CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 943 (Cy.92)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2006

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2001 ("y prif Reoliadau") sy'n darparu ar gyfer codi ac adennill ffioedd am gyffuriau a chyfarpar sy'n cael eu cyflenwi o dan Ddeddf y Gwasanaeth Iechyd Gwladol 1977.

Mae rheoliad 2 yn rhoi paragraff (1) newydd yn rheoliad 8 o'r prif Reoliadau (esemptiadau) sy'n cynnwys darpariaeth i ddynodi terfyn i'r esemptiad sydd ar gael rhag ffi ar gyfer y personau hynny o dan 25 oed i'r personau hynny sy'n cyflwyno ffurflen bresgripsiwn Gymreig neu swp-ddyroddiad ynglŷn â phresgripsiwn amlroddadwy Cymreig ar gyfer ei weinyddu yng Nghymru.

Mae'r diwygiadau eraill a wneir gan y Rheoliadau hyn yn ganlyniad i fewnosod y paragraff (1) newydd yn rheoliad 8 o'r prif Reoliadau.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 943 (W.92)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001 ("the principal Regulations") which provide for the making and recovery of charges for drugs and appliances supplied under the National Health Service Act 1977.

Regulation 2 substitutes a new paragraph (1) into regulation 8 of the principal Regulations (exemptions) which includes provision to limit the availability of the exemption from charge for those persons under the age of 25 years to those persons who present a Welsh prescription form or a batch issue relating to a Welsh repeatable prescription for dispensing in Wales.

The other amendments made by these Regulations are consequential upon the insertion of the new paragraph (1) into regulation 8 of the principal Regulations.

OFFERYNNAU STATUDOL

2006 Rhif 943 (Cy.92)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2006

Wedi'u gwneud	*28 Mawrth 2006*
Yn dod i rym	*1 Ebrill 2006*

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

(**1**) 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), i gael y diffiniad o "prescribed" a "regulations".

Diwygiwyd adran 83 gan Ddeddf yr Awdurdodau Iechyd 1995 (p.17) ("Deddf 1995"), adran 1 ac Atodlen 1, paragraff 39 a chan O.S. 2000/90, erthygl 3(1) ac Atodlen 1, paragraff 13(1) a (4).

Mewnosodwyd adran 83A gan Ddeddf Nawdd Cymdeithasol 1988 (p.7) ("Deddf 1988"), adran 14(1); ac fe'i diwygiwyd gan Ddeddf 1990, adran 66(1) ac Atodlen 9, paragraff 18(5)(a) a (b); gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), adran 25 ac Atodlen 2, paragraff 6; gan O.S.1998/2385, erthygl 2 a chan Ddeddf 1995, adran 2(1) ac Atodlen 1, paragraff 40.

Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a Deddf Iechyd 1999 (p.8) ("Deddf 1999"), Atodlen 4, paragraff 37(6).

Diwygiwyd paragraff 1 o Atodlen 12 gan Ddeddf y Gwasanaethau Iechyd 1980 (p.53), adran 25(2) ac Atodlen 5, paragraff 1; gan Ddeddf 1988, adran 16 ac Atodlen 5; gan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46), adran 41(10) ac Atodlen 2, paragraff 31 a chan Ddeddf lechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43), adran 184 ac Atodlen 11, paragraffau 7 a 44.

Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 77, 83, 83A a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 a pharagraff 1 o Atodlen 12 iddi 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(4), Deddf Iechyd a Gofal Cymdeithasol 2001 (p.15), adran 68(1), Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17), adran 40(1) a Deddf 2003, adran 197(1).

STATUTORY INSTRUMENTS

2006 No. 943 (W.92)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2006

Made	*28 March 2006*
Coming into force	*1 April 2006*

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

(**1**) 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), for the definitions of "prescribed" and "regulations".

Section 83 was amended by the Health Authorities Act 1995 (c.17) ("the 1995 Act"), section 1 and Schedule 1, paragraph 39 and by S.I. 2000/90, article 3(1) and Schedule 1, paragraph 13(1) and (4).

Section 83A was inserted by the Social Security Act 1988 (c.7) ("the 1988 Act"), section 14(1); and was amended by the 1990 Act, section 66(1) and Schedule 9, paragraph 18(5)(a) and (b); by the Health and Medicines Act 1988 (c.49), section 25 and Schedule 2, paragraph 6; by S.I.1998/2385, article 2 and by the 1995 Act, section 2(1) and Schedule 1, paragraph 40.

Section 126(4) was amended by the 1990 Act, section 65(2) and the Health Act 1999 (c.8) ("the 1999 Act"), Schedule 4, paragraph 37(6).

Paragraph 1 of Schedule 12 was amended by the Health Services Act 1980 (c.53), section 25(2) and Schedule 5, paragraph 1; by 1988 Act, section 16 and Schedule 5; by the National Health Service (Primary Care) Act 1997 (c.46), section 41(10) and Schedule 2, paragraph 31 and by the Health and Social Care (Community Health and Standards) Act 2003 (c.43), section 184 and Schedule 11, paragraphs 7 and 44.

The functions of the Secretary of State under sections 77, 83, 83A and 126(4) of and paragraph 1 of Schedule 12 to 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(4), the Health and Social Care Act 2001 (c.15), section 68(1), the National Health Service Reform and Health Care Professions Act 2002 (c.17), section 40(1) and the 2003 Act, section 197(1).

Enwi, cychwyn, cymhwyso a dehongli

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2006 a deuant i rym ar 1 Ebrill 2006.

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

(3) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2001(**1**).

Diwygio rheoliad 8 o'r prif Reoliadau

2.-(1) Diwygir rheoliad 8 o'r prif Reoliadau (esemptiadau) fel a ganlyn.

(2) Yn lle paragraff (1) rhodder y canlynol-

"(1) Yn ddarostyngedig i baragraff (3), ni fydd ffi yn daladwy o dan reoliadau 3, 4, 6 neu 7 gan y canlynol-

(a) person sydd o dan 16 oed;

(b) person sydd o dan 19 oed sy'n derbyn addysg lawnamser gymwys o fewn ystyr paragraff 7 o Atodlen 12 i'r Ddeddf;

(c) person sydd o dan 25 oed ac sy'n cyflwyno-

(i) ffurflen bresgripsiwn Gymreig, neu

(ii) swp-ddyroddiad sy'n ymwneud â phresgripsiwn amlroddadwy Cymreig;

(ch) person sydd wedi cyrraedd 60 oed;

(d) menyw sydd â thystysgrif esemptio ddilys a ddyroddwyd gan Fwrdd Iechyd Lleol ar y sail ei bod yn fam sy'n disgwyl neu sydd wedi rhoi genedigaeth yn ystod y deuddeg mis diwethaf i blentyn byw neu i blentyn y gellir cofrestru ei fod yn farwanedig o dan Ddeddf Cofrestru Genedigaethau a Marwolaethau 1953(**2**) neu sydd â thystysgrif esemptio ddilys a ddyroddwyd o dan drefniadau cyfatebol sy'n effeithiol yn Lloegr, yr Alban neu Ogledd Iwerddon;

(dd) person sydd â thystysgrif esemptio ddilys a ddyroddwyd gan Fwrdd Iechyd Lleol ar y sail ei fod yn dioddef un neu fwy o'r cyflyrau canlynol-

Title, commencement application and interpretation

1.-(1) The title of these Regulations is the National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2006 and they come into force on 1 April 2006.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(**1**).

Amendment of regulation 8 of the principal Regulations

2.-(1) Regulation 8 of the principal Regulations (exemptions) is amended as follows.

(2) For paragraph (1) substitute the following-

"(1) Subject to paragraph (3), no charge will be payable under regulations 3, 4, 6 or 7 by-

(a) a person who is under 16 years of age;

(b) a person who is under 19 years of age and who is receiving qualifying full-time education within the meaning of paragraph 7 of Schedule 12 to the Act;

(c) a person who is under 25 years of age and who presents-

(i) a Welsh prescription form, or

(ii) a batch issue relating to a Welsh repeatable prescription;

(d) a person who has attained the age of 60 years;

(e) a woman with a valid exemption certificate issued by a Local Health Board on the ground that she is an expectant mother or has within the last twelve months given birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953(**2**) or with a valid exemption certificate issued under equivalent arrangements having effect in England, Scotland or Northern Ireland;

(f) a person with a valid exemption certificate issued by a Local Health Board on the ground that he or she is suffering from one of more of the following conditions-

(**1**) O.S. 2001/1358 (Cy.86). Yr offerynnau diwygio perthnasol yw O.S. 2001/2359 (Cy.196), O.S. 2004/1018 (Cy.115) a 2004/1605 (Cy.164) ac O.S. 2005/427 (Cy.44) ac O.S. 2005/1915 (Cy.158).

(**2**) 1953 p.20.

(**1**) S.I. 2001/1358 (W.86). Relevant amending instruments are S.I. 2001/2359 (W.196), S.I. 2004/1018 (W.115) and 2004/1605 (W.164) and S.I. 2005/427 (W.44) and S.I. 2005/1915 (W.158).

(**2**) 1953 c.20.

(i) ffistwla parhaol (gan gynnwys caecostomi, colostomi, laryngostomi neu ileostomi) sy'n gwneud gorchuddion llawfeddygol neu gyfarpar yn ofynnol yn barhaol;

(ii) yr anhwylderau canlynol-

ffurfiau o hypoadrenaledd (gan gynnwys clefyd Addison) y mae therapi amnewid penodol yn hanfodol ar ei gyfer

diabetes insipidus a ffurfiau eraill o hypobidwitedd

diabetes mellitus - ac eithrio pan yw'r drinaeth drwy ddeiet yn unig

hypoarathyroidedd

myasthenia gravis

mycsoedema

(iii) epilepsi sy'n ei gwneud yn ofynnol i barhau â therapi gwrth-ddirdynnol;

(iv) anabledd corfforol parhaus sy'n rhwystro'r claf rhag gadael ei breswylfa heb gymorth person arall;

neu gan berson sydd â thystysgrif esemptio ddilys a ddyroddwyd o dan drefniadau cyfatebol sy'n effeithiol yn Lloegr, yr Alban neu Ogledd Iwerddon;

(e) person sydd â thystysgrif esemptio ddilys a ddyroddwyd gan y Cynulliad Cenedlaethol o ran cyflenwi cyffuriau a chyfarpar ar gyfer trin anabledd sydd wedi'i dderbyn, ond yn y naill achos neu'r llall dim ond o ran y cyflenwadau hynny y mae'r dystysgrif yn ymwneud â hwy;

(f) person sydd â thystysgrif ragdalu ddilys neu dystysgrif ragdalu ddilys a roddwyd o dan drefniadau cyfatebol sy'n effeithiol yn Lloegr, yr Alban neu Ogledd Iwerddon".

(3) Ym mharagraff (2)-

(a) yn is-baragraff (a) yn lle "yn unrhyw un o is-baragraffau (a), (b) neu (d)" rhodder "yn unrhyw un o is-baragraffau (a) i (ch) neu (e)";

(b) yn is-baragraff (b) yn lle "is-baragraffau (a) i (dd)" rhodder "is-baragraffau (a) i (f)".

(4) Ym mharagraff (3A) yn lle "paragraff (1)(a) neu (b)" rhodder "paragraff (1)(a) i (ch)".

Diwygio rheoliad 9 o'r prif Reoliadau

3.-(1) Diwygir rheoliad 9 o'r prif Reoliadau (Tystysgrifau esemptio - gwneud cais amdanynt a'u rhoi) fel a ganlyn.

(2) Ym mharagraff (1)-

(i) permanent fistula (including caecostomy, colostomy, laryngostomy or ileostomy) requiring continuous surgical dressing or an appliance;

(ii) the following disorders-

forms of hypoadrenalism (including Addison's disease) for which specific substitution therapy is essential

diabetes insipidus and other forms of hypopituitarism

diabetes mellitus - except where treatment is by diet alone

hypoarathyroidism

myasthenia gravis

myxoedema

(iii) epilepsy requiring continuous anti-convulsive therapy;

(iv) a continuing physical disability which prevents the patient from leaving his or her residence without the help of another person;

or by a person with a valid exemption certificate issued under equivalent arrangements having effect in England, Scotland or Northern Ireland;

(g) a person with a valid exemption certificate issued by the National Assembly in respect of the supply of drugs and appliances for the treatment of accepted disablement, but in either case only in respect of those supplies to which the certificate relates;

(h) a person with a valid pre-payment certificate or with a valid pre-payment certificate granted under equivalent arrangements having effect in England, Scotland or Northern Ireland".

(3) In paragraph (2)-

(a) in sub-paragraph (a) for "in any of sub-paragraphs (a), (b) or (e)" substitute "in any of sub-paragraphs (a) to (d) or (g)";

(b) in sub-paragraph (b) for "sub-paragraphs (a) to (f)" substitute "sub-paragraphs (a) to (h)".

(4) In paragraph (3A) for "paragraph (1)(a) or (b)" substitute "paragraph (1)(a) to (d)".

Amendment of regulation 9 of the principal Regulations

3.-(1) Regulation 9 of the principal Regulations (Certificates of exemption - application and issue) is amended as follows.

(2) In paragraph (1)-

(a) yn lle "rheoliad 8(1)(c), (ch) neu (d)" rhodder "rheoliad 8(1)(d), (dd) neu (e)";

(b) yn lle "is-baragraff (c) neu (ch)" rhodder "is-baragraff (d) neu (dd)"; ac

(c) yn lle "o dan is-baragraff (d)" rhodder "o dan is-baragraff (e)".

(3) Ym mharagraff (2) yn lle "is-baragraff (c)" rhodder "is-baragraff (d)".

(4) Ym mharagraff (3)-

(a) yn lle "rheoliad 8(1)(a) neu (b)" rhodder "rheoliad 8(1)(a) i (ch)";

(b) yn lle "rheoliad 8(1)(ch)" rhodder "rheoliad 8(1)(dd)".

(5) Ym mharagraff (4) yn lle "rheoliad 8(1)(d)" rhodder "rheoliad 8(1)(e)".

Diwygio rheoliad 10 o'r prif Reoliadau

4.-(1) Diwygir rheoliad 10 o'r prif Reoliadau (Tystysgrifau rhagdalu) fel a ganlyn.

(2) Ym mharagraff (3) yn lle "rheoliad 8(1)(dd)" rhodder "rheoliad 8(1)(f)".

(3) Ym mharagraff (6)(a) yn lle "rheoliad 8(1)(b) i (d)" rhodder "rheoliad 8(1)(ch) i (e)".

(4) Ym mharagraff 10(a) yn lle "rheoliad 8(1)(b) i (d)" rhodder "rheoliad 8(1)(ch) i (e)".

(5) Ym mharagraff 14(b)(i) yn lle "rheoliad 8(1)(b) i (d)" rhodder "rheoliad 8(1)(ch) i (e)".

(6) Ym mharagraff 14(c)(i) yn lle "rheoliad 8(1)(b) i (d)" rhodder "rheoliad 8(1)(ch) i (e)".

Diwygio rheoliad 11 o'r prif Reoliadau

5. Yn rheoliad 11(3) o'r prif Reoliadau (ad-dalu ffioedd) yn lle "rheoliad 8(1)(d)" rhodder "rheoliad 8(1)(e)".

(a) for "regulation 8(1)(c), (d) or (e)" substitute "regulation 8(1)(e), (f) or (g)";

(b) for "sub-paragraph (c) or (d)" substitute "sub-paragraph (e) or (f)"; and

(c) for "under sub-paragraph (e)" substitute "under sub-paragraph (g)".

(3) In paragraph (2) for "sub-paragraph (c)" substitute "sub-paragraph (e)".

(4) In paragraph (3)-

(a) for "regulation 8(1)(a) or (b)" substitute "regulation 8(1)(a) to (d)";

(b) for "regulation 8(1)(d)" substitute "regulation 8(1)(f)".

(5) In paragraph (4) for "regulation 8(1)(e)" substitute "regulation 8(1)(g)".

Amendment of regulation 10 of the principal Regulations

4.-(1) Regulation 10 of the principal Regulations (Pre-payment certificates) is amended as follows.

(2) In paragraph (3) for "regulation 8(1)(f)" substitute "regulation 8(1)(h)".

(3) In paragraph (6)(a) for "regulation 8(1)(b) to (e)" substitute "regulation 8(1)(d) to (g)".

(4) In paragraph 10(a) for "regulation 8(1)(b) to (e)" substitute "regulation 8(1)(d) to (g)".

(5) In paragraph 14(b)(i) for "regulation 8(1)(b) to (e)" substitute "regulation 8(1)(d) to (g)".

(6) In paragraph 14(c)(i) for "regulation 8(1)(b) to (e)" substitute "regulation 8(1)(d) to (g)".

Amendment of regulation 11 of the principal Regulations

5. In regulation 11(3) of the principal Regulations (repayment of charges) for "regulation 8(1)(e)" substitute "regulation 8(1)(g)".

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

28 Mawrth 2006

Llywydd y Cynulliad Cenedlaethol

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

28 March 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

(**1**) 1998 p.38.

(**1**) 1998 c.38.

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2006 Rhif 943 (Cy.92)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2006

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2006 No. 943 (W.92)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2006

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