



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 325 (Cy.38)

2002 No. 325 (W.38)

**IECHYD Y CYHOEDD,
CYMRU**

**PUBLIC HEALTH,
WALES**

**Rheoliadau Gofal Iechyd Preifat a
Gwirfoddol (Cymru) 2002**

**Private and Voluntary Health Care
(Wales) Regulations 2002**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn cael eu gwneud o dan Ddeddf Safonau Gofal 2000 ("y Ddeddf") ac maent yn gymwys i ysbytai annibynnol a chlinigau annibynnol yng Nghymru. Mewn perthynas â Chymru mae'r Ddeddf yn darparu bod sefydliadau ac asiantaethau, gan gynnwys sefydliadau gofal iechyd preifat a gwirfoddol, yn cael eu cofrestru a'u harchwilio gan Gynulliad Cenedlaethol Cymru ac mae'n awdurdodi'r Cynulliad Cenedlaethol i wneud rheoliadau sy'n llywodraethu eu hymddygiad.

These Regulations are made under the Care Standards Act 2000 ("the Act") and apply to independent hospitals and independent clinics in Wales. The Act provides in relation to Wales for the registration and inspection of establishments and agencies, including private and voluntary health care establishments, by the National Assembly for Wales and empower the National Assembly to make regulations governing their conduct.

Mae adran 2 o'r Ddeddf yn diffinio nifer o "listed services" ("gwasanaethau rhestredig") sydd (os ydynt yn cael eu darparu mewn sefydliad) yn dod â sefydliad o fewn y diffiniad o ysbyty annibynnol. Mae rheoliad 3 yn darparu bod "gwasanaethau rhestredig" yn cynnwys triniaeth drwy ddefnyddio'r technegau a'r technolegau rhagnodedig sydd wedi'u nodi yn rheoliad 3(1). Mae rheoliad 3(2) yn eithrio technegau penodol a thechnoleg benodol, sef triniaeth wres is-goch benodol, triniaeth laser benodol a defnyddio lampau uwchfioled i gael lliw haul artiffisial, rhag bod yn "wasanaethau rhestredig". Mae rheoliad 3(2) yn hepgor sefydliadau penodol o'r diffiniad o ysbyty annibynnol o dan adran 2 o'r Ddeddf. Mae'r eithriadau yn cynnwys sefydliadau sy'n darparu triniaeth feddygol neu seiciatrïg ond nad oes ganddynt welyau dros nos i gleifion, sefydliadau sy'n ysbytai'r lluoedd arfog o dan Ddeddf Lluoedd Arfog 1981, neu sy'n sefydliadau sy'n darparu ar gyfer tramgwyddwyr o dan Ddeddf Carchardai 1952. Yn ychwanegol, mae clinigau annibynnol (fel y'u diffinnir yn y Rheoliadau hyn) yn cael eu hepgor, yn ogystal â sefydliadau lle

Section 2 of the Act defines a number of "listed services" which (if they are provided in an establishment) bring an establishment within the definition of an independent hospital. Regulation 3 provides that "listed services" include treatment using the prescribed techniques and technology set out in regulation 3(1). Regulation 3(2) then excepts certain techniques and technology from being "listed services", namely certain infra-red heat treatment, certain laser treatment and the use of ultra violet lamps for acquiring an artificial sun tan. Regulation 3(2) excludes certain establishments from the definition of an independent hospital under section 2 of the Act. The exceptions include establishments providing medical or psychiatric treatment but which have no overnight beds for patients, establishments which are service hospitals under the Armed Forces Act 1981, or which are establishments catering for offenders under the Prison Act 1952. In addition, independent clinics (as defined in these Regulations) are excluded, as well as establishments where general practitioners provide NHS services, but where there may be a small minority

mae ymarferwyr cyffredinol yn darparu gwasanaethau GIG, ond lle gall fod lleiafrif bychan o gleifion preifat sy'n cael triniaeth hefyd. Mae preswylfan preifat claf yn cael ei hepgor hefyd ar yr amod mai dim ond i'r claf hwnnw y mae triniaeth yn cael ei darparu yno. Mae meddygfeydd ac ystafelloedd ymgynghori (sy'n rhai ar wahân i ysbyty) sy'n darparu gwasanaethau meddygol o dan drefniadau sy'n cael eu gwneud ar ran cleifion gan eu cyflogwyr neu eraill yn cael eu hepgor hefyd, yn ogystal â meysydd chwarae a champfeydd lle mae triniaeth yn cael ei rhoi i'r rhai sy'n cymryd rhan mewn gweithgareddau a digwyddiadau chwaraeon.

Mae rheoliad 3(4) yn addasu'r diffiniad o lawfeddygaeth gosmetig at ddibenion adran 2(7) o'r Ddeddf fel nad yw "gwasanaethau rhestredig" yn cynnwys tyllu'r clustiau a'r corff, tatwio, chwistrellu sylweddau i mewn i'r croen at ddibenion cosmetig a thynnu gwreiddiau gwallt a mân feflau ar y croen drwy ddefnyddio gwres sy'n defnyddio cerrynt trydan.

Mae rheoliad 4 yn difinio ystyr y term "clinig annibynnol".

Rhaid i bob sefydliad gael datganiad o ddiben sy'n cynnwys y materion sydd wedi'u nodi yn Atodlen 1 ac arweiniad cleifion i'r sefydliad y mae'n rhaid eu cadw o dan sylw (rheoliadau 5 i 7). Yn rhinwedd rheoliad 5(3) rhaid i'r sefydliad gael ei redeg mewn modd sy'n gyson â'r datganiad o ddiben.

Mae rheoliad 8 yn nodi'r polisiau a'r gweithdrefnau y mae'n rhaid eu paratoi a'u gweithredu mewn perthynas â sefydliad.

Mae rheoliadau 9 i 13 yn gwneud darpariaeth ynglŷn â ffitrwydd y personau sy'n rhedeg ac yn rheoli sefydliad ac yn ei gwneud yn ofynnol bod gwybodaeth lawn a boddhaol ar gael mewn perthynas â'r materion a ragnodir yn Atodlen 2. Os corff yw'r darparwydd, rhaid iddo enwi unigolyn cyfrifol y mae'n rhaid i'r wybodaeth hon fod ar gael mewn perthynas ag ef (rheoliad 9). Mae rheoliadau 10 ac 11 yn rhagnodi o dan ba amgylchiadau y mae'n rhaid penodi rheolwr ar gyfer y sefydliad ac yn rhagnodi gofynion ar gyfer ffitrwydd rheolwr. Mae rheoliad 12 yn gosod gofynion cyffredinol mewn perthynas â'r dull priodol o redeg sefydliad a'r angen am hyfforddiant priodol. Mae rheoliad 13 yn ei gwneud yn ofynnol i hysbysu'r Cynulliad Cenedlaethol o dramgwyddau a chyhuddiadau o dramgwyddau penodol.

Mae Rhan III o'r Rheoliadau yn gwneud darpariaeth ynghylch rhedeg sefydliadau, yn enwedig ynghylch ansawdd y gwasanaethau sydd i'w darparu mewn sefydliad, gan gynnwys materion ynglŷn â phreifatrwydd ac urddas cleifion a'r defodau crefyddol y maent yn eu parchu, staffio'r sefydliad, addasrwydd y cyflogeion ac ynghylch cwynion a chadw cofnodion. Mae darpariaeth yn cael ei gwneud hefyd ynghylch addasrwydd safleoedd a'r rhagofalon tân sydd i'w cymryd a dull rheoli'r sefydliadau. Mae'n ofynnol i'r

of private patients who also receive treatment. The private residence of a patient is also excluded provided that treatment is provided there only to that patient. There are also excluded surgeries and consulting rooms (which are separate from a hospital) which provide medical services under arrangements made on behalf of patients by their employers or others, and sports grounds and gymnasia where treatment is given to those taking part in sporting activities and events.

Regulation 3(4) modifies the definition of cosmetic surgery for the purposes of section 2(7) of the Act so that "listed services" do not include ear and body piercing, tattooing, injection of substances into the skin for cosmetic purposes and the removal of hair roots and small blemishes on the skin by the application of heat using an electric current.

Regulation 4 defines the meaning of the term "independent clinic".

Each establishment must have a statement of purpose consisting of the matters set out in Schedule 1 and a patients' guide to the establishment which must be kept under review (regulations 5 to 7). By virtue of regulation 5(3) the establishment must be carried on in a manner which is consistent with the statement of purpose.

Regulation 8 sets out the policies and procedures which must be prepared and implemented in relation to an establishment.

Regulations 9 to 13 make provision about the fitness of the persons carrying on and managing an establishment and require full and satisfactory information to be available in relation to the matters prescribed in Schedule 2. Where the provider is an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 9). Regulation 10 and 11 prescribe the circumstances where a manager must be appointed for the establishment and for the fitness requirements of a manager. Regulation 12 imposes general requirements in relation to the proper conduct of an establishment and the need for appropriate training. Regulation 13 requires offences and being charged for certain offences to be notified to the National Assembly.

Part III of the Regulations makes provision about the conduct of establishments, in particular about the quality of the services to be provided in an establishment, including matters relating to the privacy, dignity and religious observance of patients, the staffing of the establishment, the suitability of employees and about complaints and record keeping. Provision is also made about the suitability of premises and the fire precautions to be taken and the management of establishments. The registered

darparydd cofrestredig ymweld â'r sefydliad fel a ragnodir (rheoliad 25) ac mae rheoliad 26 yn gosod gofynion ynghylch hyfywdra ariannol y sefydliad. Mae rheoliadau 27 i 31 yn ymdrin â rhoi hysbysiadau i'r Cynulliad Cenedlaethol pan fydd yna ddigwyddiadau penodol megis marwolaeth claf neu anaf difrifol iddo; yn achos absenoldeb rheolwr o'r sefydliad; pan fydd newidiadau penodol yn digwydd, er enghraifft, newid yn y person cofrestredig a phersonél eraill neu newidiadau sylweddol i safleoedd; pan fydd datodwyr ac eraill yn cael eu penodi a phan fydd y person cofrestredig yn marw.

Mae Rhan IV ac Atodlen 4 yn nodi gofynion ychwanegol sy'n gymwys i ysbytai annibynnol mewn perthynas â gwasanaethau patholeg, dadebru, trin plant, gweithdrefnau llawfeddygol penodol, triniaeth ddeintyddol, gwasanaethau obstetrig a defnyddio technegau a thechnolegau penodol.

Mae Rhan V (rheoliad 47) yn cynnwys gofynion ychwanegol pan fo clinig annibynnol yn darparu gofal cynenedigol.

Mae Rhan VI yn ymdrin â materion amrywiol. Yn benodol, mae rheoliad 49 yn darparu ar gyfer tramgwyddau. Gellir dyfarnu bod torri rheoliadau 5 i 14, 15(1) i (4), 16 i 31, 33 i 41 a 43 i 47 yn dramgwydd.

provider is required to visit the establishment as prescribed (regulation 25) and regulation 26 imposes requirements relating to the financial viability of the establishment. Regulations 27 to 31 deal with the giving of notices to the National Assembly when certain events occur such as the death or serious injury of a patient; in the case of a manager's absence from the establishment; where certain changes occur, for example, a change in the registered person and other personnel or significant changes to the premises; where liquidators and others are appointed and where the registered person dies.

Part IV and Schedule 4 sets out additional requirements that apply to independent hospitals in relation to pathology services, resuscitation, the treatment of children, certain surgical procedures, dental treatment, obstetric services and the use of certain techniques and technologies.

Part V (regulation 47) contains additional requirements where antenatal care is provided by an independent clinic.

Part VI deals with miscellaneous matters. In particular, regulation 49 provides for offences. A breach of regulations 5 to 14, 15(1) to (4), 16 to 31, 33 to 41 and 43 to 47 may found an offence.

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**Private and Voluntary Health Care
(Wales) Regulations 2002**

Wedi'u gwneud *12 Chwefror 2002*
Yn dod i rym *1 Ebrill 2002*

Made *12th February 2002*
Coming into force *1st April 2002*

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

RHAN I - CYFFREDINOL

PART I - GENERAL

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Ystyr "ysbyty annibynnol"
4. Ystyr "clinig annibynnol"
5. Datganiad o ddiben
6. Arweiniad y cleifion
7. Adolygu'r datganiad o ddiben ac arweiniad y cleifion
8. Polisiâu a gweithdrefnau

1. Citation, commencement and application
2. Interpretation
3. Meaning of "independent hospital"
4. Meaning of "independent clinic"
5. Statement of purpose
6. Patients' guide
7. Review of statement of purpose and patients' guide
8. Policies and procedures

RHAN II - PERSONAU COFRESTREDIG

PART II - REGISTERED PERSONS

9. Ffitrwydd y darparydd cofrestredig
10. Penodi rheolwr
11. Ffitrwydd y rheolwr
12. Y person cofrestredig - gofynion cyffredinol
13. Hysbysu am dramgwyddau

9. Fitness of registered provider
10. Appointment of manager
11. Fitness of manager
12. Registered person - general requirements
13. Notification of offences

RHAN III - RHEDEG SEFYDLIADAU GOFAL
IECHYD

PART III - CONDUCT OF HEALTH CARE
ESTABLISHMENTS

Pennod 1

Chapter 1

Ansawdd y gwasanaeth a ddarperir

Quality of service provision

14. Ansawdd y driniaeth a'r gwasanaethau eraill a ddarperir
15. Gofal a lles cleifion
16. Adolygiad o ansawdd y driniaeth a gwasanaethau eraill
17. Staffio

14. Quality of treatment and other service provision
15. Care and welfare of patients
16. Review of quality of treatment and other services
17. Staffing

18. Ffitrwydd y gweithwyr	18. Fitness of workers
19. Canllawiau ar gyfer proffesiynolion gofal iechyd	19. Guidance for health care professionals
20. Cofnodion	20. Records
21. Barn y staff ynglŷn â'r ffordd y mae'r sefydliad yn cael ei redeg	21. Staff views as to conduct of establishment
22. Cwynion	22. Complaints
23. Ymchwil	23. Research
Pennod 2	Chapter 2
Safleoedd	Premises
24. Ffitrwydd y safleoedd	24. Fitness of premises
Pennod 3	Chapter 3
Rheoli	Management
25. Ymweliadau gan y darparrydd cofrestredig	25. Visits by registered provider
26. Sefyllfa ariannol	26. Financial position
Pennod 4	Chapter 4
Hysbysu'r Cynulliad Cenedlaethol	Notices to be given to the National Assembly
27. Hysbysu am ddiwyddiadau	27. Notification of events
28. Hysbysu am absenoldeb	28. Notice of absence
29. Hysbysu am newidiadau	29. Notice of changes
30. Penodi datodwyr etc	30. Appointment of liquidators etc
31. Marwolaeth person cofrestredig	31. Death of a registered person
RHAN IV - GOFYNION YCHWANEGOL SY'N GYMWYS I YSBYTAI ANNIBYNNOL	PART IV - ADDITIONAL REQUIREMENTS APPLYING TO INDEPENDENT HOSPITALS
Pennod 1	Chapter 1
Gwasanaethau patholeg, dadebru a thrin plant mewn ysbytai annibynnol	Pathology services, resuscitation and treatment of children in independent hospitals
32. Cymhwyso rheoliadau 33 i 35	32. Application of regulations 33 to 35
33. Gwasanaethau patholeg	33. Pathology services
34. Dadebru	34. Resuscitation
35. Trin plant	35. Treatment of children
Pennod 2	Chapter 2
Ysbytai annibynnol lle darperir gwasanaethau rhestredig penodol	Independent hospitals in which certain listed services are provided
36. Gweithdrefnau llawfeddygol	36. Surgical procedures
37. Triniaeth ddeintyddol o dan anestheseia cyffredinol	37. Dental treatment under general anaesthesia
38. Gwasanaethau obstetrig - staffio	38. Obstetric services - staffing
39. Gwasanaethau obstetrig - gofynion pellach	39. Obstetric services - further requirements
40. Terfynu beichiogrwydd	40. Termination of pregnancies

41. Defnyddio technegau neu dechnolegau penodol

Pennod 3

Ysbytai iechyd meddwl

42. Cymhwyso rheoliadau 43 i 46

43. Diogelwch cleifion ac eraill

44. Rheoli ymddygiad afreolaidd

45. Ymwelwyr

46. Cofnodion iechyd meddwl

RHAN V - GOFYNIION YCHWANEGOL SY'N
GYMWYS I GLINIGAU ANNIBYNNOL

47. Clinigau annibynnol

RHAN VI - AMRYWIOL

48. Cydymffurfio â rheoliadau

49. Tramgwyddau

YR ATODLENNI

1. Yr wybodaeth sydd i'w chynnwys yn y datganiad o ddiben

2. Yr wybodaeth sy'n ofynnol mewn perthynas â phersonau sydd am redeg neu reoli sefydliad neu weithio ynddo

3. Rhan I - Y cyfnod y mae'n rhaid cadw cofnodion meddygol ar ei gyfer

Rhan II - Y cofnodion sydd i'w cadw ar gyfer archwiliadau

4. Rhan I - Y manylion sydd i'w cofnodi ar gyfer cleifion sy'n cael gwasanaethau obstetrig

Rhan II - Y manylion sydd i'w cofnodi ar gyfer plentyn sy'n cael ei eni mewn ysbyty annibynnol.

41. Use of certain techniques or technology

Chapter 3

Mental health hospitals

42. Application of regulations 43 to 46

43. Safety of patients and others

44. Management of disturbed behaviour

45. Visitors

46. Mental health records

PART V - ADDITIONAL REQUIREMENTS
APPLYING TO INDEPENDENT CLINICS

47. Independent clinics

PART VI - MISCELLANEOUS

48. Compliance with regulations

49. Offences

SCHEDULES

1. Information to be included in the statement of purpose

2. Information required in respect of persons seeking to carry on, manage or work at an establishment

3. Part I - Period for which medical records must be retained

Part II - Records to be maintained for inspection

4. Part I - Details to be recorded in respect of patients receiving obstetric services

Part II - Details to be recorded in respect of a child born in an independent hospital

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd iddo gan adrannau 2(4), (7)(f) ac (8), 22(1), (2)(a) i (d), (f) i (j), (5)(a) a (7)(a) i (h), (j) a (k), 25(1), 34(1), 35 a 118(5) i (7) o Ddeddf Safonau Gofal 2000(a) ac ar ôl ymgynghori ag unrhyw bersonau sydd yn ei farn ef yn briodol(b), drwy hyn yn gwneud y Rheoliadau canlynol:

RHAN I CYFFREDINOL

Enwi, cychwyn a chymhwyso

1. -(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002 a deuant i rym ar 1 Ebrill 2002.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â sefydliadau, fel y'u diffinnir yn rheoliad 2(1), yng Nghymru.

Dehongli

2. -(1) Yn y Rheoliadau hyn, oni bai bod y cyddestun yn mynnu fel arall -

ystyr "arweiniad y cleifion" ("*patients' guide*") yw'r arweiniad sy'n cael ei lunio'n unol â rheoliad 6;

mae "breintiau ymarfer" ("*practising privileges*"), mewn perthynas ag ymarferydd meddygol, yn cyfeirio at roi hawl i berson nad yw'n cael ei gyflogi mewn ysbyty annibynnol i ymarfer yn yr ysbyty hwnnw;

ystyr "bydwraig" ("*midwife*") yw bydwraig gofrestredig(c) sydd wedi hysbysu ei bwriad i ymarfer i'r awdurdod goruchwyliol lleol yn unol ag unrhyw reolau a wnaed o dan adran 14(1)(b) o Ddeddf Nyrsys, Bydwragedd ac Ymwelwyr Iechyd 1997(ch);

ystyr "claf" ("*patient*"), mewn perthynas â sefydliad, yw person y mae triniaeth yn cael ei darparu iddo yn neu at ddibenion y sefydliad;

ystyr "cofrestr feddygol arbenigol" ("*specialist medical register*") yw'r gofrestr o arbenigwyr a gedwir ac a gyhoeddir gan y Cyngor Meddygol Cyffredinol yn unol â'r Gorchymyn Cymwysterau Meddygol Arbenigol

(a) 2000 p.14. Mae'r pwerau'n arferadwy gan y Gweinidog priodol, a ddiffinnir yn adran 121(1), mewn perthynas â Lloegr, yr Alban a Gogledd Iwerddon, fel yr Ysgrifennydd Gwladol, ac mewn perthynas â Chymru, fel Cynulliad Cenedlaethol Cymru. Diffinnir ystyr "prescribed" a "regulations" yn adran 121(1) o'r Ddeddf.

(b) *Gweler* adran 22(9) o Ddeddf Safonau Gofal 2000 am y gofyn i ymgynghori.

(c) *Gweler* Deddf Dehongli 1978, Atodlen 1. Mewn nosodwyd diffiniad o "registered" mewn perthynas â bydwragedd gan Ddeddf Nyrsys, Bydwragedd ac Ymwelwyr Iechyd 1979 (p.36), Atodlen 7, paragraff 30.

(ch) 1997 p.24.

The National Assembly for Wales, in exercise of powers conferred on it by sections 2(4), (7)(f) and (8), 22(1), (2)(a) to (d), (f) to (j), (5)(a) and (7)(a) to (h), (j) and (k), 25(1), 34(1), 35 and 118(5) to (7) of the Care Standards Act 2000(a) and having consulted such persons as it considers appropriate(b), hereby makes the following Regulations:

PART I GENERAL

Citation, commencement and application

1.-(1) These Regulations may be cited as the Private and Voluntary Health Care (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply in relation to establishments, as defined in regulation 2(1), in Wales.

Interpretation

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

"the Act" ("*y Ddeddf*") means the Care Standards Act 2000;

"appropriate office" ("*swyddfa briodol*") means in relation to an establishment -

(a) if an office has been specified under paragraph (2) for the area in which the establishment is situated, that office;

(b) in any other case, any office of the National Assembly;

"dentist" ("*deintydd*") means a person registered in the dentists register under the Dentists Act 1984(c);

"establishment" ("*sefydliad*") means an independent hospital, including an independent hospital in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983(d), or an independent clinic;

"general practitioner" ("*ymarferydd*") means a medical practitioner who -

(a) provides general medical services within

(a) 2000 c.14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State, and in relation to Wales, as the National Assembly for Wales. "Prescribed" and "regulations" are defined in section 121(1) of the Act.

(b) *See* section 22(9) of the Care Standards Act 2000 for the requirement to consult.

(c) 1984 c.24.

(d) 1983 c.20.

Ewropeaidd 1995(a);

ystyr "corff" ("*organisation*") yw corff corfforaethol;

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

ystyr "darparrydd cofrestredig" ("*registered provider*"), mewn perthynas â sefydliad, yw person sydd wedi'i gofrestru o dan Ran II o'r Ddeddf fel y person sy'n rhedeg y sefydliad;

ystyr "datganiad o ddiben" ("*statement of purpose*") yw'r datganiad ysgrifenedig sy'n cael ei lunio yn unol â rheoliad 5;

ystyr "Deddf y GIG" ("*the NHS Act*") yw Deddf y Gwasanaeth Iechyd Gwladol 1977(b);

ystyr "deintydd" ("*dentist*") yw person sydd wedi'i gofrestru yn y gofrestr o ddeintyddion o dan Ddeddf Deintyddion 1984(c);

mae i "dyfais feddygol" ("*medical device*") yr un ystyr â "medical device" yn Rheoliadau Dyfeisiau Meddygol 1994(ch);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Safonau Gofal 2000;

ystyr "person cofrestredig" ("*registered person*"), mewn perthynas â sefydliad, yw unrhyw berson sy'n ddarparrydd cofrestredig neu reolwr cofrestredig y sefydliad;

ystyr "proffesiynolyn gofal iechyd" ("*health care professional*") yw person sydd wedi'i gofrestru fel aelod o unrhyw broffesiwn y mae adran 60(2) o Ddeddf Iechyd 1999(d) yn gymwys iddo, neu sy'n seicolegydd clinigol neu'n seicotherapydd plant a dylid dehongli "proffesiwn gofal iechyd" yn unol â hynny;

ystyr "rheolwr cofrestredig" ("*registered manager*"), mewn perthynas â sefydliad, yw person sydd wedi'i gofrestru o dan Ran II o'r Ddeddf fel rheolwr y sefydliad;

ystyr "sefydliad" ("*establishment*") yw ysbyty annibynnol, gan gynnwys ysbyty annibynnol lle darperir triniaeth neu wasanaeth nyrsio (neu'r ddau) ar gyfer personau sy'n agored i gael eu cadw o dan Ddeddf Iechyd Meddwl 1983(dd), neu glinig annibynnol;

ystyr "swyddfa briodol" ("*appropriate office*")

the meaning of Part II of the NHS Act;

(b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(a); or

(c) provides services which correspond to services provided under Part II of the NHS Act, otherwise than in pursuance of that Act;

"health care professional" ("*proffesiynolyn gofal iechyd*") means a person who is registered as a member of any profession to which section 60(2) of the Health Act 1999(b) applies, or who is a clinical psychologist or child psychotherapist and "health care profession" shall be construed accordingly;

"medical device" ("*dyfais feddygol*") has the same meaning as in the Medical Devices Regulations 1994(c);

"medical practitioner" ("*ymarferydd meddygol*") means a registered medical practitioner(d);

"midwife" ("*bydwraig*") means a registered midwife(e) who has notified her intention to practise to the local supervisory authority in accordance with any rules made under section 14(1)(b) of the Nurses, Midwives and Health Visitors Act 1997(f);

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

"the NHS Act" ("*Deddf y GIG*") means the National Health Service Act 1977(g);

"organisation" ("*corff*") means a body corporate;

"patient" ("*claf*"), in relation to an establishment, means a person for whom treatment is provided in or for the purposes of the establishment;

"patients' guide" ("*arweiniad y cleifion*") means the guide compiled in accordance with regulation 6;

"practising privileges" ("*breintiau ymarfer*"), in relation to a medical practitioner, refers to the grant to a person who is not employed in an independent hospital of permission to practise

(a) O.S. 1995/3208, fel y'i diwygiwyd gan O.S. 1997/2928, 1999/1373 a 3154.

(b) 1977 p.49.

(c) 1984 p.24.

(ch) O.S. 1994/3017.

(d) 1999 p.8.

(dd) 1983 p.20.

(a) 1997 c.46.

(b) 1999 c.8.

(c) S.I. 1994/3017.

(d) See the Interpretation Act 1978 (c.30), Schedule 1, as amended by the Medical Act 1983 (c.54), section 56(1), Schedule 5, paragraph 18.

(e) See the Interpretation Act 1978, Schedule 1. A definition of "registered" in relation to midwives was inserted by the Nurses, Midwives and Health Visitors Act 1979 (c.36), Schedule 7, paragraph 30.

(f) 1997 c.24.

(g) 1977 c.49.

mewn perthynas â sefydliad -

(a) os oes swyddfa wedi'i phennu o dan baragraff (2) ar gyfer yr ardal lle mae'r sefydliad wedi'i leoli, yw'r swyddfa honno;

(b) mewn unrhyw achos arall, yw unrhyw un o swyddfeydd y Cynulliad Cenedlaethol;

mae "triniaeth" ("*treatment*") yn cynnwys gofal lliniarol, gwasanaethau nyrsio a gwasanaethau rhestredig, o fewn ystyr adran 2 o'r Ddeddf(a).

dylid dehongli "unigolyn cyfrifol" ("*responsible individual*") yn unol â rheoliad 9; ystyr "ymarferydd cyffredinol" ("*general practitioner*") yw ymarferydd meddygol -

(a) sy'n darparu gwasanaethau meddygol cyffredinol o fewn ystyr "general medical services" yn Rhan II o Ddeddf y GIG;

(b) sy'n cyflawni gwasanaethau meddygol personol mewn cysylltiad â chynllun peilot o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997(b); neu

(c) sy'n darparu gwasanaethau sy'n cyfateb i wasanaethau a ddarperir o dan Ran II o Ddeddf y GIG, ond nad ydynt yn cael eu darparu yn unol â'r Ddeddf honno;

ystyr "ymarferydd meddygol" ("*medical practitioner*") yw ymarferydd meddygol cofrestredig(c);

(2) Gall y Cynulliad Cenedlaethol bennu swyddfa sy'n cael ei rheoli ganddo fel y swyddfa briodol mewn perthynas â sefydliadau sydd wedi'u lleoli mewn ardal benodol o Gymru.

(3) Yn y Rheoliadau hyn, mae cyfeiriad -

(a) at reoliad neu Atodlen â rhif yn gyfeiriad at y rheoliad yn y Rheoliadau hyn sy'n dwyn y rhif hwnnw, neu at yr Atodlen iddynt sy'n dwyn y rhif hwnnw;

(b) mewn rheoliad neu Atodlen at baragraff â rhif yn gyfeiriad at y paragraff yn y rheoliad hwnnw neu'r Atodlen honno sy'n dwyn y rhif hwnnw;

(c) mewn paragraff at is-baragraff â llythyren neu rif yn gyfeiriad at yr is-baragraff yn y paragraff hwnnw sy'n dwyn y llythyren honno neu'r rhif hwnnw.

(4) Yn y Rheoliadau hyn, onid yw'n ymddangos bod

(a) *Gweler* adran 2(7).

(b) 1997 p.46.

(c) *Gweler* Deddf Dehongli 1978 (p.30), Atodlen 1, fel y'i diwygiwyd gan Ddeddf Feddygol 1983 (p.54), adran 56(1), Atodlen 5, paragraff 18.

in that hospital;

"registered manager" ("*rheolwr cofrestredig*"), in relation to an establishment, means a person who is registered under Part II of the Act as the manager of the establishment;

"registered person" ("*person cofrestredig*"), in relation to an establishment, means any person who is the registered provider or the registered manager of the establishment;

"registered provider" ("*darparydd cofrestredig*"), in relation to an establishment, means a person who is registered under Part II of the Act as the person carrying on the establishment;

"responsible individual" ("*unigolyn cyfrifol*") shall be construed in accordance with regulation 9;

"specialist medical register" ("*cofrestr feddygol arbenigol*") means the register of specialists kept and published by the General Medical Council in accordance with the European Specialist Medical Qualifications Order 1995(a);

"statement of purpose" ("*datganiad o ddiben*") means the written statement compiled in accordance with regulation 5;

"treatment" ("*triniaeth*") includes palliative care, nursing and listed services, within the meaning of section 2 of the Act(b).

(2) The National Assembly may specify an office controlled by it as the appropriate office in relation to establishments situated in a particular area of Wales.

(3) In these Regulations, a reference -

(a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;

(b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;

(c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(4) In these Regulations, unless the contrary

(a) S.I. 1995/3208, as amended by S.I. 1997/2928, 1999/1373 and 3154.

(b) *See* section 2(7).

bwriad i'r gwrthwyneb, mae cyfeiriadau at gyflogi person yn cynnwys cyflogi person p'un ai o dan gcontract gwasanaeth neu gcontract am wasanaethau a dylid dehongli cyfeiriadau at gyflogai neu berson sy'n cael ei gyflogi yn unol â hynny.

Ystyr "ysbyty annibynnol"

3.-(1) Yn ddarostyngedig i baragraff (2), mae "gwasanaethau rhestredig", at ddibenion adran 2 o'r Ddeddf, yn cynnwys triniaeth sy'n defnyddio unrhyw un o'r technegau neu'r technolegau canlynol -

- (a) cynnyrch laser Dosbarth 3B neu Ddosbarth 4, fel y'i diffinnir yn Rhan 1 o Safon Brydeinig EN 60825-1 (Diogelwch ymbelydredd cynhyrchion a systemau laser)(a);
- (b) golau dwys, sef golau rhes lydan anghydlynol sy'n cael ei hidlo i gynhyrchu amrediad penodedig o donfeddi, a bod yr y pelydriad hidledig hwnnw yn cael ei gyflwyno i'r corff, gyda'r nod o achosi niwed thermol, mecanyddol neu gemegol i strwythurau megis ffoliglau gwallt a meflau croen tra'n arbed meinweoedd amgylchynol;
- (c) hemodialysis neu ddialysis peritoneol;
- (ch) endosgopi;
- (d) (therapi ocsigen hyperbarig, sef rhoi ocsigen pur drwy fasn i glaf mewn siambr seliedig sy'n cael ei gwasgeddu'n raddol ag aer cywasgedig, ac eithrio os defnydd pennaf y siambr yw -
 - (i) yn unol â rheoliad 6(3)(b) o Reoliadau Plymio yn y Gwaith 1997(b) neu reoliad 8 neu 12 o Reoliadau Gwaith mewn Aer Cywasgedig 1996(c); neu
 - (ii) fel arall ar gyfer trin gweithwyr mewn perthynas â'r gwaith y maent yn ei wneud;
a
- (dd) technegau ffrwythloni *in vitro*, sef gwasanaethau triniaeth y gellir rhoi trwydded ar eu cyfer o dan baragraff 1 o Atodlen 2 i Ddeddf Ffrwythloni ac Embryoleg Dynol 1990(ch).

(2) Rhaid i "wasanaethau rhestredig" beidio â chynnwys triniaeth drwy ddefnyddio'r technegau neu'r technolegau canlynol -

- (a) triniaeth i leddfu ar boen yn y cyhyrau a'r cymalau drwy ddefnyddio lamp triniaeth gwres is-goch;
- (b) triniaeth sy'n defnyddio cynnyrch laser Dosbarth 3B os yw triniaeth o'r fath yn cael ei

(a) Gellir cael copïau o BS EN 60825-1 oddi wrth BSI Customer Services, 389 Chiswick High Road, London W4 4AL.
(b) O.S. 1997/2776.
(c) O.S. 1996/1656.
(ch) 1990 p.37.

intention appears, references to employing a person include employing a person whether under a contract of service or a contract for services and references to an employee or to a person being employed shall be construed accordingly.

Meaning of "independent hospital"

3.-(1) Subject to paragraph (2), for the purposes of section 2 of the Act, "listed services" include treatment using any of the following techniques or technology -

- (a) a Class 3B or Class 4 laser product, as defined in Part I of British Standard EN 60825-1 (Radiation safety of laser products and systems)(a);
- (b) an intense light, being broadband non-coherent light which is filtered to produce a specified range of wavelengths, such filtered radiation being delivered to the body, with the aim of causing thermal, mechanical or chemical damage to structures such as hair follicles and skin blemishes while sparing surrounding tissues;
- (c) haemodialysis or peritoneal dialysis;
- (d) endoscopy;
- (e) hyperbaric oxygen therapy, being the administration of pure oxygen through a mask to a patient who is in a sealed chamber which is gradually pressurised with compressed air, except where the primary use of that chamber is -
 - (i) pursuant to regulation 6(3)(b) of the Diving at Work Regulations 1997(b) or regulation 8 or 12 of the Work in Compressed Air Regulations 1996(c); or
 - (ii) otherwise for the treatment of workers in connection with the work which they perform; and
- (f) *in vitro* fertilisation techniques, being treatment services for which a licence may be granted under paragraph 1 of Schedule 2 to the Human Fertilisation and Embryology Act 1990(d).

(2) "Listed services" shall not include treatment using the following techniques or technology -

- (a) treatment for the relief of muscular and joint pain using an infra-red heat treatment lamp;
- (b) treatment using a Class 3B laser product where such treatment is carried out by or under the

(a) Copies of BS EN 60825-1 may be obtained from BSI Customer Services, 389 Chiswick High Road, London W4 4AL.
(b) S.I. 1997/2776.
(c) S.I. 1996/1656.
(d) 1990 c.37.

chyflawni gan broffesiynolyn gofal iechyd neu o dan ei oruchwyliaeth;

- (c) defnyddio cyfarpar (a hwnnw heb fod yn gyfarpar sy'n dod o dan baragraff (1)(b)) er mwyn sicrhau lliw haul artiffisial, sef cyfarpar sy'n cynnwys lamp neu lampau yn gollwng pelydrau uwchfioled.

(3) At ddibenion adran 2 o'r Ddeddf, mae'r sefydliadau o'r mathau canlynol wedi'u heithrio rhag bod yn ysbytai annibynnol -

- (a) sefydliad sy'n ysbyty yn rhinwedd adran 2(3)(a)(i) am yr unig reswm mai darparu triniaeth feddygol neu seiciatrigr ar gyfer afiechyd neu anhwylder meddwl yw ei brif ddiben ond nad yw'n darparu unrhyw welyau dros nos i gleifion;
- (b) sefydliad sy'n ysbyty i'r lluoedd arfog o fewn ystyr adran 13(9) o Ddeddf Lluoedd Arfog 1981(a);
- (c) sefydliad sy'n, neu sy'n ffurfio rhan o, garchar, canolfan gadw, sefydliad troseddwr ifanc neu ganolfan hyfforddiant gadarn o fewn ystyr Deddf Carchardai 1952(b); a
- (ch) sefydliad sy'n glinig annibynnol trwy rinwedd rheoliad 4;
- (d) sefydliad (nad yw'n ysbyty'r gwasanaeth iechyd) a'i unig neu brif ddiben yw darparu gwasanaethau meddygol cyffredinol o fewn ystyr Rhan II o Ddeddf y GIG neu wasanaethau meddygol personol mewn cysylltiad â chynllun peilot o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 gan ymarferwr neu ymarferwyr cyffredinol; a rhaid i sefydliad o'r fath beidio â dod yn ysbyty annibynnol o ganlyniad i ddarparu gwasanaethau rhestredig i glaf neu gleifion gan ymarferwr neu ymarferwyr cyffredinol;
- (dd) preswylfan preifat claf neu gleifion lle mae triniaeth yn cael ei darparu i glaf neu gleifion o'r fath ond nid i neb arall;
- (e) meysydd chwarae a champfeydd lle mae proffesiynolion gofal iechyd yn rhoi triniaeth i bersonau sy'n cymryd rhan mewn gweithgareddau a digwyddiadau chwaraeon; ac
- (f) meddygfa neu ystafell ymgynghori, nad yw'n rhan o ysbyty, lle mae ymarferydd meddygol yn darparu gwasanaethau meddygol a hynny ddim ond o dan drefniadau a wnaed ar ran y cleifion gan eu cyflogwr neu berson arall.

supervision of a health care professional;

- (c) the use of an apparatus (not being an apparatus falling within paragraph (1)(b)) for acquiring an artificial suntan, consisting of a lamp or lamps emitting ultraviolet rays.

(3) For the purposes of section 2 of the Act, establishments of the following descriptions are excepted from being independent hospitals -

- (a) an establishment which is a hospital by virtue of section 2(3)(a)(i) solely because its main purpose is to provide medical or psychiatric treatment for illness or mental disorder but which provides no overnight beds for patients;
- (b) an establishment which is a service hospital within the meaning of section 13(9) of the Armed Forces Act 1981(a);
- (c) an establishment which is, or forms part of, a prison, remand centre, young offender institution or secure training centre within the meaning of the Prison Act 1952(b);
- (d) an establishment which is an independent clinic by virtue of regulation 4;
- (e) an establishment (not being a health service hospital) which has as its sole or main purpose the provision by a general practitioner or practitioners of general medical services within the meaning of Part II of the NHS Act or personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997; and such an establishment shall not become an independent hospital as the result of the provision of listed services to a patient or patients by such a general practitioner or practitioners;
- (f) the private residence of a patient or patients in which treatment is provided to such patient or patients but to no-one else;
- (g) sports grounds and gymnasia where health care professionals provide treatment to persons taking part in sporting activities and events; and
- (h) a surgery or consulting room, not being part of a hospital, where a medical practitioner provides medical services solely under arrangements made on behalf of the patients by their employer or another person.

(a) 1981 p.55.

(b) 1952 p.52. *Gweler* adran 53(1) ac adran 43, fel y'i hamnewidiwyd gan Ddeddf Cyfiawnder Troseddol 1982 (p.48), adran 11 fel y'i diwygiwyd gan Ddeddf Cyfiawnder Troseddol 1988 (p.33), Deddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p.33) a Deddf Cyfiawnder Troseddol 1991 (p.53).

(a) 1981 c.55.

(b) 1952 c.52. *See* section 53(1) and section 43, as substituted by the Criminal Justice Act 1982 (c.48) section 11 and amended by the Criminal Justice Act 1988 (c.33), the Criminal Justice and Public Order Act 1994 (c.33) and the Criminal Justice Act 1991 (c.53).

(4) Addasir is-adran (7) o adran 2 o'r Ddeddf drwy ychwanegu ar ddiwedd paragraff (e) (llawfeddygaeth gosmetig) y canlynol -

"other than -

- (i) ear and body piercing;
- (ii) tattooing;
- (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; and
- (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current."

Ystyr "clinig annibynnol"

4.-(1) At ddibenion y Ddeddf, mae sefydliadau o'r mathau canlynol yn glinigau annibynnol -

- (a) canolfan galw heibio, lle mae un neu fwy o ymarferwyr meddygol yn darparu gwasanaethau o fath a fyddai, pe baent yn wasanaethau sy'n cael eu darparu yn unol â Deddf y GIG, yn cael eu darparu fel gwasanaethau meddygol cyffredinol o dan Ran II o'r Ddeddf honno, a
- (b) meddygfa neu ystafell ymgynghori lle mae ymarferydd meddygol nad yw'n darparu unrhyw wasanaethau yn unol â Deddf y GIG yn darparu gwasanaethau meddygol o unrhyw fath (gan gynnwys triniaeth seiciatrig) heblaw o dan drefniadau a wnaed ar ran y cleifion gan eu cyflogwr neu berson arall.

(2) Os bydd dau neu fwy o ymarferwyr meddygol, yn defnyddio gwahanol rannau o'r un safle fel meddygfa neu ystafell ymgynghori, neu'n defnyddio'r un feddygfa neu ystafell ymgynghori ar adegau gwahanol, dylid ystyried bod pob un o'r ymarferwyr meddygol yn cynnal clinig annibynnol ar wahân oni bai eu bod yn yr un practis â'i gilydd.

Datganiad o ddiben

5.-(1) Rhaid i'r person cofrestredig lunio mewn perthynas â'r sefydliad ddatganiad ar bapur (sef datganiad y cyfeirir ato yn y Rheoliadau hyn fel "y datganiad o ddiben") y mae'n rhaid iddo gynnwys datganiad ynghylch y materion a restrir yn Atodlen 1.

(2) Rhaid i'r person cofrestredig ddarparu copi o'r datganiad o ddiben i swyddfa briodol y Cynulliad Cenedlaethol a rhaid iddo drefnu bod copi ohono ar gael i'w archwilio ar bob adeg resymol gan bob claf ac unrhyw berson sy'n gweithredu ar ran claf.

(3) Yn ddarostyngedig i baragraff (4) rhaid i'r person cofrestredig sicrhau bod y sefydliad yn cael ei redeg mewn modd sy'n gyson â'r datganiad o ddiben.

(4) Sub-section (7) of section 2 of the Act shall be modified by adding at the end of paragraph (e) (cosmetic surgery) the following -

"other than -

- (i) ear and body piercing;
- (ii) tattooing;
- (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; and
- (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current."

Meaning of "independent clinic"

4.-(1) For the purposes of the Act, establishments of the following kinds are independent clinics -

- (a) a walk-in centre, in which one or more medical practitioners provide services of a kind which, if provided in pursuance of the NHS Act, would be provided as general medical services under Part II of that Act; and
- (b) a surgery or consulting room in which a medical practitioner who provides no services in pursuance of the NHS Act provides medical services of any kind (including psychiatric treatment) otherwise than under arrangements made on behalf of the patients by their employer or another person.

(2) Where two or more medical practitioners use different parts of the same premises as a surgery or consulting room, or use the same surgery or consulting room at different times, each of the medical practitioners shall be regarded as carrying on a separate independent clinic unless they are in practice together.

Statement of purpose

5.-(1) The registered person shall compile in relation to the establishment a statement on paper (in these Regulations referred to as "the statement of purpose") which shall consist of a statement as to the matters listed in Schedule 1.

(2) The registered person shall provide a copy of the statement of purpose to the appropriate office of the National Assembly and shall make a copy of it available upon request for inspection at any reasonable time by every patient and any person acting on behalf of a patient.

(3) Subject to paragraph (4) the registered person shall ensure that the establishment is conducted in a manner which is consistent with its statement of purpose.

(4) Ni fydd dim ym mharagraff (3), rheoliad 14(1) na 24(1) a (2) yn ei gwneud yn ofynnol i'r person cofrestredig dorri nac yn ei awdurdodi i dorri -

- (a) unrhyw ddarpariaeth arall yn y Rheoliadau hyn; na
- (b) yr amodau sydd mewn grym am y tro mewn perthynas â chofrestru'r person cofrestredig o dan Ran II o'r Ddeddf.

Arweiniad y cleifion

6.-(1) Rhaid i'r person cofrestredig gynhyrchu arweiniad ysgrifenedig i'r sefydliad (y cyfeirir ato yn y Rheoliadau hyn fel "arweiniad y cleifion") sy'n cynnwys -

- (a) crynodeb o'r datganiad o ddiben;
- (b) yr amodau a'r telerau mewn perthynas â gwasanaethau sydd i'w darparu i'r cleifion, gan gynnwys yr amodau a'r telerau ynghylch y swm sydd i'w dalu gan gleifion am bob agwedd ar eu triniaeth a'r dull o dalu'r taliadau;
- (c) contract ar ffurf safonol ar gyfer y gwasanaethau a'r cyfleusterau y bydd y darparydd cofrestredig yn eu darparu i gleifion;
- (ch) crynodeb o'r weithdrefn gwyno a sefydlwyd o dan reoliad 22;
- (d) crynodeb o ganlyniadau'r ymgynghoriad diweddaraf a gynhaliwyd yn unol â rheoliad 16(3);
- (dd) cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; ac
- (e) yr adroddiad arolygu diweddaraf a baratowyd gan y Cynulliad Cenedlaethol neu wybodaeth ynghylch sut y gellir derbyn copi o'r adroddiad hwnnw.

(2) Rhaid i'r person cofrestredig ddarparu copi o arweiniad cyntaf y cleifion i swyddfa briodol y Cynulliad Cenedlaethol, a rhaid iddo sicrhau bod copi o fersiwn gyfredol arweiniad y cleifion yn cael ei ddarparu i bob claf ac i unrhyw berson sy'n gweithredu ar ran claf.

Adolygu'r datganiad o ddiben ac arweiniad y cleifion

7. Rhaid i'r person cofrestredig -

- (a) cadw'r datganiad o ddiben a chynnwys arweiniad y cleifion o dan sylw a, lle bo'n briodol, eu diwygio; a
- (b) pryd bynnag y bo'n ymarferol, hysbysu swyddfa briodol y Cynulliad am unrhyw ddiwygiad o'r fath o leiaf 28 diwrnod cyn y dyddiad y mae i fod i ddod yn weithredol.

(4) Nothing in paragraph (3), regulation 14(1) or 24(1) and (2) shall require or authorise the registered person to contravene, or not comply with -

- (a) any other provision of these Regulations; or
- (b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the Act.

Patients' guide

6.-(1) The registered person shall produce a written guide to the establishment (in these Regulations referred to as "the patients' guide") which shall include -

- (a) a summary of the statement of purpose;
- (b) the terms and conditions in respect of services to be provided for patients, including as to the amount and method of payment of charges by patients for all aspects of their treatment;
- (c) a standard form of contract for the provision of services and facilities by the registered provider to patients;
- (d) a summary of the complaints procedure established under regulation 22;
- (e) a summary of the results of the most recent consultation conducted in accordance with regulation 16(3);
- (f) the address and telephone number of the appropriate office of the National Assembly; and
- (g) the most recent inspection report prepared by the National Assembly or information as to how a copy of that report may be obtained.

(2) The registered person shall provide a copy of the first patients' guide to the appropriate office of the National Assembly, and shall ensure that a copy of the current version of the patient's guide is provided to every patient and any person acting on behalf of a patient.

Review of statement of purpose and patients' guide

7. The registered person shall -

- (a) keep under review and, where appropriate, revise the statement of purpose and the content of the patients' guide; and
- (b) whenever practicable notify the appropriate office of the National Assembly of any such revision at least 28 days before it is to take effect.

Polisiâu a gweithdrefnau

8. -(1) Rhaid i'r person cofrestredig baratoi a rhoi ar waith ddatganiadau ysgrifenedig o'r polisiâu a gaiff eu defnyddio a'r gweithdrefnau a gaiff eu dilyn mewn neu at ddibenion sefydliad mewn perthynas ag-

- (a) y trefniadau ar gyfer derbyn a chymryd cleifion, eu trosglwyddo i ysbyty, gan gynnwys i ysbyty gwasanaeth iechyd, pan fo angen ac, yn achos sefydliad sy'n derbyn cleifion mewnol, eu rhyddhau;
- (b) y trefniadau ar gyfer asesu, diagnosio a thrin cleifion;
- (c) sicrhau bod safle'r sefydliad bob amser yn ffit at y diben y mae'n cael ei ddefnyddio ar ei gyfer;
- (ch) monitro ansawdd ac addasrwydd y cyfleusterau a'r cyfarpar;
- (d) adnabod, asesu a rheoli risgiau sy'n gysylltiedig â gweithredu'r sefydliad i weithwyr, cleifion ac ymwelwyr;
- (dd) creu, rheoli, trafod a storio cofnodion a gwybodaeth arall;
- (e) darparu gwybodaeth i gleifion ac eraill; a
- (f) recriwtio, sefydlu a chadw cyflogeion a'u hamodau gwaith;
- (ff) rhoi breintiau ymarfer i ymarferwyr meddygol a'u tynnu'n ôl mewn sefydliadau lle mae breintiau o'r fath yn cael eu rhoi; ac
- (g) os bydd ymchwil yn cael ei chynnal mewn sefydliad, sicrhau ei bod yn cael ei chyflawni gyda chydysyniad unrhyw glaf neu gleifion y mae'n ymwneud â hwy, ei bod yn briodol ar gyfer y sefydliad o dan sylw, a'i bod yn cael ei chynnal yn unol â chanllawiau cyhoeddus cyfoes ac awdurdodol ar gynnal prosiectau ymchwil.

(2) Rhaid i'r person cofrestredig baratoi a rhoi ar waith ddatganiadau ysgrifenedig o bolisiâu sydd i'w cymhwyso a gweithdrefnau sydd i'w dilyn mewn neu at ddibenion sefydliad i sicrhau -

- (a) bod cymhwysedd pob claf i gydsynio â thriniaeth yn cael ei asesu;
- (b) yn achos claf cymwys, bod cydsyniad deallus ysgrifenedig â thriniaeth yn cael ei sicrhau cyn bod unrhyw driniaeth arfaethedig yn cael ei rhoi;
- (c) yn achos claf anghymwys, yr ymgynghorir â'r claf, i'r graddau y bo hynny'n ymarferol, cyn yr eir ati i roi unrhyw driniaeth arfaethedig; ac
- (ch) nad yw'r wybodaeth am iechyd claf a'i driniaeth yn cael ei datgelu ond i'r sawl y mae

Policies and procedures

8.-(1) The registered person shall prepare and implement written statements of the policies to be applied and the procedures to be followed in or for the purposes of an establishment in relation to -

- (a) the arrangements for admission or acceptance of patients, their transfer to a hospital, including to a health service hospital, where required and, in the case of an establishment which admits in-patients, their discharge;
- (b) the arrangements for assessment, diagnosis and treatment of patients;
- (c) ensuring that the establishment premises are at all times fit for the purpose for which they are used;
- (d) monitoring the quality and suitability of facilities and equipment;
- (e) identifying, assessing and managing risks associated with the operation of the establishment to employees, patients and visitors;
- (f) the creation, management, handling and storage of records and other information;
- (g) the provision of information to patients and others;
- (h) the recruitment, induction and retention of employees and their employment conditions;
- (i) the granting, and withdrawal, of practising privileges to medical practitioners in establishments where such privileges are granted; and
- (j) ensuring that, where research is carried out in an establishment, it is carried out with the consent of any patient or patients involved, is appropriate for the establishment concerned and is conducted in accordance with up-to-date and authoritative published guidance on the conduct of research projects.

(2) The registered person shall prepare and implement written statements of policies to be applied and procedures to be followed in or for the purposes of an establishment which ensure that -

- (a) the competence of each patient to consent to treatment is assessed;
- (b) in the case of a competent patient, properly informed written consent to treatment is obtained before any proposed treatment is administered;
- (c) in the case of a patient who is not competent, the patient is, so far as practicable, consulted before any proposed treatment is administered; and
- (d) information about a patient's health and treatment is disclosed only to those persons

angen iddynt fod yn ymwybodol o'r wybodaeth honno, er mwyn trin y claf yn effeithiol neu leihau i'r eithaf unrhyw risg y bydd y claf yn niweidio ei hun neu berson arall, neu at y diben o weinyddu'r sefydliad yn briodol.

(3) Rhaid i'r person cofrestredig gadw golwg ar sut y bydd pob polisi a gweithdrefn a roddir ar waith o dan y canlynol yn cael eu gweithredu -

- (a) y rheoliad hwn;
- (b) rheoliad 22; ac
- (c) i'r graddau y bônt yn gymwys i'r person cofrestredig reoliadau 34, 40(10), 44 a 45;

a hynny o leiaf bob tair blynedd, a phan fo hynny'n briodol, rhaid iddo baratoi a rhoi ar waith bolisiau a gweithdrefnau diwygiedig.

(4) Rhaid i'r person cofrestredig sicrhau bod copi o'r holl ddatganiadau ysgrifenedig a baratoir yn unol â'r rheoliad hwn ar gael i'w harchwilio gan y Cynulliad Cenedlaethol.

RHAN II

PERSONAU COFRESTREDIG

Ffitrwydd y darparydd cofrestredig

9.-(1) Ni chaiff person weithredu sefydliad neu asiantaeth oni bai bod y person yn ffit i wneud hynny.

(2) Nid yw person yn ffit i redeg sefydliad oni bai bod y person -

- (a) yn unigolyn sy'n bodloni'r gofynion a nodir ym mharagraff (3); neu
- (b) yn gorff a -
 - (i) bod y corff wedi hysbysu swyddfa briodol y Cynulliad Cenedlaethol o enw, cyfeiriad a swydd yr unigolyn yn y corff (unigolyn y cyfeirir ato yn y Rheoliadau hyn fel "yr unigolyn cyfrifol") a hwnnw'n unigolyn sy'n gyfarwyddwr, rheolwr, ysgrifennydd neu swyddog arall y corff ac yn gyfrifol am oruchwylio rheolaeth y sefydliad; a
 - (ii) bod yr unigolyn hwnnw yn bodloni'r gofynion a nodir ym mharagraff (3).

(3) Y gofynion yw -

- (a) bod yr unigolyn yn addas o ran ei onestrwydd a'i gymeriad da i redeg y sefydliad neu, yn ôl fel y digwydd, i fod yn gyfrifol am oruchwylio rheolaeth y sefydliad;
- (b) bod yr unigolyn yn ffit yn gorfforol ac yn feddyliol i redeg y sefydliad neu, yn ôl fel y digwydd, i fod yn gyfrifol am oruchwylio rheolaeth y sefydliad; ac

who need to be aware of that information in order to treat the patient effectively or minimise any risk of the patient harming himself or herself or another person, or for the purpose of the proper administration of the establishment.

(3) The registered person shall review the operation of each policy and procedure implemented under -

- (a) this regulation;
- (b) regulation 22; and
- (c) in so far as they apply to the registered person regulations 34, 40 (10), 44 and 45;

at intervals of not more than three years and shall, where appropriate, prepare and implement revised policies and procedures.

(4) The registered person shall make a copy of all written statements prepared in accordance with this regulation available for inspection by the National Assembly.

PART II

REGISTERED PERSONS

Fitness of registered provider

9.-(1) A person shall not carry on an establishment unless the person is fit to do so.

(2) A person is not fit to carry on an establishment unless the person -

- (a) is an individual who satisfies the requirements set out in paragraph (3); or
- (b) is an organisation and -
 - (i) the organisation has given notice to the appropriate office of the National Assembly of the name, address and position in the organisation of an individual (in these Regulations referred to as "the responsible individual") who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the establishment; and
 - (ii) that individual satisfies the requirements set out in paragraph (3).

(3) The requirements are that -

- (a) the individual is of suitable integrity and good character to carry on, or, as the case may be, be responsible for the supervision of the management of, the establishment;
- (b) the individual is physically and mentally fit to carry on, or, as the case may be, be responsible for the supervision of the management of, the establishment ; and

- (c) bod gwybodaeth neu, yn ôl fel y digwydd, ddogfennaeth lawn a boddhaol ar gael mewn perthynas â'r unigolyn -
 - (i) ac eithrio os yw paragraff (4) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 i 7 o Atodlen 2;
 - (ii) os yw paragraff (4) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 a 3 i 8 o Atodlen 2.

(4) Mae'r paragraff hwn yn gymwys os nad oes unrhyw dystysgrif neu wybodaeth am unrhyw faterion a bennir ym mharagraff 2 o Atodlen 2 ar gael i unigolyn am nad yw unrhyw un o ddarpariaethau Deddf yr Heddlu 1997(a) wedi'i dwyn i rym.

(5) Nid yw person yn ffit i redeg sefydliad -

- (a) os yw'r person wedi'i ddyfarnu'n fethdalwr neu os yw ei ystad wedi'i hatafael ac (yn y naill achos neu'r llall) nad yw'r person wedi'i ryddhau ac nad yw'r gorchymyn methdalwr wedi'i ddirymu na'i ddiddymu; neu
- (b) os yw'r person wedi cyfamodi neu wedi trefnu gyda chredydwyr y person ac nad ydyw wedi'i ryddhau mewn perthynas â hynny.

Penodi rheolwr

10.-(1) Rhaid i'r darparydd cofrestredig benodi unigolyn i redeg y sefydliad -

- (a) os nad oes unrhyw rheolwr cofrestredig ar gyfer y sefydliad, a
- (b) bod y darparydd cofrestredig
 - (i) yn gorff;
 - (ii) yn berson nad yw'n ffit i reoli sefydliad; neu
 - (iii) yn berson nad yw'r sefydliad o dan ei ofal amser-llawn o ddydd i ddydd neu nad yw'n bwriadu iddo fod o dan ei ofal felly.

(2) Os yw'r darparydd cofrestredig yn penodi person i reoli'r sefydliad, rhaid i'r darparydd cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith o'r canlynol -

- (a) enw'r person a benodwyd felly; a
- (b) y dyddiad y mae effaith y penodiad i fod i ddechrau.

(3) Os y darparydd cofrestredig sydd i fod i reoli'r cartref, rhaid iddo hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith o'r dyddiad y mae ei reolaeth i fod i ddechrau.

(a) 1997 p.50. Nid yw adrannau 113 a 115, fel y'u diwygiwyd, wedi'u dwyn i rym eto. *Gweler* ymhellach y troednodiaidau i baragraff 2 o Atodlen 2 i'r Rheoliadau hyn.

- (c) full and satisfactory information or documentation, as the case may be, is available in relation to the individual -
 - (i) except where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 to 7 of Schedule 2;
 - (ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 8 of Schedule 2.

(4) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.

(5) A person is not fit to carry on an establishment if -

- (a) the person has been adjudged bankrupt or sequestration of the person's estate has been awarded and (in either case) the person has not been discharged and the bankruptcy order has not been annulled or rescinded; or
- (b) the person has made a composition or arrangement with the person's creditors and has not been discharged in respect of it.

Appointment of manager

10.-(1) The registered provider shall appoint an individual to manage the establishment if -

- (a) there is no registered manager in respect of the establishment; and
- (b) the registered provider -
 - (i) is an organisation;
 - (ii) is not a fit person to manage an establishment; or
 - (iii) is not, or does not intend to be in full-time day to day charge of the establishment.

(2) If the registered provider appoints a person to manage the establishment,, the registered provider shall forthwith give notice to the appropriate office of the National Assembly of -

- (a) the name of the person so appointed; and
- (b) the date on which the appointment is to take effect.

(3) If the registered provider is to manage the home he or she shall forthwith give notice to the appropriate office of the National Assembly of the date on which such management is to begin.

(a) 1997 c.50. Sections 113 and 115, as amended, have not yet been brought into force. *See* further the footnotes to paragraph 2 of Schedule 2 to these Regulations.

Ffitrwydd y rheolwr

11.-(1) Ni chaiff person reoli sefydliad oni bai bod y person yn ffit i wneud hynny.

(2) Nid yw person yn ffit i reoli sefydliad oni bai:

- (a) Ei fod yn addas o ran ei onestrwydd a'i gymeriad da i reoli'r sefydliad;
- (b) o ystyried maint y sefydliad, y datganiad o ddiben a niferoedd ac anghenion y cleifion -
 - (i) bod gan y person y cymwysterau, y medrau a'r profiad angenrheidiol i reoli'r sefydliad; a
 - (ii) bod y person yn gorfforol ac yn feddyliol ffit i wneud hynny; ac
- (c) bod gwybodaeth neu, yn ôl fel y digwydd, ddogfennaeth lawn a boddhaol ar gael mewn perthynas â'r person -
 - (i) ac eithrio os yw paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 i 7 o Atodlen 2;
 - (ii) os yw paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 a 3 i 8 o Atodlen 2.

(3) Mae'r paragraff hwn yn gymwys os nad oes unrhyw dystysgrif neu wybodaeth am unrhyw faterion a bennir ym mharagraff 2 o Atodlen 2 ar gael i unigolyn am nad yw unrhyw un o ddarpariaethau Deddf yr Heddlu 1997(a) wedi'i dwyn i rym.

Y person cofrestredig - gofynion cyffredinol

12. -(1) Rhaid i'r darparydd cofrestredig a'r rheolwr cofrestredig redeg neu, yn ôl fel y digwydd, reoli'r sefydliad gyda gofal, cymhwysedd a medr digonol, o ystyried maint y sefydliad, y datganiad o ddiben a niferoedd ac anghenion y cleifion.

(2) Os yw'r darparydd cofrestredig -

- (a) yn unigolyn, rhaid iddo ymgymryd; neu
- (b) yn gorff, rhaid iddo sicrhau bod yr unigolyn cyfrifol yn ymgymryd,

o dro i dro ag unrhyw hyfforddiant sy'n briodol i sicrhau bod ganddo'r medrau angenrheidiol i weithredu'r sefydliad.

(3) Rhaid i unrhyw unigolyn sy'n rheoli'r sefydliad, o bryd i'w gilydd, ymgymryd â hyfforddiant sy'n briodol i sicrhau bod ganddo'r medrau angenrheidiol i reoli'r sefydliad.

(a) *Gweler* y troednodyn i reoliad 9(4).

Fitness of manager

11.-(1) A person shall not manage an establishment unless the person is fit to do so.

(2) A person is not fit to manage an establishment unless:

- (a) the person is of suitable integrity and good character to manage the establishment;
- (b) having regard to the size of the establishment, the statement of purpose and the number and needs of the patients -
 - (i) the person has the qualifications, skills and experience necessary to manage the establishment; and
 - (ii) the person is physically and mentally fit to do so; and
- (c) full and satisfactory information or documentation, as the case may be, is available in relation to the person -
 - (i) except where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 to 7 of Schedule 2;
 - (ii) where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 8 of Schedule 2.

(3) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.

Registered person - general requirements

12.-(1) The registered provider and the registered manager shall, having regard to the size of the establishment, the statement of purpose and the number and needs of the patients, carry on or manage the establishment, as the case may be, with sufficient care, competence and skill.

(2) If the registered provider is -

- (a) an individual, he or she shall undertake; or
- (b) an organisation, it shall ensure that the responsible individual undertakes,

from time to time such training as is appropriate to ensure that he or she has the skills necessary for carrying on the establishment.

(3) Any individual managing the establishment shall undertake from time to time such training as is appropriate to ensure that he or she has the skills necessary for managing the establishment.

(a) *See* footnote to regulation 9(4).

Hysbysu am dramgwyddau

13.-(1) Os yw'r person cofrestredig neu'r unigolyn cyfrifol wedi'i gollfarnu o unrhyw dramgwydd troseddol, p'un ai yng Nghymru neu mewn man arall, rhaid i'r person a gollfarnwyd hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith yn ysgrifenedig o'r canlynol-

- (a) dyddiad a lleoliad y gollfarn;
- (b) y tramgwydd y collfarnwyd y person o'i herwydd; ac
- (c) y gosb a osodwyd ar y person mewn perthynas â'r tramgwydd.

(2) Os yw'r person cofrestredig wedi'i gyhuddo o unrhyw dramgwydd y gellir gwneud gorchymyn mewn perthynas ag ef o dan Ran II o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000(a) (Amddiffyn Plant) rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith yn ysgrifenedig o'r tramgwydd y mae wedi'i gyhuddo ohono a dyddiad a man y cyhuddiad.

RHAN III

RHEDEG SEFYDLIADAU GOFAL IECHYD

PENNOD 1

ANSAWDD Y GWASANAETH A DDARPERIR

Ansawdd y driniaeth a'r gwasanaethau eraill a ddarperir

14. -(1) Yn ddarostyngedig i reoliad 5(4), rhaid i'r person cofrestredig ddarparu triniaeth ac unrhyw wasanaethau eraill i gleifion yn unol â'r datganiad o ddiben a rhaid iddo sicrhau bod y driniaeth a'r gwasanaethau eraill a ddarperir i bob claf -

- (a) yn bodloni anghenion unigol y claf; a
- (b) yn adlewyrchu tystiolaeth ymchwil a chanllawiau a gyhoeddwyd gan y cyrff proffesiynol ac arbenigol priodol ynghylch arferion da wrth drin y cyflwr y mae'r claf yn dioddef ohono; ac
- (c) yn cael eu darparu (pan fo angen) drwy gyfrwng cyfarpar priodol.

(2) Rhaid i'r person cofrestredig sicrhau bod yr holl gyfarpar a ddefnyddir yn y sefydliad neu at ddibenion y sefydliad-

- (a) yn addas at y dibenion y mae i'w ddefnyddio ar eu cyfer; a
- (b) yn cael ei gynnal a'i gadw'n briodol a'i fod mewn cyflwr da.

(3) Pan ddefnyddir dyfeisiau meddygol y gellir eu hailddefnyddio mewn sefydliad, rhaid i'r person cofrestredig sicrhau bod gweithdrefnau priodol yn cael eu gweithredu ar gyfer glanhau, diheintio, archwilio,

(a) 2000 p.50.

Notification of offences

13.-(1) Where the registered person or the responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, the person convicted shall forthwith give notice in writing to the appropriate office of the National Assembly of -

- (a) the date and place of the conviction;
- (b) the offence of which the person was convicted; and
- (c) the penalty imposed on the person in respect of the offence.

(2) Where the registered person is charged with any offence in respect of which an order may be made under Part II of the Criminal Justice and Court Services Act 2000 (Protection of Children)(a) the registered person shall forthwith give notice in writing to the appropriate office of the National Assembly of the offence charged and the date and place of the charge.

PART III

CONDUCT OF HEALTH CARE ESTABLISHMENTS

CHAPTER 1

QUALITY OF SERVICE PROVISION

Quality of treatment and other service provision

14.-(1) Subject to regulation 5(4), the registered person shall provide treatment and any other services to patients in accordance with the statement of purpose, and shall ensure that the treatment and any other services provided to each patient -

- (a) meet the patient's individual needs; and
- (b) reflect published research evidence, and guidance issued by the appropriate professional and expert bodies, as to good practice in the treatment of the condition from which the patient is suffering; and
- (c) are (where necessary) provided by means of appropriate equipment.

(2) The registered person shall ensure that all equipment used in or for the purposes of the establishment is -

- (a) suitable for the purposes for which it is to be used; and
- (b) properly maintained and in good working order.

(3) Where reusable medical devices are used in an establishment, the registered person shall ensure that appropriate procedures are implemented in relation to cleaning, disinfection, inspection, packaging,

(a) 2000 c.50.

pacio, sterileiddio, cludo a storio dyfeisiau o'r fath.

(4) Rhaid i'r gweithdrefnau a weithredir yn unol â pharagraff (3) fod yn rhai a fydd yn sicrhau bod dyfeisiau meddygol y gellir eu hailddefnyddio yn cael eu trafod yn ddiogel ac yn cael eu diheintio'n effeithiol cyn y byddant yn cael eu hailddefnyddio.

(5) Rhaid i'r person cofrestredig wneud trefniadau priodol ar gyfer archebu, cofnodi, trin, cadw'n ddiogel, rhoi a gwaredu yn ddiogel y cyffuriau a ddefnyddir yn neu at ddibenion y sefydliad, neu at ddibenion yr asiantaeth.

(6) Rhaid i'r person cofrestredig wneud trefniadau addas i leihau'r risg o amodau heintiedig a gwenwynig ac ymlediad heintiadau rhwng y cleifion a'r staff (gan gynnwys ymarferwyr meddygol â breintiau ymarfer).

(7) Os yw sefydliad yn darparu bwyd ar gyfer cleifion, rhaid i'r darparydd cofrestredig sicrhau -

- (a) bod digon ohono yn cael ei ddarparu bob hyn a hyn fel y bo'n briodol;
- (b) ei fod yn cael ei baratoi yn briodol, ei fod yn iachus ac yn faethlon; ac
- (c) ei fod yn addas ar gyfer anghenion y cleifion;

a bod y fwydlen yn cael ei hamrywio bob hyn a hyn fel y bo'n addas.

Gofal a lles cleifion

15. -(1) Rhaid i'r person cofrestredig sicrhau bod y sefydliad yn cael ei redeg yn y fath fodd ag i hybu lles y cleifion a darparu'n briodol ar ei gyfer a rhaid iddo, i'r graddau y bo hynny'n ymarferol, alluogi cleifion i wneud penderfyniadau ynghylch materion sy'n effeithio ar eu gofal a'u lles cyffredinol.

(2) Rhaid i'r person cofrestredig sicrhau y caniateir i'r cleifion reoli eu harian eu hunain, ac eithrio os nad yw claf yn dymuno hynny, neu nad yw'n gymwys i wneud hynny, ac os felly, rhaid i'r person cofrestredig sicrhau bod arian y claf yn cael ei gadw a'i gofnodi'n briodol a bod derbynebau yn cael eu rhoi fel y bo'n briodol.

(3) Rhaid i'r person cofrestredig, i'r graddau y bo hynny'n ymarferol, ganfod a chymryd i ystyriaeth ddymuniaid a theimladau pob un o'r cleifion wrth benderfynu ar y dull o ofalu amdanynt a'r gwasanaethau a ddarperir ar eu cyfer.

(4) Rhaid i'r person cofrestredig wneud trefniadau addas i sicrhau bod y sefydliad yn cael ei gynnal -

- (a) mewn modd sy'n parchu preifatrwydd ac urddas y cleifion; a
- (b) gan roi sylw dyledus i ryw, argyhoeddiad crefyddol, tarddiad hiliol, a chefnidir diwylliannol

sterilisation, transportation and storage of such devices.

(4) The procedures implemented in accordance with paragraph (3) shall be such as to ensure that reusable medical devices are handled safely and decontaminated effectively prior to re-use.

(5) The registered person shall make suitable arrangements for the ordering, recording, handling, safe keeping, safe administration and disposal of drugs used in or for the purposes of the establishment.

(6) The registered person shall make suitable arrangements to minimise the risk of infection and toxic conditions and the spread of infection between patients and staff (including medical practitioners with practising privileges).

(7) If an establishment provides food for patients, the registered provider shall ensure that it is -

- (a) provided in adequate quantities and at appropriate intervals;
- (b) properly prepared, wholesome and nutritious; and
- (c) suitable for the needs of patients;

and that the menu is varied at suitable intervals.

Care and welfare of patients

15.-(1) The registered person shall ensure that the establishment is conducted so as to promote and make proper provision for the welfare of patients and shall, so far as practicable, enable patients to make decisions about matters affecting their care and general welfare.

(2) The registered person shall ensure that patients are permitted to control their own money, except where a patient does not wish, or lacks capacity to do so, in which case the registered person shall ensure that patient monies are properly held and recorded and that receipts are issued as appropriate.

(3) The registered person shall, so far as practicable, ascertain and take into account the wishes and feelings of all patients in determining the manner in which they are cared for and services are provided to them.

(4) The registered person shall make suitable arrangements to ensure that the establishment is conducted -

- (a) in a manner which respects the privacy and dignity of patients; and
- (b) with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic

ac ieithyddol y cleifion ac unrhyw anabledd sydd ganddynt.

(5) Rhaid i'r darparydd cofrestredig a'r rheolwr cofrestredig (os oes un) gymryd pob cam rhesymol i sicrhau bod y sefydliad yn cael ei gynnal ar sail perthynas bersonol a phroffesiynol dda -

- (a) rhwng y naill a'r llall; a
- (b) rhwng pob un ohonynt a'r cleifion a'r staff.

Adolygiad o ansawdd y driniaeth a gwasanaethau eraill

16.-(1) Rhaid i'r person cofrestredig gyflwyno a chynnal system ar gyfer adolygu bob hyn a hyn fel y bo'n briodol ansawdd y driniaeth a'r gwasanaethau eraill a ddarperir yn y sefydliad neu at ddibenion y sefydliad.

(2) Rhaid i'r person cofrestredig gyflwyno adroddiad i swyddfa briodol y Cynulliad Cenedlaethol mewn perthynas ag unrhyw adolygiad a gynhelir gan y person cofrestredig at ddibenion paragraff (1) a sicrhau bod copi o'r adroddiad ar gael i'r cleifion.

(3) Rhaid i'r system y cyfeirir ati ym mharagraff (1) ddarparu ar gyfer ymgynghori â chleifion a'u cynrychiolwyr.

Staffio

17.-(1) Rhaid i'r person cofrestredig, o ystyried natur y sefydliad a nifer ac anghenion y cleifion -

- (a) sicrhau bod personau â chymwysterau, medrau a phrofiad addas yn gweithio yn y sefydliad neu at ddibenion y sefydliad bob amser, a bod y nifer ohonynt yn briodol ar gyfer iechyd a lles y cleifion;
- (b) sicrhau na fydd cyflogi unrhyw bersonau dros dro yn y sefydliad neu at ddibenion y sefydliad yn atal cleifion rhag cael y gofal di-dor sy'n rhesymol i ddiwallu eu hanghenion.

(2) Rhaid i'r person cofrestredig sicrhau bod pob person a gyflogir yn y sefydliad neu at ddibenion y sefydliad -

- (a) yn cael hyfforddiant, goruchwyliaeth a gwerthusiad priodol;
- (b) yn cael ei alluogi o bryd i'w gilydd i ennill cymwysterau pellach sy'n briodol i'r gwaith y mae'r person yn ei gyflawni; ac
- (c) yn cael disgrifiad swydd sy'n amlinellu cyfrifoldebau'r person ei hun.

(3) Rhaid i'r person cofrestredig sicrhau bod pob person a gyflogir yn y sefydliad neu at ddibenion y sefydliad ac unrhyw ymarferydd meddygol â breintiau ymarfer yn cael eu gwerthuso yn rheolaidd ac yn

background and any disability of patients.

(5) The registered provider and the registered manager (if any) shall each take all reasonable steps to ensure that the establishment is conducted on the basis of good personal and professional relationships -

- (a) between each other; and
- (b) between each of them and the patients and staff.

Review of quality of treatment and other services

16.-(1) The registered person shall introduce and maintain a system for reviewing at appropriate intervals the quality of treatment and other services provided in or for the purposes of an establishment.

(2) The registered person shall supply to the appropriate office of the National Assembly a report in respect of any review conducted by the registered person for the purposes of paragraph (1) and make a copy of the report available to patients.

(3) The system referred to in paragraph (1) shall provide for consultation with patients and their representatives.

Staffing

17.-(1) The registered person shall, having regard to the nature of the establishment, the statement of purpose and the number and needs of patients -

- (a) ensure that at all times suitably qualified, skilled and experienced persons are working in or for the purposes of the establishment in such numbers as are appropriate for the health and welfare of the patients;
- (b) ensure that the employment of any persons on a temporary basis in or for the purposes of the establishment will not prevent patients from receiving such continuity of care as is reasonable to meet their needs.

(2) The registered person shall ensure that each person employed in or for the purposes of the establishment -

- (a) receives appropriate training, supervision and appraisal;
- (b) is enabled from time to time to obtain further qualifications appropriate to the work the person performs; and
- (c) is provided with a job description outlining the person's responsibilities.

(3) The registered person shall ensure that each person employed in or for the purposes of the establishment and any medical practitioner with practising privileges, receives regular and appropriate

briodol a rhaid iddo gymryd unrhyw gamau sy'n angenrheidiol i fynd i'r afael ag unrhyw agwedd -

- (a) ar bractis clinigol proffesiynolyn gofal iechyd; neu
- (b) ar berfformiad aelod o staff nad yw'n broffesiynolyn gofal iechyd

y cafwyd ei fod yn anfodhaol.

(4) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau bod unrhyw bersonau sy'n gweithio yn y sefydliad neu at ddiben y sefydliad, nad ydynt yn cael eu cyflogi gan y person cofrestredig ac nad yw paragraff (2) yn gymwys iddynt, yn cael eu goruchwyllo'n briodol tra bônt yn cyflawni eu swyddogaethau.

Ffitrwydd y gweithwyr

18.-(1) Rhaid i'r person cofrestredig beidio â gwneud y canlynol -

- (a) cyflogi person o dan gontract cyflogi i weithio yn y sefydliad neu at ddibenion y sefydliad oni bai bod y person hwnnw yn ffit i wneud hynny;
- (b) caniatáu i wirfoddolwr weithio yn y sefydliad neu at ddibenion y sefydliad oni bai bod y person hwnnw yn ffit i wneud hynny;
- (c) caniatáu i unrhyw berson arall (gan gynnwys ymarferydd meddygol sy'n gwneud cais am gael breintiau ymarfer) weithio yn y sefydliad neu ar ei ran mewn swydd lle gallai gael cysylltiadau rheolaidd â chlaf wrth gyflawni ei ddyletswyddau oni bai bod y person hwnnw yn ffit i weithio yn y sefydliad neu ar ei ran.

(2) At ddibenion paragraff (1) nid yw person yn ffit i weithio mewn sefydliad neu at ddibenion sefydliad oni bai -

- (a) ei fod yn addas o ran ei onestrwydd a'i gymeriad da ar gyfer y gwaith y mae'r person i'w gyflawni;
- (b) bod gan y person y cymwysterau, y medrau a'r profiad angenrheidiol ar gyfer y gwaith hwnnw; ac
- (c) bod y person yn ffit yn gorfforol ac yn feddyliol ar gyfer y gwaith hwnnw; ac
- (ch) bod gwybodaeth neu, yn ôl fel y digwydd, ddogfennaeth lawn a boddhaol ar gael mewn perthynas â'r person -
 - (i) ac eithrio os yw paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 i 7 o Atodlen 2;
 - (ii) os yw paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 a 3 i 8 o Atodlen 2.

(3) Mae'r paragraff hwn yn gymwys os nad oes unrhyw dystysgrif neu wybodaeth am unrhyw faterion a bennir ym mharagraff 2 o Atodlen 2 ar gael am nad

appraisal and shall take such steps as may be necessary to address any aspect of -

- (a) a health care professional's clinical practice; or
- (b) the performance of a member of staff who is not a health care professional

which is found to be unsatisfactory.

(4) The registered person shall take reasonable steps to ensure that any persons working in or for the purposes of an establishment who are not employed by the registered person and to whom paragraph (2) does not apply, are appropriately supervised while carrying out their duties.

Fitness of workers

18.-(1) The registered person shall not -

- (a) employ under a contract of employment a person to work in or for the purposes of the establishment unless that person is fit to do so ;
- (b) allow a volunteer to work in or for the purposes of the establishment unless that person is fit to do so;
- (c) allow any other person (including a medical practitioner seeking the grant of practising privileges) to work in or for the establishment in a position in which he or she may in the course of his or her duties have regular contact with a patient unless that person is fit to work in or for the establishment.

(2) For the purposes of paragraph (1) a person is not fit to work in or for the purposes of an establishment unless -

- (a) the person is of suitable integrity and good character for the work which the person is to perform;
- (b) the person has the qualifications, skills and experience which are necessary for that work ;
- (c) the person is physically and mentally fit for that work; and
- (d) full and satisfactory information or documentation, as the case may be, is available in relation to the person -
 - (i) except where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 to 7 of Schedule 2;
 - (ii) where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 8 of Schedule 2.

(3) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 2 is not available because any provision of

yw unrhyw un o ddarpariaethau Deddf yr Heddlu 1997(a) wedi'i dwyn i rym.

(4) Rhaid i'r person cofrestredig sicrhau -

- (a) bod unrhyw gyflogaeth sy'n cael ei chynnig i berson a ddisgrifir ym mharagraff (1), neu drefniant arall ynghylch gweithio yn y sefydliad neu at ddibenion y sefydliad a wneir gyda'r person hwnnw neu mewn perthynas ag ef, yn amodol ar gydymffurfio â pharagraff (2)(ch) mewn perthynas â'r person hwnnw; a
- (b) oni bai bod paragraff (5) yn gymwys, na fydd unrhyw berson o'r fath yn dechrau gweithio yn y sefydliad neu at ddibenion y sefydliad tan y cydymffurfir â pharagraff (2)(ch) mewn perthynas â'r person hwnnw.

(5) Os bydd yr amodau canlynol yn gymwys, gall y person cofrestredig ganiatáu i berson heblaw proffesiynolyn gofal iechyd i ddechrau gweithio yn y sefydliad neu at ddibenion y sefydliad er gwaethaf paragraff (4)(b) -

- (a) bod y person cofrestredig wedi cymryd pob cam rhesymol i sicrhau gwybodaeth lawn ynghylch pob mater a restrir yn Atodlen 2 ynglŷn â'r person hwnnw, ond bod yr ymholiadau mewn perthynas ag unrhyw un o'r materion a restrir ym mharagraffau 3 i 6 o Atodlen 2 yn anghyflawn;
- (b) bod gwybodaeth lawn a boddhaol mewn perthynas â'r person hwnnw wedi'i sicrhau ynghylch-
 - (i) y mater a bennir ym mharagraff 1 o Atodlen 2; a
 - (ii) oni bai bod paragraff (3) yn gymwys, y mater a bennir ym mharagraff 2 o'r Atodlen honno; neu
 - (iii) os yw paragraff (3) yn gymwys, y mater a bennir ym mharagraff 8 o'r Atodlen honno;
- (c) bod yr amgylchiadau yn eithriadol ym marn rhesymol y person cofrestredig; ac
- (ch) nes y bydd yn cael unrhyw wybodaeth sydd heb ddod i law a'i fod yn fodlon arni, bod y person cofrestredig yn sicrhau bod y person yn cael ei oruchwylio'n briodol tra bydd yn cyflawni ei ddyletswyddau.

(6) Rhaid i'r person cofrestredig sicrhau bod unrhyw berson sy'n gweithio yn y sefydliad neu at ddibenion y sefydliad ac nad yw'n dod o dan baragraff (1) yn cael ei oruchwylio'n briodol bob tro y mae mewn cysylltiad â chleifion.

Canllawiau ar gyfer proffesiynolion gofal iechyd

19. Rhaid i'r person cofrestredig drefnu bod unrhyw god ar foeseg neu arferion proffesiynol sydd wedi'i baratoi gan gorff sy'n gyfrifol am reoleiddio aelodau o broffesiwn gofal iechyd ar gael yn y sefydliad i

the Police Act 1997(a) has not been brought into force.

(4) The registered person shall ensure that -

- (a) any offer of employment to, or other arrangement about working in or for the purposes of the establishment made with or in respect of a person described in paragraph (1) is subject to paragraph (2)(d) being complied with in relation to that person; and
- (b) unless paragraph (5) applies, no such person starts work in or for the purposes of the establishment until such time as paragraph (2)(d) has been complied with in relation to that person.

(5) Where the following conditions apply, the registered person may permit a person other than a health care professional to start work in or for the purposes of the establishment notwithstanding paragraph (4)(b) -

- (a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters listed in Schedule 2 in respect of that person, but the enquiries in relation to any of the matters listed in paragraphs 3 to 6 of Schedule 2 are incomplete;
- (b) full and satisfactory information in relation to that person has been obtained in respect of -
 - (i) the matter specified in paragraph 1 of Schedule 2; and
 - (ii) unless paragraph (3) applies, the matter specified in paragraph 2 of that Schedule; or
 - (iii) where paragraph (3) applies, the matter specified in paragraph 8 of that Schedule;
- (c) in the reasonable opinion of the registered person the circumstances are exceptional; and
- (d) pending receipt of, and being satisfied with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his or her duties.

(6) The registered person shall ensure that any person working in or for the purposes of the establishment who does not fall within paragraph (1) is appropriately supervised at all times when they are in contact with patients.

Guidance for health care professionals

19. The registered person shall ensure that any code of ethics or professional practice prepared by a body which is responsible for regulation of members of a health care profession is made available in the

(a) *Gweler* y troednodyn i reoliad 9(4).

(a) *See* footnote to regulation 9(4).

aelodau'r proffesiwn gofal iechyd o dan sylw.

Cofnodion

20.-(1) Rhaid i'r person cofrestredig sicrhau, ac eithrio mewn achosion lle mae rheoliad 39(5) yn gymwys, fod-

- (a) cofnod meddygol cynhwysfawr yn cael ei gadw mewn perthynas â phob claf, a'i fod yn cynnwys -
 - (i) nodyn cyfoes o bob triniaeth sy'n cael ei darparu i'r claf;
 - (ii) hanes meddygol y claf a phob nodyn arall sy'n cael ei baratoi gan broffesiynolyn gofal iechyd ynghylch achos y claf; a
- (b) bod y cofnod yn cael ei gadw am gyfnod nad yw'n llai na'r hyn a bennir yn Rhan I o Atodlen 3 mewn perthynas â'r math o glaf sydd o dan sylw neu, os gallai un neu fwy o gyfnodau o'r fath fod yn gymwys, yr hwyaf ohonynt.

(2) Rhaid i'r person cofrestredig sicrhau -

- (a) bod cofnodion meddygol person sydd ar hyn o bryd yn glaf yn cael eu cadw mewn lle diogel yn y sefydliad; a
- (b) bod cofnodion meddygol person nad yw ar y pryd yn glaf yn cael eu storio'n ddiogel (boed yn y sefydliad neu mewn man arall) a bod modd dod o hyd iddynt pe bai angen.

(3) Yn ogystal â'r cofnodion meddygol a gedwir yn unol â pharagraff (1), rhaid i'r person cofrestredig sicrhau fod y cofnodion a bennir yn Rhan II o Atodlen 3 yn cael eu cadw a'u bod -

- (a) yn cael eu diweddarau;
- (b) ar gael i'w harchwilio bob amser yn y sefydliad gan unrhyw berson a awdurdodir gan y Cynulliad Cenedlaethol i fynd i'r sefydliad a'u harchwilio; ac
- (c) yn cael eu cadw am gyfnod heb fod yn llai na thair blynedd gan ddechrau â dyddiad y cofnod diwethaf.

(4) Os bydd sefydliad yn cau, rhaid i'r person cofrestredig sicrhau bod y cofnodion sy'n cael eu cadw yn unol â pharagraffau (1) a (3) yn cael eu cadw'n ddiogel mewn man arall a rhaid iddo drefnu iddynt fod ar gael i'w harchwilio gan y Cynulliad Cenedlaethol os bydd yn gofyn amdanynt.

Barn y staff ynglŷn â'r ffordd y mae'r sefydliad yn cael ei redeg

21.-(1) Mae'r rheoliad hwn yn gymwys i unrhyw fater sy'n ymwneud â'r ffordd y mae'r sefydliad yn cael ei redeg i'r graddau ag y gall effeithio ar iechyd neu les y cleifion.

establishment to members of the health care profession in question.

Records

20.-(1) The registered person shall ensure that except in cases to which regulation 39(5) applies -

- (a) a comprehensive medical record is maintained in relation to each patient, which includes -
 - (i) a contemporaneous note of all treatment provided to the patient;
 - (ii) the patient's medical history and all other notes prepared by a health care professional about the patient's case; and
- (b) the record is retained for a period which is not less than that specified in Part I of Schedule 3 in relation to the type of patient in question or, where more than one such period could apply, the longest of them.

(2) The registered person shall ensure that -

- (a) the medical record for a person who is currently a patient is kept in a secure place in the establishment premises; and
- (b) the medical record for a person who is not currently a patient is stored securely (whether in the establishment or elsewhere) and that it can be located if required.

(3) In addition to the medical records maintained in accordance with paragraph (1), the registered person shall ensure that the records specified in Part II of Schedule 3 are maintained and that they are -

- (a) kept up to date;
- (b) at all times available for inspection in the establishment by any person authorised by the National Assembly to enter and inspect the establishment ; and
- (c) retained for a period of not less than three years beginning on the date of the last entry.

(4) Where an establishment closes the registered person shall ensure that the records maintained in accordance with paragraphs (1) and (3) are kept securely elsewhere and shall make them available for inspection by the National Assembly at its request.

Staff views as to conduct of establishment

21.-(1) This regulation applies to any matter relating to the conduct of the establishment so far as it may affect the health or welfare of patients.

(2) Rhaid i'r person cofrestredig wneud trefniadau i alluogi unrhyw berson sy'n cael ei gyflogi yn y sefydliad neu at ddibenion y sefydliad ac unrhyw ymarferydd meddygol gyda breintiau ymarfer i hysbysu'r person cofrestredig a'r Cynulliad Cenedlaethol o'u barn ar unrhyw fater y mae'r rheoliad hwn yn gymwys iddo.

Cwynion

22. -(1) Rhaid i'r person cofrestredig sefydlu gweithdrefn (y cyfeirir ati yn y Rheoliadau hyn fel "y weithdrefn gwyno") ar gyfer ystyried cwynion a wneir i'r person cofrestredig gan glaf neu berson sy'n gweithredu ar ran claf.

(2) Rhaid i'r person cofrestredig sicrhau bod unrhyw gwyn a wneir o dan y weithdrefn gwyno yn cael ei hymchwilio'n llawn.

(3) Os gofynnir amdano, rhaid i'r person cofrestredig ddarparu copi ysgrifenedig o'r weithdrefn gwyno -

- (a) i bob claf;
- (b) i unrhyw berson sy'n gweithredu ar ran claf; ac
- (c) i unrhyw berson sy'n ystyried dod yn glaf.

(4) Rhaid i'r copi ysgrifenedig o'r weithdrefn gwyno gynnwys -

- (a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a
- (b) y weithdrefn (os oes un) y mae'r Cynulliad wedi hysbysu'r person cofrestredig ohoni ar gyfer cwyno i'r Cynulliad Cenedlaethol mewn perthynas â'r sefydliad.

(5) Rhaid i'r person cofrestredig gadw cofnod o bob cwyn, gan gynnwys manylion yr ymchwiladau a wnaed, y canlyniad ac unrhyw gamau a gymerwyd yn sgil hynny, a bydd gofynion rheoliad 20(3)(b) ac (c) yn gymwys i'r cofnod hwnnw.

(6) Rhaid i'r person cofrestredig ddarparu i'r Cynulliad Cenedlaethol, os bydd yn gofyn amdanynt, gopïau o'r cofnodion sy'n cael eu cadw o dan baragraff (5).

Ymchwil

23. -(1) Rhaid i'r person cofrestredig sicrhau -

- (a) cyn bod unrhyw ymchwil sy'n ymwneud â chleifion, gwybodaeth am gleifion, neu feinweoedd dynol, yn cael ei gwneud mewn sefydliad neu at ddibenion sefydliad, bod cynnig ymchwil yn cael ei baratoi a bod cymeradwyaeth y Pwyllgor Moeseg Ymchwil priodol yn cael ei sicrhau; a
- (b) bod pob prosiect ymchwil o'r fath yn cynnwys camau digonol i ddiogelu cleifion a chyflogeion.

(2) The registered person shall make arrangements to enable any person employed in or for the purposes of the establishment and any medical practitioner with practising privileges to inform the registered person and the National Assembly of their views about any matter to which this regulation applies.

Complaints

22.-(1) The registered person shall establish a procedure (in these Regulations referred to as "the complaints procedure") for considering complaints made to the registered person by a patient or a person acting on behalf of a patient.

(2) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated.

(3) The registered person shall supply a written copy of the complaints procedure upon request, to -

- (a) every patient;
- (b) any person acting on behalf of a patient; and
- (c) any person who is considering whether to become a patient.

(4) The written copy of the complaints procedure shall include -

- (a) the name, address and telephone number of the appropriate office of the National Assembly; and
- (b) the procedure (if any) which has been notified by the National Assembly to the registered person for making complaints to the National Assembly relating to the establishment.

(5) The registered person shall maintain a record of each complaint, including details of the investigations made, the outcome and any action taken in consequence and the requirements of regulation 20(3)(b) and (c) shall apply to that record.

(6) The registered person shall supply to the National Assembly at its request copies of records maintained under paragraph (5).

Research

23.-(1) The registered person shall ensure that -

- (a) before any research involving patients, information about patients, or human tissue is undertaken in or for the purposes of an establishment, a research proposal is prepared and approval is obtained from the appropriate Research Ethics Committee; and
- (b) all such research projects include adequate safeguards for patients and employees.

(2) At ddibenion paragraff (1)(a), ystyr "y Pwyllgor Moeseg Ymchwil priodol" yw pwyllgor moeseg ymchwil sydd wedi'i sefydlu yn unol â chanllawiau sy'n cael eu rhoi o bryd i'w gilydd gan y Cynulliad Cenedlaethol.

PENNOD 2
SAFLEOEDD

Ffitrwydd y safle

24. -(1) Rhaid i'r person cofrestredig beidio â defnyddio safle fel sefydliad oni bai bod y safle hwnnw mewn lleoliad, a'i fod o ddyluniad a chynllun ffisegol, sy'n addas at ddibenion cyflawni'r nodau a'r amcanion a nodir yn y datganiad o ddiben.

- (2) Rhaid i'r person cofrestredig sicrhau -
- (a) bod y safle o adeiladwaith cadarn ac yn cael ei gadw mewn cyflwr da y tu allan a'r tu mewn;
 - (b) bod maint a chynllun yr ystafelloedd yn addas at y dibenion y maent i'w defnyddio ar eu cyfer a'u bod wedi'u cyfarparu a'u dodrefnu'n addas;
 - (c) bod pob rhan o'r sefydliad yn cael ei gadw'n lân ac yn bodloni safonau hylendid priodol;
 - (ch) bod pob rhan o'r sefydliad y gall y cleifion fynd atynt yn rhydd rhag peryglon i'w diogelwch i'r graddau y bo'n rhesymol ymarferol; a
 - (d) os ymgymerir â gweithdrefnau llawfeddygol, os yw systemau cynnal bywyd yn cael eu defnyddio, neu os yw gwasanaethau obstetrig a gwasanaethau meddygol, mewn perthynas â geni plant, yn cael eu darparu yn y sefydliad, bod y cyflenwad trydan y mae ei angen i ddiogelu bywydau'r cleifion yn cael ei ddarparu pan fydd y cyflenwad cyhoeddus yn cael ei dorri.

(3) Rhaid i'r person cofrestredig ddarparu'r canlynol ar gyfer y cyflogeion ac ymarferwyr meddygol gyda breintiau ymarfer -

- (a) cyfleusterau a llety addas, ac eithrio lle cysgu, gan gynnwys -
 - (i) cyfleusterau ar gyfer newid; a
 - (ii) cyfleusterau storio; a
- (b) pan fydd angen llety o'r fath ar gyflogeion mewn cysylltiad â'u gwaith, lle cysgu.

(4) Rhaid i'r person cofrestredig -

- (a) cymryd rhagofalon digonol yn erbyn y risg o dân, gan gynnwys darparu a chynnal a chadw cyfarpar digonol i atal a darganfod tân;
- (b) darparu dulliau boddhaol ar gyfer dianc os bydd tân;

(2) For the purposes of paragraph (1)(a), "the appropriate Research Ethics Committee" means a research ethics committee established in accordance with guidance issued from time to time by the National Assembly.

CHAPTER 2
PREMISES

Fitness of premises

24.-(1) The registered person shall not use premises as an establishment unless they are in a location, and of a physical design and layout, which are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall ensure that -

- (a) the premises are of sound construction and kept in a good state of repair externally and internally;
- (b) the size and layout of rooms are suitable for the purposes for which they are to be used and are suitably equipped and furnished;
- (c) all parts of the establishment are kept clean and meet appropriate standards of hygiene;
- (d) all parts of the establishment to which patients have access are so far as reasonably practicable free from hazards to their safety; and
- (e) if surgical procedures are undertaken, life support systems are used, or obstetric services and, in connection with childbirth, medical services, are provided in the establishment, such electrical supply is provided during the interruption of public supply as is needed to safeguard the lives of the patients.

(3) The registered person shall provide for employees and medical practitioners with practising privileges -

- (a) suitable facilities and accommodation, other than sleeping accommodation, including -
 - (i) facilities for the purpose of changing; and
 - (ii) storage facilities; and
- (b) where the provision of such accommodation is needed by employees in connection with their work, sleeping accommodation.

(4) The registered person shall -

- (a) take adequate precautions against the risk of fire, including the provision and maintenance of adequate fire prevention and detection equipment;
- (b) provide adequate means of escape in the event of a fire;

- (c) gwneud trefniadau ar gyfer personau a gyflogir yn y sefydliad ac ymarferwyr meddygol y rhoddwyd breintiau ymarfer iddynt i gael hyfforddiant addas mewn atal tân;
- (ch) sicrhau, trwy gyfrwng driliau ac ymarferion tân a gynhelir bob hyn a hyn fel y bo'n addas, fod y sawl a gyflogir yn y sefydliad ac, i'r graddau y bo hynny'n ymarferol, fod y cleifion a'r ymarferwyr meddygol y rhoddwyd breintiau ymarfer iddynt, yn ymwybodol o'r weithdrefn sydd i'w dilyn pan fydd tân;
- (d) adolygu'r rhagofalon tân, addasrwydd y cyfarpar tân a'r weithdrefn sydd i'w dilyn pan fydd tân, bob hyn a hyn heb fod cyfnod o fwy na deuddeg mis rhwng pob adolygiad; a
- (dd)ymgyngori â'r awdurdod tân am y materion a ddisgrifir yn is-bagraffau (a) i (d).

(5) Yn y rheoliad hwn, ystyr "awdurdod tân", mewn perthynas â sefydliad, yw'r awdurdod sy'n cyflawni, yn yr ardal lle mae'r sefydliad wedi'i leoli, swyddogaeth awdurdod tân o dan Ddeddf Gwasanaethau Tân 1947(a).

PENNOD 3
RHEOLAETH

Ymweliadau gan y darparydd cofrestredig

25. -(1) Os yw'r darparydd cofrestredig yn unigolyn, nad yw'n rheoli'r sefydliad, rhaid i'r unigolyn hwnnw ymweld â'r sefydliad yn unol â'r rheoliad hwn.

(2) Os yw'r darparydd cofrestredig yn gorff, rhaid i un o'r personau canlynol ymweld â'r sefydliad yn unol â'r rheoliad hwn -

- (a) yr unigolyn cyfrifol;
- (b) un arall o'r cyfarwyddwyr neu'r personau eraill sy'n gyfrifol am reoli'r corff ac sy'n addas i ymweld â'r sefydliad; neu
- (c) un o gyflogeion y corff a chanddo gymwysterau, medrau a phrofiad priodol at y diben hwnnw ac nad yw'n ymwneud yn uniongyrchol â rhedeg y sefydliad.

(3) Rhaid i ymweliadau o dan baragraff (1) neu (2) gael eu cynnal o leiaf unwaith bob tri mis a gallant fod yn ddirybudd.

(4) Rhaid i'r person a fydd yn ymweld -

- (a) cyfweld, gyda'u cydsyniad ac yn breifat (dros y ffôn, os yw hynny'n angenrheidiol), unrhyw gleifion a'u cynrychiolwyr ac unrhyw gyflogeion sydd yn ôl pob golwg yn angenrheidiol er mwyn ffurfio barn ar safon y driniaeth a'r gwasanaethau eraill sy'n cael eu darparu yn y sefydliad neu at ddibenion y

(a) 1947 p.41.

- (c) make arrangements for persons employed in the establishment and medical practitioners to whom practising privileges have been granted to receive suitable training in fire prevention;
- (d) ensure, by means of fire drills and practices at suitable intervals, that the persons employed in the establishment and, so far as practicable, patients and medical practitioners to whom practising privileges have been granted, are aware of the procedure to be followed in case of fire;
- (e) review fire precautions, the suitability of fire equipment and the procedure to be followed in case of fire at intervals not exceeding twelve months; and
- (f) consult with the fire authority about the matters described in sub-paragraphs (a) to (e).

(5) In this regulation, "fire authority", in relation to an establishment, means the authority discharging in the area in which the establishment is situated, the function of fire authority under the Fire Services Act 1947(a).

CHAPTER 3
MANAGEMENT

Visits by registered provider

25.-(1) Where the registered provider is an individual who does not manage the establishment, that individual shall visit the establishment in accordance with this regulation.

(2) Where the registered provider is an organisation, the establishment shall be visited in accordance with this regulation by -

- (a) the responsible individual;
- (b) another of the directors or other persons responsible for the management of the organisation who is suitable to visit the establishment; or
- (c) an employee of the organisation who has appropriate qualifications, skills and experience for the purpose and who is not directly concerned with the conduct of the establishment.

(3) Visits under paragraph (1) or (2) shall take place at least every three months and may be unannounced.

(4) The person carrying out the visit shall -

- (a) interview, with their consent and in private (if necessary, by telephone), such of the patients and their representatives and such employees as appear to be necessary in order to form an opinion of the standard of treatment and other services provided in or for the purposes of the establishment;

(a) 1947 c.41.

sefydliad;

- (b) archwilio'r safle a chofnodion am unrhyw gwynion; ac
- (c) paratoi adroddiad ysgrifenedig ar y modd y mae'r sefydliad yn cael ei redeg.

(5) Rhaid i'r darparydd cofrestredig ddarparu copi o'r adroddiad y mae'n ofynnol ei wneud o dan baragraff (4)(c) i -

- (a) y Cynulliad Cenedlaethol;
- (b) y rheolwr cofrestredig; ac
- (c) yn achos ymweliad o dan baragraff (2), i bob un o'r cyfarwyddwr neu'r personau eraill sy'n gyfrifol am reoli'r corff.

- (b) inspect the premises and records of any complaints; and
- (c) prepare a written report on the conduct of the establishment.

(5) The registered provider shall supply a copy of the report required to be made under paragraph (4)(c) to -

- (a) the National Assembly;
- (b) the registered manager; and
- (c) in the case of a visit under paragraph (2), to each of the directors or other persons responsible for the management of the organisation.

Sefyllfa ariannol

26.-(1) Rhaid i'r darparydd cofrestredig redeg y cartref plant mewn modd sy'n debyg o sicrhau y bydd y sefydliad yn hyfyw yn ariannol er mwyn cyflawni'r nodau a'r amcanion a nodir yn ei ddatganiad o ddiben.

(2) Os bydd y Cynulliad Cenedlaethol yn gofyn amdani, rhaid i'r person cofrestredig roi unrhyw wybodaeth a dogfennau ag y bydd ar y Cynulliad ei angen er mwyn ystyried hyfywedd ariannol y sefydliad, gan gynnwys -

- (a) cyfrifon blynyddol y sefydliad, wedi'u hardystio gan gyfrifydd; neu
- (b) cyfrifon blynyddol y corff sy'n ddarparydd cofrestredig y sefydliad, wedi'u hardystio gan gyfrifydd, ynghyd â chyfrifon sy'n ymwneud â'r sefydliad ei hun.

(3) Rhaid i'r person cofrestredig hefyd ddarparu unrhyw wybodaeth arall i'r Cynulliad Cenedlaethol ag y bydd ar y Cynulliad ei hangen er mwyn ystyried hyfywedd ariannol y sefydliad, gan gynnwys -

- (a) tystlythyr gan fanc yn mynegi barn ynghylch statws ariannol y darparydd cofrestredig;
- (b) gwybodaeth am sut mae'r sefydliad yn cael ei ariannu ac am ei adnoddau ariannol;
- (c) os cwmni yw'r darparydd cofrestredig, gwybodaeth am unrhyw un o'i gwmnïau cysylltiedig; ac
- (ch) tystysgrif yswiriant ar gyfer y darparydd cofrestredig mewn perthynas â'r atebolrwydd y gall y darparydd ei beri mewn perthynas â'r sefydliad ar gyfer marwolaeth, anaf, atebolrwydd cyhoeddus, difrod neu golled arall.

(4) Yn y rheoliad hwn, mae un cwmni yn gysylltiedig ag un arall os yw un ohonynt yn rheoli'r llall, neu fod y ddau o dan reolaeth yr un person.

Financial position

26.-(1) The registered provider shall carry on the establishment in such manner as is likely to ensure that the establishment will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall, if the National Assembly so requests, provide it with such information and documents as it may require for the purpose of considering the financial viability of the establishment, including -

- (a) the annual accounts of the establishment, certified by an accountant; or
- (b) the annual accounts of the organisation which is the registered provider of the establishment, certified by an accountant, together with accounts relating to the establishment itself.

(3) The registered person shall also provide the National Assembly with such other information as it may require in order to consider the financial viability of the establishment, including -

- (a) a reference from a bank expressing an opinion as to the registered provider's financial standing;
- (b) information as to the financing and financial resources of the establishment;
- (c) where the registered provider is a company, information as to any of its associated companies; and
- (d) a certificate of insurance for the registered provider in respect of liability which may be incurred by the provider in relation to the establishment in respect of death, injury, public liability, damage or other loss.

(4) In this regulation, one company is associated with another if one of them has control of the other, or both are under the control of the same person.

Hysbysu am ddigwyddiadau

27.-(1) Rhaid i'r person cofrestredig hysbysu'r Cynulliad -

- (a) am farwolaeth claf -
 - (i) mewn sefydliad;
 - (ii) yn ystod triniaeth a ddarparwyd mewn sefydliad neu at ddibenion sefydliad; neu
 - (iii) o ganlyniad i driniaeth a ddarparwyd mewn sefydliad neu at ddibenion sefydliad, o fewn y cyfnod o saith niwrnod sy'n gorffen ar ddyddiad y farwolaeth,

ac am amgylchiadau marwolaeth y claf;

- (b) am unrhyw anaf difrifol i glaf;
- (c) am frigiad unrhyw glefyd heintus mewn sefydliad a hwnnw'n frigiad sydd ym marn unrhyw ymarferydd meddygol sy'n cael ei gyflogi yn y sefydliad yn ddigon difrifol i gael ei hysbysu fel y cyfryw;
- (ch) unrhyw honiad o gamymddwyn sy'n arwain at niwed gwirioneddol neu bosibl i glaf gan y person cofrestredig, unrhyw berson a gyflogir yn y sefydliad neu at ddibenion y sefydliad, neu unrhyw ymarferydd meddygol â breintiau ymarfer.

(2) Rhaid rhoi hysbysiad o dan baragraff (1) o fewn y cyfnod o 24 awr sy'n dechrau gyda'r digwyddiad o dan sylw ac, os rhoddir hysbysiad ar lafar, rhaid ei gadarnhau yn ysgrifenedig cyn gynted ag y bo hynny'n ymarferol.

Hysbysu am absenoldeb

28.-(1) Os yw -

- (a) darparwyd cofrestredig y mae hysbysiad mewn perthynas ag ef wedi'i roi o dan reoliad 10(3); neu
- (b) rheolwr cofrestredig,

yn bwriadu bod yn absennol o'r sefydliad am gyfnod parhaus o 28 diwrnod neu ragor, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig am yr absenoldeb.

(2) Ac eithrio yn achos argyfwng, rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (1) gael ei roi heb fod yn hwyrach nag un mis cyn i'r absenoldeb arfaethedig gychwyn, neu o fewn unrhyw gyfnod byrrach y cytunir arno gyda'r Cynulliad Cenedlaethol yn cytuno arno a rhaid i'r hysbysiad bennu mewn perthynas â'r absenoldeb -

- (a) pa mor hir fydd yr absenoldeb arfaethedig neu

Notification of events

27.-(1) The registered person shall give notice to the appropriate office of the National Assembly of -

- (a) the death of a patient -
 - (i) in an establishment;
 - (ii) during treatment provided in or for the purposes of an establishment; or
 - (iii) as a consequence of treatment provided in or for the purposes of an establishment, within the period of seven days ending on the date of death;

and the circumstances of the patient's death;

- (b) any serious injury to a patient;
- (c) the outbreak in an establishment of any infectious disease, which in the opinion of any medical practitioner employed in the establishment is sufficiently serious to be so notified;
- (d) any allegation of misconduct resulting in actual or potential harm to a patient by the registered person, any person employed in or for the purposes of the establishment, or any medical practitioner with practising privileges.

(2) Notice under paragraph (1) shall be given within the period of 24 hours beginning with the event in question and, if given orally, shall be confirmed in writing as soon as practicable.

Notice of absence

28.-(1) Where -

- (a) a registered provider in respect of whom a notification has been given under regulation 10(3); or
- (b) a registered manager,

proposes to be absent from the establishment for a continuous period of 28 days or more, the registered person shall give notice in writing to the appropriate office of the National Assembly of the absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence commences or within such shorter period as may be agreed with the National Assembly and the notice shall specify with respect to the absence -

- (a) its length or expected length;

pa mor hir y disgwylir iddo fod;

- (b) y rheswm drosto;
- (c) y trefniadau sydd wedi'u gwneud ar gyfer rhedeg y sefydliad;
- (ch) enw, cyfeiriad a chymwysterau'r person a fydd yn gyfrifol am y sefydliad yn ystod yr absenoldeb hwnnw; a
- (d) y trefniadau sydd wedi'u gwneud neu y bwriedir eu gwneud ar gyfer penodi person arall i reoli'r sefydliad yn ystod yr absenoldeb, gan gynnwys erbyn pa ddyddiad arfaethedig y mae'r penodiad i'w wneud.

(3) Os yw'r absenoldeb yn codi o ganlyniad i argyfwng, rhaid i'r darparrydd cofrestredig roi hysbysiad o'r absenoldeb o fewn un wythnos wedi i'r argyfwng ddigwydd, gan bennu'r materion sydd wedi'u nodi yn is-baragraffau (a) i (d) o baragraff (2).

(4) Os yw -

- (a) darparrydd cofrestredig y mae hysbysiad wedi'i roi mewn perthynas ag ef o dan reoliad 10(3); neu
- (b) rheolwr cofrestredig;

wedi bod yn absennol o'r sefydliad am gyfnod parhaus o 28 diwrnod neu ragor, ac na roddwyd hybysiad i swyddfa briodol y Cynulliad Cenedlaethol o'r absenoldeb rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig yn ddi-oed i'r swyddfa honno yn pennu'r materion a grybwyllir yn is-baragraffau (a) i (d) o baragraff (2).

(5) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol fod person a grybwyllir yn is-baragraffau (a) neu (b) o baragraff (4) wedi dychwelyd i'r gwaith a hynny heb fod yn hwyrach na saith diwrnod ar ôl i'r person hwnnw ddychwelyd.

Hysbysu am newidiadau

29. Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig cyn gynted ag y bo'n ymarferol i wneud hynny os bydd unrhyw un o'r digwyddiadau canlynol yn digwydd neu y bwriedir iddynt ddigwydd -

- (a) bod person heblaw'r person cofrestredig yn rhedeg neu'n rheoli'r sefydliad;
- (b) bod person yn peidio â gweithredu neu reoli'r sefydliad;
- (c)
- (ch) os unigolyn yw'r darparrydd cofrestredig bod yr unigolyn hwnnw yn newid ei enw;
- (d) os corff yw'r darparrydd cofrestredig -
 - (i) bod enw a chyfeiriad y corff yn cael ei newid;

- (b) the reason for it;
- (c) the arrangements which have been made for running the establishment;
- (d) the name, address and qualifications of the person who will be responsible for the establishment during that absence; and
- (e) the arrangements that have been or are proposed to be made for appointing another person to manage the establishment during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person shall give notice of the absence within one week of the emergency's occurrence specifying the matters set out in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where -

- (a) a registered provider in respect of whom a notification has been given under regulation 10(3); or
- (b) a registered manager,

has been absent from the establishment for a continuous period of 28 days or more, and the appropriate office of the National Assembly has not been given notice of the absence, the registered person shall, without delay, give notice in writing to that office, specifying the matters set out in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person shall notify the appropriate office of the National Assembly of the return to work of a person mentioned in sub-paragraph (a) or (b) of paragraph (4) not later than 7 days after the date of that person's return.

Notice of changes

29. The registered person shall give notice in writing to the appropriate office of the National Assembly as soon as it is practicable to do so if any of the following events take place or are proposed to take place -

- (a) a person other than the registered person carries on or manages the establishment;
- (b) a person ceases to carry on or manage the establishment;
- (c) where the registered person is an individual, he or she changes his or her name;
- (d) where the registered is an individual, that individual changes his or her name;
- (e) where the registered provider is an organisation -
 - (i) the name or address of the organisation is changed;

- (ii) bod unrhyw newid cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall i'r corff;
- (dd) bod unrhyw newid o ran pwy yw'r unigolyn cyfrifol;
- (e) os unigolyn yw'r ddarparwydd cofrestredig, bod ymddiriedolwr mewn methdaliad yn cael, neu'n debygol o gael, ei benodi, neu fod cyfamod neu drefniant yn cael ei wneud gyda chredydwyr;
- (f) os cwmni yw'r ddarparwydd cofrestredig, bod derbynnydd, rheolwr, datodwr neu ddatodwr dros dro yn cael ei benodi;
- (ff) bod safle'r sefydliad yn cael ei newid neu ei estyn yn sylweddol, neu fod safle ychwanegol yn cael ei sicrhau.

Penodi datodwyr etc.

30.-(1) Rhaid i unrhyw berson y mae paragraff (2) yn gymwys iddo -

- (a) hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith o benodiad y person, gan nodi'r rhesymau dros ei benodi;
- (b) penodi rheolwr i gymryd gofal amser-llawn o ddydd i ddydd o'r sefydliad mewn unrhyw achos lle nad yw'r ddyletswydd o dan reoliad 10(1) yn cael ei bodloni; ac
- (c) cyn diwedd y cyfnod o 28 diwrnod sy'n dechrau ar ddyddiad penodi'r person hysbysu swyddfa briodol y Cynulliad Cenedlaethol o fwriadau'r person ynghylch y ffordd y bydd y sefydliad y mae'r penodiad yn ymwneud ag ef yn cael ei weithredu yn y dyfodol.

(2) Mae'r paragraff hwn yn gymwys i bob person a benodwyd -

- (a) yn dderbynnydd neu'n rheolwr eiddo cwmni neu bartneriaeth sy'n ddarparwydd cofrestredig sefydliad;
- (b) yn ddatodwr neu'n ddatodwr dros dro cwmni sy'n ddarparwydd cofrestredig sefydliad;
- (c) yn dderbynnydd neu'n rheolwr eiddo partneriaeth y mae ei busnes yn cynnwys rhedeg sefydliad; neu
- (ch) yn ymddiriedolwr mewn methdaliad i ddarparwydd cofrestredig sefydliad.

Marwolaeth person cofrestredig

31.-(1) Os oes mwy nag un person wedi'i gofrestru mewn perthynas â sefydliad, a bod person cofrestredig yn marw, rhaid i'r person cofrestredig sy'n dal yn fyw hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig o'r farwolaeth yn ddi-oed.

- (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
- (f) there is any change in the identity of the responsible individual;
- (g) Where the registered provider is an individual, a trustee in bankruptcy is appointed or a composition or arrangement is made with creditors;
- (h) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or
- (i) the premises of the establishment are significantly altered or extended, or additional premises are acquired.

Appointment of liquidators etc.

30.-(1) Any person to whom paragraph (2) applies shall -

- (a) forthwith notify the appropriate office of the National Assembly of the person's appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day charge of the establishment in any case where the duty under regulation 10(1) is not being met; and
- (c) before the end of the period of 28 days beginning on the date of the person's appointment, notify the appropriate office of the National Assembly of the person's intentions regarding the future operation of the establishment to which the appointment relates.

(2) This paragraph applies to any person appointed as -

- (a) the receiver or manager of the property of a company or partnership which is a registered provider of an establishment;
- (b) a liquidator or provisional liquidator of a company which is the registered provider of an establishment;
- (c) the receiver or manager of the property of a partnership whose business includes carrying on an establishment;
- (d) the trustee in bankruptcy of a registered provider of an establishment.

Death of registered person

31.-(1) If more than one person is registered in respect of an establishment, and a registered person dies, the surviving registered person shall without delay notify the appropriate office of the National Assembly of the death in writing.

(2) Os nad oes ond un person wedi'i gofrestru mewn perthynas â sefydliad, a bod y person yn marw, rhaid i gynrychiolwyr personol y person hysbysu'r Cynulliad Cenedlaethol yn ysgrifenedig -

- (a) o'r farwolaeth yn ddi-oed; a
- (b) o fewn 28 diwrnod o'u bwriadau ynghylch rhedeg y sefydliad yn y dyfodol.

(3) Caiff cynrychiolwyr personol darparu cofrestredig marw redeg y sefydliad heb fod wedi'u cofrestru mewn perthynas ag ef -

- (a) am gyfnod heb fod yn hwy nag 28 diwrnod; a
- (b) am unrhyw gyfnod pellach a benderfynir gan y Cynulliad Cenedlaethol yn unol â pharagraff (4).

(4) Gall y Cynulliad Cenedlaethol estyn y cyfnod a bennir ym mharagraff (3)(a) ag unrhyw gyfnod pellach, heb fod yn fwy na blwyddyn, y bydd y Cynulliad Cenedlaethol yn dyfarnu, a rhaid iddo hysbysu unrhyw ddyfarniad o'r fath yn ysgrifenedig i'r cynrychiolwyr personol.

(5) Rhaid i'r cynrychiolwyr personol benodi person i ysgwyddo'r cyfrifoldeb amser-llawn dros y sefydliad o ddydd i ddydd yn ystod unrhyw gyfnod pan fyddant yn rhedeg y sefydliad, yn unol â pharagraff (3), heb fod wedi'u cofrestru ar ei gyfer.

RHAN IV

GOFYNIION YCHWANEGOL SY'N GYMWYS I YSBYTAI ANNIBYNNOL

PENNOD 1

GWASANAETHAU PATHOLEG, DADEBRU A THRIN PLANT MEWN YSBYTAI ANNIBYNNOL

Cymhwyso rheoliadau 33 i 35

32. -(1) Mae rheoliadau 33 i 35 yn gymwys i ysbysai annibynnol o'r mathau canlynol -

- (a) y rhai a ddiffinnir yn adran 2(3)(a)(i) o'r Ddeddf ac eithrio sefydliadau sydd wedi'u heithrio gan reoliad 3(3); a
- (b) y rhai lle mae triniaeth feddygol, gan gynnwys llawdriniaeth gosmetig, yn cael ei darparu o dan anaesthesia neu dawelydd.

(2) Mae rheoliad 33 hefyd yn gymwys i unrhyw sefydliad sy'n darparu gwasanaethau patholeg.

Gwasanaethau patholeg

33. Rhaid i'r person cofrestredig sicrhau -

- (a) bod ystod ddigonol o wasanaethau patholeg ar gael i fodloni anghenion yr ysbyty;
- (b) bod y gwasanaethau hynny yn cael eu darparu

(2) If only one person is registered in respect of an establishment, and the person dies, the person's personal representatives shall notify the appropriate office of the National Assembly in writing -

- (a) without delay of the death; and
- (b) within 28 days of their intentions regarding the future running of the establishment.

(3) The personal representatives of the deceased registered provider may carry on the establishment without being registered in respect of it

- (a) for a period not exceeding 28 days; and
- (b) for any further period as may be determined by the National Assembly in accordance with paragraph (4).

(4) The National Assembly may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the National Assembly shall determine, and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to take full-time day to day charge of the establishment during any period in which, in accordance with paragraph (3), they carry on the establishment without being registered in respect of it.

PART IV

ADDITIONAL REQUIREMENTS APPLYING TO INDEPENDENT HOSPITALS

CHAPTER 1

PATHOLOGY SERVICES, RESUSCITATION AND TREATMENT OF CHILDREN IN INDEPENDENT HOSPITALS

Application of regulations 33 to 35

32.-(1) Regulations 33 to 35 apply to independent hospitals of the following kinds -

- (a) those defined in section 2(3)(a)(i) of the Act except establishments excepted by regulation 3(3); and
- (b) those in which medical treatment, including cosmetic surgery, is provided under anaesthesia or sedation.

(2) Regulation 33 also applies to any establishment which provides pathology services.

Pathology services

33. The registered person shall ensure that -

- (a) an adequate range of pathology services is available to meet the needs of the hospital;
- (b) those services are provided to an appropriate

yn ôl safon briodol;

- (c) bod trefniadau priodol yn cael eu gwneud ar gyfer casglu sbesimenau patholeg, ac ar gyfer eu cludo (pan ddarperir gwasanaethau patholeg y tu allan i'r ysbyty); a
- (ch) bod modd bob amser adnabod y person y cymerwyd sbesimen ohono, a'r sbesimen hwnnw.

Dadebru

34.-(1) Rhaid i'r person cofrestredig baratoi a rhoi ar waith ddatganiad ysgrifenedig o'r polisiâu sydd i'w cymhwyso a'r gweithdrefnau sydd i'w dilyn yn yr ysbyty mewn perthynas â dadebru cleifion a rhaid iddo adolygu'r datganiad hwnnw bob blwyddyn.

(2) Rhaid i'r person cofrestredig sicrhau bod y polisiâu a'r gweithdrefnau sy'n cael eu rhoi ar waith yn unol â pharagraff (1) -

- (a) yn cymryd ystyriaeth briodol o hawl pob claf sy'n gymwys i wneud hynny i roi neu i wrthod rhoi cydsyniad i driniaeth;
- (b) ar gael os gwneir cais amdanynt i bob claf ac unrhyw berson sy'n gweithredu ar ran claf; ac
- (c) yn cael eu cyfathrebu i bob cyflogai ac ymarferydd meddygol â breintiau ymarfer a allai fod yn gysylltiedig â phenderfyniadau ynghylch dadebru claf, gan sicrhau eu bod yn eu deall.

Trin plant

35. Rhaid i'r person cofrestredig sicrhau, pan fo plentyn yn cael ei drin yn yr ysbyty -

- (a) bod y plentyn yn cael ei drin mewn llety sydd ar wahân i'r llety y mae cleifion sy'n oedolion yn cael eu trin ynddo;
- (b) bod anghenion meddygol, corfforol, seicolegol, cymdeithasol ac addysgol penodol ac anghenion penodol am oruchwyliaeth sy'n deillio o oedran y plentyn yn cael eu bodloni;
- (c) bod triniaeth y plentyn yn cael ei darparu gan bersonau â chanddynt gymwysterau, medrau a phrofiad priodol mewn trin plant;
- (ch) bod rhieni'r plentyn yn cael eu hysbysu'n llawn o gyflwr y plentyn ac i'r graddau y bo hynny'n ymarferol ymgynghorir â hwy ynghylch pob agwedd o driniaeth y plentyn, heblaw pan fo'r plentyn yn gymwys i roi cydsyniad i driniaeth ac nad ydyw am i'w rieni gael eu hysbysu a'u hymgyngori ynghylch hynny.

standard;

- (c) appropriate arrangements are made for the collection, and (where pathology services are provided outside the hospital) transportation of pathology specimens; and
- (d) the patient from whom a specimen was taken, and such specimen, is identifiable at all times.

Resuscitation

34.-(1) The registered person shall prepare and implement a written statement of the policies to be applied and the procedures to be followed in the hospital in relation to resuscitation of patients and shall review such statement annually.

(2) The registered person shall ensure that the policies and procedures implemented in accordance with paragraph (1) -

- (a) take proper account of the right of all patients who are competent to do so to give or withhold consent to treatment;
- (b) are available on request to every patient and any person acting on behalf of a patient; and
- (c) are communicated to and understood by all employees and all medical practitioners with practising privileges who may be involved in decisions about resuscitation of a patient.

Treatment of children

35. The registered person shall ensure that, where a child is treated in the hospital -

- (a) the child is treated in accommodation which is separate from accommodation in which adult patients are treated;
- (b) particular medical, physical, psychological, social, educational and supervision needs arising from the child's age are met;
- (c) the child's treatment is provided by persons who have appropriate qualifications, skills and experience in the treatment of children;
- (d) the child's parents are kept fully informed of the child's condition and so far as is practicable consulted about all aspects of the child's treatment, except where the child is competent to consent to treatment and does not wish his or her parents to be so informed and consulted.

YSBYTAI ANNIBYNNOL LLE DARPERIR
GWASANAETHAU RHESTREDIG PENODOL

Gweithdrefnau llawfeddygol

36. -(1) Pan ddarperir triniaeth feddygol (gan gynnwys llawdriniaeth gosmetig) o dan anaesthesia neu dawelydd mewn ysbyty annibynnol, rhaid i'r person cofrestredig sicrhau -

- (a) bod pob theatr lawdriniaeth yn cael ei chynllunio, ei chyfarparu a'i chynnal yn ôl safon sy'n briodol ar gyfer ei defnydd;
- (b) bod pob llawdriniaeth yn cael ei gwneud gan, neu o dan gyfarwyddyd, ymarferydd meddygol a chanddo gymwysterau, medrau a phrofiad addas;
- (c) bod nifer priodol o gyflogeion a chanddynt gymwysterau, medrau a phrofiad addas yn bresennol yn ystod pob gweithdrefn lawdriniaethol; a
- (ch) bod y claf yn cael triniaeth briodol -
 - (i) cyn bod anesthetig neu dawelydd yn cael ei roi;
 - (ii) tra'i fod yn cael gweithdrefn lawdriniaethol;
 - (iii) tra'i fod yn ymadfer ar ôl anaesthesia cyffredinol; a
 - (iv) wedi'r llawdriniaeth.

(2) Rhaid i'r person cofrestredig sicrhau cyn i glaf gydsynio ag unrhyw lawdriniaeth a gynigir gan yr ysbyty annibynnol, bod y claf wedi cael gwybodaeth glir a chynhwysfawr ynghylch y weithdrefn ac unrhyw risgiau sy'n gysylltiedig â hi.

(3) Yn achos claf nad yw'n gymwys i gydsynio â llawdriniaeth, rhaid darparu'r wybodaeth a grybwyllwyd ym mharagraff (2), pryd bynnag y bo modd, i'w gynrychiolwyr.

Triniaeth ddeintyddol o dan anaesthesia cyffredinol

37. Pan fo'r driniaeth a ddarperir mewn ysbyty annibynnol yn cynnwys triniaeth ddeintyddol o dan anaesthesia cyffredinol, rhaid i'r person cofrestredig sicrhau -

- (a) bod gan y deintydd ac unrhyw weithwyr sy'n ei gynorthwyo gymwysterau, medrau a phrofiad addas i ddelio ag unrhyw argyfwng sy'n digwydd yn ystod anaesthesia cyffredinol neu driniaeth neu o ganlyniad iddynt; a
- (b) bod cyfleusterau, cyffuriau a chyfarpar digonol ar gael i ddelio ag unrhyw argyfwng o'r fath.

Gwasanaethau obstetrig - staffio

38.-(1) Mae'r rheoliad hwn a rheoliad 39 yn gymwys i ysbyty annibynnol lle darperir gwasanaethau

INDEPENDENT HOSPITALS IN WHICH
CERTAIN LISTED SERVICES ARE PROVIDED

Surgical procedures

36.-(1) Where medical treatment (including cosmetic surgery) is provided under anaesthesia or sedation in an independent hospital, the registered person shall ensure that -

- (a) each operating theatre is designed, equipped and maintained to an appropriate standard for the purposes for which it is to be used;
- (b) all surgery is carried out by, or under the direction of, a suitably qualified, skilled and experienced medical practitioner;
- (c) an appropriate number of suitably qualified, skilled and experienced employees are in attendance during each surgical procedure; and
- (d) the patient receives appropriate treatment -
 - (i) before administration of an anaesthetic or sedation;
 - (ii) whilst undergoing a surgical procedure;
 - (iii) during recovery from general anaesthesia; and
 - (iv) post-operatively.

(2) The registered person shall ensure that before a patient consents to any surgery offered by the independent hospital, the patient has received clear and comprehensive information about the procedure and any risks associated with it.

(3) In the case of a patient who is not competent to consent to surgery, the information mentioned in paragraph (2) shall, wherever possible, be provided to his representatives.

Dental treatment under general anaesthesia

37. Where the treatment provided in an independent hospital includes dental treatment under general anaesthesia, the registered person shall ensure that -

- (a) the dentist and any employees assisting him are suitably qualified, skilled and experienced to deal with any emergency which occurs during or as a result of the general anaesthesia or treatment; and
- (b) adequate facilities, drugs and equipment are available to deal with any such emergency.

Obstetric services - staffing

38.-(1) This regulation and regulation 39 apply to an independent hospital in which obstetric services and, in

obstetrig ac, mewn perthynas â geni plant, gwasanaethau meddygol.

(2) Rhaid i'r person cofrestredig benodi Pennaeth Gwasanaethau Bydwreigiaeth sy'n gyfrifol am reoli darpariaeth gwasanaethau bydwreigiaeth yn yr ysbyty annibynnol a, heblaw mewn achosion lle darperir gwasanaethau obstetrig yn yr ysbyty yn bennaf gan fydwragedd, Pennaeth Gwasanaethau Obstetrig y mae ei enw wedi'i gynnwys yn y gofrestr feddygol arbenigol mewn perthynas ag arbenigedd mewn obstetreg ac sy'n gyfrifol am reoli darpariaeth gwasanaethau obstetrig.

(3) Rhaid i'r person cofrestredig sicrhau bod y proffesiynolyn gofal iechyd sy'n bennaf cyfrifol am ofalu am fenywod beichiog a chynorthwyo adeg geni plant yn fydwraig, ymarferydd cyffredinol a chanddo gymwysterau priodol, neu ymarferydd meddygol y mae ei enw wedi'i gynnwys yn y gofrestr feddygol arbenigol mewn perthynas ag arbenigedd mewn obstetreg.

(4) Pan gaiff gwasanaethau obstetrig eu darparu mewn ysbyty annibynnol yn bennaf gan fydwragedd, rhaid i'r person cofrestredig sicrhau bod gwasanaethau ymarferydd meddygol sy'n gymwys i ddelio ag argyfyngau obstetreg ar gael bob amser.

(5) Rhaid i'r person cofrestredig sicrhau bod proffesiynolyn gofal iechyd sy'n gymwys i ymgymryd â dadebru baban newydd anedig ar gael yn yr ysbyty bob amser a bod medrau'r person hwnnw yn cael eu hadolygu'n rheolaidd ac, os oes angen, eu diweddarau.

Gwasanaethau obstetrig - gofynion pellach

39. -(1) Rhaid i'r person cofrestredig sicrhau -

- (a) y rhoddir gwybod am unrhyw farwolaeth claf mewn ysbyty annibynnol yn ystod, neu o ganlyniad i, feichiogrwydd neu eni plant; a
- (b) y rhoddir gwybod am unrhyw enedigaeth marw neu farwolaeth baban newydd-anedig mewn ysbyty annibynnol, i unrhyw berson sy'n cynnal ymchwiliad i farwolaethau o'r fath ar ran yr Ysgrifennydd Gwladol(a).

(2) Rhaid i'r person cofrestredig sicrhau bod cyfleusterau ar gael o fewn yr ysbyty i ddarparu triniaeth ddigonol i gleifion yr oedd angen ymyrraeth lawfeddygol arnynt neu fod gefeiliau wedi cael eu defnyddio arnynt wrth eni eu plentyn a bod bydwraig a chanddi brofiad priodol yn gofalu am gleifion o'r fath.

(3) Rhaid i'r person cofrestredig sicrhau bod

-
- (a) Mae'r Ymchwiliad Cyfrinachol i Farwolaethau Mamau a'r Ymchwiliad Cyfrinachol i Enedigaethau Marw a Marwolaethau mewn Babandod yn cael eu cynnal ar hyn o bryd ar ran yr Ysgrifennydd Gwladol dros Iechyd ac Adranau eraill gan y Sefydliad Cenedlaethol dros Ragoriaeth Glinigol.

connection with childbirth, medical services, are provided.

(2) The registered person shall appoint a Head of Midwifery Services who is responsible for managing the provision of midwifery services in the independent hospital and, except in cases where obstetric services are provided in the hospital primarily by midwives, a Head of Obstetric Services whose name is included in the specialist medical register in respect of a specialty in obstetrics and who is responsible for managing the provision of obstetric services.

(3) The registered person shall ensure that the health care professional who is primarily responsible for caring for pregnant women and assisting at childbirth is a midwife, an appropriately qualified general practitioner, or a medical practitioner whose name is included in the specialist medical register in respect of a specialty in obstetrics.

(4) Where obstetric services are provided in an independent hospital primarily by midwives, the registered person shall ensure that the services of a medical practitioner who is competent to deal with obstetric emergencies are available at all times.

(5) The registered person shall ensure that a health care professional who is competent to undertake resuscitation of a new born baby is available in the hospital at all times and that that person's skills are regularly reviewed and, if necessary, updated.

Obstetric services - further requirements

39.-(1) The registered person shall ensure that -

- (a) any death of a patient in an independent hospital during, or as a result of, pregnancy or childbirth; and
- (b) any stillbirth or neonatal death in an independent hospital are reported to any person undertaking an enquiry into such deaths on behalf of the Secretary of State(a).

(2) The registered person shall ensure that facilities are available within the hospital to provide adequate treatment to patients who have undergone a delivery requiring surgical intervention or the use of forceps and that such patients are cared for by an appropriately experienced midwife.

(3) The registered person shall ensure that

-
- (a) The Confidential Enquiry into Maternal Deaths and the Confidential Enquiry into Stillbirths and Deaths in Infancy are currently undertaken on behalf of the Secretary of State for Health and other Departments by the National Institute for Clinical Excellence.

trefniadau priodol yn bodoli ar gyfer trosglwyddo claf a'i phlentyn newydd-anedig i gyfleusterau gofal critigol o fewn yr ysbyty neu rywle arall yn y cyffiniau agos, pan fo hynny'n angenrheidiol, a hynny ar unwaith.

(4) Rhaid i'r person cofrestredig sicrhau bod trefniadau priodol yn bodoli ar gyfer trin, ac, os oes angen, trosglwyddo i gyfleuster gofal arbenigol, glaf sâl iawn neu blentyn newydd-anedig.

(5) Rhaid i'r person cofrestredig sicrhau bod cofnod mamolaeth yn cael ei gynnal ar gyfer pob claf sy'n cael gwasanaethau obstetrig a phob plentyn a enir yn yr ysbyty, a'i fod -

- (i) yn cynnwys y manylion a bennir yn rheoliad 20(1)(a) ac yn Rhannau I a II o Atodlen 4; a
- (ii) yn cael ei gadw am gyfnod o nid llai na 25 mlynedd gan ddechrau ar ddyddiad y cofnod diwethaf; a bydd gofynion rheoliad 20(2) yn gymwys i'r cofnod hwnnw.

(6) Yn y rheoliad hwn -

mae i "genedigaeth farw" yr ystyr a roddir i "stillbirth" yn Neddf Cofrestru Genedigaethau a Marwolaethau 1953(a);

ystyr "marwolaeth baban newydd-anedig" yw marwolaeth plentyn cyn pen diwedd y cyfnod o 28 diwrnod gan ddechrau â dyddiad geni'r plentyn.

Terfynu beichiogrwydd

40. -(1) Mae'r rheoliad hwn yn gymwys i ysbyty annibynnol lle mae beichiogrwydd yn cael ei derfynu.

(2) Rhaid i'r person cofrestredig sicrhau na chaiff unrhyw glaf ei dderbyn i ysbyty i derfynu beichiogrwydd, ac na chodir ac na dderbynnir ffi oddi wrth glaf mewn perthynas â therfynu, oni dderbyniwyd dwy dystysgrif barn mewn perthynas â'r claf.

(3) Rhaid i'r person cofrestredig sicrhau bod y dystysgrifau barn sy'n ofynnol o dan baragraff (2) yn cael eu cynnwys gyda chofnod meddygol y claf, o fewn ystyr rheoliad 20.

(4) Rhaid i'r person cofrestredig sicrhau na therfynnir unrhyw feichiogrwydd ar ôl 20fed wythnos beichiogiad, oni bai -

- (a) bod y claf yn cael ei drin gan bersonau a chanddynt gymwysterau, medrau a phrofiad addas i derfynu beichiogrwydd yn hwyr; a
- (b) bod gweithdrefnau priodol wedi'u sefydlu i ddelio ag unrhyw argyfyngau meddygol sy'n

(a) 1953 p.20. *Gweler* adran 41, fel y'i diwygiwyd gan Ddeddf Genedigaethau Marw (Diffiniad) 1992 (p.29), adran 1(1).

appropriate arrangements are in place for the immediate transfer, where necessary, of a patient and her new born child to critical care facilities within the hospital or elsewhere in the near vicinity.

(4) The registered person shall ensure that appropriate arrangements are in place for the treatment and, if necessary transfer to a specialist care facility, of a very sick patient or new born child.

(5) The registered person shall ensure that a maternity record is maintained for each patient receiving obstetric services and each child born in the hospital, which -

- (i) includes the details specified in regulation 20(1)(a) and in Parts I and II of Schedule 4; and
- (ii) is retained for a period of not less than 25 years beginning on the date of the last entry; and the requirements of regulation 20(2) shall apply to that record.

(6) In this regulation -

"stillbirth" has the meaning given to it in the Births and Deaths Registration Act 1953(a);

"neonatal death" means the death of a child before the end of the period of 28 days beginning with the date of the child's birth.

Termination of pregnancies

40.-(1) This regulation applies to an independent hospital in which termination of pregnancies takes place.

(2) The registered person shall ensure that no patient is admitted to the hospital for termination of a pregnancy, and that no fee is demanded or accepted from a patient in respect of a termination, unless two certificates of opinion have been received in respect of the patient.

(3) The registered person shall ensure that the certificates of opinion required by paragraph (2) are included with the patient's medical record, within the meaning of regulation 20.

(4) The registered person shall ensure that no termination of a pregnancy is undertaken after the 20th week of gestation, unless -

- (a) the patient is treated by persons who are suitably qualified, skilled and experienced in the late termination of pregnancy; and
- (b) appropriate procedures are in place to deal with any medical emergency which occurs

(a) 1953 c.20. *See* section 41, as amended by the Still-Birth (Definition) Act 1992 (c.29), section 1(1).

digwydd yn ystod y terfynu neu o ganlyniad iddo.

(5) Rhaid i'r person cofrestredig sicrhau na chaiff beichiogrwydd ei derfynu wedi 24ain wythnos beichiogiad.

(6) Rhaid i'r person cofrestredig sicrhau bod cofrestr o gleifion sy'n terfynu eu beichiogrwydd yn cael ei chadw yn yr ysbyty, a'i bod -

- (i) ar wahân i'r cofrestr o gleifion sydd i'w chynnal o dan baragraff 1 o Atodlen 3;
- (ii) yn cael ei chwblhau ar gyfer pob claf ar adeg cyflawni'r terfyniad; a
- (iii) yn cael ei chadw am gyfnod o nid llai na thair blynedd gan ddechrau ar ddyddiad y cofnod olaf.

(7) Rhaid i'r person cofrestredig sicrhau bod cofnod yn cael ei gadw o gyfanswm niferoedd y terfyniadau a wnaed yn yr ysbyty, a bydd gofynion rheoliad 20(3) yn gymwys i'r cofnod hwnnw.

(8) Rhaid i'r person cofrestredig sicrhau bod hysbysiad ysgrifenedig yn cael ei anfon at Brif Swyddog Meddygol y Cynulliad Cenedlaethol o bob beichiogrwydd a derfynir yn yr ysbyty(a).

(9) Os bydd y person cofrestredig -

- (a) yn cael gwybodaeth ynghylch marwolaeth claf sydd wedi cael terfyniad beichiogrwydd yn yr ysbyty yn ystod y cyfnod o 12 mis sy'n dod i ben ar y dyddiad y daeth yr wybodaeth i law; a
- (b) bod ganddo resymau dros gredu y gallai marwolaeth y claf fod yn gysylltiedig â'r terfyniad, rhaid i'r person cofrestredig hysbysu'r Cynulliad yn ysgrifenedig am yr wybodaeth honno, o fewn y cyfnod o 14 diwrnod gan ddechrau ar y diwrnod pan dderbynnir yr wybodaeth.

(10) Rhaid i'r person cofrestredig baratoi a gweithredu gweithdrefnau priodol yn yr ysbyty er mwyn sicrhau bod meinwe ffetysol yn cael ei thrin â pharch.

(11) Yn y rheoliad hwn, ystyr "tystysgrif barn" yw dystysgrif sy'n ofynnol gan reoliadau a wnaed o dan adran 2(1) o Ddeddf Erthyly 1967(b).

Defnyddio technegau neu dechnolegau penodol

41. -(1) Rhaid i'r person cofrestredig sicrhau na ddefnyddir unrhyw gynnyrch laser Dosbarth 3B neu Ddosbarth 4 (o fewn ystyr rheoliad 3(1)), na ffynhonnell golau dwys (o fewn ystyr y rheoliad

(a) *Gweler* O.S. 1991/499, sy'n ei gwneud hi'n ofynnol i hysbysiad o'r fath gael ei roi gan yr ymarferydd meddygol sy'n gwneud y terfyniad.

(b) 1967 p.87. *Gweler* O.S. 1991/499.

during or as a result of the termination.

(5) The registered person shall ensure that no termination of a pregnancy is undertaken after the 24th week of gestation.

(6) The registered person shall ensure that a register of patients undergoing termination of a pregnancy in the hospital is maintained, which is -

- (i) separate from the register of patients which is to be maintained under paragraph 1 of Schedule 3;
- (ii) completed in respect of each patient at the time the termination is undertaken; and
- (iii) retained for a period of not less than three years beginning on the date of the last entry.

(7) The registered person shall ensure that a record is maintained of the total numbers of terminations undertaken in the hospital and the requirements of regulation 20(3) shall apply to that record.

(8) The registered person shall ensure that notice in writing is sent to the Chief Medical Officer of the National Assembly of each termination of pregnancy which takes place in the hospital(a).

(9) If the registered person -

- (a) receives information concerning the death of a patient who has undergone termination of a pregnancy in the hospital during the period of 12 months ending on the date on which the information is received; and
- (b) has reason to believe that the patient's death may be associated with the termination, the registered person shall give notice in writing to the appropriate office of the National Assembly of that information, within the period of 14 days beginning on the day on which the information is received.

(10) The registered person shall prepare and implement appropriate procedures in the hospital to ensure that foetal tissue is treated with respect.

(11) In this regulation, "certificate of opinion" means a certificate required by regulations made under section 2(1) of the Abortion Act 1967(b).

Use of certain techniques or technology

41.-(1) The registered person shall ensure that no Class 3B or Class 4 laser product (within the meaning of regulation 3(1)), or intense light source (within the meaning of that regulation) is used in or for the

(a) *See* S.I. 1991/499, which requires such notice to be given by the medical practitioner carrying out the termination.

(b) 1967 c.87. *See* S.I.1991/499.

hwnnw) mewn ysbyty annibynnol neu at ddibenion ysbyty o'r fath oni bai bod yr ysbyty hwnnw wedi sefydlu protocol proffesiynol sydd wedi'i lunio gan ymarferydd meddygol neu ddeintydd hyfforddedig a phrofiadol yn y ddisgyblaeth berthnasol, bod y driniaeth i'w darparu yn unol â'r protocol hwnnw a bod y driniaeth yn cael ei darparu yn unol ag ef.

(2) Rhaid i'r person cofrestredig sicrhau mai dim ond gan berson sydd wedi cael hyfforddiant priodol ac sydd wedi dangos ei fod yn deall y materion canlynol y mae cynnyrch laser neu ffynhonnell golau dwys o'r fath yn cael eu defnyddio yn yr ysbyty neu at ddibenion yr ysbyty -

- (a) sut i ddefnyddio'r cyfarpar dan sylw yn gywir;
- (b) y risgiau sy'n gysylltiedig â defnyddio cynnyrch laser neu ffynhonnell golau dwys;
- (c) ei effeithiau biolegol ac amgylcheddol;
- (ch) y rhagofalon i'w cymryd cyn defnyddio cynnyrch laser neu ffynhonnell golau dwys ac wrth eu defnyddio; a
- (d) y camau i'w dilyn os bydd damwain, argyfwng, neu ddigwyddiad andwyol arall.

PENNOD 3

YSBYTAI IECHYD MEDDWL

Cymhwysio rheoliadau 43 i 46

42. Mae rheoliadau 43 i 46 yn gymwys i ysbytai annibynnol o'r mathau canlynol -

- (a) y rhai y mae darparu triniaeth feddygol neu seiciatrig ar gyfer anhwylder meddyliol yn brif ddiben ganddynt; a
- (b) y rhai lle darperir triniaeth neu wasanaeth nyrso (neu'r ddau) ar gyfer personau sy'n agored i gael eu cadw o dan Ddeddf Iechyd Meddwl 1983(a).

Diogelwch cleifion ac eraill

43.-(1) Rhaid i'r datganiad o bolisïau a gweithdrefnau sydd i'w baratoi a'i weithredu gan y person cofrestredig yn unol â rheoliad 8(1)(d) gynnwys polisïau a gweithdrefnau mewn perthynas â'r canlynol -

- (a) asesu tueddiad claf tuag at drais a hunan-niwed;
- (b) darparu gwybodaeth i gyflogaion ynghylch canlyniad asesiad o'r fath;
- (c) asesiad o effaith cynllun safle'r ysbyty, a'i bolisïau a'i weithdrefnau, ar y risg y byddai claf yn niweidio ei hun neu berson arall; ac
- (ch) yr hyfforddiant sy'n cael ei ddarparu er mwyn galluogi cyflogaion i leihau'r risg y byddai claf yn niweidio ei hun neu berson arall.

(a) 1983 p.20.

purposes of an independent hospital unless that hospital has in place a professional protocol drawn up by a trained and experienced medical practitioner or dentist from the relevant discipline in accordance with which treatment is to be provided, and that the treatment is provided in accordance with it.

(2) The registered person shall ensure that such a laser product or intense light source is used in or for the purposes of the hospital only by a person who has undertaken appropriate training and has demonstrated an understanding of -

- (a) the correct use of the equipment in question;
- (b) the risks associated with using a laser product or intense light source;
- (c) its biological and environmental effects;
- (d) precautions to be taken before and during use of a laser product or intense light source; and
- (e) action to be taken in the event of an accident, emergency, or other adverse incident.

CHAPTER 3

MENTAL HEALTH HOSPITALS

Application of regulations 43 to 46

42. Regulations 43 to 46 apply to independent hospitals of the following kinds -

- (a) those the main purpose of which is to provide medical or psychiatric treatment for mental disorder; and
- (b) those in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983(a).

Safety of patients and others

43.-(1) The statement of policies and procedures which is to be prepared and implemented by the registered person in accordance with regulation 8(1)(e) shall include policies and procedures in relation to -

- (a) assessment of a patient's propensity to violence and self harm;
- (b) the provision of information to employees as to the outcome of such an assessment;
- (c) assessment of the effect of the layout of the hospital premises, and its policies and procedures, on the risk of a patient harming himself or another person; and
- (d) the provision of training to enable employees to minimise the risk of a patient harming himself or another person.

(a) 1983 c.20.

(2) Rhaid i'r person cofrestredig, yn benodol, baratoi a gweithredu protocol hunanladdiad yn yr ysbyty sy'n gofyn am -

- (a) archwiliad cynhwysfawr o gyflwr meddwl pob claf;
- (b) cloriannu hanes anhwylder meddwl claf, gan gynnwys adnabod tueddiadau hunanladdol;
- (c) cynnal asesiad o dueddiad y claf i hunanladdiad; ac
- (ch) os oes angen, cymryd camau priodol i leihau'r risg y byddai claf yn lladd ei hun.

Rheoli ymddygiad afreolaidd

44. Rhaid i'r person cofrestredig baratoi a gweithredu polisi ysgrifenedig sy'n nodi -

- (a) sut y bwriedir rheoli ymddygiad afreolaidd gan glaf;
- (b) mesurau atal a ganiateir a'r amgylchiadau pan y gellir eu defnyddio;
- (c) gofynion i gyflogeion adrodd ar enghreifftiau difrifol o drais neu hunan-niwed, gan gynnwys canllawiau ynghylch sut y dylid dosbarthu'r digwyddiadau hyn; ac
- (ch) y weithdrefn ar gyfer adolygu digwyddiadau o'r fath a phenderfynu ar y camau sydd i'w dilyn wedi hynny.

Ymwelwyr

45. Rhaid i'r person cofrestredig baratoi a gweithredu polisiâu a gweithdrefnau ysgrifenedig yn yr ysbyty mewn perthynas â chleifion yn derbyn ymwelwyr.

Cofnodion iechyd meddwl

46. Rhaid i'r person cofrestredig sicrhau bod unrhyw gofnodion y mae'n ofynnol eu cadw o dan Reoliadau Iechyd Meddwl (Ysbyty, Gwarcheidwadaeth a Chydsynio â Thriniaeth) 1983(a), ac sy'n ymwneud â chadw claf o dan orchymyn mewn ysbyty annibynnol neu ei drin, yn cael eu cadw am gyfnod nad yw'n llai na phum mlynedd gan ddechrau ar y dyddiad y mae'r person y maent yn ymwneud ag ef yn peidio â bod yn glaf yn yr ysbyty.

RHAN V

GOFYNIION YCHWANEGOL SY'N GYMWYS I GLINIGAU ANNIBYNNOL

Clinigau annibynnol

47. Pan fo clinig annibynnol yn darparu gofal cynenedigol i gleifion, rhaid i'r person cofrestredig sicrhau bod y proffesiynolyn gofal iechyd sy'n bennaf gyfrifol am ddarparu'r gofal hwnnw yn fydwraig, yn

(a) O.S. 1983/893, fel y'i diwygiwyd.

(2) The registered person shall in particular prepare and implement a suicide protocol in the hospital which requires -

- (a) a comprehensive examination of the mental condition of each patient;
- (b) an evaluation of the patient's history of mental disorder, including identification of suicidal tendencies;
- (c) an assessment of the patient's propensity to suicide; and
- (d) if necessary, appropriate action to reduce the risk of the patient committing suicide.

Management of disturbed behaviour

44. The registered person shall prepare and implement a written policy setting out -

- (a) how disturbed behaviour exhibited by a patient is to be managed;
- (b) permitted measures of restraint and the circumstances in which they may be used;
- (c) requirements for employees to report serious incidents of violence or self harm, including guidance as to how those incidents should be classified; and
- (d) the procedure for review of such incidents and determination of the action which is to be taken subsequently.

Visitors

45. The registered person shall prepare and implement written policies and procedures in the hospital in relation to patients receiving visitors.

Mental health records

46. The registered person shall ensure that any records which are required to be made under the Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983(a), and which relate to the detention or treatment of a patient in an independent hospital, are kept for a period of not less than five years beginning on the date on which the person to whom they relate ceases to be a patient in the hospital.

PART V

ADDITIONAL REQUIREMENTS APPLYING TO INDEPENDENT CLINICS

Independent clinics

47. Where an independent clinic provides antenatal care to patients, the registered person shall ensure that the health care professional who is primarily responsible for providing that care is a midwife, an

(a) S.I. 1983/893, as amended.

ymarferydd cyffredinol â chymwysterau priodol, neu'n ymarferydd meddygol â chymwysterau arbenigol mewn obstetreg.

RHAN VI
AMRYWIOL

Cydymffurfio â rheoliadau

48. Pan fo mwy nag un person cofrestredig mewn perthynas â sefydliad, nid oes rhaid i unrhyw beth y mae'n ofynnol i'r person cofrestredig ei wneud o dan y rheoliadau hyn, os yw'n cael ei wneud gan un o'r personau cofrestredig, gael ei wneud gan unrhyw un o'r personau cofrestredig eraill.

Tramgwyddau

49.-(1) Bydd torri, neu fethu â chydymffurfio ag unrhyw un o ddarpariaethau rheoliad 5 i 14, 15(1) i (4), 16 i 31, 33 i 41 a 43 i 47 yn dramgwydd.

(2) Gall y Cynulliad ddwyn achos yn erbyn person a fu unwaith, ond nad yw bellach, yn berson cofrestredig, mewn perthynas â methiant i gydymffurfio â rheoliad 20 ar ôl i'r person beidio â bod yn berson cofrestredig.

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

12 Chwefror 2002

Llywydd y Cynulliad Cenedlaethol

appropriately qualified general practitioner, or a medical practitioner with a specialist qualification in obstetrics.

PART VI
MISCELLANEOUS

Compliance with regulations

48. Where there is more than one registered person in respect of an establishment, anything which is required under these regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Offences

49.-(1) A contravention, or failure to comply with any of the provisions of regulation 5 to 14, 15(1) to (4), 16 to 31, 33 to 41 and 43 to 47 shall be an offence.

(2) The National Assembly may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 20 after the person ceased to be a registered person.

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

12th February 2002

The Presiding Officer of the National Assembly

D. Elis-Thomas

(a) 1998 p.38.

(a) 1998 c.38.

YR WYBODAETH SYDD I'W CHYNNWYS YN
Y DATGANIAD O DDIBEN

1. Nodau ac amcanion y sefydliad.
2. Enw a chyfeiriad y darparydd cofrestredig ac unrhyw reolwr cofrestredig.
3. Cymwysterau a phrofiad perthnasol y darparydd cofrestredig ac unrhyw reolwr cofrestredig.
4. Nifer, cymwysterau perthnasol a phrofiad y staff sy'n gweithio yn y sefydliad.
5. Strwythur trefniadol y sefydliad.
6. Y mathau o driniaethau ac unrhyw wasanaethau eraill a ddarperir at ddibenion y sefydliad, yr ystod o anghenion y bwriadwyd i'r gwasanaethau hynny eu bodloni a'r cyfleusterau sydd ar gael er budd y cleifion.
7. Y trefniadau a wnaed ar gyfer ymgynghori â chleifion ynghylch gweithrediad y sefydliad.
8. Y trefniadau a wnaed ar gyfer cysylltiadau rhwng unrhyw gleifion mewnol a'u perthnasau, cyfeillion a chynrychiolwyr.
9. Y trefniadau ar gyfer delio â chwynion.
10. Y trefniadau ar gyfer parchu preifatrwydd ac urddas y cleifion.

INFORMATION TO BE INCLUDED IN THE
STATEMENT OF PURPOSE

1. The aims and objectives of the establishment.
2. The name and address of the registered provider and of any registered manager.
3. The relevant qualifications and experience of the registered provider and any registered manager.
4. The number, relevant qualifications and experience of the staff working in the establishment.
5. The organisational structure of the establishment.
6. The kinds of treatment and any other services provided for the purposes of the establishment, the range of needs which those services are intended to meet and the facilities which are available for the benefit of patients.
7. The arrangements made for consultation with patients about the operation of the establishment.
8. The arrangements made for contact between any in-patients and their relatives, friends and representatives.
9. The arrangements for dealing with complaints.
10. The arrangements for respecting the privacy and dignity of patients.

YR WYBODAETH SY'N OFYNNOL MEWN
PERTHYNAS Â PHERSONAU SYDD AM REDEG
NEU REOLI SEFYDLIAD NEU WEITHIO YNDDO

1. Prawf cadarnhaol o bwy yw'r person gan gynnwys ffotograff diweddar.
2. Naill ai -
 - (a) os oes angen y dystysgrif at ddiben sy'n ymwneud ag adran 115(5)(ea) o Ddeddf yr Heddlu 1997 (cofrestru o dan Ran II o Ddeddf Safonau Gofal 2000)(a), neu os yw'r swydd yn dod o dan adran 115(3) neu (4) o'r Ddeddf honno(b), tystysgrif cofnod troseddol fanwl a roddwyd o dan adran 115 o'r Ddeddf honno ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi; neu
 - (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol o dan adran 113 o'r Ddeddf, ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi,

gan gynnwys yn y naill achos a'r llall, os yw'n gymwys, y materion a bennir yn adran 113(3A) neu (3C) neu 115(6A) neu (6B) o'r Ddeddf honno(c).

3. Tystlythyron ysgrifenedig oddi wrth y naill a'r llall o ddau gyflogwr diweddaraf y person.
4. Pan fo person wedi bod yn gweithio gynt mewn swydd a oedd yn cynnwys gweithio gyda phlant neu oedolion hawdd eu niweidio, cadarnhad, i'r graddau y bo hynny'n ymarferol resymol, o'r rhesymau pam y daeth y gyflogaeth neu'r swydd i ben.
5. Tystiolaeth ddogfennol o unrhyw gymhwyster perthnasol.
6. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol o unrhyw fylchau yn y gyflogaeth.
7. Os proffesiynolyn gofal iechyd yw'r person, manylion cofrestrriad y person gyda'r corff (os oes un) sy'n gyfrifol am reoleiddio aelodau o'r

-
- (a) Mae adran 115(ea) i'w mewnosod gan Ddeddf Safonau Gofal 2000, adran 104, ar ddyddiad sydd i'w bennu. Nid yw adrannau 113 a 115, fel y'u diwygiwyd, wedi'u dwyn i rym eto.
- (b) Mae swydd o fewn adran 115(3) os yw'n golygu bod y person wrthi'n rheolaidd yn hyfforddi, yn goruchwylio neu'n gofalu am bersonau o dan 18 oed neu os yw'n golygu mai'r unig berson sy'n gyfrifol amdanynt yw deiliad y swydd. Mae swydd o fewn adran 115(4) os yw o fath sydd wedi'i bennu mewn rheoliadau ac yn golygu bod y person wrthi'n rheolaidd yn hyfforddi, yn goruchwylio, neu'n gofalu am bersonau 18 oed neu os yw'n golygu mai'r unig berson sy'n gyfrifol amdanynt yw deiliad y swydd.
- (c) Mae adrannau 113(3A) a 115(6A) yn cael eu hychwanegu at Ddeddf yr Heddlu 1997 gan adran 8 o Ddeddf Amddiffyn Plant 1999 (p.14) o ddyddiad sydd i'w bennu, ac wedi'u diwygio gan adrannau 104 a 116 o Ddeddf Safonau Gofal 2000 a pharagraff 25 o Atodlen 4 iddi. Mae adrannau 113(3C) a 115(6B) yn cael eu hychwanegu at Ddeddf yr Heddlu 1997 gan adran 90 o Ddeddf Safonau Gofal 2000 ar ddyddiad sydd i'w bennu.

INFORMATION REQUIRED IN RESPECT OF
PERSONS SEEKING TO CARRY ON, MANAGE
OR WORK AT AN ESTABLISHMENT

1. Positive proof of identity including a recent photograph.
2. Either -
 - (a) where the certificate is required for a purpose relating to section 115(5)(ea) of the Police Act 1997 (registration under Part II of the Care Standards Act 2000)(a), or the position falls within section 115(3) or (4) of that Act(b), an enhanced criminal record certificate issued under section 115 of that Act in respect of which less than three years have elapsed since it was issued; or
 - (b) in any other case, a criminal record certificate issued under section 113 of that Act in respect of which less than three years have elapsed since it was issued,

including, where applicable, the matters specified in section 113 (3A) or (3C) or 115 (6A) or (6B) of that Act(c).

3. Written references from each of the person's two most recent employers.
4. Where a person has previously worked in a position which involved work with children or vulnerable adults, verification, so far as reasonably practicable, of the reason why the employment or position ended.
5. Documentary evidence of any relevant qualification.
6. A full employment history, together with a satisfactory written explanation of any gaps in employment.
7. Where the person is a health care professional, details of the person's registration with the body (if any) responsible for regulation of

-
- (a) Section 115(5)(ea) is inserted by the Care Standards Act 2000, section 104, on a date to be appointed. Sections 113 and 115, as amended, have not yet been brought into force.
- (b) A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18. A position is within section 115(4) if it is of a kind specified in regulations and involves regularly caring for, training, supervising or being in sole charge of persons aged 18 or over.
- (c) Sections 113(3A) and 115(6A) are added to the Police Act 1997 by section 8 of the Protection of Children Act 1999 (c.14) on a date to be appointed, and amended by section 104 and 116 of and paragraph 25 of Schedule 4 to the Care Standards Act 2000. Sections 113(3C) and 115(6B) are added to the Police Act 1997 by section 90 of the Care Standards Act 2000 on a date to be appointed.

proffesiwn gofal iechyd o dan sylw.

8. Manylion unrhyw dramgwyddau troseddol -

- (a) y cafwyd y person yn euog ohonynt, gan gynnwys manylion unrhyw gollfarnau sydd wedi darfod o fewn ystyr "spent" yn adran 1 o Ddeddf Adsefydlu Tramgwyddwyr 1974(a) ac y gellir eu datgelu yn rhinwedd Gorchymyn Deddf Adsefydlu Tramgwyddwyr 1974 (Eithriadau) 1975(b); neu
- (b) y mae'r person wedi'i rybuddio amdanynt gan gwnstabl ac yr oedd y person wedi'u cyfaddef adeg rhoi'r rhybudd.

members of the health care profession in question.

8. Details of any criminal offences -

- (a) of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(a) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(b); or
- (b) in respect of which the person has been cautioned by a constable and which, at the time the caution was given, the person admitted.

(a) 1974 p.53.

(b) O.S. 1975/1023. Mae diwygiadau perthnasol wedi'u gwneud gan O.S. 1986/1249; O.S. 1986/2268; ac O.S. 2001/1192.

(a) 1974 c.53.

(b) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, 1986/2268 and 2001/1192.

ATODLEN 3

Rheoliad 20(1),(3)

RHAN I

Y CYFNODAU Y MAE'N RHAID CADW
COFNODION MEDDYGOL AR EU CYFER

Math y claf	Isafswm cyfnod cadw
(a) Claf oedd o dan 17 oed ar y dyddiad pan ddaeth y driniaeth y mae'r cofnodion yn cyfeirio ati i ben.	Hyd pen-blwydd y claf yn 25ain
(b) Claf a oedd yn 17 oed ar y dyddiad pan ddaeth y driniaeth y mae'r cofnodion yn cyfeirio ati i ben.	Hyd pen-blwydd y claf yn 26ain
(c) Claf a fu farw cyn cyrraedd 18 oed.	Cyfnod o 8 mlynedd gan ddechrau ar ddyddiad marwolaeth y claf
(ch) Claf a dderbyniodd driniaeth ar gyfer anhwylder meddyliol yn ystod y cyfnod y mae'r cofnodion yn cyfeirio ato.	Cyfnod o 20 mlynedd gan ddechrau ar ddyddiad y cofnod olaf yn y cofnod
(d) Claf a dderbyniodd driniaeth ar gyfer anhwylder meddyliol yn ystod y cyfnod y mae'r cofnodion yn cyfeirio ato ac a fu farw tra'n derbyn y driniaeth honno.	Cyfnod o 8 mlynedd gan ddechrau ar ddyddiad marwolaeth y claf
(dd) Claf y mae ei gofnodion yn ymwneud â thriniaeth gan ymarferydd cyffredinol.	Cyfnod o 10 mlynedd gan ddechrau ar ddyddiad y cofnod olaf yn y cofnod
(e) Claf sydd wedi cael organ a drawsblannwyd.	Cyfnod o 11 mlynedd gan ddechrau ar ddyddiad marwolaeth neu ryddhad y claf p'un bynnag yw'r cynharaf
(f) Pob achos arall.	Cyfnod o 8 mlynedd gan ddechrau ar ddyddiad y cofnod olaf yn y cofnod

SCHEDULE 3

Regulation 20(1), (3)

PART I

PERIOD FOR WHICH MEDICAL RECORDS
MUST BE RETAINED

Type of patient	Minimum period of retention
(a) Patient who was under the age of 17 at the date on which the treatment to which the records refer was concluded.	Until the patient's 25th birthday
(b) Patient who was aged 17 at the date on which the treatment to which the records refer was concluded.	Until the patient's 26th birthday
(c) Patient who died before attaining the age of 18.	A period of 8 years beginning on the date of patient's death
(d) Patient who was treated for mental disorder during the period to which the records refer.	A period of 20 years beginning on the date of the last entry in the record
(e) Patient who was treated for mental disorder during the period to which the records refer and who died whilst receiving that treatment.	A period of 8 years beginning on the date of the patient's death
(f) Patient whose records relate to treatment by a general practitioner.	A period of 10 years beginning on the date of the last entry in the record
(g) Patient who has received an organ transplant	A period of 11 years beginning on the date of the patient's death or discharge whichever is the earlier
(h) All other cases.	A period of 8 years beginning on the date of the last entry in the record

RHAN II

Y COFNODION I'W CADW AR GYFER ARCHWILIADAU

1. Cofrestr o gleifion, yn cynnwys -
 - (a) enw, cyfeiriad, rhif ffôn, dyddiad geni a statws priodasol pob claf;
 - (b) enw a chyfeiriad a rhif ffôn perthynas agosaf y claf neu unrhyw berson a awdurdodir gan y claf i weithredu ar ran y claf;
 - (c) enw, cyfeiriad a rhif ffôn ymarferydd cyffredinol y claf;
 - (ch) pan fo'r claf yn blentyn, enw a chyfeiriad yr ysgol y mae'r plentyn yn ei mynychu neu y bu iddo ei mynychu cyn iddo gael ei dderbyn i sefydliad;
 - (d) pan fo claf wedi cael ei dderbyn i warchodaeth o dan Ddeddf Iechyd Meddwl 1983 enw, cyfeiriad a rhif ffôn y gwarcheidwad;
 - (dd) enw a chyfeiriad unrhyw gorff a drefnodd bod y claf yn cael ei dderbyn neu a drefnodd ei driniaeth;
 - (e) y dyddiad pan dderbyniwyd y claf i sefydliad neu pan dderbyniodd y driniaeth a ddarparwyd at ddibenion sefydliad am y tro cyntaf;
 - (f) natur y driniaeth a gafwyd gan y claf neu y cafodd y claf ei dderbyn i'w chael;
 - (ff) os yw'r claf wedi bod yn glaf mewnol mewn ysbyty annibynnol, y dyddiad pan gafodd y claf ei ryddhau;
 - (g) os yw'r claf wedi cael ei drosglwyddo i ysbyty (gan gynnwys ysbyty gwasanaeth iechyd), dyddiad y trosglwyddiad, y rhesymau dros hynny ac enw'r ysbyty y trosglwyddwyd y claf iddo;
 - (ng) os bydd y claf yn marw tra mewn sefydliad neu yn ystod triniaeth a ddarperir at ddibenion sefydliad, dyddiad, amser ac achos y farwolaeth.
2. Cofrestr o'r holl lawdriniaethau llawfeddygol a gyflawnwyd mewn sefydliad, gan gynnwys -
 - (a) enw'r claf y cyflawnwyd y llawdriniaeth arno;
 - (b) natur y weithdrefn lawdriniaethol a'r dyddiad pan gafodd ei chynnal;
 - (c) enw'r ymarferydd meddygol neu'r deintydd a gyflawnodd y llawdriniaeth;
 - (ch) enw'r anesthetydd a oedd yn bresennol;
 - (d) enw a llofnod y person a oedd yn gyfrifol am wirio fod pob nodwydd, swab a chyfarpar a ddefnyddiwyd yn y

PART II

RECORDS TO BE MAINTAINED FOR INSPECTION

1. A register of patients, including -
 - (a) the name, address, telephone number, date of birth and marital status of each patient;
 - (b) the name, address and telephone number of the patient's next of kin or any person authorised by the patient to act on the patient's behalf;
 - (c) the name, address and telephone number of the patient's general practitioner;
 - (d) where the patient is a child, the name and address of the school which the child attends or attended before admission to an establishment;
 - (e) where a patient has been received into guardianship under the Mental Health Act 1983, the name, address and telephone number of the guardian;
 - (f) the name and address of any body which arranged the patient's admission or treatment;
 - (g) the date on which the patient was admitted to an establishment or first received treatment provided for the purposes of an establishment;
 - (h) the nature of the treatment received by the patient or for which the patient was admitted;
 - (i) where the patient has been an in-patient in an independent hospital, the date of the patient's discharge;
 - (j) if the patient has been transferred to a hospital (including a health service hospital), the date of the transfer, the reasons for it and the name of the hospital to which the patient was transferred;
 - (k) if the patient dies whilst in an establishment or during treatment provided for the purposes of an establishment, the date, time and cause of death.
2. A register of all surgical operations performed in an establishment, including -
 - (a) the name of the patient on whom the operation was performed;
 - (b) the nature of the surgical procedure and the date on which it took place;
 - (c) the name of the medical practitioner or dentist by whom the operation was performed;
 - (d) the name of the anaesthetist in attendance;
 - (e) the name and signature of the person responsible for checking that all needles, swabs and equipment used during the

llawdriniaeth wedi'u cymryd yn ôl o'r claf;

- (dd) manylion pob dyfais feddygol a fewnblannwyd yn y claf, heblaw pan fyddai hyn yn golygu datgelu gwybodaeth yn groes i ddarpariaethau adran 33(5) o Ddeddf Ffrwythloni Dynol ac Embryoleg 1990 (cyfyngiadau ar ddatgelu gwybodaeth).
3. Cofrestr o bob achlysur pan ddefnyddiwyd techneg neu dechnoleg y mae rheoliad 41 yn gymwys iddynt, gan gynnwys -
 - (a) enw'r claf y defnyddiwyd y dechneg neu'r dechnoleg mewn perthynas ag ef;
 - (b) natur y dechneg neu'r dechnoleg o dan sylw a'r dyddiad y cafodd ei defnyddio;
 - (c) enw'r person a'i defnyddiodd; ac
 - (ch) pan nad yw'r person sy'n defnyddio'r dechneg neu'r dechnoleg yn ymarferydd meddygol neu'n ddeintydd, enw'r ymarferydd meddygol neu'r deintydd y defnyddiwyd y dechneg neu'r dechnoleg o dan ei gyfarwyddyd.
 4. Cofrestr o bob cyfarpar mecanyddol neu dechnegol a ddefnyddiwyd at ddibenion y driniaeth a ddarperir gan y sefydliad, gan gynnwys -
 - (a) dyddiad prynu'r cyfarpar;
 - (b) dyddiad gosod y cyfarpar;
 - (c) manylion cynnal a chadw'r cyfarpar a'r dyddiadau pan wnaed gwaith cynnal a chadw.
 5. Cofrestr o bob digwyddiad y mae'n rhaid hysbysu'r Cynulliad ohonynt yn unol â rheoliad 27.
 6. Cofnod o'r sifftiau a drefnwyd ar gyfer bob cyflogai a chofnod o'r oriau a weithiodd bob person mewn gwirionedd.
 7. Cofnod o bob person sy'n cael ei gyflogi yn y sefydliad neu at ddibenion y sefydliad, a hwnnw'n gofnod y mae'n rhaid iddo gynnwys y materion canlynol mewn perthynas ag unigolyn a ddisgrifir yn rheoliad 18(1) -
 - (a) enw a dyddiad geni y person;
 - (b) manylion swydd y person yn y sefydliad;
 - (c) dyddiadau cyflogaeth; ac
 - (ch) mewn perthynas â phroffesiynolyn gofal iechyd, manylion y cymwysterau proffesiynol perthnasol a chofrestriad y person â'r corff rheoleiddiol proffesiynol perthnasol.
- operation have been recovered from the patient;
- (f) details of all implanted medical devices, except where this would entail the disclosure of information contrary to the provisions of section 33(5) of the Human Fertilisation and Embryology Act 1990 (restrictions on disclosure of information).
3. A register of each occasion on which a technique or technology to which regulation 41 applies has been used, including -
 - (a) the name of the patient in connection with whose treatment the technique or technology was used;
 - (b) the nature of the technique or technology in question and the date on which it was used;
 - (c) the name of the person using it; and
 - (d) where the person using the technique or technology is not a medical practitioner, dentist or other competent person, the name of the medical practitioner, dentist or other competent person on whose direction the technique or technology was used.
 4. A register of all mechanical and technical equipment used for the purposes of treatment provided by the establishment, including -
 - (a) the date of purchase of the equipment;
 - (b) the date of installation of the equipment;
 - (c) details of maintenance of the equipment and the dates on which maintenance work was carried out.
 5. A register of all events which must be notified to the Assembly in accordance with regulation 27.
 6. A record of the rostered shifts for each employee and a record of the hours actually worked by each person.
 7. A record of each person employed in or for the purposes of the establishment, which shall include in respect of an individual described in regulation 18(1) the following matters -
 - (a) the person's name and date of birth;
 - (b) details of the person's position in the establishment;
 - (c) dates of employment; and
 - (d) in respect of a health care professional, details of relevant professional qualifications and registration with the relevant professional regulatory body.

ATODLEN 4

Rheoliad 39(5)

RHAN I

Y MANYLION SYDD I'W COFNODI MEWN
PERTHYNAS Â CHLEIFION SY'N CAEL
GWASANAETHAU OBSTETRIG

1. Dyddiad ac amser geni plentyn bob claf, nifer y plant a anwyd i'r claf, rhyw pob plentyn a ph'un ai oedd yr enedigaeth yn enedigaeth fyw neu'n enedigaeth farw.
2. Enw a chymwysterau'r person a ddaeth â'r plentyn i'r byd.
3. Dyddiad ac amser unrhyw gamesgor a ddigwyddodd yn yr ysbyty.
4. Y dyddiad pan ymadawodd unrhyw blentyn a anwyd i glaf â'r ysbyty.
5. Os bu farw unrhyw blentyn a aned i glaf yn yr ysbyty, dyddiad ac amser y farwolaeth.

SCHEDULE 4

Regulation 39(5)

PART I

DETAILS TO BE RECORDED IN RESPECT OF
PATIENTS RECEIVING OBSTETRIC SERVICES

1. The date and time of delivery of each patient, the number of children born to the patient, the sex of each child and whether the birth was a live birth or a stillbirth.
2. The name and qualifications of the person who delivered the patient.
3. The date and time of any miscarriage occurring in the hospital.
4. The date on which any child born to a patient left the hospital.
5. If any child born to a patient died in the hospital, the date and time of death.

RHAN II

Y MANYLION SYDD I'W COFNODI MEWN PERTHYNAS Â PHLENTYN SY'N CAEL EI ENI MEWN YSBYTY ANNIBYNNOL

1. Manylion pwysau a chyflwr y plentyn adeg yr enedigaeth.
2. Datganiad dyddiol o iechyd y plentyn.
3. Os oes unrhyw archwiliad pediatrig yn cael ei gynnal sy'n cynnwys unrhyw un o'r dulliau canlynol -
 - (a) archwilio ar gyfer annormaledd cynhwynol gan gynnwys datgymaliad cynhwynol o'r glun;
 - (b) mesuriad o gylchedd pen y plentyn;
 - (c) mesuriad o hyd y plentyn;
 - (ch) sgrinio ar gyfer ffenylcetonwria;manylion unrhyw archwiliad o'r fath a'r canlyniad.

PART II

DETAILS TO BE RECORDED IN RESPECT OF A CHILD BORN IN AN INDEPENDENT HOSPITAL

1. Details of the weight and condition of the child at birth.
2. A daily statement of the child's health.
3. If any paediatric examination is carried out involving any of the following procedures -
 - (a) examination for congenital abnormalities including congenital dislocation of the hip;
 - (b) measurement of the circumference of the head of the child;
 - (c) measurement of the length of the child;
 - (d) screening for phenylketonuria;details of such examination and the result.