



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2000 Rhif 1035 (Cy. 66)

2000 No. 1035 (W. 66)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau Diwygio Rheoliadau'r
Gwasanaeth Iechyd Gwladol
(Swyddogaethau Awdurdodau
Iechyd a Threfniadau Gweinyddu)
(Cymru) 2000

The National Health Service
(Functions of Health Authorities
and Administration
Arrangements)(Wales) Amendment
Regulations 2000

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note does not form part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Swyddogaethau Awdurdodau Iechyd a Threfniadau Gweinyddu) 1996 drwy ddarparu i awdurdodau iechyd yng Nghymru arfer swyddogaeth y Cynulliad Cenedlaethol o ddarparu cyfleusterau ysbyty yn unol ag adran 4 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977. Mae'r gwasanaethau perthnasol mewn perthynas â phersonau y gellir eu cadw o dan Ddeddf Iechyd Meddwl 1983 ac yr ydys o'r farn eu bod angen triniaeth o dan amodau o ddiogelwch mawr oherwydd eu tueddiadau peryglus, treisgar neu droseddol.

Cyfyngir ar arfer y swyddogaeth o ddarparu gwasanaethau seiciatrig o ddiogelwch mawr gan y Rheoliadau hyn i gontractau NHS gydag Awdurdod Ysbyty Ashworth, Broadmoor neu Rampton neu ymddiriedolaeth NHS yng Nghymru a gymeradwywyd gan y Cynulliad Cenedlaethol, neu yn Lloegr a gymeradwywyd gan yr Ysgrifennydd Gwladol.

These Regulations amend the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996 by providing for health authorities in Wales to exercise the National Assembly's function of providing hospital facilities pursuant to section 4 of the National Health Service Act 1977. The relevant services are in relation to persons who are liable to be detained under the Mental Health Act 1983 and who are considered to require treatment under conditions of high security on account of their dangerous, violent or criminal propensities.

The exercise of the function of providing such high security psychiatric services is limited by these Regulations to NHS contracts with Ashworth, Broadmoor or Rampton Hospital Authority or an NHS trust in Wales approved by the National Assembly, or in England approved by the Secretary of State.

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Regulations 2000***Wedi'u gwneud**30 Mawrth 2000**Made**30th March 2000**Yn dod i rym**1 Ebrill 2000**Coming into force**1st April 2000*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 16D, 17, 18(1) ac (1A) a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a):

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 16D, 17, 18(1) and (1A) and 126(4) of the National Health Service Act 1977(a):

Enwi, cychwyn, dehongli a chymhwyso**Citation, commencement, interpretation and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Swyddogaethau Awdurdodau Iechyd a Threfniadau Gweinyddu) (Cymru) 2000 a deuant i rym ar 1 Ebrill 2000.

1.-(1) These Regulations may be cited as the National Health Service (Functions of Health Authorities and Administration Arrangements)(Wales) Amendment Regulations 2000 and shall come into force on 1st April 2000.

(2) Yn y Rheoliadau hyn ystyr "y prif Reoliadau" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Swyddogaethau Awdurdodau Iechyd a Threfniadau Gweinyddu) (Cymru) 1996(b).

(2) In these Regulations "the principal Regulations" means the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996(b).

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

(3) These Regulations shall apply to Wales only.

Diwygio'r prif Reoliadau**Amendment of principal Regulations**

2.-(1) Diwygir y prif Reoliadau yn unol â darpariaethau canlynol y rheoliad hwn.

2.-(1) The principal Regulations are amended in accordance with the following provisions of this regulation.

(a) 1977 p.49. Amnewidiwyd adrannau 16D, 17 a 18(1) ac (1A) gan Ddeddf Iechyd 1999(p.8)("Deddf 1999"), adran 12. Diwygiwyd adran 126(4) gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 65(2) a chan Ddeddf 1999, Atodlen 4, paragraff 37(6). Trosglwyddwyd y swyddogaethau o dan y darpariaethau hyn, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Cynulliad Cenedlaethol gan erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672.

(b) Diwygiwyd O.S.1996/708 gan O.S.1998/646, 1999/628, 1999/1902 a 2000/267.

(a) 1977 c.49. Sections 16D, 17 and 18(1) and (1A) were substituted by the Health Act 1999(c.8)("the 1999 Act"), section 12. Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), section 65(2) and by the 1999 Act, Schedule 4, paragraph 37(6). The functions under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.

(b) S.I.1996/708 was amended by S.I.1998/646, 1999/628, 1999/1902 and 2000/267.

(2) Yn rheoliad 4 (cyfyngiadau ar arfer swyddogaethau gan Awdurdodau Iechyd) ar ôl paragraff (3A) mewnosodir y paragraff canlynol-

“(3B)-(1) In exercising the functions of the National Assembly for Wales under section 4 of the Act(a) a Health Authority in Wales may enter into an NHS contract for the provision of high security psychiatric services with the following providers only-

(a) Ashworth Hospital Authority, Broadmoor Hospital Authority or Rampton Hospital Authority(b) or

(b) an approved NHS trust

and may not arrange with any other person or body (including voluntary organisations) for that person or body to provide such services.

(2) For the purposes of paragraph (1)(b) “an approved NHS trust” means a trust approved under paragraph 10(2) and (3) of Schedule 2 to the 1990 Act(c)_

(a) in Wales, by the National Assembly for Wales, and

(b) in England, by the Secretary of State.”.

(3) Bydd i'r diwygiadau i Atodlen 1 i'r prif Reoliadau a wnaed gan Reoliadau Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Swyddogaethau Awdurdodau Iechyd a Threfniadau Gweinyddu) 2000(ch) effaith mewn perthynas â Chymru.

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

30 Mawrth 2000

Llywydd y Cynulliad Cenedlaethol

(2) In regulation 4 (restrictions on the exercise of functions by Health Authorities) after paragraph (3A) there is inserted the following paragraph-

“(3B)-(1) In exercising the functions of the National Assembly for Wales under section 4 of the Act(a) a Health Authority in Wales may enter into an NHS contract for the provision of high security psychiatric services with the following providers only-

(a) Ashworth Hospital Authority, Broadmoor Hospital Authority or Rampton Hospital Authority(b) or

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(a) in Wales, by the National Assembly for Wales, and

(b) in England, by the Secretary of State.”.

(3) The amendments to Schedule 1 to the principal Regulations made by the National Health Service (Functions of Health Authorities and Administration Arrangements) Amendment Regulations 2000(d) shall have effect in relation to Wales.

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

30th March 2000

The Presiding Officer of the National Assembly

D. Elis Thomas

(a) Amnewidir adran 4 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 gan Ddeddf 1999, adran 41(1) sydd yn dod i rym ar 1 Ebrill 2000 (gweler O.S. 1999/2793).

(b) Gweler O.S. 1966/488 a 489 a ddiwygiwyd gan O.S. 2000/90.

(c) Mewnosodir paragraff 10(2) a (3) o Atodlen 2 i Ddeddf 1990 gan Ddeddf 1999, adran 41(3) sydd yn dod i rym ar 1 Ebrill 2000 (gweler 1999/2793).

(ch) O.S. 2000/267.

(d) 1998 p.38.

(a) Section 4 of the National Health Service Act 1977 is substituted by the 1999 Act, section 41(1) which comes into force on 1st April 2000 (see S.I. 1999/2793).

(b) See S.I. 1966/488 and 489 which were amended by S.I. 2000/90.

(c) Paragraph 10(2) and (3) of Schedule 2 to the 1990 Act is inserted by the 1999 Act, section 41(3) which comes into force on 1st April 2000 (see 1999/2793).

(d) S.I.2000/267.

(e) 1998 c.38.

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