OFFERYNNAU STATUDOL CYMRU

# 2011 Rhif 106 (Cy.25)

# IECHYD Y CYHOEDD, CYMRU

## Rheoliadau Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2011

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn rhagnodi'r ffioedd sy'n daladwy gan geiswyr ar gyfer cofrestru a rheolwyr cofrestredig, o dan Ran II o Ddeddf Safonau Gofal 2000 ("y Ddeddf").

Mae'r ffioedd yn daladwy–

(1) ar gyfer cais am gofrestru (rheoliad 3);

(2) ar gyfer cais am amrywio unrhyw amod sydd mewn grym mewn perthynas â chofrestriad (rheoliad 4);

(3) ar gyfer cais am ddileu unrhyw amod sydd mewn grym mewn perthynas â chofrestriad (rheoliad 5).

Yn ychwanegol, mae rheoliad 6 yn pennu'r swm sy'n daladwy fel ffi flynyddol sydd i'w thalu mewn cysylltiad â sefydliadau ac asiantaethau o dan adran 16(3) o'r Ddeddf.

Mae darpariaethau ar gyfer ad-dalu a chanlyniadau peidio â thalu (rheoliadau 8 a 9).

Mae elusennau'n esempt rhag talu ffioedd (rheoliad 10(1)), onibai eu bod yn codi tâl am wasanaethau.

WELSH STATUTORY INSTRUMENTS

# 2011 No. 106 (W.25)

# PUBLIC HEALTH, WALES

## The Independent Health Care (Fees) (Wales) Regulations 2011

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the fees that are payable by applicants for registration and registered managers, under Part II of the Care Standards Act 2000 ("the Act").

The fees are payable–

(1) on an application for registration (regulation 3);

(2) on an application for the variation of any condition in force in relation to a registration (regulation 4);

(3) on an application for the removal of any condition in force in relation to a registration (regulation 5).

In addition, regulation 6 determines the amount payable as an annual fee in respect of establishments and agencies under section 16(3) of the Act.

There are provisions for the refund of fees paid and consequences for non-payment (regulations 8 and 9).

Charities are exempt from the payment of fees (regulation 10(1)), unless they charge for services.

OFFERYNNAU STATUDOL CYMRU

# 2011 Rhif 106 (Cy.25)

# IECHYD Y CYHOEDD, CYMRU

## Rheoliadau Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2011

| | |
|---|---|
| *Gwnaed* | *20 Ionawr 2011* |
| *Gosodwyd gerbron Cynulliad Cenedlaethol Cymru* | *21 Ionawr 2011* |
| *Yn dod i rym* | *1 Ebrill 2011* |

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 8(4), 12(2), 14(1)(d), 15(3), 16(3), 16(4) a 118(5) i (7) o Ddeddf Safonau Gofal 2000(**1**), drwy hyn yn gwneud y Rheoliadau a ganlyn.

**Enwi, cychwyn a chymhwyso**

**1**.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2011.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2011.

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

**Dehongli**

**2**.–(1) Yn y Rheoliadau hyn–

mae i'r ymadrodd "asiantaeth feddygol annibynnol" yr un ystyr ag "*independent medical agency*" yn adran 2(5) y Ddeddf;

ystyr "awdurdod cofrestru" ("*registration authority*") yw Gweinidogion Cymru;

ystyr "awdurdod perthnasol" ("*relevant authority*) yw unrhyw Fwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol

(**1**) 2000 p.14. Mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru yn rhinweddd Paragraff 39 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

WELSH STATUTORY INSTRUMENTS

# 2011 No. 106 (W.25)

# PUBLIC HEALTH, WALES

## The Independent Health Care (Fees) (Wales) Regulations 2011

| | |
|---|---|
| *Made* | *20 January 2011* |
| *Laid before the National Assembly for Wales* | *21 January 2011* |
| *Coming into force* | *1 April 2011* |

The Welsh Ministers, in exercise of the powers conferred upon them by sections 8(4), 12(2), 14(1)(d), 15(3), 16(3), 16(4) and 118(5) to (7) of the Care Standards Act 2000(**1**) hereby make the following regulations.

**Title, commencement and application**

**1**.–(1) The title of these Regulations is The Independent Health Care (Fees) (Wales) Regulations 2011.

(2) These Regulations come into force on 1 April 2011.

(3) These Regulations apply in relation to Wales.

**Interpretation**

**2**.–(1) In these Regulations–

"the Act" ("*y Ddeddf*") means the Care Standards Act 2000;

"acute hospital" ("*ysbyty aciwt*") means an independent hospital of the type referred to in section 2(3)(a)(ii) of the Act, not being a hospice or mental health hospital, whether or not it has approved places, in which at least one listed service may be provided and which provides treatment under general anaesthetic or intravenous sedation;

(**1**) 2000 c.14. The functions of the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of Paragraph 39 of Schedule 11 to the Government of Wales Act 2006.

(Cymru) 2006, unrhyw ymddiriedolaeth GIG a sefydlwyd o dan adran 18 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**), ac unrhyw gyngor sir neu gyngor bwrdeistref sirol;

ystyr "ceisydd" ("*applicant*") yw person sy'n ceisio cael ei gofrestru o dan Ddeddf Safonau Gofal 2000;

mae i'r ymadrodd "clinig annibynnol" yr un ystyr ag "*independent clinic*" yn a.2(4) o'r Ddeddf;

ystyr "cofrestredig", "ei gofrestru" ac "ei chofrestru" ("*registered*") yw cofrestredig o dan Ran 2 o'r Ddeddf;

ystyr "cofrestriad" a "cofrestru" ("*registration*") yw cofrestriad neu gofrestru o dan Ran 2 o'r Ddeddf;

mae i "cynnyrch laser Dosbarth 3B neu Ddosbarth 4", ("*Class 3B or Class 4 laser product*"), yr ystyr a roddir i'r diffiniad o "Class 3B or Class 4 laser product" yn Rhan 1 Safon Brydeinig EN 60825 – 1 (Diogelwch ymbelydredd cynhyrchion a systemau laser)(**2**);

ystyr "chwarter o'r flwyddyn" ("*quarter of the year*") yw cyfnod o dri mis calendr yn olynol;

ystyr "defnyddiwr gwasanaeth" ("*service user*") yw unrhyw berson y darperir llety neu wasanaethau iddo mewn sefydliad ond nid yw'n cynnwys personau cofrestredig na phersonau cyflogedig na phersonau y bwriedir iddynt fod yn gyflogedig mewn sefydliad;

mae "dialysis" ("*dialysis*") yn cynnwys haemodialysis a dialysis peritoneol;

ystyr "dyddiad priodol" ("*due date*") yw naill ai pen blwydd y cofrestriad a ganiatawyd gyntaf i'r darparydd cofrestredig, neu pan fo'r cofrestriad yn gofrestriad newydd, sy'n daladwy o fewn mis ar ôl caniatáu'r cofrestriad ac wedi hynny ar ben blwydd y cofrestriad;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Safonau Gofal 2000;

ystyr "enwaedu gwryw" ("*male circumcision*") yw enwaedu plant gwryw gan broffesiynolyn gofal iechyd, gan gynnwys at ddibenion cadw defodau crefyddol;

ystyr "ffi amrywiad mawr" ("*major variation fee*") yw'r ffi sy'n daladwy mewn cysylltiad â chais i amrywio amod cofrestru pan fo'n angenrheidiol i'r awdurdod cofrestru arolygu;

ystyr "ffi flynyddol" ("*annual fee*") yw swm a ragnodir at ddibenion adran 16(3) o'r Ddeddf;

ystyr "ffi mân amrywiad" ("*minor variation fee*")

(**1**) 2006 p.42.

(**2**) Gellir cael copïau o BS EN 60825 oddi wrth BS1 Customer Services, 389 Chiswick High Road, Llundain W4 4AL.

"annual fee" ("*ffi flynyddol*") means an amount prescribed for the purposes of section 16(3) of the Act;

"applicant" ("*ceisydd*") means a person seeking to be registered under the Care Standards Act 2000;

"approved places" ("*lleoedd a gymeradwywyd*") means a bed which is available, in accordance with any condition placed upon the registration of any person in respect of the establishment, for the use of a service user at night;

"Class 3B or Class 4 laser product", ("*Cynnyrch laser Dosbarth 3B neu Ddosbarth 4*") has the meaning given in Part 1 of British Standard EN 60825 – 1 (Radiation safety of laser products and systems)(**1**);

"dental treatment ("*triniaeth ddeintyddol*") means any dental treatment provided by a dentist, being a person registered in the dentists register under the Dentists Act 1984(**2**);

"dialysis" ("*dialysis*") includes haemodialysis and peritoneal dialysis;

"due date" ("*dyddiad priodol*") means the anniversary of the date of first registration, or in the first year of registration, a date one month after the date of first registration;

"establishment" ("*sefydliad*") means an independent hospital or independent clinic;

"hospice" ("*hospis*") means an independent hospital the whole or main purpose of which is to provide palliative care;

"hospital providing treatment under local anaesthesia" ("*ysbyty sydd yn darparu triniaeth gan ddefnyddio anaesthesia lleol*") means a hospital by virtue of s.2(3)(a)(ii) of the Act not being an acute hospital and not being an establishment which is excepted from being an independent hospital by virtue of regulation 3(3) of the Independent Health Care (Wales) Regulations 2011 in which medical treatment is provided under local anaesthesia;

"hyperbaric therapy" ("*therapi hyperbarig*") means the administration of oxygen (whether or not combined with one or more other gases) to a service user who is in a sealed chamber which is gradually pressurised with compressed air, where such therapy is carried out by or under the direct supervision or direction of a medical practitioner;

"*in vitro* fertilisation" ("*ffrwythloni in vitro*") means treatment services for which a licence may be granted under paragraph 1 of Schedule 2 to the

(**1**) Copies of BS EN 60825 can be obtained from BS1 Customer Services, 389 Chiswick High Road, London W4 4AL.

(**2**) 1984 c.24.

yw'r ffi sy'n daladwy mewn cysylltiad â chais i amrywio amod cofrestru pan na fo'n angenrheidiol i'r awdurdod cofrestru ymweld er mwyn arolygu;

ystyr "ffrwythloni *in vitro*" ("*in vitro fertilisation*") yw gwasanaethau triniaeth y caniateir rhoi trwydded ar eu cyfer o dan baragraff 1 o Atodlen 2 i Ddeddf Ffrwythloni Dynol ac Embryoleg 1990(**1**);

ystyr "golau dwys" ("*intense light*") yw golau band eang anghydlynol a gaiff ei hidlo i gynhyrchu ystod benodedig o donfeddi, ac mae'r ymbelydredd hwnnw wedi ei hidlo yn cael ei gyflenwi i'r corff, gyda'r nod o beri niwed thermol, mecanyddol neu gemegol i strwythurau megis ffoliglau gwallt a namau ar y croen tra bydd yn arbed y meinweoedd o'u hamgylch;

ystyr "hosbis" ("*hospice*") yw ysbyty annibynnol y mae ei holl ddiben neu ei brif ddiben yn golygu darparu gofal lliniarol;

ystyr "lleoedd a gymeradwywyd" ("*approved places*") yw gwely sydd ar gael yn unol ag unrhyw amod a roddwyd ar gofrestriad unrhyw berson mewn cysylltiad â'r sefydliad, at ddefnydd defnyddiwr gwasanaeth yn ystod y nos;

ystyr "sefydliad" ("*establishment*") yw ysbyty annibynnol neu glinig annibynnol;

ystyr "triniaeth ddeintyddol" ("*dental treatment*") yw person sydd wedi ei gofrestru yng nghofrestr y deintyddion o dan Ddeddf Deintyddion 1984(**2**);

ystyr "therapi hyperbarig" ("*hyperbaric therapy*") yw rhoi ocsigen (p'un a chaiff ei gyfuno ag un neu ragor o nwyon ai peidio) i glaf sydd mwn siambr wedi ei selio sy'n raddol cael ei wasgeddu ag aer cywasgedig, a phan fo'r therapi hwnnw yn cael ei wneud gan ymarferydd meddygol neu o dan ei oruchwyliaeth neu ei gyfarwyddyd uniongyrchol;

ystyr "ysbyty acíwt" ("*acute hospital*") yw ysbyty annibynnol o'r math y cyfeirir ato yn adran 2(3)(a)(ii) o'r Ddeddf, nad sydd yn hosbis nac yn ysbyty iechyd meddwl, boed ganddo leoedd a gymeradwywyd, y mae o leiaf un gwasanaeth rhestredig yn cael ei ddarparu ynddo ac sy'n darparu triniaeth o dan anesthetig cyffredinol neu lonyddiad mewnwythiennol;

mae i "ysbyty annibynnol" ("*independent hospital*") yr un ystyr ag yn a.2(2) ac a.2(3) o'r Ddeddf;

ystyr "ysbyty iechyd meddwl" ("*mental health hospital*") yw ysbyty annibynnol o'r math y cyfeirir ato yn adran 2(3)(a)(i) neu (b) o'r Ddeddf, sydd â lleoedd a gymeradwywyd a'i brif bwrpas yw rhoddi

(**1**) 1990 p.37.

(**2**) 1984 p.24.

Human Fertilisation and Embryology Act 1990(**1**);

"independent clinic" ("*clinic annibynnol*") has the same meaning as in s.2(4) of the Act;

"independent hospital" ("ysbyty annibynnol") has the same meaning as in s.2(2) and s.2(3) of the Act;

"independent medical agency" ("*asiantaeth feddygol annibynnol*") means an independent medical agency, as defined in section 2(5) of the Act;

"intense light" ("*golau dwys*") means broadband non-coherent light which is filtered to produce a specified range of wavelengths, such filtered radiation being delivered to the body, with the aim of causing thermal, mechanical or chemical damage to structures such as hair follicles and skin blemishes while sparing surrounding tissues;

"major variation fee" ("*ffi amrwyiad mawr*") means the fee payable in respect of an application to vary a condition of registration where it is necessary for the registration authority to inspect;

"male circumcision" ("*enwaedu gwryw*") means the circumcision of male children by a health care professional, including for the purpose of religious observance;

"maternity hospital" ("*ysbyty mamolaeth*") means an independent hospital, the main purpose of which (whether or not other services are provided) is to provide obstetric services and medical services in connection with childbirth;

"mental health hospital" ("*ysbyty iechyd meddwl*") means an independent hospital of the type referred to in section 2(3)(a)(i) or (b) of the Act, which has approved places and whose main purpose is to provide medical treatment for mental illness or mental disorder;

"minor variation fee" ("*ffi mân amrwyiad*") means the fee payable in respect of an application to vary a condition of registration where it is not necessary for the registration authority to inspect;

"non-acute hospital" ("*ysbyty nad yw'n aciwt*") means an independent hospital of the type mentioned in section 2(3)(a)(i) of the Act, with approved places, providing medical treatment for illness but which is not a hospice or mental health hospital and does not provide any listed service;

"quarter of the year" ("*chwarter o'r flwyddyn*") means a period of three consecutive calendar months;

"registered" ("*cofrestredig", "ei gofrerstru" ac "ei chofrestru*") means registered under Part 2 of the Act;

(**1**) 1990 c.37.

triniaeth feddygol ar gyfer iechyd meddwl neu anhwylder meddwl;

ystyr "ysbyty mamolaeth" ("*maternity hospital*") yw ysbyty annibynnol, a'i phrif ddiben (p'un a ddarperir gwasanaethau eraill ai peidio) yw darparu gwasanaethau obstetrig a gwasanaethau meddygol mewn cysylltiad â geni plant;

ystyr "ysbyty nad yw'n acíwt" ("*non-acute hospital*") yw ysbyty o'r math a grybwyllir yn adran 2(3)(a)(i) o'r Ddeddf, sydd gan leoedd a gymeradwywyd, sy'n darparu triniaeth feddygol ar gyfer salwch ond nad yw'n hosbis nac yn ysbyty iechyd meddwl ac nad yw'n darparu unrhyw wasanaeth rhestredig;

ystyr "ysbyty terfynu beichiogrwydd" ("*termination of pregnancy hospital*") yw ysbyty annibynnol a'i brif ddiben (p'un a ddarperir gwasanaethau eraill ai peidio) yw darparu gwasanaeth sy'n terfynu beichiogrwydd;

ystyr "ysbyty yn darparu triniaeth gan ddefnyddio anaesthesia lleol" ("*hospital providing treatment under local anaesthesia*") yw ysbyty yn rhinwedd a.2(3)(a)(ii) y Ddeddf nad sydd yn ysbyty aciwt ac nad sydd yn sefydliad sydd wedi ei eithrio o fod yn ysbyty annibynnol oherwydd rheoliad 3(3) o Reoliadau Gofal Iechyd Annibynnol (Cymru) 2011, ac sydd yn darparu triniaeth feddygol gan ddefnyddio anaesthesia lleol.

"registration authority" ("*awdurdod cofrestru*") means the Welsh Ministers;

"registration" ("*cofrestriad" a "cofrestru*") means registration under Part 2 of the Act;

"relevant authority" ("*awdurdod perthnasol*") means any Local Health Board established under section 11 of the National Health Service (Wales) Act 2006, any NHS trust established under section 18 of the National Health Service (Wales) Act 2006(**1**), and any county council or county borough council;

"service user" ("*defnyddiwr gwasanaeth*") means any person who is to be provided with accommodation or services in an establishment but excludes registered persons or persons employed or intended to be employed in an establishment;

"termination of pregnancy hospital" ("*ysbyty terfynu beichiogrwydd*") means an independent hospital whose main purpose (whether or not other services are provided) is to provide termination of pregnancy.

**Ffioedd cofrestru**

**3**.–(1) At ddibenion adran 12(2) o'r Ddeddf, y swm a bennir yng ngholofn 2 o'r tabl ar gyfer cofrestru fel darparydd a cholofn 3 o'r tabl ar gyfer cofrestru fel rheolwr fydd y ffi sydd i fynd gyda chais gan berson sy'n gwneud cais i gael ei gofrestru o dan Ran 2 o'r Ddeddf fel person sy'n rhedeg sefydliad neu asiantaeth a bennir yng ngholofn 1 o'r tabl isod.

| **Colofn 1** | **Colofn 2** | **Colofn 3** |
|---|---|---|
| *Categori y sefydliad, asiantaeth neu driniaeth a ddarparir* | *Darparydd sy'n geisydd ffi cofrestru* | *Rheolwr sy'n geisydd ffi cofrestru* |
| Ysbyty acíwt | £2,500 | £100 |
| Ysbyty nad yw'n acíwt | £1,500 | £100 |
| Ysbyty iechyd meddwl | £2,500 | £100 |

**Registration fees**

**3**.–(1) For the purposes of section 12(2) of the Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the Act in relation to an establishment or agency in column 1 of the table below is the sum specified in column 2 for an application to be registered as the provider, or the sum specified in column 3 for an application to be registered as the manager.

| **Column 1** | **Column 2** | **Column 3** |
|---|---|---|
| *Category of establishment, agency or treatment provided* | *Application fee for registration as provider* | *Application fee for registration as manager* |
| An acute hospital | £2,500 | £100 |
| Non-acute hospital | £1,500 | £100 |
| Mental health hospital | £2,500 | £100 |

(**1**) 2006 c.42.

| | | |
|---|---|---|
| Ysbyty terfynu beichiogrwydd | £750 | £100 |
| Ysbyty mamolaeth | £1,500 | £100 |
| Ysbyty yn darparu triniaeth gan ddefnyddio anaesthesia lleol | £750 | £100 |
| Hosbis | £0 | £0 |
| Triniaeth ddeintyddol o dan anaesthesia cyffredinol | £750 | £100 |
| Llawfeddygaeth gosmetig | £2,500 | £100 |
| **Ysbyty annibynnol a'i phrif ddiben yw darparu triniaeth gan ddefnyddio Techneg Ragnodedig neu Dechnoleg Ragnodedig** | | |
| Ffrwythloni *In Vitro* | £750 | £100 |
| Cynhyrchion laser Dosbarth 3B neu 4 at ddibenion nad ydynt yn llawfeddygol | £500 | £100 |
| Cynhyrchion laser Dosbarth 3B neu 4 at ddiben llawfeddygol | £750 | £100 |
| Golau dwys | £500 | £100 |
| Dialysis | £750 | £100 |
| Endosgopi | £750 | £100 |
| Therapi Hyperbarig | £750 | £100 |
| Enwaedu gwryw | £500 | £100 |
| **Asiantaethau Meddygol Annibynnol a Clinigau Annibynnol** | | |
| Asiantaeth Feddygol Annibynnol | £500 | £100 |
| Clinig Annibynnol | £500 | £100 |

**Y ffioedd mewn cysylltiad â cheisiadau i amrywio amod cofrestru**

**4**. At ddibenion adran 15(3) o'r Ddeddf, y ffi a bennir yng ngholofn 2 fydd y ffi sydd i fynd gyda chais gan y person cofrestredig o dan adran 15(1)(a) o'r Ddeddf i amrywio amod cofrestru mewn cysylltiad â sefydliad neu asiantaeth a bennir yng ngholofn 1 o'r tabl isod.

| | | |
|---|---|---|
| Termination of pregnancy hospital | £750 | £100 |
| Maternity hospital | £1,500 | £100 |
| Hospital providing treatment under local anaesthesia | £750 | £100 |
| Hospice | £0 | £0 |
| Dental treatment under general anaesthesia | £750 | £100 |
| Cosmetic surgery | £2,500 | £100 |
| **Independent hospital whose main purpose is providing treatment using a Prescribed Technique or Prescribed Technology** | | |
| *In Vitro* Fertilisation | £750 | £100 |
| Class 3B or 4 laser products for non-surgical purposes | £500 | £100 |
| Class 3B or 4 laser products for a surgical purpose | £750 | £100 |
| Intense light | £500 | £100 |
| Dialysis | £750 | £100 |
| Endoscopy | £750 | £100 |
| Hyperbaric oxygen therapy | £750 | £100 |
| Male circumcision | £500 | £100 |
| **Independent Medical Agencies and Independent Clinics** | | |
| Independent Medical Agency | £500 | £100 |
| Independent Clinic | £500 | £100 |

**Fees in respect of applications to vary a condition of registration**

**4**. For the purposes of section 15(3) of the Act, the fee to accompany an application by the registered person under section 15(1)(a) of the Act to vary a condition of registration in respect of an establishment or agency specified in column 1 of the table below, is to be the sum specified in column 2.

| Colofn 1 | Colofn 2 |
|---|---|
| *Categori y ceisydd* | *Y ffioedd ar gyfer amrywiadau mewn amodau cofrestru* |
| Pob darparydd cofrestredig sefydliadau ac asiantaethau (ac eithrio hosbisau) | Ffi amrywiad mawr: £500<br><br>Ffi mân amrywiad: £250 |
| Rheolwyr Cofrestredig | £0 |

| Column 1 | Column 2 |
|---|---|
| *Category of applicant* | *Fees for applications to vary conditions of registration* |
| Registered providers of all establishments and agencies (except hospices) | Major variation fee : £500<br>Minor variation fee : £250 |
| Registered Managers | £0 |

**Y ffioedd mewn cysylltiad â cheisiadau i ddileu amod cofrestru**

**5**. At ddibenion adran 15(3) o'r Ddeddf, y ffi a bennir yng ngholofn 2 fydd y ffi sydd i fynd gyda chais gan y person cofrestredig o dan adran 15(1)(a) o'r Ddeddf i ddileu amod cofrestru mewn cysylltiad â sefydliad neu asiantaeth a bennir yng ngholofn 1 o'r tabl isod.

| Colofn 1 | Colofn 2 |
|---|---|
| *Y Categori* | *Y ffi am ddileu unrhyw amod ar gyfer cofrestru darparydd cofrestredig neu reolwr cofrestredig mewn cysylltiad â sefydliad neu asiantaeth* |
| Pob darparydd cofrestredig sefydliadau ac asiantaethau (ac eithrio hosbisau) | £50 |
| Rheolwyr Cofrestredig | £0 |

**Fees in respect of applications to remove a condition of registration**

**5**. For the purposes of section 15(3) of the Act, the fee to accompany an application by the registered person under section 15(1)(a) of the Act to remove a condition of registration in respect of an establishment or agency specified in column 1 of the table below is to be the sum specified in column 2.

| Column 1 | Column 2 |
|---|---|
| *Category* | *Fee for the removal of any condition on the registration of a registered provider or registered manager in respect of an establishment or agency* |
| Registered providers of all establishments and agencies (except hospices) | £50 |
| Registered Managers | £0 |

**Ffioedd blynyddol**

**6**.–(1) At ddibenion adran 16(3) o'r Ddeddf, bydd y darparydd cofrestredig mewn cysylltiad â sefydliad neu asiantaeth a bennir yng ngholofn 1 o'r tabl isod yn talu ffi flynyddol, a'r swm a bennir yng ngholofn 2 fydd swm y ffi flynyddol.

| Colofn 1 | Colofn 2 |
|---|---|
| *Categori y sefydliad, asiantaeth neu'r driniaeth a ddarparir* | *Y ffi flynyddol* |
| **Ysbytai Annibynnol** | |
| Ysbyty nad yw'n acíwt<br><br>Y gyfradd safonol ym mhob achos, plws | <br><br>£1,500 |

**Annual fees**

**6**. For the purposes of section 16(3) of the Act, the registered provider of an establishment or agency specified in column 1 of the table below, must pay an annual fee, and the amount of the annual fee is to be the sum specified in column 2.

| Column 1 | Column 2 |
|---|---|
| *Category of establishment, agency or treatment provided* | *Annual Fee* |
| **Independent hospitals** | |
| Non-acute hospital<br><br>Flat rate in all cases, plus | <br><br>£1,500 |

| | |
|---|---|
| fesul lle wedi ei gymeradwyo: 1–25 | £200 |
| fesul lle wedi ei gymeradwyo: 26 + | £100 |
| Ysbyty acíwt | |
| Y gyfradd safonol ym mhob achos, plws | £2,000 |
| fesul lle wedi ei gymeradwyo: 1–25 | £200 |
| fesul lle wedi ei gymeradwyo: 26–59 | £100 |
| fesul lle wedi ei gymeradwyo: 60 – 99 | £50 |
| fesul lle wedi ei gymeradwyo: 100+ | £25 |
| Ysbyty iechyd meddwl | |
| Y gyfradd safonol ym mhob achos, plws | £2,000 |
| fesul lle wedi ei gymeradwyo: 1–25 | £200 |
| fesul lle wedi ei gymeradwyo: 26–59 | £100 |
| fesul lle wedi ei gymeradwyo: 60 –99 | £50 |
| fesul lle wedi ei gymeradwyo: 100+ | £25 |
| Ysbyty terfynu beichiogrwydd | £1,500 |
| Ysbyty mamolaeth | |
| Y gyfradd safonol ym mhob achos, plws | £2,000 |
| fesul lle wedi ei gymeradwyo: 1–25 | £200 |
| fesul lle wedi ei gymeradwyo: 26+ | £100 |
| Ysbyty yn darparu triniaeth gan ddefnyddio anaesthesia lleol | £750 |
| Hosbis | £0 |
| Triniaeth ddeintyddol o dan anaesthesia cyffredinol | £1,500 |
| Llawfeddygaeth gosmetig | |
| Y gyfradd safonol ym mhob achos, plws | £2,000 |

| | |
|---|---|
| per approved place:1–25 | £200 |
| per approved place 26 + | £100 |
| Acute hospital | |
| Flat rate in all cases, plus | £2,000 |
| per approved place: 1–25 | £200 |
| per approved place: 26–59 | £100 |
| per approved place: 60 –99 | £50 |
| per approved place: 100+ | £25 |
| Mental health hospital | |
| Flat rate in all cases, plus | £2,000 |
| per approved place: 1–25 | £200 |
| per approved place: 26–59 | £100 |
| per approved place: 60 –99 | £50 |
| per approved place: 100+ | £25 |
| Termination of pregnancy hospital | £1,500 |
| Maternity hospital | |
| Flat rate in all cases, plus | £2,000 |
| per approved place: 1-25 | £200 |
| per approved place: 26+ | £100 |
| Hospital providing treatment under local anaesthesia | £750 |
| Hospice | £0 |
| Dental treatment under general anaesthesia. | £1,500 |
| Cosmetic surgery | |
| Flat rate in all cases, plus | £2,000 |

| | |
|---|---|
| fesul lle wedi ei gymeradwyo: 1–25 | £200 |
| fesul lle wedi ei gymeradwyo: 26+ | £50 |
| **Ysbyty annibynnol a'i phrif ddiben yw darparu triniaeth gan ddefnyddio Techneg Ragnodedig a Thechnoleg Ragnodedig** | |
| Ffrwythloni *In Vitro* | £1,500 |
| Cynhyrchion laser Dosbarth 3B neu 4 at ddibenion nad ydynt yn llawfeddygol | £500 |
| Cynhyrchion laser Dosbarth 3B neu 4 at ddiben llawfeddygol | £750 |
| Golau dwys | £500 |
| Dialysis | £1,500 |
| Endosgopi | £1,500 |
| Therapi hyperbarig | £1,500 |
| Enwaedu gwryw | £500 |
| **Clinigau Annibynnol ac Asiantaethau Meddygol Annibynnol** | |
| Clinigau Annibynnol | £500 |
| Asiantaethau Meddygol Annibynnol | £500 |

| | |
|---|---|
| per approved place: 1–25 | £200 |
| per approved place: 26+ | £50 |
| **Independent hospital whose main purpose is providing treatment using a Prescribed Technique or Prescribed Technology** | |
| *In Vitro* Fertilisation | £1,500 |
| Class 3B or class 4 Laser products for a non-surgical purpose | £500 |
| Class 3B or class 4 Laser products for a surgical purpose | £750 |
| Intense light | £500 |
| Dialysis | £1,500 |
| Endoscopy | £1,500 |
| Hyperbaric therapy | £1,500 |
| Male circumcision | £500 |
| **Independent Clinics and Independent Medical Agencies** | |
| Independent Clinics | £500 |
| Independent Medical Agencies | £500 |

**Sefydliad neu asiantaeth yn dod o fewn mwy nag un o'r categorïau talu ffioedd**

**7**.–(1) Pan fo sefydliad neu asiantaeth yn dod o fewn mwy nag un o'r categorïau a restrir yng ngholofn 1 o'r tabl uchod, y categori y mae ffi'r gyfradd uchaf yn daladwy oddi tano a fydd yn gymwys.

(2) Bydd y ffi mewn cysylltiad â phob categori a restrir yng ngholofn 1 yn daladwy ar y dyddiad priodol.

**Ad-dalu ffioedd blynyddol**

**8**.–(1) Pan fo'r darparydd cofrestredig yn gwneud cais am ganslo ei gofrestriad o dan adran 15(1)(b) o'r Ddeddf, o fewn chwe mis ar ôl y dyddiad priodol, a bod yr awdurdod cofrestru yn cytuno i ganiatáu'r cais hwnnw, yna caiff ad-daliad o hyd at 50% o'r ffi flynyddol ei dalu i'r darparydd cofrestredig.

**Establishment falling within more than one category of fee payment**

**7**.–(1) Where an establishment or agency falls within more than one of the categories listed in column 1 of the table above, only one fee is payable being the fee which corresponds to the category with the highest rate.

(2) The fee in respect of each establishment or agency listed in column 1 is to be payable on the due date.

**Refund of annual fees**

**8**.–(1) Where the registered provider applies to cancel its registration under section 15(1)(b) of the Act, within six months of the due date and the registration authority agrees to grant that application, then a refund of up to 50% of the annual fee will be paid to the registered provider.

(2) Swm yr ad-daliad y mae gan ddarparydd cofrestredig hawl iddo yw chwarter y ffi flynyddol a dalwyd ar gyfer pob chwarter cyflawn sydd yn weddill o'r cyfnod o 12 mis y mae yn daladwy ar ei gyfer, ar y dyddiad y mae'r awdurdod cofrestru yn derbyn y cais i ganslo, ac yn ddarostyngedig i uchafswm ad-daliad o 50%.

(3) Wrth gyfrifo faint o chwarteri cyflawn y flwyddyn sy'n weddill, rhaid peidio ag ystyried o gwbl y mis calendr y daw'r cais i ganslo i law.

**Peidio â thalu ffi**

**9**. Os na chaiff y ffi flynyddol ei thalu gan y darparydd cofrestredig erbyn y dyddiad priodol, yna caiff yr awdurdod cofrestru ganslo cofrestriad y darparydd cofrestredig, ac adennill y ffi fel dyled sifil.

**Esemptiad rhag talu ffi**

**10**.–(1) Pan fo darparydd unrhyw sefydliad neu asiantaeth a restrir uchod yn elusen sydd wedi ei chofrestru gan y Comisiwn Elusennol, o dan Adran 3A o Ddeddf Elusennau 1993(**1**) yna, ar yr amod bod yr unig wasanaethau y mae'r elusen yn eu darparu yn ddi-dâl ac nad yw'r gwasanaethau hynny wedi eu comisiynu gan awdurdod perthnasol, mae'r elusen yn esempt rhag talu ffi o dan y Rheoliadau hyn.

(2) Nid oes unrhyw ffi gwneud cais yn daladwy ble mae person yn gwneud cais i gofrestru fel rheolwr sefydliad neu asiantaeth ac mae'r person wedi ei gofrestru yn barod fel rheolwr mewn perthynas â sefydliad neu asiantaeth arall neu yr oedd y person wedi ei gofrestru felly ddim mwy na 7 diwrnod cyn y dyddiad y gwnaethpwyd cais.

**Diwygio Rheoliadau Deddf Safonau Gofal 2000 a Deddf Plant 1989 (Dileu Ffioedd) (Cymru) 2006.**

**11**.–(1)Mae Rheoliadau Deddf Safonau Gofal 2000 a Deddf Plant 1989 (Dileu Ffioedd) (Cymru) 2006(**2**) yn cael eu diwygio yn unol â darpariaethau canlynol y rheoliadau hwn.

(2) Yn lle rheoliad 1(4) rhodder–

"(4) Nid yw'r Rheoliadau hyn yn gymwys i bersonau sy'n darparu gwasanaethau deintyddol, nac i'r personau hynny sy'n gorfod cofrestru mewn perthynas â gweithredu neu reoli y sefydliad neu asiantaethau hynny a ddisgrifir yn adran 2 Ddeddf Safonau Gofal 2000."

(**1**) 1993 c.10.

(**2**) O.S. 2006/878(Cy.83).

(2) The amount of the refund to which a registered provider is entitled is a quarter of the annual fee paid for each complete quarter which remains of the 12 month period for which it is due as at the date the registration authority receives the application to cancel and subject to a maximum refund of 50%.

(3) In calculating how many complete quarters of the year remain, no account is to be taken of the calendar month in which the application to cancel is received.

**Non-payment of fee**

**9**. If the annual fee is not paid by the registered provider by the due date, then the registration authority may cancel the registered provider's registration, and recover the fee as a civil debt.

**Exemption from payment of fee**

**10**.–(1) Where the provider of any establishment or agency listed above is a charity registered with the Charity Commission, under section 3A of the Charities Act 1993(**1**), then provided that the only services that charity provides are free, and that the services are not commissioned by a relevant authority, the charity is exempt from payment of a fee under these regulations.

(2) No application fee is payable where a person applies to register as a manager of an establishment or agency and the person is already registered as a manager in respect of a different establishment or agency or was so registered no more than 7 days before the date the application was submitted.

**Amendment to the Care Standards Act 2000 and the Children Act 1989 (Abolition of Fees) (Wales) Regulations 2006**

**11**.–(1) The Care Standards Act 2000 and the Children Act 1989 (Abolition of Fees) (Wales) Regulations 2006(**2**) are amended in accordance with the following provisions of this regulation.

(2) For regulation 1(4) replace with–

"(4) These regulations do not apply to persons who provide dental services, nor to those persons having to register in relation to carrying on or managing those establishment or agencies described in section 2 of the Care Standards Act 2000."

(**1**) 1993 c.10.

(**2**) S.I. 2006/878 (W.83).

*Edwina Hart*

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

20 Ionawr 2011

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

20 January 2011

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**2011 Rhif 106 (Cy.25)**

**IECHYD Y CYHOEDD, CYMRU**

Rheoliadau Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2011

WELSH STATUTORY INSTRUMENTS

**2011 No. 106 (W.25)**

**PUBLIC HEALTH, WALES**

The Independent Health Care (Fees) (Wales) Regulations 2011

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