



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 953 (Cy.84)

2007 No. 953 (W.84)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau Byrddau Iechyd Lleol
(Cyfansoddiad, Aelodaeth a
Gweithdrefnau) (Cymru)
(Diwygio) 2007

The Local Health Boards
(Constitution, Membership and
Procedures) (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)

1. Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn diwygio Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2003 (O.S. 2003/149 (Cy.19)) ("Rheoliadau 2003"). Mae Rheoliadau 2003 yn gwneud darpariaethau ar gyfer cyfansoddiad ac aelodaeth Byrddau Iechyd Lleol gan gynnwys eu gweithdrefnau a'u trefniadau gweinyddol. Mae'r Rheoliadau'n diwygio Rheoliadau 2003 i wneud darpariaeth i awdurdodau lleol benodi personau i'w cynrychioli ar y Bwrdd. Mae'r Rheoliadau hefyd yn gwneud darpariaeth ar gyfer deiliadaeth holl benodiadau Bwrdd ac ar gyfer terfynu penodiadau aelodau Bwrdd.

1. These Regulations, which apply in relation to Wales, amend the Local Health Board (Constitution, Membership and Procedures) (Wales) Regulations 2003 (S.I. 2003/149 (W.19)) ("the 2003 Regulations"). The 2003 Regulations make provisions for the constitution and membership of Local Health Boards including their procedures and administrative arrangements. The Regulations amend the 2003 Regulations to make provision for local authorities to appoint persons to represent them on the Board. The Regulations also make provision for the tenure of all Board appointments and for the termination of the appointments of Board members.

2. Mae'r Rheoliadau-

2. The Regulations-

- (a) yn gwneud diwygiadau i reoliad 2 o Reoliadau 2003 er mwyn cynnwys Ymddiriedolaethau Sefydledig y GIG yn y diffiniad o gorff gwasanaeth iechyd (rheoliad 3);
- (b) yn diwygio rheoliad 3 o Reoliadau 2003 i'w gwneud yn glir bod gwahaniaeth, at ddiben y Rheoliadau hynny, rhwng cadeirydd neu is-gadeirydd a benodir gan y Cynulliad ac aelodau eraill o'r Bwrdd (rheoliad 4);
- (c) yn darparu bod pob aelod sy'n cynrychioli'r awdurdod lleol ar gyfer ardal y Bwrdd yn cael ei benodi gan yr awdurdod lleol (rheoliad 5(3));

- (a) make amendments to regulation 2 of the 2003 Regulations to include NHS Foundation Trusts in the definition of health service body (regulation 3);
- (b) amend regulation 3 of the 2003 Regulations to clarify that for the purpose of those Regulations there is a distinction between a chair or vice-chair appointed by the Assembly and other members of the Board (regulation 4);
- (c) provide that all members who represent the local authority for the Board's area are appointed by the local authority (regulation 5(3));

- (ch) yn darparu, pan fydd sedd wag ar Fwrdd, bod yn rhaid i'r Bwrdd hwnnw wneud pob ymdrech resymol i lenwi'r sedd wag honno (rheoliad 5(4));
- (d) yn dileu darpariaeth ar gyfer trefniadau trosiannol ar gyfer penodi aelodau cyntaf y Bwrdd. Gan fod y Byrddau eisoes wedi'u sefydlu nid oes angen y ddarpariaeth hon mwyach (rheoliad 6);
- (dd) yn darparu ar gyfer penodi aelodau nad ydynt yn swyddogion am ddim mwy na phedair blynedd, ac yn darparu, pan fydd aelod nad yw'n swyddog yn gwasanaethu ar Fwrdd am fwy na deng mlynedd, bod yn rhaid i'r Bwrdd geisio cymeradwyaeth y Cynulliad Cenedlaethol. Maent hefyd yn gwneud darpariaeth ar gyfer trefniadau trosiannol ar gyfer aelodau presennol (rheoliad 8);
- (e) yn gwneud darpariaeth, pan fydd person wedi'i benodi gan awdurdod lleol, y caiff yr awdurdod lleol hwnnw derfynu'r penodiad ar unrhyw adeg (rheoliad 9);
- (f) yn darparu bod penodiad cadeirydd neu is-gadeirydd yn cael ei derfynu gan y Cynulliad Cenedlaethol (rheoliad 10); ac
- (ff) yn darparu, pan fydd is-gadeirydd wedi'i benodi gan y Bwrdd ond bod ei benodiad yn cael ei derfynu gan y Cynulliad Cenedlaethol, bod y person hwnnw'n parhau'n aelod nad yw'n swyddog (rheoliad 11).
- (d) where there are vacancies on a Board, that Board must use all reasonable endeavours to fill that vacancy (regulation 5(4));
- (e) remove provision for transitional arrangements for the appointment of first members of the Board. This provision is no longer necessary now that the Boards have been established (regulation 6);
- (f) provide for appointment of non-officer members for no longer than four years and provide that where a non-officer member serves on a Board for longer than ten years the Board must seek approval from the National Assembly. They also make provision for transitional arrangements for existing members (regulation 8);
- (g) make provision that where a person has been appointed by a local authority that local authority may terminate the appointment at any time (regulation 9);
- (h) provides for the National Assembly to terminate the appointment of a chair or vice-chair (regulation 10); and
- (i) provides that where a vice-chair has been appointed by the Board but the appointment is terminated by the National Assembly that person continues as a non-officer member (regulation 11).

2007 Rhif 953 (Cy.84)**2007 No. 953 (W.84)****Y GWASANAETH IECHYD
GWLADOL, CYMRU****NATIONAL HEALTH
SERVICE, WALES****Rheoliadau Byrddau Iechyd Lleol
(Cyfansoddiad, Aelodaeth a
Gweithdrefnau) (Cymru)
(Diwygio) 2007****The Local Health Boards
(Constitution, Membership and
Procedures) (Wales) (Amendment)
Regulations 2007***Wedi'u gwneud* 20 Mawrth 2007*Made* 20 March 2007*Yn dod i rym* 1 Ebrill 2007*Coming into force* 1 April 2007

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 13(2) a (3) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1) a pharagraffau 4(1) a (2) o Atodlen 2 iddi ac sy'n arferadwy gan y Cynulliad Cenedlaethol o ran Cymru, yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred by sections 13(2) and (3) of, and paragraphs 4(1) and (2) of Schedule 2 to the National Health Service (Wales) Act 2006(1) which are exercisable by the National Assembly in relation to Wales, makes the following Regulations:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) (Diwygio) 2007; maent yn gymwys o ran Cymru a deuant i rym ar 1 Ebrill 2007.

Title, commencement and application

1. The title of these Regulations is the Local Health Boards (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2007; they apply in relation to Wales and come into force on 1 April 2007.

Diwygio'r prif Reoliadau

2. Diwygir Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2003(2) ("y prif Reoliadau") yn unol â rheoliadau 3 i 15.

Amendment of the principal Regulations

2. The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2003(2) ("the principal Regulations") are amended in accordance with regulations 3 to 15.

Diwygio'r prif Reoliadau**3. Yn rheoliad 2 (Dehongli)**

- (a) dileer y diffiniad o "aelodau cyntaf" ("*first members*");
- (b) yn y diffiniad o "corff gwasanaeth iechyd" ("*health service body*") ar ôl "Ymddiriedolaeth GIG" mewnosoder y geiriau -

", un o Ymddiriedolaethau Sefydledig y GIG";

- (c) yn y diffiniad o "aelod awdurdod lleol" ("*local authority member*") yn lle "enwebu" rhodder-

Amendment of the principal Regulations**3. In regulation 2 (Interpretation)**

- (a) delete the definition of "first members" ("*aelodau cyntaf*");
- (b) in the definition of "health service body" ("*corff gwasanaeth iechyd*") after "NHS Trust" insert the words -

", NHS Foundation Trust";

- (c) in the definition of "local authority member" ("*aelod awdurdod lleol*") for "nominated" substitute -

(1) 2006 p.42.

(2) O.S. 2003/149 (Cy.19).

(1) 2006 c.42.

(2) S.I. 2003/149 (W.19).

"benodi";
(ch) yn y diffiniad o "aelod" ("*member*") dileer y canlynol -

", aelodau cyswllt ac aelodau cyfetholedig";
(d) yn y diffiniad o "aelod sy'n swyddog" ("*officer member*") yn lle "rheoliad 3(3)" rhodder y canlynol -

"rheoliad 3(2)";
(dd) yn y diffiniad o "aelod nad yw'n swyddog" ("*non-officer member*")

(i) yn lle "nad yw'n" dal unrhyw swydd rhodder y canlynol -

"sy'n dod a fewn categori"; a
(ii) ar y diwedd mewnosoder-

"."; ac
(e) dileer y diffiniad o "aelod cysgodol" ("*shadow member*").

4.-(1) Diwygir rheoliad 3 (aelodaeth o Fyrddau Iechyd Lleol) o'r prif Reoliadau yn unol â'r rheoliad hwn.

- (2) Yn lle rheoliad 3(1) rhodder y canlynol -
"3.-(1) Bydd aelodau'r Bwrdd fel a ganlyn-
(a) cadeirydd a benodwyd gan y Cynulliad;
(b) os yw'r Cynulliad o'r farn bod hynny'n briodol, is-gadeirydd a benodwyd gan y Cynulliad;
(c) aelodau sy'n swyddogion; ac
(ch) aelodau nad ydynt yn swyddogion."

- (3) Yn rheoliad 3(3)
(i) dileer paragraffau (a) a (b);
(ii) ym mharagraff (c) dileer "hyd at" ac yn lle "bedwar" rhodder "pedwar";
(iii) ym mharagraff (h) dileer "a";
(iv) ym mharagraff (i) dileer "." ac ychwaneger "; a"; a
(v) ar ôl paragraff (i) mewnosoder "(j) aelodau cyfetholedig."

(4) Dileer rheoliad 3(4).

5. Diwygir rheoliad 4 (Penodi Aelodau Byrddau Iechyd Lleol) o'r prif Reoliadau yn unol â'r rheoliad hwn.

(1) Dileer paragraff (1);

- (2) Ym mharagraff (3)
(i) ar ôl "is-gadeirydd" dileer "a'r" a mewnosoder "a benodwyd o dan baragraff (2),";

"appointed";
(d) in the definition of "member" ("*aelod*") delete the following -

", associate members and co-opted members";
(e) in the definition of "officer member" ("*aelod sy'n swyddog*") for the "regulation 3(3)" substitute the following -

"regulation 3(2)",
(f) in the definition of "non-officer member" ("*aelod nad yw'n swyddog*")

(i) for "does not hold any office" substitute the following -

"falls within a category"
(ii) at the end insert -

"."; and
(g) the definition of "shadow member" ("*aelod cysgodol*") is deleted.

4.-(1) Regulation 3 (membership of Local Health Boards) of the principal Regulations is amended in accordance with this regulation.

- (2) For regulation 3(1) substitute the following -
"3.-(1) The members of the Board comprise
(a) a chair appointed by the Assembly;
(b) if the Assembly thinks fit, a vice chair appointed by the Assembly;
(c) officer members; and
(d) non-officer members."

- (3) In regulation 3(3)
(i) delete paragraphs (a) and (b);
(ii) in paragraph (c) delete "up to";
(iii) in paragraph (l) delete "and";
(iv) in paragraph (m) delete "." and insert ";and"; and
(v) after paragraph (m) insert "(n) co-opted members."

(4) Regulation 3(4) is deleted.

5. Regulation 4 (Appointment of Local Health Board members) of the principal Regulations is amended in accordance with this regulation.

(1) Paragraph (1) is deleted;

- (2) In paragraph (3)
(i) after "vice chair" delete "and" and insert "appointed under paragraph (2),";

- (ii) ar ôl "aelodau cyfetholedig" mewnosoder "ac aelodau awdurdod lleol"; a
 - (iii) dileer "yn ddarostyngedig i gymeradwyaeth y Cynulliad".
- (3) Ar ôl paragraff (3) mewnosoder y canlynol -
 "(3A) Mae pob aelod awdurdod lleol i'w benodi gan yr awdurdod lleol ar gyfer ardal y Bwrdd."
- (4) Ym mharagraff (4) -
- (a) yn lle "Penodir" rhodder y canlynol -
 "Caniateir penodi"
 - (b) ar ôl "dro ynghylch penodiadau" mewnosoder "ac Atodlen 1A".
 - (c) ym mharagraff (5) -
 - (i) yn lle "baragraff (3)" rhodder y canlynol -
 "baragraffau (3) a (3A)"; a
 - (ii) yn lle "Atodlen 1 i'r Rheoliadau hyn" rhodder y canlynol -
 "Atodlen 1 neu Atodlen 1A (lle y bônt yn gymwys)";
 - (ch) ar ôl paragraff (5), mewnosoder y canlynol -
 "(5A) Rhaid i'r person neu'r personau sy'n gyfrifol am wneud unrhyw benodiad o dan baragraffau (3) a (3A) wneud pob ymdrech resymol i benodi aelodau i lenwi unrhyw sedd aelod o'r Bwrdd sy'n wag."

6. Dileer rheoliad 5 (Trefniadau trosiannol ar gyfer penodi aelodau cyntaf Bwrdd Iechyd Lleol).

7. Yn rheoliad 6 (Gofynion i fod yn gymwys i fod yn aelod o Fwrdd Iechyd Lleol) -

- (a) Dileer y canlynol -
 "sy'n gwneud cais i fod yn aelod o Fwrdd"; a
- (b) Ar ôl "gael ei benodi'n aelod" mewnosoder -
 "a rhaid iddo barhau i gyflawni'r gofynion perthnasol tra bo'r person hwnnw'n dal swydd".

8. Ar ôl rheoliad 7 (Cyfnod penodiad aelodau cyfetholedig) mewnosoder y rheoliad a ganlyn -

"Deiliadaeth swydd

7A.-(1) Yn ddarostyngedig i'r Rheoliadau hyn, mae person yn dal swydd ac yn gadael swydd fel aelod Bwrdd yn unol â thelerau penodi'r person hwnnw.

(2) Yn ddarostyngedig i reoliadau 7, 7B, 8 a 9, penodir person i ddal swydd fel aelod nad yw'n swyddog am nid mwy na phedair blynedd.

- (ii) after "co-opted members" insert "and local authority members"; and
- (iii) delete "subject to the approval of the Assembly".

(3) After paragraph (3) insert the following -
 "(3A) All local authority members are to be appointed by the local authority for the Board's area."

- (4) In paragraph (4) -
- (a) for "will" substitute the following -
 "may"
 - (b) after "time concerning appointments" insert -
 "and Schedule 1A".
 - (c) in paragraph (5) -
 - (i) substitute "paragraph (3)" with the following -
 "paragraphs (3) and (3A)"; and
 - (ii) substitute "Schedule 1 to these Regulations" with the following -

"Schedule 1 or Schedule 1A (where they apply)";

- (d) after paragraph (5) insert the following -
 "(5A) The person or persons responsible for making any appointment under paragraphs (3) and (3A) must use all reasonable endeavours to appoint members to fill any vacancy in the membership of the Board."

6. Regulation 5 (Transitional arrangements for the appointment of first members of a Local Health Board) is deleted.

7. In regulation 6 (Eligibility requirements for membership of a Local Health Board) -

- (a) Delete the following -
 "who applies to be a member of a Board"; and
- (b) After "appointed as a member" insert -
 "and must continue to fulfil the relevant requirements while that person holds office".

8. After regulation 7 (Period of appointment of co-opted members) the following regulation is inserted -

"Tenure of office

7A.-(1) Subject to these Regulations, a person holds and vacates office as a member of a Board in accordance with the terms of that person's appointment.

(2) Subject to regulations 7, 7B, 8 and 9, a person is appointed to hold office as a non-officer member for no longer than four years.

(3) Yn ddarostyngedig i baragraff (4) caiff person, pan ddaw ei dymor mewn swydd i ben, fod yn gymwys i'w ailethol.

(4) Ni chaiff person ddal swydd fel aelod nad yw'n swyddog ar Fwrdd heb gymeradwyaeth y Cynulliad ymlaen llaw os yw'r person hwnnw wedi dal swydd ar y Bwrdd hwnnw am gyfnod sy'n gyfanswm o ddeng mlynedd neu fwy.

Deiliadaeth swydd - Trefniadau trosiannol

7B.-(1) Mae'r rheoliad hwn yn gymwys pan fydd person wedi'i benodi cyn 1 Ebrill 2007.

(2) Yn ddarostyngedig i baragraff (4), pan fydd person wedi'i benodi i ddal swydd am dymor penodedig, gweddill y tymor hwnnw fydd tymor mewn swydd y person hwnnw ond ni fydd, o dan unrhyw amgylchiadau, yn hwy na phedair blynedd yn cychwyn ar 1 Ebrill 2007.

(3) Yn ddarostyngedig i baragraff 4, pan fydd person wedi'i benodi i ddal swydd ond na phennwyd tymor, bydd y person hwnnw'n dal swydd am ddim mwy na phedair blynedd yn cychwyn ar 1 Ebrill 2007.

(4) Pan fydd aelod awdurdod lleol wedi'i benodi, caiff yr awdurdod lleol derfynu deiliadaeth swydd y person hwnnw drwy roi rhybudd ysgrifenedig i'r person hwnnw."

9. Yn rheoliad 9 (Terfynu penodiad ac atal dros dro aelodau nad ydynt yn swyddogion) o'r prif Reoliadau ar ôl paragraff (2) mewnosoder y canlynol -

"(2A) Pan fydd person wedi'i benodi gan awdurdod lleol yn unol â rheoliad 4(3A) caiff yr awdurdod lleol derfynu deiliadaeth swydd y person hwnnw drwy roi rhybudd ysgrifenedig iddo."

10. Ar ôl rheoliad 9 (Terfynu penodiad ac atal dros dro aelodau nad ydynt yn swyddogion) o'r prif Reoliadau mewnosoder y canlynol -

"Terfynu penodiad cadeirydd neu is-gadeirydd

9A.-(1) Os bydd y Cynulliad yn penderfynu-

(a) nad yw'n fuddiol i'r gwasanaeth iechyd yn yr ardal y mae Bwrdd yn gweithredu drosti; neu

(b) nad yw'n gydnaws â rheoli'r Bwrdd yn dda,

bod person a benodwyd yn gadeirydd neu'n is-gadeirydd Bwrdd yn parhau i ddal y swydd honno, caiff y Cynulliad symud y person hwnnw o'r swydd honno.

(2) Os daw i sylw'r Cynulliad bod person a benodwyd yn gadeirydd neu'n is-gadeirydd bellach yn anghymwys i'w benodi o dan Ran I o Atodlen 2 i'r Rheoliadau hyn, caiff y Cynulliad symud y person hwnnw o'r swydd honno.

(3) Subject to paragraph (4) a person may on the expiration of his or her term of office be eligible for re-appointment.

(4) A person may not hold office as a non-officer member on a Board without the prior approval of the Assembly if that person has held office on that Board for a total period of ten years or more.

Tenure of office - Transitional arrangements

7B.-(1) This regulation applies where a person has been appointed before 1 April 2007.

(2) Subject to paragraph (4), where a person has been appointed to hold office for a specified term that person's term of office will be the remainder of that term but in any case will be no longer than four years from 1 April 2007.

(3) Subject to paragraph 4, where a person has been appointed to hold office but no term has been specified that person will hold office for no longer than four years from 1 April 2007.

(4) Where a local authority member has been appointed, the local authority may terminate that person's tenure of office on giving that person notice in writing."

9. In regulation 9 (Termination of appointment and suspension of non-officer members) of the principal Regulations after paragraph (2) insert the following -

"(2A) Where a person has been appointed by a local authority in accordance with regulation 4(3A) the local authority may terminate that person's tenure of office on giving that person notice in writing."

10. After regulation 9 (Termination of appointment and suspension of non-officer members) of the principal Regulations insert the following -

"Termination of appointment of chair or vice chair

9A. -(1) If the Assembly determines that-

(a) it is not in the interests of the health service in the area for which a Board acts; or

(b) it is not conducive to the good management of a Board,

for a person appointed as a chair or vice chair of a Board to continue to hold that office, the Assembly may remove that person from that office.

(2) If it comes to the notice of the Assembly that a person appointed as a chair or vice chair has become ineligible for appointment under Part I of Schedule 2 to these Regulations, the Assembly may remove that person from that office.

(3) Os yw'n ymddangos i'r Cynulliad bod person a benodwyd yn gadeirydd neu'n is-gadeirydd wedi methu â chydymffurfio â rheoliad 15, caiff y Cynulliad symud y person hwnnw o'r swydd honno.

(4) Os bydd person a benodwyd yn gadeirydd neu'n is-gadeirydd wedi methu â mynychu cyfarfod o'r Bwrdd am gyfnod o dri mis, caiff y Cynulliad derfynu aelodaeth y person hwnnw onid yw wedi'i fodloni-

(a) bod achos rhesymol dros yr absenoldeb;
a

(b) y bydd y person yn gallu mynychu'r cyfryw gyfarfodydd o fewn y cyfryw gyfnod ag y bydd y Cynulliad o'r farn ei fod yn rhesymol.

(5) Pan fydd person wedi'i benodi'n is-gadeirydd yn unol â rheoliad 10 a bod y person hwnnw wedi'i symud o'r swydd honno o dan unrhyw un neu rai o'r paragraffau uchod caiff y person barhau i fod yn aelod nad yw'n swyddog oni fydd y Bwrdd yn terfynu ei aelodaeth fel arall.

(6) Cyn gwneud penderfyniad i derfynu aelodaeth cadeirydd neu is-gadeirydd o dan unrhyw un neu rai o'r paragraffau uchod, caiff y Cynulliad atal dros dro ddeiliadaeth swydd y cadeirydd neu'r is-gadeirydd hwnnw am y cyfryw gyfnod ag y bydd o'r farn ei fod yn rhesymol.

(7) Ni chaiff cadeirydd neu is-gadeirydd y mae ei aelodaeth wedi'i hatal dros dro o dan baragraff (5) gyflawni swyddogaethau unrhyw aelod o'r Bwrdd.

9B. Caiff unrhyw aelod ymddiswyddo o fod yn aelod drwy hysbysu'r Bwrdd yn ysgrifenedig ond yn ddarostyngedig i delerau penodi'r person hwnnw."

11.-(1) Diwygir rheoliad 10 (Penodi is-gadeirydd) o'r prif Reoliadau yn unol â'r rheoliad hwn.

(2) Yn rheoliad 10(1) ar ôl "aelod sy'n swyddog" mewnosoder y canlynol-

", yn aelod cyfetholedig neu'n aelod cyswllt".

(3) Ar ôl rheoliad 10(1), mewnosoder y paragraff canlynol -

"(1A) Pan fydd aelod nad yw'n swyddog wedi'i benodi'n is-gadeirydd o dan y rheoliad hwn bydd yr aelod hwnnw'n parhau i fod yn aelod nad yw'n swyddog at ddiben y Rheoliadau hyn.

(1B) Pan fydd y Bwrdd yn penodi is-gadeirydd rhaid iddo wneud hynny'n unol ag Atodlen 1A".

12. Yn rheoliad 13 (Cyfarfodydd a thrafodion) o'r prif Reoliadau ar ôl paragraff (3) mewnosoder -

"(3A) Ni fydd y ffaith bod sedd aelod o'r Bwrdd yn wag neu unrhyw ddiffyg ym mhenodi person yn aelod yn peri bod trafodion y Bwrdd yn annyls."

(3) If it appears to the Assembly that a person appointed as a chair or vice chair has failed to comply with regulation 15, the Assembly may remove that person from that office.

(4) If a person appointed as a chair or vice chair has failed to attend a meeting of the Board for a period of three months, the Assembly may terminate that person's membership unless satisfied that-

(a) the absence was due to a reasonable cause; and

(b) the person will be able to attend such meetings within such period as the Assembly considers reasonable.

(5) Where a person is appointed as vice chair in accordance with regulation 10 and that person has been removed from that office under any of the paragraphs above he or she may continue to be a non-officer member unless his or her membership is otherwise terminated by the Board.

(6) Before making a decision to terminate the membership of a chair or vice chair under any of the paragraphs above, the Assembly may suspend the tenure of office of that chair or vice chair for such period as it considers reasonable.

(7) A chair or vice chair whose membership is suspended under paragraph (5) may not perform the functions of any member of the Board.

9B. Any member may at any time resign his or her membership by notice in writing to the Board but subject to the terms of that person's appointment."

11.-(1) Regulation 10 (Appointment of vice chair) of the principal Regulations is amended in accordance with this regulation.

(2) In regulation 10(1) after "an officer member" insert the following -

", a co-opted member or an associate member".

(3) After regulation 10(1) insert the following paragraph -

"(1A) Where a non-officer member has been appointed as vice chair under this regulation that member continues to be a non-officer member for the purpose of these Regulations.

(1B) Where the Board appoints a vice chair it must do so in accordance with Schedule 1A".

12. In regulation 13 (Meetings and proceedings) of the principal Regulations after paragraph (3) insert -

"(3A) The proceedings of the Board are not invalidated by a vacancy in the membership of the Board or by any defect in the appointment of a person as a member."

13. Yn rheoliad 16 (Trefniadau gan Fyrddau ar gyfer arfer eu swyddogaethau) o'r prif Reoliadau

- (a) ym mharagraff (1)(c)(iv) dileer "neu"; a
- (b) ar ôl paragraff (1)(c)(iv) mewnosoder -
"(v) Bwrdd arall; neu".

14.-(1) Diwygir Atodlen 1 o'r prif Reoliadau yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff (1) -

- (a) ar ôl "is-gadeirydd" yn lle "," rhodder "a'r"; a
- (b) dileer "a'r aelodau cyntaf".

(3) Ym mharagraff (2) yn lle "i'r Bwrdd" rhodder y canlynol -

"i'r person sy'n gyfrifol am wneud unrhyw benodiad o dan reoliad 4(3), (3A) a (4)".

15. Ar ôl Atodlen 1 mewnosoder y canlynol -

"Atodlen 1A

Gweithdrefnau ar gyfer Penodi Aelodau Cyfetholedig ac Is-gadeiryddion

(1) Mae'r Atodlen hon yn gymwys i ddewis a phenodi -

- (a) aelodau cyfetholedig a benodir o dan reoliad 4(4); a
- (b) is-gadeiryddion a benodir o dan reoliad 10.

(2) Rhaid i'r Bwrdd sicrhau bod trefniadau priodol yn eu lle ar gyfer dewis a phenodi personau'n aelodau cyfetholedig ac yn is-gadeiryddion a rhaid i'r trefniadau hynny roi sylw i -

- (a) y gofyniad bod dewis a phenodi aelodau'n agored ac yn dryloyw; a
- (b) yr angen am sicrhau bod aelod sydd i'w benodi'n bodloni'r gofynion cymhwysra a bennir yn Rhan 1 o Atodlen 2 a bod yr aelod yn bodloni 'r meini prawf dewis a'r safonau hyfedredd a gymhwysir gan y Bwrdd i aelodau eraill nad ydynt yn swyddogion."

13. In regulation 16 (Arrangements by Boards for the exercise of their functions) of the principal Regulations

- (a) in paragraph (1)(c)(iv) delete "or"; and
- (b) after paragraph (1)(c)(iv) insert -
"(v) another Board; or".

14.-(1) Schedule 1 of the principal Regulations is amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) -

- (a) after "vice chair" for "," substitute "and"; and
- (b) delete "and the first members".

(3) In paragraph (2) for "The Board" substitute the following -

"The person responsible for making any appointment under regulation 4(3), (3A) and (4)".

15. After Schedule 1 insert the following -

"Schedule 1A

Procedures for Appointment of Co-opted Members and Vice chairs

(1) This Schedule applies to the selection and appointment of -

- (a) co-opted members appointed under regulation 4(4); and
- (b) vice chairs appointed under regulation 10.

(2) The Board must ensure that appropriate arrangements are in place for the selection and appointment of persons as co-opted members and as vice chairs and those arrangements must take into account -

- (a) the requirement that selection and appointment of members is open and transparent; and
- (b) the need to ensure that a member to be appointed meets the eligibility requirements specified in Part 1 of Schedule 2 and that the member meets the selection criteria and standards of competence applied by the Board to other non officer members."

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

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

20 Mawrth 2007

20 March 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

2007 Rhif 953 (Cy.84)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau Byrddau Iechyd Lleol
(Cyfansoddiad, Aelodaeth a
Gweithdrefnau) (Cymru)
(Diwygio) 2007

2007 No. 953 (W.84)

**NATIONAL HEALTH
SERVICE, WALES**

The Local Health Boards
(Constitution, Membership and
Procedures) (Wales) (Amendment)
Regulations 2007

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