



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 1511 (Cy.147)

2009 No. 1511 (W.147)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**Rheoliadau'r Byrddau Iechyd Lleol
(Swyddogaethau a Gyfarwyddir)
(Cymru) 2009**

**The Local Health Boards (Directed
Functions) (Wales) Regulations
2009**

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 pennu'r swyddogaethau a gyfarwyddir sy'n perthyn i Fyrddau Iechyd Lleol a sefydlwyd ar gyfer pob ardal yng Nghymru yn unol ag adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42) (*gweler* O.S. 2003/148 (Cy.18) ac O.S. 2009/778 (Cy.66)) (rheoliad 4 a'r Atodlen). Bwrdd Iechyd Lleol Prifysgol Abertawe Bro Morgannwg, Bwrdd Iechyd Lleol Aneurin Bevan, Bwrdd Iechyd Lleol Prifysgol Betsi Cadwaladr, Bwrdd Iechyd Lleol Prifysgol Caerdydd a'r Fro, Bwrdd Iechyd Lleol Cwm Taf, Bwrdd Iechyd Lleol Hywel Dda a Bwrdd Addysgu Iechyd Lleol Powys yw'r Byrddau Iechyd Lleol.

These Regulations specify the directed functions of Local Health Boards established for all areas of Wales pursuant to section 11 of the National Health Service (Wales) Act 2006 (c.42) (*see* S.I. 2003/148 (W.18) and S.I. 2009/778 (W.66)) (regulation 4 and the Schedule). The Local Health Boards are Abertawe Bro Morgannwg University Local Health Board, Aneurin Bevan Local Health Board, Betsi Cadwaladr University Local Health Board, Cardiff and Vale University Local Health Board, Cwm Taf Local Health Board, Hywel Dda Local Health Board and Powys Teaching Local Health Board.

Mae Byrddau Iechyd Lleol yn gyfrifol am bersonau sy'n preswyl fel arfer yn eu hardal (rheoliad 2(2)). Mae Bwrdd Iechyd Lleol yn cadw'i gyfrifoldeb dros categorïau penodol o blant sy'n dod o'i ardal ond a osodir wedyn y tu allan i'r ardal ac y byddai Bwrdd Iechyd Lleol arall yn dod yn gyfrifol amdanynt fel arall yn rhinwedd y ffaith bod y plant yn preswyl fel arfer yn ei ardal. Plant sy'n derbyn gofal gan awdurdodau lleol, plant sy'n gadael gofal awdurdodau lleol, plant sy'n preswyl mewn ysgol a enwir yn eu datganiad o anghenion addysgol arbennig a phlant a chanddynt anghenion iechyd sy'n parhau ac sydd, am unrhyw un neu rai o'r rhesymau hynny, yn cael eu gosod y tu allan i'w hardal yw'r plant o dan sylw (rheoliad 3).

Local Health Boards are responsible for persons usually resident in their area (regulation 2(2)). A Local Health Board maintains its responsibility for certain categories of children who come from their area but are then placed out of area and who would otherwise become the responsibility of another Local Health Board by virtue of being usually resident in that area. 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 (regulation 3).

O 1 Hydref 2009 mae saith Bwrdd Iechyd Lleol yn gyfrifol am ddarparu gwasanaethau iechyd yng Nghymru ac maent yn arfer y swyddogaethau a oedd yn cael eu harfer yn flaenorol gan ddau ar hugain o Fyrddau Iechyd Lleol ar 30 Medi 2009 ynghyd â

From 1 October 2009 seven Local Health Boards are responsible for the provision of health services in Wales and exercise the functions previously exercised by twenty two Local Health Boards on 30 September 2009, together with other functions of the Welsh

swyddogaethau eraill sy'n perthyn i Weinidogion Cymru gan gynnwys swyddogaethau penodol a oedd yn cael eu harfer gan Ymddiriedolaethau Gwasanaeth Iechyd Gwladol. Ar 1 Hydref 2009 diddymir saith Ymddiriedolaeth Gwasanaeth Iechyd Gwladol a oedd yn cyflenwi gwasanaethau ysbyty. Mae Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Gwasanaethau Ambiwylans Cymru ac Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Felindre yn parhau mewn bodolaeth.

Diddymwyd Awdurdodau Iechyd yng Nghymru yn effeithiol o 1 Ebrill 2003. O dan adran 27 o Ddeddf Llywodraeth Cymru 1998 (p.38) gwnaed gan Gynulliad Cenedlaethol Cymru Orchymyn Awdurdodau Iechyd (Trosglwyddo Swyddogaethau, Staff, Eiddo, Hawliau a Rhwymedigaethau a Diddymu) (Cymru) 2003 (O.S. 2003/813 (Cy.98)) a oedd yn darparu bod holl swyddogaethau Awdurdodau Iechyd yng Nghymru, o 1 Ebrill 2003, wedi eu trosglwyddo i Gynulliad Cenedlaethol Cymru a bod pob Awdurdod Iechyd o'r fath wedi ei ddiddymu.

Daeth Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 (O.S. 2003/150 (Cy.20)) i rym ar 1 Ebrill 2003. Gwnaed swyddogaethau Awdurdodau Iechyd yng Nghymru a oedd wedi eu trosglwyddo i Gynulliad Cenedlaethol Cymru yn arferadwy (gyda rhai eithriadau penodol) gan (yn hytrach na chael eu trosglwyddo i) Fyrddau Iechyd Lleol. Ar 1 Ebrill 2003 roedd pob cyfeiriad at Awdurdodau Iechyd yng Nghymru, i'r graddau yr oeddent yn ymwneud â swyddogaethau Awdurdodau Iechyd, yn cael eu dehongli fel cyfeiriadau at Gynulliad Cenedlaethol Cymru, er na chawsant eu diwygio yn nhestun y ddeddfwriaeth.

Roedd darpariaethau niferus yn Neddf y Gwasanaeth Iechyd Gwladol 1977 (p.49) y datganwyd oddi tanynt fod swyddogaethau'n arferadwy gan Awdurdodau Iechyd er nad oedd mwyach unrhyw Awdurdodau Iechyd yn bodoli, ac nad oedd pŵer i greu rhai newydd. Oherwydd hyn, pan gafodd deddfwriaeth y Gwasanaeth Iechyd Gwladol ei chydgrynhoi, cafodd effaith Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 ei deddfu gan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ("y Ddeddf"). Mae'r Ddeddf yn darparu ar gyfer trin swyddogaethau a oedd yn arferadwy gan Fyrddau Iechyd Lleol yn rhinwedd Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 fel swyddogaethau Byrddau Iechyd Lleol at ddibenion y Ddeddf. Mae'r Rheoliadau hyn yn cyfarwyddo Byrddau Iechyd Lleol yn benodol i arfer y swyddogaethau hynny er eu bod yn ymddangos fel swyddogaethau Byrddau Iechyd Lleol ar wyneb y Ddeddf gan mai swyddogaethau Gweinidogion Cymru ydynt.

Ministers including certain functions which were exercised by National Health Service Trusts. On 1 October 2009 seven National Health Service Trusts which delivered hospital services are dissolved. The Welsh Ambulance Services National Health Service Trust and Velindre National Health Service Trust remain in existence.

Health Authorities in Wales were abolished with effect from 1 April 2003. Under section 27 of the Government of Wales Act 1998 (c.38) the National Assembly for Wales made the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003 (S.I. 2003/813 (W.98)) which provided that from 1 April 2003 all functions of Health Authorities in Wales were transferred to the National Assembly for Wales and that all such Health Authorities were abolished.

The Local Health Boards (Functions) (Wales) Regulations 2003 (S.I. 2003/150 (W.20)) came into force on 1 April 2003. The functions of Health Authorities in Wales which had been transferred to the National Assembly for Wales were (with some specified exceptions) made exercisable by (rather than being transferred to) Local Health Boards. On 1 April 2003 all references to Health Authorities in Wales, insofar as they related to Health Authority functions, were construed as references to the National Assembly for Wales, although not textually amended in legislation.

There were numerous provisions in the National Health Service Act 1977 (c.49) under which functions were stated to be exercisable by Health Authorities even though there were no longer any Health Authorities in existence and no power for any new ones to be created. In light of this, when National Health Service legislation was consolidated, the National Health Service (Wales) Act 2006 ("the Act") enacted the effect of the Local Health Boards (Functions) (Wales) Regulations 2003. The Act provides for functions which were exercisable by Local Health Boards by virtue of the Local Health Boards (Functions) (Wales) Regulations 2003 to be treated as functions of Local Health Boards for the purposes of the Act. These Regulations specifically direct Local Health Boards to exercise those functions despite appearing as Local Health Board functions on the face of the Act because they are functions of the Welsh Ministers.

Mae Deddf y Gwasanaeth Iechyd Gwladol (Darpariaethau Canlyniadol) 2006 (p.43) yn darparu nad oes dim yn y Ddeddf yn rhinwedd Rheoliadau Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 yn effeithio ar bŵer Gweinidogion Cymru i arfer y swyddogaethau o dan y Rheoliadau hynny ac mae wedi cadw'r pŵer i ddirymu'r Rheoliadau hynny. Mae Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 yn cael eu dirymu ar 1 Hydref 2009 (rheoliad 6) ac adlewyrchir hyn mewn diwygiadau canlyniadol (rheoliad 7).

Diwygiwyd Deddf y Gwasanaeth Iechyd Gwladol 1977 gan Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43) ("Deddf 2003") er mwyn cynnwys darpariaethau sydd bellach yn y Ddeddf. Cafodd diwygiadau Ddeddf 2003 yr effaith, yn rhannol, o ddiwygio testun cyfeiriadau at Awdurdodau Iechyd yn narpariaethau perthnasol Deddf y Gwasanaeth Iechyd Gwladol 1977. Mewnosodwyd cyfeiriadau at Fyrddau Iechyd Lleol gan Ddeddf 2003 mewn cyfnod pan oedd Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 wedi dod i rym a diystyrwyd effaith y Rheoliadau hynny wrth ymdrin â chyfeiriadau at Awdurdodau Iechyd. Dylai cyfeiriadau yn Neddf 2003 fod wedi bod yn gyfeiriadau at swyddogaethau Cynulliad Cenedlaethol Cymru ac nid at swyddogaethau Byrddau Iechyd Lleol. Felly, cyfarwyddir Byrddau Iechyd Lleol i arfer y cyfryw swyddogaethau o dan y Rheoliadau hyn oherwydd mai swyddogaethau Gweinidogion Cymru ydynt er eu bod yn ymddangos ar wyneb y ddeddfwriaeth fel swyddogaethau Byrddau Iechyd Lleol.

Rhoddir swyddogaethau penodol i Fyrddau Iechyd Lleol y tu allan i'r Rheoliadau hyn. Gwnaed Gorchymyn Cyfeiriadau at Awdurdodau Iechyd 2007 (O.S. 2007/961 (Cy.85)) yn unol ag adran 75 o Ddeddf Iechyd 2006 (p.28) i newid cyfeiriadau at Awdurdodau Iechyd yn gyfeiriadau at Fyrddau Iechyd Lleol mewn deddfwriaeth nad yw'n ymwneud ag iechyd er mwyn adlewyrchu'r ffaith bod swyddogaethau penodol a oedd yn cael eu harfer yn flaenorol gan Awdurdodau Iechyd yn cael eu harfer gan Fyrddau Iechyd Lleol. Mae Byrddau Iechyd Lleol hefyd yn parhau i arfer swyddogaethau a roddwyd yn uniongyrchol i Fyrddau Iechyd Lleol mewn deddfwriaeth fel y rhai sydd yn Neddf Iechyd a Gofal Cymdeithasol 2001 (p.15), yn Neddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17) a Deddf Iechyd 2006 a darpariaethau yn y Ddeddf a fewnosodwyd gan y Deddfau hynny.

Mae asesiad effaith rheoleiddiol wedi ei baratoi mewn cysylltiad â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

The National Health Service (Consequential Provisions) Act 2006 (c.43) provides that nothing in the Act by virtue of the Local Health Boards (Functions) (Wales) Regulations 2003 affects the power of the Welsh Ministers to exercise the functions under those Regulations and preserves the power to revoke those Regulations. The Local Health Boards (Functions) (Wales) Regulations 2003 are revoked on 1 October 2009 (regulation 6) and this is reflected in consequential amendments (regulation 7).

The Health and Social Care (Community Health and Standards) Act 2003 (c.43) ("the 2003 Act") amended the National Health Service Act 1977 to include provisions that are now in the Act. The 2003 Act amendments had effect, in part, as textual amendments to references to Health Authorities in the relevant provisions of the National Health Service Act 1977. References to Local Health Boards were inserted by the 2003 Act at a stage when the Local Health Boards (Functions) (Wales) Regulations 2003 had come into force and the effect of those Regulations was disregarded when dealing with references to Health Authorities. References in the 2003 Act should have been to National Assembly for Wales functions and not to Local Health Board functions. Therefore, Local Health Boards are directed to exercise such functions under these Regulations because despite appearing as Local Health Board functions on the face of legislation, they are functions of the Welsh Ministers.

Certain functions are conferred on Local Health Boards outside of these Regulations. The References to Health Authorities Order 2007 (S.I 2007/961 (W.85)) was made pursuant to section 75 of the Health Act 2006 (c.28) to change references to Health Authorities to references to Local Health Boards in non-health related legislation to reflect the fact that certain functions previously exercised by Health Authorities are exercised by Local Health Boards. Local Health Boards also continue to exercise functions directly conferred on Local Health Boards in legislation such as those in the Health and Social Care Act 2001 (c.15), the National Health Service Reform and Health Care Professions Act 2002 (c.17) and the Health Act 2006 and provisions in the Act inserted by those Acts.

A regulatory impact assessment has been prepared in connection with these Regulations. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

2009 Rhif 1511 (Cy.147)

2009 No. 1511 (W.147)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**Rheoliadau'r Byrddau Iechyd Lleol
(Swyddogaethau a Gyfarwyddir)
(Cymru) 2009**

**The Local Health Boards (Directed
Functions) (Wales) Regulations
2009**

Gwnaed 18 Mehefin 2009

Made 18 June 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 19 Mehefin 2009

*Laid before the National
Assembly for Wales* 19 June 2009

Yn dod i rym 1 Hydref 2009

Coming into force 1 October 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 12, 203(9) a (10) a 204 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of powers conferred on them by sections 12, 203(9) and (10) and 204 of the National Health Service (Wales) Act 2006(1) make the following Regulations:

Enwi a chychwyn

Title and commencement

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau a Gyfarwyddir) (Cymru) 2009.

1.—(1) The title of these Regulations is the Local Health Boards (Directed Functions) (Wales) Regulations 2009.

(2) Daw'r Rheoliadau hyn i rym ar 1 Hydref 2009.

(2) These Regulations come into force on 1 October 2009.

Dehongli

Interpretation

2.—(1) Yn y Rheoliadau hyn —

2.—(1) In these Regulations —

ystyr "Bwrdd Iechyd Lleol" ("*Local Health Board*") yw Bwrdd Iechyd Lleol a sefydlwyd yn unol ag adran 11(2) o'r Ddeddf(2);

"the Act" ("*y Ddeddf*") means the National Health Service (Wales) Act 2006;

ystyr "Byrddau Iechyd Lleol blaenorol" ("*former Local Health Boards*") yw'r ddau Fwrdd Iechyd Lleol ar hugain a sefydlwyd ar 10 Chwefror 2003 gan Orchymyn Byrddau Iechyd Lleol (Sefydlu) (Cymru) 2003(3);

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989(2);

"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;

(1) 2006 p.42.

(1) 2006 c.42.

(2) Sefydlwyd Bwrdd Addysgu Iechyd Lleol Powys o dan Orchymyn Byrddau Iechyd Lleol (Sefydlu) (Cymru) 2003 (O.S. 2003/148 (Cy.18)) a sefydlwyd BILI Prifysgol Abertawe Bro Morgannwg, BILI Aneurin Bevan, BILI Prifysgol Betsi Cadwaladr, BILI Prifysgol Caerdydd a'r Fro, BILI Cwm Taf a BILI Hywel Dda o dan Orchymyn Byrddau Iechyd Lleol (Sefydlu a Diddymu) (Cymru) 2009 (O.S. 2009/778 (Cy. 66)).

(2) 1989 c.41.

(3) O.S. 2003/148 (Cy.18).

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Plant 1989(1);

ystyr "y dyddiad perthnasol" ("*the relevant date*") yw 1 Hydref 2009;

ystyr "y Ddeddf" ("*the Act*") yw Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

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;

mae'r ymadrodd "Gorchymyn BIL1" i'w ddehongli'n unol â'r ymadrodd "LHB Order" yn adran 11(2) o'r Ddeddf;

mae i'r ymadrodd "gwasanaethau deintyddol sylfaenol" yr ystyr sydd i'r ymadrodd "primary dental services" yn adran 56 o'r Ddeddf;

mae i'r ymadrodd "gwasanaethau fferyllol" yr ystyr sydd i'r ymadrodd "pharmaceutical services" yn adran 80(8) o'r Ddeddf;

mae i'r ymadrodd "gwasanaethau meddygol sylfaenol" yr ystyr sydd i'r ymadrodd "primary medical services" yn adran 41 o'r Ddeddf; ac

mae i'r ymadrodd "gwasanaethau offthalmig cyffredinol" yr ystyr sydd i'r ymadrodd "general ophthalmic services" yn adran 71(10) o'r Ddeddf.

(2) At ddibenion y Rheoliadau hyn, ac yn ddarostyngedig i reoliad 3, y personau sy'n preswyllo fel arfer yn yr ardal y mae'r Bwrdd Iechyd Lleol wedi ei sefydlu ar ei chyfer yw'r personau y mae Bwrdd Iechyd Lleol yn gyfrifol amdanynt mewn unrhyw flwyddyn.

(3) Yn ddarostyngedig i unrhyw gyfarwyddyd y gall Gweinidogion Cymru ei roi o ran unrhyw achos penodol neu ddsbarthau o achos, os oes amheuaeth o ran ble y mae person yn preswyllo fel arfer at ddibenion paragraff (2) —

- (a) mae'r person i'w drin fel pe bai'n preswyllo fel arfer yn y cyfeiriad a roddwyd ganddo, yn gyfeiriad y mae'r person fel arfer yn preswyllo ynddo, i'r person neu'r corff sy'n darparu gwasanaethau ar ei gyfer;
- (b) os nad yw'r person yn rhoi unrhyw gyfeiriad o'r fath, mae ef i'w drin fel pe bai'n preswyllo fel arfer yn y cyfeiriad y mae'n ei roi, yn gyfeiriad mwyaf diweddar y person, i'r person neu'r corff sy'n darparu gwasanaethau ar ei gyfer;

(1) 1989 p.41.

"former Local Health Boards" ("*Byrddau Iechyd Lleol blaenorol*") means the twenty two Local Health Boards which were established on 10 February 2003 by the Local Health Boards (Establishment) (Wales) Order 2003(1);

"general ophthalmic services" ("*gwasanaethau offthalmig cyffredinol*") has the same meaning as in section 71(10) of the Act;

"Local Health Board" ("*Bwrdd Iechyd Lleol*") means a Local Health Board established in accordance with section 11(2) of the Act(2);

"LHB Order" ("*Gorchymyn BIL1*") is to be construed in accordance with section 11(2) of the Act;

"pharmaceutical services" ("*gwasanaethau fferyllol*") has the same meaning as in section 80(8) of the Act;

"primary dental services" ("*gwasanaethau deintyddol sylfaenol*") has the same meaning as in section 56 of the Act;

"primary medical services" ("*gwasanaethau meddygol sylfaenol*") has the same meaning as in section 41 of the Act; and

"the relevant date" ("*y dyddiad perthnasol*") means 1 October 2009.

(2) For the purposes of these Regulations, and subject to regulation 3, the persons for whom a Local Health Board is responsible in any year are the persons usually resident in the area for which the Local Health Board is established.

(3) Subject to any direction which the Welsh Ministers may give as to any particular case or classes of case, if there is doubt as to where a person is usually resident for the purposes of paragraph (2) —

- (a) the person is to be treated as usually resident at the address given by him or her to the person or body providing him or her with services, as being that at which the person usually resides;
- (b) where the person gives no such address, he or she is to be treated as usually resident at the address which he or she gives to the person or body providing him or her with services, as being the person's most recent address;

(1) S.I. 2003/148 (W.18).

(2) Powys Teaching LHB was established under the Local Health Boards (Establishment) (Wales) Order 2003 (S.I. 2003/148 (W.18)) and Abertawe Bro Morgannwg University LHB, Aneurin Bevan LHB, Betsi Cadwaladr University LHB, Cardiff and Vale University LHB, Cwm Taf LHB and Hywel Dda LHB were established under the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. 2009/778 (W.66)).

- (c) os na ellir cadarnhau cyfeiriad arferol y person o dan is-baragraffau (a) a (b) uchod, mae ef i gael ei drin fel pe bai'n preswyllo fel arfer yn yr ardal y mae'r person yn bresennol ynddi.

Eithriad i reoliad 2(2)

3.—(1) Mae Bwrdd Iechyd Lleol gwreiddiol yn parhau i fod yn gyfrifol am y personau a bennir ym mharagraff (3) sydd wedi bod yn preswyllo fel arfer yn yr ardal y sefydlwyd ef ar ei chyfer, yn yr amgylchiadau a nodir ym mharagraff (2).

(2) Dyma'r amgylchiadau—

(a) ar neu ar ôl 1 Gorffennaf 2007

- (i) bod y Bwrdd Iechyd Lleol gwreiddiol wedi gwneud trefniant wrth arfer ei swyddogaethau, neu
- (ii) bod awdurdod lleol wedi gwneud trefniant

y darperir gwasanaethau, yn rhinwedd y trefniant hwnnw, ar gyfer person y mae paragraff (3) yn gymwys iddo, sy'n golygu neu'n cynnwys darparu llety sydd wedi ei leoli yn ardal Bwrdd Iechyd Lleol arall neu Ymddiriedolaeth Gofal Sylfaenol; a

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

(3) Mae'r paragraff hwn yn gymwys

(a) i berson sydd o dan 18 oed ac

- (i) sy'n derbyn gofal gan awdurdod lleol o fewn ystyr adran 22(1) o Ddeddf 1989,
- (ii) sy'n blentyn perthnasol o fewn ystyr adran 23A o Ddeddf 1989,
- (iii) sy'n gymwys i gael cyngor a chymorth o dan adran 24(1A) neu adran 24(1B) o Ddeddf 1989,
- (iv) sydd wedi ei leoli mewn ysgol yn unol â datganiad o anghenion addysgol arbennig a wnaed o dan adran 324 o Ddeddf Addysg 1996(1) ac sy'n enwi'r ysgol, neu
- (v) y mae arno angen llety er mwyn bodloni 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 i'w swyddogaethau mewn perthynas â gwasanaethau meddygol sylfaenol, gwasanaethau deintyddol sylfaenol, gwasanaethau fferyllol a gwasanaethau offthalmig cyffredinol.

- (c) where the person's usual address cannot be determined under sub-paragraphs (a) and (b) above, he or she is to be treated as usually resident in the area in which the person is present.

Exception to regulation 2(2)

3.—(1) A Local Health Board of origin continues to be responsible for the persons specified in paragraph (3) 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 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

- (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 sub-categories of sub-paragraph (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.

(1) 1996 p.56.

(1) 1996 c.56.

(5) Yn y rheoliad hwn ystyr "Bwrdd Iechyd Lleol gwreiddiol" ("*Local Health Board of origin*") yw'r Bwrdd Iechyd Lleol a wnaeth y trefniant o dan is-baragraff (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 (2)(a)(ii).

Swyddogaethau i'w harfer gan Fyrddau Iechyd Lleol

4.—(1) Yn ddarostyngedig i reoliad 5, ac yn ddarostyngedig i unrhyw waharddiadau neu gyfyngiadau mewn Gorchymyn BILI, y swyddogaethau i'w harfer gan Fwrdd Iechyd Lleol o'r dyddiad perthnasol yw:

- (a) swyddogaethau Awdurdodau Iechyd blaenorol yng Nghymru a drosglwyddwyd i Gynulliad Cenedlaethol Cymru gan Orchymyn Awdurdodau Iechyd (Trosglwyddo Swyddogaethau, Staff, Eiddo, Hawliau a Rhwymedigaethau a Diddymu) (Cymru) 2003(1) ac y cyfarwyddwyd Byrddau Iechyd Lleol blaenorol gan Reoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003(2) i'w harfer ar 1 Ebrill 2003; a
- (b) swyddogaethau Gweinidogion Cymru, i'r graddau nad ydynt yn swyddogaethau o dan is-baragraff (a), fel a bennir yn yr Atodlen.

(2) Mae'r swyddogaethau y cyfeirir atynt ym mharagraff (1)(a) yn benodol yn cynnwys y cyfryw swyddogaethau ag a bennir yn yr Atodlen ond nid ydynt wedi eu cyfyngu iddynt.

Cyfyngu ar arfer swyddogaethau gan Fyrddau Iechyd Lleol

5. Nid oes dim yn y Rheoliadau hyn i'w gymryd fel pe bai'n rhoi cyfarwyddiadau ynghylch arfer unrhyw swyddogaethau a roddwyd i Weinidogion Cymru neu a freiniwyd ynddynt mewn cysylltiad ag —

- (a) gwneud unrhyw Orchymyn neu Reoliadau; neu
- (b) rhoi unrhyw gyfarwyddiadau.

Dirymiadau

6. Dirymir y Rheoliadau a ganlyn —

-
- (1) O.S. 2003/813 (Cy.98). Darparwyd gan y Gorchymyn hwn fod holl swyddogaethau Awdurdodau Iechyd yng Nghymru, o 1 Ebrill 2003, wedi cael eu trosglwyddo i Gynulliad Cenedlaethol Cymru a bod pob Awdurdod Iechyd o'r fath wedi ei ddiddymu.
 - (2) Darparwyd gan Reoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 (O.S. 2003/150 (Cy.20)) bod, o 1 Ebrill 2003, swyddogaethau Awdurdodau Iechyd blaenorol yng Nghymru, a gafodd eu trosglwyddo i Gynulliad Cenedlaethol Cymru yn unol ag O.S. 2003/813 (Cy.98), wedi eu gwneud (yn ddarostyngedig i eithriadau penodol mewn perthynas â swyddogaethau comisiynu arbenigol) yn arferadwy gan Fyrddau Iechyd Lleol.

(5) In this regulation "Local Health Board of origin" ("*Bwrdd Iechyd Lleol gwreiddiol*") means the Local Health Board which made the arrangement under sub-paragraph (2)(a)(i) or the Local Health Board which corresponds to the geographical area of the local authority which made the arrangement under sub-paragraph (2)(a)(ii).

Functions to be exercised by Local Health Boards

4.—(1) Subject to regulation 5, the functions to be exercised by a Local Health Board as from the relevant date are, subject to any prohibitions or restrictions in a LHB Order:

- (a) functions of former Health Authorities in Wales which were transferred to the National Assembly for Wales by the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003(1) and which former Local Health Boards were directed to exercise on 1 April 2003 by the Local Health Boards (Functions) (Wales) Regulations 2003(2); and
- (b) functions of the Welsh Ministers insofar as they are not functions under sub-paragraph (a) as are specified in the Schedule.

(2) The functions referred to in paragraph (1)(a) in particular include but are not limited to such of those functions as are specified in the Schedule.

Restriction on the exercise of functions by Local Health Boards

5. Nothing in these Regulations is to be taken as giving directions for the exercise of any functions conferred on or vested in the Welsh Ministers with respect to —

- (a) the making of any Order or Regulations; or
- (b) the giving of any directions.

Revocations

6. The following Regulations are revoked —

-
- (1) S.I. 2003/813 (W.98). This Order provided that from 1 April 2003 all functions of Health Authorities in Wales were transferred to the National Assembly for Wales and that all such Health Authorities were abolished.
 - (2) The Local Health Boards (Functions) (Wales) Regulations 2003 (S.I. 2003/150 (W.20)) provided that from 1 April 2003 the functions of former Health Authorities in Wales, which transferred to the National Assembly for Wales pursuant to S.I. 2003/813 (W.98), were (subject to certain exceptions relating to specialist commissioning functions) made exercisable by Local Health Boards.

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Swyddogaethau Awdurdodau Iechyd a Threfniadau Gweinyddol) 1996 (O.S. 1996/708);

Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003 (O.S. 2003/150 (Cy.20));

Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Diwygio) 2003 (O.S. 2003/816 (Cy.101));

Rheoliadau Bwrdd Iechyd Lleol Powys (Swyddogaethau Ychwanegol) 2003 (O.S. 2003/815 (Cy.100)); a

Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) (Diwygio) 2007 (O.S. 2007/315 (Cy.29)).

National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996 (S.I. 1996/708);

Local Health Boards (Functions) (Wales) Regulations 2003 (S.I. 2003/150 (W.20));

Local Health Boards (Functions) (Amendment) Regulations 2003 (S.I. 2003/816 (W.101));

The Powys Local Health Board (Additional Functions) Regulations 2003 (S.I. 2003/815 (W.100)); and

Local Health Boards (Functions) (Wales) (Amendment) Regulations 2007 (S.I. 2007/315 (W.29)).

Diwygiadau canlyniadol

7. Gwneir y diwygiadau canlyniadol a ganlyn—

- (a) ym mharagraff 16 o Ran 2 o Atodlen 2 i Ddeddf y Gwasanaeth Iechyd Gwladol (Darpariaethau Canlyniadol) 2006(1)—
 - (i) yn lle "Local Health Boards (Functions) (Wales) Regulations 2003" rhodder "Local Health Boards (Directed Functions) (Wales) Regulations 2009",
 - (ii) yn is-baragraff (c) yn lle "3(1)" rhodder "4",
 - (iii) dileer is-baragraff (d); a
- (b) yn y Cyfarwyddiadau i Fwrdd Iechyd Lleol Caerdydd, Bwrdd Iechyd Lleol Abertawe a Bwrdd Iechyd Lleol Sir Fynwy (2006) a ddaeth i rym ar 1 Ebrill 2006, yng nghyfarwyddyd 2(1) yn lle "Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Cymru) 2003" rhodder "Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau a Gyfarwyddir) (Cymru) 2009".

Consequential Amendments

7. The following consequential amendments are made —

- (a) in paragraph 16 of Part 2 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006(1)—
 - (i) for "Local Health Boards (Functions) (Wales) Regulations 2003" substitute "Local Health Boards (Directed Functions) (Wales) Regulations 2009",
 - (ii) in sub-paragraph (c) for "3(1)" substitute "4",
 - (iii) delete sub-paragraph (d); and
- (b) in the Directions to Cardiff Local Health Board, Swansea Local Health Board and Monmouthshire Local Health Board (2006) which came into force on 1 April 2006, in direction 2(1) for "Local Health Boards (Functions) (Wales) Regulations 2003" substitute "Local Health Boards (Directed Functions) (Wales) Regulations 2009".

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

18 Mehefin 2009

Minister for Health and Social Services, one of the Welsh Ministers

18 June 2009

YR ATODLEN

Deddfiadau sy'n rhoi Swyddogaethau sy'n Arferadwy gan Fyrddau Iechyd Lleol

Rheoliad 4

(1)	(2)
DEDDFIAD	CYNNWYS
Deddf Gwasanaethau Iechyd ac Iechyd Cyhoeddus 1968 (p.46)	
adran 63(1), (5) a (6)	Darparu ar gyfer hyfforddi swyddogion Byrddau Iechyd Lleol a phersonau eraill a gyflogir neu sy'n arfaethu cael eu cyflogi mewn gweithgareddau sy'n gysylltiedig ag iechyd neu les.
adran 64(1)	Rhoi cymorth ariannol i gyrff gwirfoddol.
Deddf Cleifion Cronig a Phersonau Anabl 1970 (p.44)	
adran 17	Darpariaethau mewn cysylltiad â gwahanu cleifion iau oddi wrth gleifion hŷn yn yr ysbyty.
Deddf Iechyd Meddwl 1983 (p.20)	
adran 12(2)	Cymeradwyo ymarferwyr meddygol am fod ganddynt brofiad arbennig mewn gwneud diagnosis o neu drin anhwylder meddyliol.
Deddf Hawlfraint, Dyluniadau a Phatentau 1988 (p.48)	
adran 48	Gwneud deunydd hawlfraint sydd ar gael i'r cyhoedd.
Deddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19)	
adran 18	Pennu symiau dangosol costau cyffuriau a meddyginiaethau.
Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43)	
adran 45	Rhoi a chadw yn eu lle drefniadau at ddibenion monitro ansawdd gofal iechyd a'i wella.
adran 47(4)	Cymryd i ystyriaeth y safonau a geir mewn datganiadau a gyhoeddir gan Weinidogion Cymru.
Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42)	
adran 1	Darparu gwasanaethau yn unol â'r Ddeddf neu sicrhau eu bod yn cael eu darparu.
adran 2	Darparu gwasanaethau yr ystyrir eu bod yn briodol ar gyfer cyflawni dyletswyddau a osodir ar Weinidogion Cymru a gwneud unrhyw beth arall a fwriedir i hwyluso cyflawni'r cyfryw ddyletswyddau.
adran 3(1)(a) a (b)	Darparu llety mewn ysbyty a llety arall.
adran 3(1)(c)	Darparu gwasanaethau meddygol, deintyddol ac

	offthalmig, a gwasanaethau nyrsio ac ambiwlans.
adran 3(1)(d)	Darparu gwasanaethau neu gyfleusterau ar gyfer gofalu am ferched beichiog, merched sy'n bwydo ar y fron a phlant ifanc.
adran 3(1)(e)	Darparu gwasanaethau neu gyfleusterau ar gyfer atal salwch, gofalu am bersonau sy'n dioddef o salwch ac am ôl-ofal personau sydd wedi dioddef o salwch.
adran 3(1)(f)	Darparu gwasanaethau neu gyfleusterau eraill y mae eu hangen ar gyfer gwneud diagnosis o salwch a'i drin.
adran 4	Darparu gwasanaethau seiciatryddol tra diogel.
adran 5 a pharagraffau 1 a 2 o Atodlen 1	Darparu ar gyfer gwneud ymchwiliad meddygol ar ddisgyblion a'u trin.
adran 5 a pharagraff 8 o Atodlen 1	Trefnu ar gyfer rhoi cyngor ar atal cenhedlu, ar gyfer gwneud ymchwiliad meddygol ar bersonau sy'n gofyn am y cyfryw gyngor, ar gyfer trin y cyfryw bersonau ac ar gyfer cyflenwi sylweddau a dyfeisiau atal cenhedlu.
adran 5 a pharagraffau 9 a 10 o Atodlen 1	Darparu cerbydau (gan gynnwys cadeiriau olwyn) ar gyfer personau anabl.
adran 5 a pharagraff 12 o Atodlen 1	Darparu gwasanaeth microbiolegol ar gyfer rheoli lledaeniad clefydau heintus.
adran 5 a pharagraff 13 o Atodlen 1	Cynnal neu gynorthwyo personau, drwy gyfrwng grantiau neu fel arall, i ymchwilio i faterion sy'n ymwneud â salwch neu faterion eraill sy'n gysylltiedig â gwasanaeth a ddarperir o dan y Ddeddf.
adran 6	Darparu gwasanaethau y tu allan i Gymru.
adran 10(1) a (2)	Trefnu gydag unrhyw berson neu gorff (gan gynnwys corff gwirfoddol) i'r person neu'r corff hwnnw ddarparu neu gynorthwyo i ddarparu unrhyw wasanaeth o dan y Ddeddf.
adran 10(3) a (4)	Sicrhau bod cyfleusterau a gwasanaethau personau a gyflogir mewn cysylltiad â'r cyfryw gyfleusterau ar gael i bersonau neu gyrff penodol (gan gynnwys gyrff gwirfoddol).
adran 10(5)	Cytuno telerau a thaliadau mewn cysylltiad â threfniadau a wneir o dan adran 10 o'r Ddeddf.
adran 14(1)	Cyflawni swyddogaethau mewn perthynas â gwasanaethau meddygol sylfaenol a gwasanaethau deintyddol sylfaenol.
adran 15	Gweinyddu a rheoli gwasanaethau mewn perthynas â gwasanaethau meddygol sylfaenol, gwasanaethau deintyddol sylfaenol, gwasanaethau offthalmig cyffredinol a gwasanaethau fferyllol.
adran 17	Paratoi ac adolygu cynlluniau ar gyfer gwella iechyd pobl y mae'n gyfrifol amdanynt a darparu gofal iechyd ar gyfer y cyfryw bersonau.
adran 38(1)-(4)	Cyflenwi nwyddau, gwasanaethau a chyfleusterau eraill i awdurdodau lleol a chyrrff cyhoeddus eraill a gwneud gwaith cynnal a chadw mewn cysylltiad ag unrhyw dir neu adeilad y mae awdurdod lleol yn gyfrifol am ei gynnal.

adran 38(5)	Cyflenwi nwyddau, deunyddiau neu gyfleusterau eraill a ragnodir i bersonau sy'n darparu gwasanaethau meddygol cyffredinol, gwasanaethau deintyddol sylfaenol, gwasanaethau offthalmig cyffredinol neu wasanaethau fferyllol.
adran 38(6)	Sicrhau bod unrhyw wasanaethau neu gyfleusterau eraill ar gael i awdurdodau lleol ynghyd â gwasanaethau personau a gyflogir a ddarperir fel rhan o'r gwasanaeth iechyd a gwasanaethau unrhyw ymarferydd meddygol neu ddeintyddol neu nyrs a gyflogir am resymau ac eithrio i ddarparu gwasanaethau sy'n rhan o'r gwasanaeth iechyd er mwyn galluogi awdurdodau lleol i gyflawni eu swyddogaethau mewn perthynas â gwasanaethau cymdeithasol, addysg ac iechyd cyhoeddus.
adran 38(7)	Sicrhau bod gwasanaethau ymarferwyr ar gael i awdurdodau lleol er mwyn galluogi'r cyfryw awdurdodau i gyflawni eu swyddogaethau mewn perthynas â gwasanaethau cymdeithasol, addysg ac iechyd cyhoeddus.
adran 39(1) a (2)	Darparu ar gyfer ymgynghori cyn sicrhau bod gwasanaethau unrhyw swyddog ar gael i awdurdod lleol.
adran 39(4) a (5)	Cytuno telerau gwasanaethau a chyfleusterau a ddarperir o dan adran 38 o'r Ddeddf a'r ffioedd amdanynt.
adran 39(6)	Pŵer pan gyflenwir nwyddau neu ddeunyddiau i'w prynu a'u storio a threfnu ar gyfer cyflenwi nwyddau neu ddeunyddiau gan drydydd partïon.
adran 41(1) - (4)	Darparu gwasanaethau meddygol sylfaenol.
adran 42	Gwneud contractau y darperir gwasanaethau meddygol sylfaenol oddi tanynt.
adran 44	Gwneud contractau gwasanaethau meddygol cyffredinol gyda phersonau cymwys.
adran 50(1)-(5) sylfaenol.	Trefnu ar gyfer darparu gwasanaethau meddygol
adran 51(1)	Gwneud trefniadau gyda phersonau cymwys o dan adran 50.
adran 53	Darparu cymorth a chefnogaeth mewn perthynas â gwasanaethau meddygol sylfaenol.
adran 54(1) a (9)	Cydnabod Pwyllgorau Meddygol Lleol a dyrannu symiau o arian i Bwyllgorau.
adran 55	Sicrhau bod llety ar gael i'w ddefnyddio mewn cysylltiad â gwasanaethau meddygol sylfaenol.
adran 56(1)-(4)	Darparu gwasanaethau deintyddol sylfaenol.
adran 57	Gwneud contractau gwasanaethau deintyddol cyffredinol.
adran 59	Gwneud contractau gwasanaethau deintyddol cyffredinol gyda phersonau cymwys.
adran 64(1)-(5)	Trefnu ar gyfer darparu gwasanaethau deintyddol sylfaenol.
adran 65(1)	Gwneud trefniadau gyda phersonau cymwys o dan adran 64.

adran 67(1) a (3)	Swyddogaethau mewn perthynas ag iechyd cyhoeddus deintyddol.
adran 68(1) a (2)	Darparu cymorth a chefnogaeth i unrhyw berson sy'n darparu gwasanaethau deintyddol sylfaenol.
adran 69(1) a (9)	Cydnabod Pwyllgorau Deintyddol Lleol a dyrannu symiau o arian i Bwyllgorau.
adran 70	Sicrhau bod llety ar gael i'w ddefnyddio mewn cysylltiad â gwasanaethau deintyddol sylfaenol.
adran 71(1)	Trefnu gwasanaethau offthalmig cyffredinol.
adran 75	Pan awdurdodir hynny, gwneud trefniadau eraill mewn perthynas â gwasanaethau offthalmig.
adran 78(1), (7), (8) a (9)	Cydnabod Pwyllgorau Optegol Lleol a dyrannu symiau o arian i Bwyllgorau.
adran 79	Sicrhau bod llety ar gael i'w ddefnyddio mewn cysylltiad â darparu gwasanaethau offthalmig cyffredinol.
adran 80 (1), (3) a (6)	Trefnu ar gyfer gwasanaethau fferyllol.
adran 82	Darparu a chyhoeddi manylion trefniadau mewn perthynas â gwasanaethau fferyllol ychwanegol.
adran 87	Pan awdurdodir hynny, gwneud trefniadau eraill mewn perthynas â gwasanaethau fferyllol.
adran 90(1), (7), (8) a (9)	Cydnabod Pwyllgorau Fferyllol Lleol a dyrannu symiau o arian i Bwyllgorau.
adran 91	Sicrhau bod llety ar gael i'w ddefnyddio mewn cysylltiad â darparu gwasanaethau fferyllol.
adran 92	Sefydlu cynlluniau peilot.
adran 93 a pharagraffau 1,2,3,4,5 a 7 o Atodlen 6	Gwneud cynlluniau peilot.
adran 107	Datgymhwyso ymarferwyr rhag cael eu cynnwys ar restr offthalmig neu fferyllol.
adran 108	Dileu ymarferwyr yn amodol.
adran 110(1), (3), (4), (5), (6) ac (8)	Atal ymarferwyr dros dro.
adran 111	Atal ymarferwyr dros dro hyd oni chynhelir apêl.
adran 113(1) a (3)	Adolygu penderfyniadau.
adran 114(5) a (6)	Gwneud cais am amrywio ymarferwyr ar restr, am eu gorfodi ar restr ac am eu dileu'n amodol oddi ar restr.
adran 115(4),(5) a (6)	Gwneud cais am ddatgymhwysiad cenedlaethol.
adran 137	Awdurdodi defnyddio llety mewn ysbytai, penderfynu i ba raddau y mae i fod ar gael a phenderfynu ac adennill ffioedd mewn cysylltiad â defnyddio llety o'r fath.
adran 138	Adennill treuliau sy'n daladwy gan gleifion a gyflogir.
adran 159	Caffael tir neu eiddo arall y mae ei angen at ddibenion y Ddeddf a defnyddio neu gynnal a chadw unrhyw eiddo yn rhinwedd y Ddeddf.
adran 163(2)(b)	Bod yn gorff sy'n gyfrifol am ysbyty.
adran 166	Defnyddio unrhyw eiddo a freinir yng Ngweinidogion

Cymru.

adran 183	Cynnwys y cyhoedd ac ymgynghori ynghylch cynllunio gwasanaethau a'u rhoi ar waith.
adran 197	Sicrhau bod cyfleusterau ar gael ar gyfer addysgu ac ymchwilio clinigol mewn cysylltiad â meddygaeth neu ddeintyddiaeth glinigol.
adran 198	Sicrhau bod llety neu gyfleusterau gwasanaeth iechyd ar gael at ddiben darparu gwasanaethau meddygol, deintyddol, fferyllol, offthalmig neu drin traed ar gael i gleifion preifat nad ydynt yn gleifion preswyl.
adran 200(2), (4), (6), (7), (9) a (10)	Derbyn a chofrestru gwybodaeth mewn perthynas â genedigaethau a marwolaethau.

©© Hawlfraint y Goron 2009

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.

SCHEDULE

Enactments Conferring Functions Exercisable by Local Health Boards

Regulation 4

(1) ENACTMENT	(2) SUBJECT MATTER
Health Services and Public Health Act 1968 (c.46) section 63(1), (5) and (6)	Providing for instruction of officers of Local Health Boards and other persons employed or contemplating employment in activities connected with health or welfare.
section 64(1)	Giving financial assistance to voluntary organisations.
Chronically Sick and Disabled Persons Act 1970 (c.44) section 17	Provisions with respect to separation of younger from older patients in hospital.
Mental Health Act 1983 (c.20) section 12(2)	Approving medical practitioners as having special experience in the diagnosis or treatment of mental disorder.
Copyright, Designs and Patents Act 1988 (c.48) section 48	Making publicly available copyright material.
National Health Service and Community Care Act 1990 (c.19) section 18	Specifying indicative amounts of the costs of drugs and medicines.
Health and Social Care (Community Health and Standards) Act 2003 (c.43) section 45	Putting and keeping in place arrangements for the purposes of monitoring and improving quality of health care.
section 47(4)	Taking into account the standards set out in statements published by the Welsh Ministers.
National Health Service (Wales) Act 2006 (c.42) section 1	Providing or securing the provision of services in accordance with the Act.
section 2	Providing services considered appropriate for discharging duties imposed on the Welsh Ministers and doing anything else calculated to facilitate the discharge of such duties.
section 3(1)(a) and (b)	Providing hospital and other accommodation.
section 3(1)(c)	Providing medical, dental, ophthalmic, nursing and ambulance services.

section 3(1)(d)	Providing services or facilities for the care of pregnant women, women who are breastfeeding and young children.
section 3(1)(e)	Providing services or facilities for the prevention of illness, the care of persons suffering from illness and the after-care of persons who have suffered from illness.
section 3(1)(f)	Providing other services or facilities required for the diagnosis and treatment of illness.
section 4	Providing high security psychiatric services.
section 5 and paragraphs 1 and 2 of Schedule 1	Providing for the medical inspection and treatment of pupils.
section 5 and paragraph 8 of Schedule 1	Arranging for the giving of advice on contraception, for the medical examination of persons seeking such advice, for the treatment of such persons and for the supply of contraceptive substances and appliances.
section 5 and paragraphs 9 and 10 of Schedule 1	Provision of vehicles (including wheelchairs) for disabled persons.
section 5 and paragraph 12 of Schedule 1	Provision of a microbiological service for the control of the spread of infectious diseases.
section 5 and paragraph 13 of Schedule 1	Conducting or assisting, by grants or otherwise, persons to conduct research into matters relating to illness or other matters connected with a service provided under the Act.
section 6	Provision of services outside Wales.
section 10(1) and (2)	Arranging with any person or body (including a voluntary organisation) for that person or body to provide or assist in providing any service under the Act.
section 10(3) and (4)	Making available to certain persons or bodies (including voluntary organisations) facilities and services of persons employed in connection with such facilities.
section 10(5)	Agreeing terms and payments in connection with arrangements made under section 10 of the Act.
section 14(1)	Performing functions in relation to primary medical services and primary dental services.
section 15	Administration and management of services relating to primary medical services, primary dental services, general ophthalmic services and pharmaceutical services.
section 17	Preparing and reviewing plans for improving the health of the people for whom it is responsible and the provision of health care to such people.
section 38(1)-(4)	Supplying goods, services and other facilities to local authorities and other public bodies and carrying out maintenance work in connection with any land or building the maintenance of which is a local authority responsibility.
section 38(5)	Supplying prescribed goods, materials or other facilities to persons providing general medical services, primary dental services, general ophthalmic services or pharmaceutical services.

section 38(6)	Making available to local authorities any services or other facilities and the services provided as part of the health service of employed persons and the services of any medical or dental practitioner or nurse employed otherwise than to provide services which are part of the health service to enable local authorities to discharge their functions relating to social services, education and public health.
section 38(7)	Making available to local authorities the services of practitioners to enable such authorities to discharge their functions relating to social services, education and public health.
section 39(1) and (2)	Providing for consultation before the services of any officer are made available to a local authority.
section 39(4) and (5)	Agreeing terms and charging for services and facilities provided under section 38 of the Act.
section 39(6)	Power when supplying goods or materials to purchase and store them and arrange for supply of goods or materials by third parties.
section 41(1) - (4).	Providing primary medical services.
section 42	Entering into contracts under which primary medical services are provided.
section 44	Entering into general medical services contracts with eligible persons.
section 50(1)-(5)	Arranging for the provision of primary medical services.
section 51(1)	Making agreements with eligible persons under section 50.
section 53	Providing assistance and support in relation to primary medical services.
section 54(1) and (9)	Recognising Local Medical Committees and allotting monies to Committees.
section 55	Making accommodation available for use in connection with primary medical services.
section 56(1)-(4)	Providing primary dental services.
section 57	Entering into general dental services contracts.
section 59	Entering into general dental services contracts with eligible persons.
section 64(1)-(5)	Arranging for the provision of primary dental services.
section 65(1)	Making agreements with eligible persons under section 64.
section 67(1) and (3)	Functions in relation to dental public health.
section 68(1) and (2)	Providing assistance and support to any person providing primary dental services.
section 69(1) and (9)	Recognising Local Dental Committees and allotting monies to Committees.
section 70	Making accommodation available for use in connection with primary dental services.
section 71(1)	Arranging general ophthalmic services.

section 75	Where authorised making other arrangements in relation to ophthalmic services.
section 78(1), (7), (8) and (9)	Recognising Local Optical Committees and allotting monies to Committees.
section 79	Making accommodation available for use in connection with the provision of general ophthalmic services.
section 80 (1), (3) and (6)	Arranging for pharmaceutical services.
section 82	Providing and publishing details of arrangements relating to additional pharmaceutical services.
section 87	Where authorised making other arrangements in relation to pharmaceutical services.
section 90(1), (7), (8) and (9)	Recognising Local Pharmaceutical Committees and allotting monies to Committees.
section 91	Making accommodation available for use in connection with the provision of pharmaceutical services.
section 92	Establishing pilot schemes.
section 93 and paragraphs 1,2,3,4,5 and 7 of Schedule 6	Making pilot schemes .
section 107	Disqualifying practitioners from an ophthalmic or pharmaceutical list.
section 108	Removing practitioners contingently.
section 110(1), (3), (4), (5), (6) and (8)	Suspending practitioners.
section 111	Suspending practitioners pending appeal.
section 113(1) and (3)	Reviewing of decisions.
section 114(5) and (6)	Applying for variation, imposition or contingent removals of practitioners from lists.
section 115(4),(5) and (6)	Applying for national disqualification.
section 137	Authorising use of hospital accommodation, determining the extent to which it is to be made available and determining and recovering charges in respect of the use of such accommodation.
section 138	Recovering expenses payable by employed patients.
section 159	Acquiring land or other property required for the purposes of the Act and the use or maintenance of any property by virtue of the Act.
section 163(2)(b)	Being a body responsible for a hospital.
section 166	Use of property vested in the Welsh Ministers.
section 183	Involving the public and consultation on the planning and operation of services.
section 197	Securing the availability of facilities for clinical teaching and research connected with clinical medicine or dentistry.
section 198	Making available health service accommodation or facilities for the purpose of providing medical, dental, pharmaceutical, ophthalmic or chiropody services to non-resident private patients.

section 200(2), (4), (6), (7), (9) and (10)

Receiving and registering information in relation to births and deaths.

© Crown copyright 2009

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.

OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 1511 (Cy.147)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Byrddau Iechyd Lleol
(Swyddogaethau a Gyfarwyddir)
(Cymru) 2009

WELSH STATUTORY
INSTRUMENTS

2009 No. 1511 (W.147)

**NATIONAL HEALTH
SERVICE, WALES**

The Local Health Boards (Directed
Functions) (Wales) Regulations
2009

£5.50

W500/07/09

ON