



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 315 (Cy.29)

2007 No. 315 (W.29)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**Rheoliadau'r Byrddau Iechyd Lleol
(Swyddogaethau) (Cymru)
(Diwygio) 2007**

**Local Health Boards (Functions)
(Wales) (Amendment) Regulations
2007**

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 diwygio Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 er mwyn ymestyn y categori o bobl y mae'r Bwrdd Iechyd Lleol ("BILI") yn gyfrifol amdano fel comisiynydd gwasanaethau (ac o'r herwydd yn gyllidwr gwasanaethau hefyd).

These Regulations amend the Local Health Boards (Functions) (Wales) Regulations 2003 so as to extend the category of people for whom a Local Health Board ("LHB") is responsible as a commissioner (and therefore also as funder) of services.

Effaith y diwygiadau i'r Prif Reoliadau yw cynnal cyfrifoldeb Bwrdd Iechyd Lleol dros blant mewn categorïau penodol sy'n dod o'r ardal ond sydd wedyn yn cael eu lleoli y tu allan i'r ardal ac a fyddent fel arall yn dod yn gyfrifoldeb i BILI arall yn rhinwedd y ffaith eu bod "yn preswyllo fel arfer" yn yr ardal honno.

The amendments to the Principal Regulations have the effect of maintaining a Local Health Board's responsibility for children in certain categories who come from the area but are then placed out of area and who would otherwise become the responsibility of another LHB by virtue of being "usually resident" in that area.

Y plant sydd o dan sylw yw plant sy'n derbyn gofal gan awdurdodau lleol, y rhai sy'n gadael gofal awdurdod lleol, plant sy'n preswyllo mewn ysgol a enwir yn eu datganiad o achos anghenion addysgol arbennig a phlant sydd ag anghenion iechyd sy'n parhau ac sydd, am unrhyw un neu rai o'r rhesymau hynny, yn cael eu lleoli y tu allan i'w hardal.

The children concerned are children looked after by local authorities, local authority care leavers, children resident at a school named in their statement of special educational needs and children with ongoing health needs and who, for any of those reasons, are placed out of their area.

2007 Rhif 315 (Cy.29)**2007 No. 315 (W.29)****Y GWASANAETH IECHYD
GWLADOL, CYMRU****NATIONAL HEALTH
SERVICE, WALES****Rheoliadau'r Byrddau Iechyd Lleol
(Swyddogaethau) (Cymru)
(Diwygio) 2007****Local Health Boards (Functions)
(Wales) (Amendment) Regulations
2007**

Wedi'u gwneud 6 Chwefror 2007
Yn dod i rym 1 Gorffennaf 2007

Made 6 February 2007
Coming into force 1 July 2007

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16BB a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1) drwy hyn yn gwneud y Rheoliadau a ganlyn.

The National Assembly for Wales, in exercise of the powers conferred by sections 16BB and 126 (4) of the National Health Service Act 1977 (1) hereby makes the following Regulations.

Enwi, cychwyn, rhychwantu a dehongli

1.-(1) Enw'r Rheoliadau hyn yw "Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) (Diwygio) 2007".

(2) Daw'r Rheoliadau hyn i rym ar 1 Gorffennaf 2007.

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

(4) Yn y Rheoliadau hyn ystyr "y Prif Reoliadau" yw Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 (2).

Citation, commencement extent and interpretation

1.-(1) The name of these Regulations is the "Local Health Boards (Functions) (Wales) (Amendment) Regulations 2007".

(2) These Regulations come into force on 1 July 2007.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations "the Principal Regulations" means the Local Health Boards (Functions) (Wales) Regulations 2003(2).

Diwygio'r Prif Reoliadau

2.-(1) Yn rheoliad 2(1) o'r Prif Reoliadau mewnosoder y diffiniadau canlynol yn y lle priodol yn ôl trefn yr wyddor-

"ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Plant 1989(3);".

"ystyr "gofal parhaus" ("*continuing care*") yw gofal a ddarperir dros gyfnod estynedig o amser i berson er mwyn bodloni anghenion iechyd corfforol neu feddyliol sydd wedi digwydd o ganlyniad i salwch;"

Amendment of the Principal Regulations

2.-(1) In regulation 2(1) of the Principal Regulations insert the following definitions in the appropriate alphabetical order-

"continuing care" ("*gofal parhaus*") means care provided over an extended period of time to a person to meet physical or mental health needs which have arisen as a result of illness;"

"general ophthalmic services" ("*gwasanaethau offthalmig cyffredinol*") has the same meaning as in section 38(7) of the Act(3);"

(1) 1977 p.49. Mewnosodir adran 16BB gan adran 6(1) o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002.

(2) O.S. 2003/150 (Cy. 20) fel y'i diwygiwyd gan O.S. 2003/816 (Cy. 101).

(3) 1989 p.41.

(1) 1977 c.49 Section 16BB is inserted by section 6(1) of the National Health Service Reform and Health Care Professions Act 2002.

(2) S.I. 2003/150 (W. 20) as amended by S.I. 2003/816 (W. 101)

(3) section 38(7) of the Act is re-enacted as section 71(10) of the National Health Service (Wales) Act 2006.

"mae i "gwasanaethau offthalmig cyffredinol" yr ystyr sydd i "general ophthalmic services" yn adran 38(7) o'r Ddeddf(1);";

"mae i "gwasanaethau fferyllol" yr ystyr sydd i "pharmaceutical services" yn adran 41(2) o'r Ddeddf(2);";

"mae i "gwasanaethau deintyddol sylfaenol" yr ystyr sydd i "primary dental services" yn adran 16CA o'r Ddeddf(3);";

"mae i "gwasanaethau meddygol sylfaenol" yr ystyr sydd i "primary medical services" yn adran 16CC o'r Ddeddf(4);";

(2) Yn rheoliad 2(2) o'r Prif Reoliadau, ar ôl y geiriau "at ddibenion y Rheoliadau hyn," mewnosoder y geiriau "ac yn ddarostyngedig i reoliad 2A,".

(3) Ar ôl rheoliad 2 o'r Prif Reoliadau, mewnosoder y rheoliad a ganlyn-

"2A.-(1) Mae Bwrdd Iechyd Lleol gwreiddiol yn parhau i fod yn gyfrifol am y personau a bennir ym mharagraff (3) isod a fu'n preswyllo fel arfer yn yr ardal y sefydlwyd ef ar ei chyfer, yn yr amgylchiadau a osodir ym mharagraff (2).

(2) Dyma'r amgylchiadau-

(a) ar neu ar ôl 1 Gorffennaf 2007

- (i) mae'r Bwrdd Iechyd Lleol gwreiddiol wedi gwneud trefniant wrth arfer ei swyddogaethau; neu
- (ii) mae awdurdod lleol(5) wedi gwneud trefniant

y mae person y mae paragraff (3) yn gymwys iddo yn cael gwasanaethau sy'n golygu neu sy'n cynnwys y ddarpariaeth o lety a leolir yn ardal Bwrdd Iechyd Lleol arall neu Ymddiriedolaeth Gofal Sylfaenol arall; a

(b) mae'r person drwy hynny'n byw yn y llety.

(3) Mae'r paragraff hwn yn gymwys

(a) i berson sydd o dan 18 oed, a

"pharmaceutical services" ("gwasanaethau fferyllol") has the same meaning as in section 41(2) of the Act(1);";

"primary dental services" ("gwasanaethau deintyddol sylfaenol") has the same meaning as in section 16CA of the Act(2);";

"primary medical services" ("gwasanaethau meddygol sylfaenol") has the same meaning as in section 16CC of the Act(3);";

"the 1989 Act" ("Deddf 1989") means the Children Act 1989(4);".

(2) In regulation 2(2) of the Principal Regulations, after the words "For the purposes of these Regulations," insert the words "and subject to regulation 2A,".

(3) After regulation 2 of the Principal Regulations, insert the following regulation-

"2A.-(1) A Local Health Board of origin continues to be responsible for the persons specified in paragraph (3) below who have been usually resident in the area for which it is established, in the circumstances set out in paragraph (2).

(2) The circumstances are that-

(a) on or after 1 July 2007

- (i) the Local Health Board of origin has made an arrangement in the exercise of its functions; or
- (ii) a local authority(5) has made an arrangement

by virtue of which a person to whom paragraph (3) applies is provided with services which consist of or include the provision of accommodation situated in the area of another Local Health Board or a Primary Care Trust; and

(b) the person is thereby living in the accommodation.

(3) This paragraph applies

(a) to a person who is under the age of 18 and

(1) Ailddeddfir adran 38(7) o'r Ddeddf fel adran 71(10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

(2) Ailddeddfir adran 41(2) o'r Ddeddf fel adran 80(8) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

(3) Ailddeddfir adran 16CA o'r Ddeddf fel adran 56 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

(4) Ailddeddfir adran 16CC o'r Ddeddf fel adran 41 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

(5) Diffinnir "awdurdod lleol" yn adran 128 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 p. 49.

(1) section 41(2) of the Act is re-enacted as section 80(8) of the National Health Service (Wales) Act 2006.

(2) section 16CA of the Act is re-enacted as section 56 of the National Health Service (Wales) Act 2006.

(3) section 16CC of the Act is re-enacted as section 41 of the National Health Service (Wales) Act 2006.

(4) 1989 c.41.

(5) "local authority" is defined in section 128 of the National Health Service Act 1977 c. 49.

- (i) mae'n derbyn gofal gan awdurdod lleol o fewn ystyr adran 22(1) o Ddeddf 1989;
- (ii) mae'n blentyn perthnasol o fewn ystyr adran 23A o Ddeddf 1989;
- (iii) mae'n gymwys i gael cyngor a chymorth o dan adran 24(1A) neu adran 24(1B) o Ddeddf 1989;
- (iv) mae wedi cael ei leoli mewn ysgol yn unol â datganiad o achos anghenion addysgol arbennig a wnaed o dan adran 324 o Ddeddf Addysg 1996(1) sy'n enwi'r ysgol; neu
- (v) mae angen llety arno i fodloni anghenion gofal parhaus;

a

- (b) i berson o dan 21 oed a oedd yn union cyn ei ben-blwydd yn ddeunaw oed, yn berson a oedd yn dod o fewn un o is-gategoriâu is-baragraff (a).

(4) Nid yw cyfrifoldeb Bwrdd Iechyd Lleol gwreiddiol o dan y rheoliad hwn yn ymestyn ei swyddogaethau o ran gwasanaethau meddygol sylfaenol, deintyddol sylfaenol, fferyllol ac offthalmig cyffredinol.

(5) Yn y rheoliad hwn ystyr "Bwrdd Iechyd Lleol gwreiddiol" yw Bwrdd Iechyd Lleol a wnaeth y trefniant o dan is-baragraff 2A(2)(a)(i) neu'r Bwrdd Iechyd Lleol sy'n cyfateb i ardal ddaearyddol yr awdurdod lleol a wnaeth y trefniant o dan is-baragraff 2A(2)(a)(ii)."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2)

6 Chwefror 2007

- (i) is looked after by a local authority within the meaning of section 22(1) of the 1989 Act;
- (ii) is a relevant child within the meaning of section 23A of the 1989 Act;
- (iii) qualifies for advice and assistance under section 24(1A) or section 24(1B) of the 1989 Act;
- (iv) is placed at a school in accordance with a statement of special educational needs made under section 324 of the Education Act 1996(1) that names the school; or
- (v) requires accommodation to meet continuing care needs

and

- (b) to a person under the age of 21 who was, immediately prior to his or her eighteenth birthday, a person within one of the subcategories of subparagraph (a).

(4) The responsibility of a Local Health Board of origin under this regulation does not extend to its functions in relation to primary medical, primary dental, pharmaceutical and general ophthalmic services.

(5) In this regulation "Local Health Board of origin" means the Local Health Board which made the arrangement under subparagraph 2A(2)(a)(i) or the Local Health Board which corresponds to the geographical area of the local authority which made the arrangement under subparagraph 2A(2)(a)(ii)."

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

6 February 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1996 p. 56.

(2) 1998 p.38.

(1) 1996 c. 56.

(2) 1998 c.38.

OFFERYNNAU STATUDOL

2007 Rhif 315 (Cy.29)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Byrddau Iechyd Lleol
(Swyddogaethau) (Cymru)
(Diwygio) 2007

STATUTORY INSTRUMENTS

2007 No. 315 (W.29)

**NATIONAL HEALTH
SERVICE, WALES**

Local Health Boards (Functions)
(Wales) (Amendment) Regulations
2007

©© Hawlfraint y Goron 2007

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2007

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£3.00

W0018/02/07

ON