogion AaGIC yn cael eu penodi ynddo.

7.—(1) Rhaid llunio cofnodion o drafodion cyfarfod a rhaid iddynt gael eu llofnodi yn y cyfarfod nesaf sy'n dilyn gan y person sy'n llywyddu yn y cyfarfod.

(2) Rhaid i enwau'r aelodau sy'n bresennol mewn cyfarfod gael eu cofnodi yn y cofnodion.

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(3) If at a meeting of HEIW (other than its first meeting) the chair and any vice-chair are absent, such other non-officer member present as the other members present may choose for the purpose presides.

5. Every question at a meeting is determined by a majority of the votes of the members present and voting on the question and, in the case of any equality of votes, the person presiding has a second and casting vote.

6.—(1) Subject to sub-paragraph (2) and any directions given by the Welsh Ministers, no business may be transacted at a meeting unless six members are present.

(2) The chief executive must be present at a meeting of HEIW at which other members who are officers of HEIW are appointed.

7.—(1) The minutes of the proceedings of a meeting must be drawn up and must be signed at the next ensuing meeting by the person presiding at the meeting.

(2) The names of the members present at a meeting must be recorded in the minutes.

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**2017 Rhif 909 (Cy. 221)**

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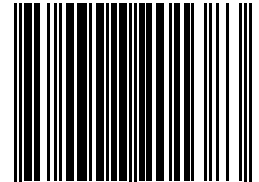
The Health Education and  
Improvement Wales Regulations  
2017

£6.00

W201709121007 09/2017

<http://www.legislation.gov.uk/id/wsi/2017/909>

ISBN 978-0-348-20138-3



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