CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 139 (Cy.11)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) a (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2003

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio ymhellach Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992 ("y Rheoliadau Gwasanaethau Meddygol Cyffredinol"), sy'n rheoleiddio'r telerau y mae meddygon yn darparu gwasanaethau meddygol cyffredinol odanynt yn ôl Deddf Gwasanaeth Iechyd Gwladol 1977 ("Deddf 1977") a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992 ("y Rheoliadau Gwasanaethau Fferyllol"), sydd yn rheoli'r ddarpariaeth o wasanaethau fferyllol o dan Ddeddf 1977.

Mae rheoliad 2 yn diwygio paragraff 43 o Atodlen 2 i'r Rheoliadau Gwasanaethau Meddygol Cyffredinol (Telerau Gwasanaeth i Feddygon) i ganiatáu meddygon i ragnodi fesul dyraniad y cyffuriau hynny a restrir yn Atodlenni 2 hyd 5 o Reoliadau Camddefnyddio Cyffuriau 2001 ar gyfer trin y cyflwr o fod yn gaeth i unrhyw un o'r cyffuriau a restrir yn yr Atodlenni hynny. Yr oedd Rheoliadau Camddefnyddio Cyffuriau 2001 yn dirymu Rheoliadau Camddefnyddio Cyffuriau 1985 a'u hailddeddfu gyda diwygiadau.

Y mae hefyd yn cywiro rhywbeth a hepgorwyd o is-baragraffau 43(5) a (6).

Mae rheoliad 3 yn gwneud diwygiadau i Atodlen 2 i'r Rheoliadau Gwasanaethau Fferyllol (Telerau Gwasanaeth i Fferyllyddion) sydd yn canlyn ar ôl i Reoliadau Camddefnyddio Cyffuriau 2001 ddod i rym.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. 139 (W.11)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Medical Services) and (Pharmaceutical Services) (Amendment) (Wales) Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Medical Services) Regulations 1992 ("the General Medical Services Regulations"), which regulate the terms on which doctors provide general medical services under the National Health Service Act 1977 ("the 1977 Act") and the National Health Service (Pharmaceutical Services) Regulations 1992 ("the Pharmaceutical Services Regulations"), which govern the provision of pharmaceutical services under the 1977 Act.

Regulation 2 amends paragraph 43 of Schedule 2 to the General Medical Services Regulations (Terms of Service for Doctors) to allow doctors to prescribe by instalments those drugs listed in Schedules 2 to 5 of the Misuse of Drugs Regulations 2001, for the treatment of drug addiction to any of the drugs listed in those Schedules. The Misuse of Drugs Regulations 2001 revoked and re-enacted with amendments the Misuse of Drugs Regulations 1985.

It also corrects an omission in sub-paragraphs 43(5) and (6).

Regulation 3 makes amendments to Schedule 2 to the Pharmaceutical Services Regulations (Terms of Service for Chemists) that are consequential to coming into force of the Misuse of Drugs Regulations 2001.

OFFERYNNAU STATUDOL

2003 Rhif 139 (Cy.11)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) a (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2003

Wedi'u gwneud	*28 Ionawr 2003*
Yn dod i rym	*1 Chwefror 2003*

Mae Cynulliad Cenedlaethol Cymru, wrth arfer y pwerau a roddwyd iddo gan adrannau 29, 41, 42, 43 a 126(4) o Ddeddf Gwasanaeth Iechyd Gwladol 1977(**a**) drwy hyn yn gwneud y Rheoliadau canlynol:

(a) 1977 p.49; gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 26(2)(g) ac (i), a chan Ddeddf Iechyd 1999 (p.8) ("Deddf 1999), Atodlen 4, paragraff 38(2)(b), am ddiffiniadau "prescribed" a "regulations".

Cafodd adran 29 ei hestyn gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), adran 17; a'i diwygio gan Ddeddf Gwasanaethau Iechyd 1980 (p.53), adrannau 1 a 7 ac Atodlen 2, paragraff 16(a); gan O.S.1985/39, erthygl 7(3); gan Ddeddf Awdurdodau Iechyd 1995 (p.17), Atodlen 1, paragraff 18 a chan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46), Atodlen 2, paragraff 8.

Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a Deddf 1999 , Atodlen 4, paragraff 37(6).

Diwygiwyd adran 41 gan Ddeddf 1980, adrannau 1 ac 20(1) ac Atodlen 1, paragraff 53 ac Atodlen 7; gan OS 1985/39, erthygl 7(13); gan Ddeddf 1990, Atodlen 9, paragraff 18(1) ac Atodlen 10; gan Ddeddf Cynhyrchion Meddyginiaethol: Rhagnodi gan Nyrsys etc 1992 (p.28), adran 2; gan Ddeddf 1995, Atodlen 1, paragraff 29 a chan Ddeddf 1997, Atodlen 2, paragraff 13.

Cafodd adran 42 ei hamnewid gan Ddeddf y Gwasanaeth Iechyd Gwladol (Diwygio) 1986 (p.66), adran 3(1); ei hestyn gan Ddeddf 1988, adran 17 a'i diwygio gan OS 1987/2202, erthygl 4; gan Ddeddf 1990, adran 12(3) a chan Ddeddf 1995, Atodlen 1, paragraff 30.

Diwygiwyd adran 43 gan Ddeddf 1980, Atodlen 9, paragraff 18(2); gan Ddeddf 1995, Atodlen 1, paragraff 31; a chan Ddeddf 1997, adran 29(1) ac Atodlen 2, paragraff 14.

Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 29 a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S.1999/672, erthygl 2 ac Atodlen 1, fel y'i diwygiwyd gan Ddeddf 1999, adran 66(5).

STATUTORY INSTRUMENTS

2003 No. 139 (W.11)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Medical Services) and (Pharmaceutical Services) (Amendment) (Wales) Regulations 2003

Made	*28th January 2003*
Coming into force	*1st February 2003*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 29, 41, 42, 43 and 126(4) of the National Health Service Act 1977 (**a**) hereby makes the following Regulations:

(a) 1977 c.49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), section 26(2)(g) and (i), and by the Health Act 1999 (c.8) ("the 1999 Act), Schedule 4, paragraph 38(2)(b), for the definitions of "prescribed" and "regulations".

Section 29 was extended by the Health and Medicines Act 1988 (c.49), section 17; and amended by the Health Services Act 1980 (c.53), sections 1 and 7 and Schedule 2, paragraph 16(a); by S.I.1985/39, article 7(3); by the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 18 and by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, paragraph 8.

Section 126(4) was amended by the 1990 Act, section 65(2) and the 1999 Act , Schedule 4, paragraph 37(6).

Section 41 was amended by the Act 1980, sections1 and 20(1) and Schedule 1, paragraph 53 and Schedule 7; by SI 1985/39, article 7(13); by the 1990 Act, Schedule 9, paragraph 18(1) and Schedule 10; by the Medicinal Products: Prescription by Nurses etc. Act 1992 (c.28), section 2; by the 1995 Act, Schedule 1, paragraph 29 and by the 1997 Act, Schedule 2, paragraph 13.

Section 42 was substituted by the National Health Service (Amendment) Act 1986 (c.66), section 3(1); extended by the 1988 Act, section 17 and amended by SI 1987/2202, article 4; by the 1990 Act, section 12(3) and by the 1995 Act, Schedule 1, paragraph 30.

Section 43 was amended by the 1980 Act, Schedule 9, paragraph 18(2); by the 1995 Act, Schedule 1, paragraph 31; and by the 1997 Act, section 29(1) and Schedule 2, paragraph 14.

The functions of the Secretary of State under sections 29 and 126(4) of the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1, as amended by the 1999 Act, section 66(5).

Enwi, cychwyn, dehongli a chymhwyso

1.-(1). Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) a (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2003 a deuant i rym ar 1 Chwefror 2003.

(2) Yn y Rheoliadau hyn-

"y Rheoliadau Gwasanaethau Fferyllol" ("*the Pharmaceutical Services Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(**a**);

"y Rheoliadau Gwasanaethau Meddygol Cyffredinol" ("*the General Medical Services Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992(**b**).

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

Diwygio Atodiad 2 y Rheoliadau Gwasanaethau Meddygol Cyffredinol

2.-(1) Caiff Atodlen 2 y Rheoliadau Gwasanaethau Meddygol Cyffredinol (Telerau Gwasanaeth i Feddygon) ei diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff 43 (rhagnodi)-

(a) yn lle geiriau cyntaf is-baragraff (3), rhowch-

"(3) Where a doctor orders drugs specified in Schedules 2 to 5 to the Misuse of Drugs Regulations 2001(**c**) (controlled drugs to which regulations, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 26 and 27 of those Regulations apply) for supply by instalments for treating addiction to any drug specified in those Schedules, he shall-";

(b) yn is-baragraff (5) (b) yn lle "other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 1985(**ch**);" rhowch "other than a drug which is for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001;";

(c) yn is-baragraff (6) (a), yn lle "other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 1985" rhowch "other than a drug which is for the time being specified in Schedules 4 or 5 to

(a) OS 1992/662; 1993/2451 yw'r offeryn diwygio perthnasol.

(b) O.S.1992/635 y mae diwygiadau iddo nad ydynt yn berthnasol i'r offeryn hwn.

(c) OS 2001/3998, a ddirymodd ddarpariaethau Rheoliadau Camddefnyddio Cyffuriau 1985 (OS 1985/2066), a'u hailddeddfu gyda diwygiadau.

(ch) OS 1985/2066; a gafodd ei ddirymu a'i ailddeddfu gyda diwygiadau gan OS 2001/3998.

Citation, commencement, interpretation and application

1.-(1) These Regulations may be cited as the National Health Service (General Medical Services) and (Pharmaceutical Services) (Amendment) (Wales) Regulations 2003 and shall come into force on 1st February 2003.

(2) In these Regulations-

"the General Medical Services Regulations" means the National Health Service (General Medical Services) Regulations 1992(**a**);

"the Pharmaceutical Services Regulations" means the National Health Service (Pharmaceutical Services) Regulations 1992(**b**).

(3) These Regulations apply to Wales only.

Amendment of the Schedule 2 to the General Medical Services Regulations

2.-(1) Schedule 2 to the General Medical Services Regulations (Terms of Service for Doctors) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 43 (prescribing)-

(a) for the opening wording of sub-paragraph (3), substitute -

"(3) Where a doctor orders drugs specified in Schedules 2 to 5 to the Misuse of Drugs Regulations 2001(**c**) (controlled drugs to which regulations, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 26 and 27 of those Regulations apply) for supply by instalments for treating addiction to any drug specified in those Schedules, he shall-";

(b) in sub-paragraph (5) (b), for "other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 1985(**d**);" substitute "other than a drug which is for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001;";

(c) in sub-paragraph (6) (a), for "other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 1985" substitute "other than a drug which is for the time being specified in Schedules 4 or 5 to

(a) S.I.1992/635 to which there are amendments not relevant to this instrument.

(b) S.I. 1992/662; the relevant amending instrument is 1993/2451.

(c) S.I. 2001/3998, which revoked and re-enacted with amendments the provisions of the Misuse of Drugs Regulations 1985 (S.I. 1985/2066).

(d) S.I.1985/2066; which was revoked and re-enacted with amendments by S.I. 2001/3998.

Diwygio Atodlen 2 y Rheoliadau Gwasanaethau Fferyllol

3.-(1) Caiff Rhan II o Atodlen 2 y Rheoliadau Gwasanaethau Fferyllol (Telerau Gwasanaeth i Fferyllyddion) ei diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff 3 (darparu gwasanaethau fferyllol)-

(a) yn is-baragraff (4), yn lle "the Misuse of Drugs Regulations 1985" rhowch "the Misuse of Drugs Regulations 2001";

(b) yn is-baragraff (6), yn lle "the Misuse of Drugs Regulations 1985", rhowch "the Misuse of Drugs Regulations 2001";

(c) yn is-baragraff (9) (b), yn lle "other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 1985", rhowch "other than a drug which is for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001;".

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

28 Ionawr 2003

Llywydd y Cynulliad Cenedlaethol

(a) 1998 p.38

Amendment to Schedule 2 to the Pharmaceutical Services Regulations

3.-(1) Part II to Schedule 2 to the Pharmaceutical Services Regulations (Terms of Service for Chemists) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 3 (provision of pharmaceutical services)-

(a) in sub-paragraph (4), for "the Misuse of Drugs Regulations 1985" substitute "the Misuse of Drugs Regulations 2001";

(b) in sub-paragraph (6), for "the Misuse of Drugs Regulations 1985", substitute "the Misuse of Drugs Regulations 2001";

(c) in sub-paragraph (9) (b), for "other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 1985", substitute "other than a drug which is for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001;".

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

28th January 2003

D. Elis-Thomas

The Presiding Officer of the National Assembly

(a) 1998 c.38

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