



OFFERYNNAU STATUDOL
CYMRU

2013 Rhif 898 (Cy.102)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Gwasanaethau Fferyllol)
(Cymru) 2013

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992 (O.S. 1992/662) (fel y'u diwygiwyd) ("Rheoliadau 1992") fel y Rheoliadau sydd, yng Nghymru, yn llywodraethu'r modd y darperir gwasanaethau fferyllol fel rhan o'r Gwasanaeth Iechyd Gwladol o dan Ran 7 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

Mae Rhan 1 yn cynnwys darpariaethau rhagarweiniol.

Mae Rhan 2 yn pennu'r gofynion bod pob Bwrdd Iechyd Lleol, yn paratoi a chynnal ar gyfer ei ardal—

- (a) rhestrau fferyllol o fferyllwyr GIG a chontractwyr cyfarpar GIG sy'n ymrwymo i ddarparu gwasanaethau fferyllol o fangreoedd yn yr ardal; a
- (b) rhestrau meddygon fferyllol o feddygon sy'n ymrwymo i ddarparu gwasanaethau fferyllol o fangreoedd yn yr ardal.

Mae Rhan 2 hefyd yn pennu'r telerau gwasanaethu, sef y telerau y cynhwysir personau ar eu sail mewn rhestr fferyllol neu restr meddygon fferyllol, a'r telerau y mae'r personau hynny'n ymrwymo i ddarparu gwasanaethau fferyllol ar eu sail, fel rhan o'r Gwasanaeth Iechyd Gwladol.

Mae Rhan 3 yn gwneud darpariaeth i'r Bwrdd Iechyd Lleol benderfynu, ei hunan neu ar gais Pwyllgor Meddygol Lleol neu Bwyllgor Fferyllol Lleol, pa un a yw ardal benodol, o fewn yr ardal y sefydlwyd y Bwrdd Iechyd Lleol ar ei chyfer, oherwydd ei natur wledig, yn ardal reoledig neu'n rhan o ardal reoledig.

WELSH STATUTORY
INSTRUMENTS

2013 No. 898 (W.102)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Pharmaceutical Services) (Wales)
Regulations 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the National Health Service (Pharmaceutical Services) Regulations 1992 (S.I.1992/662) (as amended) ("the 1992 Regulations") as the Regulations which, in Wales, govern the provision of pharmaceutical services as part of the National Health Service under Part 7 of the National Health Service (Wales) Act 2006.

Part 1 contains introductory provisions.

Part 2 sets out the requirements for each Local Health Board to prepare and maintain for their area—

- (a) pharmaceutical lists of NHS pharmacists and NHS appliance contractors who undertake to provide pharmaceutical services from premises in the area; and
- (b) dispensing doctor lists of doctors who undertake to provide pharmaceutical services from premises in the area.

It also sets out the terms of service, which are the terms on which persons are included in a pharmaceutical or dispensing doctor list and on which they undertake to provide pharmaceutical services as part of the National Health Service.

Part 3 makes provision for a Local Health Board itself, or on application from a Local Medical Committee or Local Pharmaceutical Committee, to determine whether or not a particular area within the area for which the Local Health Board is established is, because it is rural in character, a controlled locality or

Arwyddocâd penderfyniad bod ardal yn ardal reoledig yw y caiff meddygon, mewn amgylchiadau penodol, ddarparu gwasanaethau fferyllol i gleifion cymwys penodol (os yw'r meddygon hynny wedi eu cynnwys mewn rhestr meddygon fferyllol). Pennir y gweithdrefnau y mae'n rhaid i Fwrdd Iechyd Lleol eu dilyn, wrth benderfynu'r cwestiwn a yw ardal yn ardal reoledig neu'n rhan o ardal reoledig, yn Atodlen 2 i'r Rheoliadau. Pennir hawliau i apelio i Weinidogion Cymru ynghylch penderfyniadau a wneir gan Fyrrdau Iechyd Lleol yn Atodlen 3.

Mae Rhan 4 yn nodi'r gwahanol fathau o geisiadau am gynnwys personau mewn rhestrau fferyllol, neu ddiwygio rhestrau fferyllol, a'r profion y mae'n rhaid i Fwrdd Iechyd Lleol eu cyflawni wrth benderfynu'r ceisiadau hynny. O dan reoliad 8 (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol) a rheoliad 12 (ceisiadau am gydsyniad rhagarweiniol ac effaith cydsyniad rhagarweiniol) ni chaiff Bwrdd Iechyd Lleol ganiatáu ceisiadau oni fodlonir ef fod caniatáu'r cais yn angenrheidiol neu'n hwylus er mwyn sicrhau darpariaeth ddigonol o'r cyfan, neu rai, o'r gwasanaethau a bennir yn y cais, yn y gymdogaeth y lleolir ynddi'r fangre a bennir yn y cais, (y prawf angenrheidiol neu hwylus). Yn ychwanegol, os yw'r fangre mewn ardal reoledig, mae'n rhaid, yn gyffredinol, bodloni'r Bwrdd Iechyd Lleol na fyddai caniatáu'r cais yn niweidio'r gwasanaethau meddygol sylfaenol, neu weinyddu neu'r gwasanaethau fferyllol mewn unrhyw ardal (y prawf niweidio). Gwneir eithriad i hyn os yw'r Bwrdd Iechyd Lleol yn penderfynu bod y fangre a bennir yn y cais mewn lleoliad neilltuedig (o dan reoliad 11 (lleoliadau mewn ardaloedd rheoledig sy'n lleoliadau neilltuedig)).

Mae rhai ceisiadau penodol ynglŷn â rhestrau fferyllol nad ydynt yn cael eu hasesu yn unol â'r prawf angenrheidiol neu hwylus, na'r prawf niweidio. Caiff person sydd wedi ei gynnwys eisoes mewn rhestr fferyllol wneud cais i adleoli'r fangre y mae'n darparu gwasanaethau fferyllol ohoni os gellir ystyried y symudiad yn adleoliad bach. Mae rheoliad 13 (ceisiadau sy'n ymwneud ag adleoliad bach o fewn ardal Bwrdd Iechyd Lleol) yn pennu amgylchiadau pan fo rhaid i Fwrdd Iechyd Lleol ganiatáu cais o'r fath. Yn yr un modd, nid asesir ceisiadau sy'n dod o fewn rheoliad 14 (ceisiadau sy'n ymwneud ag adleoliadau bach rhwng ardaloedd Byrddau Iechyd Lleol cyfagos), rheoliad 15 (ceisiadau sy'n ymwneud ag adleoli dros dro) a rheoliad 16 (ceisiadau sy'n ymwneud â newid perchnogaeth) yn unol â'r prawf angenrheidiol neu hwylus, na'r prawf niweidio. Mae'r gweithdrefnau y mae'n rhaid i Fwrdd Iechyd Lleol eu dilyn wrth benderfynu ceisiadau o dan Ran 4 wedi eu pennu yn Atodlen 2 i'r Rheoliadau, a'r hawliau i apelio i Weinidogion Cymru ynghylch penderfyniadau a wneir gan Fyrrdau Iechyd Lleol wedi eu pennu yn Atodlen 3.

part of a controlled locality. The significance of a locality being determined to be a controlled locality is that, in certain circumstances, doctors can provide pharmaceutical services to certain of their eligible patients (if those doctors are included in a dispensing doctor list). The procedures that a Local Health Board must follow in determining a question as to whether an area is a controlled locality or part of a controlled locality are set out in Schedule 2 to the Regulations. Rights of appeal to the Welsh Ministers in respect of decisions made by Local Health Boards are set out in Schedule 3.

Part 4 sets out the types of applications in respect of inclusion in or amendment to pharmaceutical lists and the tests which a Local Health Board must apply to determine those applications. Under regulation 8 (applications to be included in or for amendment to a pharmaceutical list) and regulation 12 (applications for preliminary consent and effect of preliminary consent) applications can be granted only if the Local Health Board is satisfied that it is necessary or expedient to grant the application to secure in the neighbourhood in which the premises specified in the application are located, the adequate provision of all or some of the services specified in the application (the necessary or expedient test). In addition, the general position is that if the premises are situated in a controlled locality, the Local Health Board must be satisfied that to grant the application will not prejudice the proper provision of primary medical, dispensing or pharmaceutical services in any locality (the prejudice test). The exception to the general position is where the premises specified in an application are determined, by the Local Health Board, to be in a reserved location (under regulation 11 (locations in controlled localities that are reserved locations)).

Certain applications regarding pharmaceutical lists are not assessed in accordance with the necessary or expedient test or the prejudice test. A person already included in a pharmaceutical list can apply to relocate the premises from which he or she provides pharmaceutical services where the move can be considered to be a minor relocation. Regulation 13 (applications involving minor relocation within a Local Health Board's area) sets out when a Local Health Board must grant such an application. Similarly, applications that fall within regulation 14 (applications involving minor relocation between neighbouring Local Health Board areas), regulation 15 (applications involving a temporary relocation) and regulation 16 (applications involving a change of ownership) are not assessed in accordance with the necessary or expedient test or the prejudice test. The procedures that a Local Health Board must follow in determining applications under Part 4 are set out in Schedule 2 to the Regulations, and rights of appeal to the Welsh Ministers in respect of decisions made by Local Health Boards are set out in Schedule 3.

Mae Rhan 5 yn pennu'r ceisiadau y gall meddygon eu gwneud, i'w galluogi i gyflawni'r amodau, a fydd wedyn yn caniatáu iddynt wneud trefniadau gyda Bwrdd Iechyd Lleol i ddarparu gwasanaethau fferyllol i'w cleifion cymwys mewn ardaloedd rheoledig. Rhaid i feddygon wneud cais am gydsyniad amlinellol a chymeradwyaeth mangre o dan reoliad 24 (cydsyniad amlinellol a chymeradwyo mangre) a rhaid i Fyrrdau Iechyd Lleol ystyried ceisiadau o'r fath yn unol â'r prawf angenrheidiol neu hwylus, y prawf niweidio a'r pellter rhwng y fangre y mae'r meddyg yn bwriadu darparu gwasanaethau fferyllol ohoni a fferyllfeydd cyfagos. Caiff meddyg, ar ôl cael cydsyniad amlinellol a chymeradwyaeth mangre, wneud trefniadau gyda Bwrdd Iechyd Lleol i ddarparu gwasanaethau fferyllol o dan reoliad 20 (trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon). Pennir y gweithdrefnau y mae'n rhaid i Fwrdd Iechyd Lleol eu dilyn wrth benderfynu ceisiadau o dan Ran 5 yn Atodlen 2 i'r Rheoliadau, a'r hawliau i apelio i Weinidogion Cymru ynghylch penderfyniadau a wneir gan Fyrrdau Iechyd Lleol yn Atodlen 3.

Mae Rhan 6 yn ymwneud â seiliau addasrwydd, ac â chynnwys personau mewn rhestrau fferyllol a'u tynnu ymaith o'r rhestrau. Mae'n darparu ar gyfer gohirio a gwrthod, ar sail addasrwydd, geisiadau am gynnwys person mewn rhestr fferyllol (rheoliadau 31 a 32), ac ar gyfer cynnwys person mewn rhestr fferyllol yn ddarostyngedig i amodau (rheoliad 33). Mewn rhai achosion addasrwydd, gan gynnwys achosion pan fo person wedi ei gollfarnu am drosedd yn y Deyrnas Unedig ac wedi ei ddedfrydu i garchar am gyfnod o fwy na chwe mis, rhaid i Fwrdd Iechyd Lleol dynnu enw'r person hwnnw o'r rhestr fferyllol yn unol â rheoliad 35 (tynnu ymaith oddi ar restr fferyllol am resymau eraill).

Mae Rhan 7 ymwneud â thaliadau i fferyllwyr GIG a chontractwyr cyfarpar GIG. Mae rheoliad 41 (y Tariff Cyffuriau a chydubyddiaeth ariannol i fferyllwyr GIG a chontractwyr cyfarpar GIG) yn darparu ar gyfer cyhoeddi'r Tariff Cyffuriau, sef y prif ddatganiad o hawlogaethau ariannol fferyllwyr GIG a chontractwyr cyfarpar GIG, sy'n nodi'r penderfyniadau ar faterion o'r fath a wnaed gan Weinidogion Cymru fel yr awdurdod penderfynu. Mae rheoliad 42 (Byrddau Iechyd Lleol fel awdurdodau penderfynu) yn gwneud darpariaeth i'r Byrddau Iechyd Lleol fod yn awdurdodau penderfynu pan bennir hynny yn y Tariff Cyffuriau. Darperir hefyd ynghylch materion atodol, gan gynnwys gordaliadau a thaliadau i fferyllwyr GIG a chontractwyr cyfarpar GIG.

Mae Rhan 8 yn ymwneud â materion amrywiol, gan gynnwys darpariaethau trosiannol ar gyfer ceisiadau ac apelau a wnaed o dan Reoliadau 1992 cyn i'r Rheoliadau hyn ddod i rym.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd

Part 5 sets out the applications which doctors can make in order to be able to fulfil the conditions on which they can then make arrangements with a Local Health Board to provide pharmaceutical services to their eligible patients in controlled localities. Doctors must apply for outline consent and premises approval under regulation 24 (outline consent and premises approval) and Local Health Boards must consider such applications in accordance with the necessary or expedient test, the prejudice test and the proximity of the premises from which the doctor wishes to provide pharmaceutical services to nearby pharmacies. A doctor who has been granted outline consent and premises approval may make arrangements with a Local Health Board to provide pharmaceutical services under regulation 20 (arrangements for the provision of pharmaceutical services by doctors). The procedures that a Local Health Board must follow in determining applications under Part 5 are set out in Schedule 2 to the Regulations, and rights of appeal to the Welsh Ministers in respect of decisions made by Local Health Boards are set out in Schedule 3.

Part 6 deals with fitness grounds and inclusion in and removal from pharmaceutical lists. It provides for the deferral and refusal of applications for inclusion in a pharmaceutical list on fitness grounds (regulations 31 and 32) together with an inclusion in a pharmaceutical list being subject to conditions (regulation 33). For certain fitness matters, including where a person has been convicted in the United Kingdom of a criminal offence and has been sentenced to a term of imprisonment of over six months, a Local Health Board must remove a person from a pharmaceutical list pursuant to regulation 35 (removal from a pharmaceutical list for other reasons).

Part 7 deals with payments to NHS pharmacists and NHS appliance contractors. Regulation 41 (the Drug Tariff and remuneration of NHS pharmacists and NHS appliances contractors) provides for the publication of the Drug Tariff, the main statement of the financial entitlements of NHS pharmacists and NHS appliances contractors that sets out the determinations on such matters made by the Welsh Ministers as determining authority. Regulation 42 (Local Health Boards as determining authorities) makes provision for the Local Health Boards to be determining authorities where this is set out in the Drug Tariff. There are also provisions for supplemental matters including overpayments and payments to NHS pharmacists and NHS appliance contractors.

Part 8 deals with miscellaneous matters, including transitional provisions for applications and appeals made under the 1992 Regulations before these Regulations come into force.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to

asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi ohono gan yr Adran Iechyd, Gwasanaethau Cymdeithasol a Phlant, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department for Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2013 Rhif 898 (Cy.102)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Gwasanaethau Fferyllol)
(Cymru) 2013

Gwnaed 17 Ebrill 2013

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 18 Ebrill 2013

Yn dod i rym 10 Mai 2013

2013 No. 898 (W.102)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Pharmaceutical Services) (Wales)
Regulations 2013

Made 17 April 2013

*Laid before the National
Assembly for Wales* 18 April 2013

Coming into force 10 May 2013

CYNNWYS

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Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddir gan adrannau 15, 80, 83, 84, 86, 88, 104, 107, 110, 115, 116, 118, 203(9) a (10) a 205 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1).

SCHEDULE 1 — Information to be included in applications to provide pharmaceutical services

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The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 15, 80, 83, 84, 86, 88, 104, 107, 110, 115, 116, 118, 203(9) and (10) and 205 of the National Health Service (Wales) Act 2006(1).

RHAN 1

Cyflwyniad

Enwi, cychwyn a chymhwysyo

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013.

(2) Daw'r Rheoliadau hyn i rym ar 10 Mai 2013.

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

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "addasu cyfarpar stoma" ("stoma appliance customisation") yw addasu swp o fwy nag un cyfarpar stoma, pan fo—

(a) y cyfarpar stoma sydd i'w haddasu wedi eu rhestru yn Rhan IXC o'r Tariff Cyffuriau;

PART 1

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013.

(2) These Regulations come into force on 10 May 2013.

(3) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"the 1992 Regulations" ("Rheoliadau 1992") means the National Health Service (Pharmaceutical Services) Regulations 1992(1), in force immediately before these Regulations come into force;

(1) 2006 p.42

(1) 2006 c.42.

(2) S.I. 1992/662. Relevant amending instruments are S.I.2007/205 (W.19), S.I. 2009/1491 (W.144), S.I. 2010/868 (W.90), S.I. 2010/1648 (W.156) and S.I. 2011/2907 (W.311).

- (b) yr addasiad yn cynnwys newidiadau yn unol â'r un fanyleb, mewn darnau unfath lluosog sydd i'w defnyddio gyda phob cyfarpar unigol; ac
- (c) yr addasiad hwnnw'n seiliedig ar fesuriadau'r claf, neu gofnod o'r mesuriadau hynny, a phan fo'n briodol, templed;

ystyr "AEE" ("EEA") yw'r Ardal Economaidd Ewropeaidd a grëwyd gan y Cytundeb AEE;

ystyr "anghymhwysiad cenedlaethol" ("national disqualification") yw—

- (a) anghymhwysiad cenedlaethol yn yr ystyr a roddir i "national disqualification", a grybwyllir yn adran 115(2) a (3) o Ddeddf 2006 (anghymhwysiad cenedlaethol);
- (b) anghymhwysiad cenedlaethol yn yr ystyr a roddir i "national disqualification" a grybwyllir yn adran 159(2) a (3) o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(1) (anghymhwysiad cenedlaethol);
- (c) unrhyw benderfyniad yn yr Alban neu Ogledd Iwerddon sy'n cyfateb i anghymhwysiad cenedlaethol o dan adran 115(2) a (3) o Ddeddf 2006; a
- (d) unrhyw benderfyniad arall a oedd yn anghymhwysiad cenedlaethol at ddibenion Rheoliadau 2005;

ystyr "ardal reoledig" ("controlled locality") yw ardal y penderfynodd Bwrdd Iechyd Lleol ei bod yn wledig yn unol â rheoliad 6 (ardaloedd sy'n ardaloedd rheoledig), y penderfynodd Gweinidogion Cymru yn dilyn apêl, yn unol â Rhannau 1 a 2 o Atodlen 3, ei bod yn wledig, neu sy'n ardal reoledig yn rhinwedd gweithredu rheoliad 6(1);

ystyr "Awdurdod Gwasanaethau Busnes y GIG" ("NHS Business Services Authority") yw'r Awdurdod Gwasanaethau Busnes y GIG (NHS Business Services Authority) a sefydlwyd gan Orchymyn Awdurdod Gwasanaethau Busnes y GIG (NHS Business Services Authority) (Sefydlu a Chyfansoddiad) 2005(2);

ystyr "Bwrdd Iechyd Lleol" ("Local Health Board") yw Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf 2006 (byrddau iechyd lleol);

mae i "cais am fferyllfa yn yr arfaeth" ("outstanding pharmacy application") yr ystyr a roddir iddo yn rheoliad 25(11) (cydsyniad amlinellol a chymeradwyaeth mangre yn cael effaith);

"the 2005 Regulations" ("Rheoliadau 2005") means the National Health Service (Pharmaceutical Services) Regulations 2005(1) as in force immediately before 1 September 2012;

"the 2006 Act" ("Deddf 2006") means the National Health Service (Wales) Act 2006;

"advanced electronic signature" ("llofnod electronig uwch") means an electronic signature which is—

- (a) uniquely linked to the signatory;
- (b) capable of identifying the signatory;
- (c) created using means that the signatory can maintain under his or her sole control; and
- (d) linked to the data to which it relates in such a manner that any subsequent change of data is detectable;

"APMS" ("GMDdA") means primary medical services provided in accordance with an APMS contract;

"APMS contract" ("contract GMDdA") means an arrangement to provide primary medical services made with a Local Health Board under section 41(2)(b) of the 2006 Act (primary medical services);

"APMS contractor" ("contractwr GMDdA") means a party to an APMS contract, other than a Local Health Board;

"appliance" ("cyfarpar") means an appliance which is included in a list approved by the Welsh Ministers for the purposes of section 80 of the 2006 Act (arrangements for pharmaceutical services);

"appliance use review service" ("gwasanaeth adolygu defnyddio cyfarpar") means arrangements made in accordance with directions under section 81 of the 2006 Act (arrangements for additional pharmaceutical services) for an NHS pharmacist or NHS appliance contractor to review a person's use of any specified appliance;

"appropriate non-proprietary name" ("enw amherchnogol priodol") means a non-proprietary name which is not mentioned in Schedule 1 to the Prescription of Drugs Regulations or, except where the conditions in paragraph 42(2) of Schedule 6 to the GMS Regulations are satisfied, in Schedule 2 to the Prescription of Drugs Regulations;

"associated batch issue" ("swp-ddyroddiad cysylltiedig") means, in relation to a non-electronic repeatable prescription, one of the batch issues relating to that prescription and containing the same date as that prescription;

(1) 2006 p. 41. Mae adran 159 wedi ei diwygio gan O.S. 2010/22.

(2) O.S. 2005/2414 fel y'i diwygiwyd gan O.S. 2006/632.

(1) S.I. 2005/641. Revoked by S.I. 2012/1909.

ystyr "Cofrestr Nyrsio a Bydwreigiaeth" ("*Nursing and Midwifery Register*") yw'r gofrestr a gynhelir gan y Cyngor Nyrsio a Bydwreigiaeth o dan erthygl 5 o Orchymyn Nyrsio a Bydwreigiaeth 2001(1) (sefydlu a chynnal cofrestr);

ystyr "Cofrestr y Cyngor Fferyllol Cyffredinol" ("*General Pharmaceutical Council Register*") yw'r gofrestr a gynhelir o dan erthygl 19 o Orchymyn Fferylliaeth 2010(2) (Sefydlu a chynnal y Gofrestr a mynediad i'r Gofrestr);

ystyr "contract GMC" ("*GMS contract*") yw contract gwasanaethau meddygol cyffredinol o dan adran 42 o Ddeddf 2006 (contractau gwasanaethau meddygol cyffredinol: rhagarweiniol);

ystyr "contract GMDdA" ("*APMS contract*") yw trefniant i ddarparu gwasanaethau meddygol sylfaenol, a wnaed gyda Bwrdd Iechyd Lleol o dan adran 41(2)(b) o Ddeddf 2006 (gwasanaethau meddygol sylfaenol);

ystyr "contractwr cyfarpar GIG" ("*NHS appliance contractor*") yw person sydd wedi ei gynnwys mewn rhestr fferyllol o dan reoliad 3 (paratoi a chynnal rhestrau fferyllol) ar gyfer darparu gwasanaethau fferyllol drwy ddarparu cyfarpar yn unig;

ystyr "contractwr GMC" ("*GMS contractor*") yw parti mewn contract GMC, ac eithrio Bwrdd Iechyd Lleol;

ystyr "contractwr GMC perthnasol" ("*relevant GMS contractor*"), mewn perthynas ag unrhyw feddyg, yw'r contractwr GMC os yw'r meddyg yn contractwr GMC, neu, os nad yw'r meddyg yn contractwr GMC, y contractwr GMC y cyflogir y meddyg ganddo, neu y cymerwyd y meddyg ymlaen ganddo;

ystyr "contractwr GMDdA" ("*APMS contractor*") yw parti mewn contract GMDdA, ac eithrio Bwrdd Iechyd Lleol;

ystyr "contractwr GMDdA perthnasol" ("*relevant APMS contractor*"), mewn perthynas ag unrhyw feddyg, yw'r contractwr GMDdA os yw'r meddyg yn contractwr GMDdA, neu, os nad yw'r meddyg yn contractwr GMDdA, y contractwr GMDdA y cyflogir y meddyg ganddo, neu y cymerwyd y meddyg ymlaen ganddo;

ystyr "corff cyfatebol" ("*equivalent body*") yw Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol yn Lloegr, Bwrdd Iechyd yn yr Alban, Bwrdd Iechyd a Gwasanaethau Cymdeithasol yng Ngogledd Iwerddon neu unrhyw gorff olynol yn Lloegr, yr Alban neu Ogledd Iwerddon ac, mewn

"bank holiday" ("*gŵyl banc*") means any day that is specified or proclaimed as a bank holiday in Wales pursuant to section 1 of the Banking and Financial Dealings Act 1971(1);

"batch issue" ("*swp-ddyroddiad*") means a form provided by a Local Health Board and issued by a repeatable prescriber at the same time as a non-electronic repeatable prescription to enable a NHS pharmacist or NHS appliance contractor to receive payment for the provision of repeat dispensing services which is in the required format, and which—

- (a) is generated by a computer and not signed by a repeatable prescriber;
- (b) relates to a particular non-electronic repeatable prescription and contains the same date as that prescription;
- (c) is issued as one of a sequence of forms, the number of which is equal to the number of occasions on which the drugs or appliances ordered on the non-electronic repeatable prescription may be provided; and
- (d) specifies a number denoting its place in the sequence referred to in sub-paragraph (c);

"Charges Regulations" ("*Rheoliadau Ffioedd*") means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(2);

"child" ("*plentyn*") means a person who has not attained the age of 16 years;

"Community Health Council" ("*Cyngor Iechyd Cymuned*") means a Community Health Council retained or established under section 182 of the 2006 Act (community health councils);

"conditional inclusion" ("*cynnwys yn amodol*") means inclusion in a pharmaceutical list or the grant of preliminary consent to be included in a pharmaceutical list subject to conditions imposed under Part 6 of these Regulations and "conditionally include" ("*cynnwys yn amodol*") is to be construed accordingly;

"contingent removal" ("*tynnu digwyddiadol*") means removal from a pharmaceutical list contingently, within the meaning of section 108 of the 2006 Act (contingent removal), and "contingently remove" ("*tynnu yn ddigwyddiadol*") is to be construed accordingly;

"controlled locality" ("*ardal reoledig*") means an area which a Local Health Board has determined to be rural in accordance with regulation 6 (areas that are controlled localities), which the Welsh

(1) O.S. 2002/253; fel y'i diwygiwyd gan O.S. 2009/1182.

(2) O.S. 2010/231.

(1) 1971 c.80.

(2) S.I. 2007/121 (W.11) amended by S.I. 2007/1112 (W.117), S.I. 2009/1175 (W.102), S.I. 2009/2607 (W.210), S.I. 2010/231 and S.I. 2010/1647 (W.155).

perthynas ag unrhyw adeg cyn 1 Ebrill 2003, Awdurdod Iechyd yng Nghymru, neu mewn perthynas ag unrhyw adeg cyn 1 Ebrill 2013 ac ar ôl 30 Medi 2002 Ymddiriedolaeth Gofal Sylfaenol yn Lloegr, neu mewn perthynas ag unrhyw adeg cyn 1 Hydref 2002 Awdurdod Iechyd yn Lloegr;

ystyr "corff trwyddedu neu rheoleiddio" ("licensing or regulatory body") yw unrhyw gorff sy'n trwyddedu neu'n rheoleiddio unrhyw broffesiwn y mae neu y bu person yn aelod ohono, ac y mae'n cynnwys unrhyw gorff sy'n trwyddedu neu'n rheoleiddio unrhyw broffesiwn o'r fath mewn gwlad ac eithrio'r Deyrnas Unedig;

mae i "cyd-bwyllgor disgynblu" yr ystyr a roddir i "joint discipline committee" yn rheoliad 2 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Pwyllgorau Gwasanaeth a Thribiwnlys) 1992(1) (dehongli);

mae i "cydsyniad amlinellol" ("outline consent") yr ystyr a roddir iddo yn rheoliad 24(1)(a) (cydsyniad amlinellol a chymeradwyaeth mangre);

mae i "cydsyniad rhagarweiniol" ("preliminary consent") yr ystyr a roddir iddo yn rheoliad 12 (ceisiadau am gydsyniad rhagarweiniol ac effaith cydsyniad rhagarweiniol);

ystyr "cyfarpar" ("appliance") yw cyfarpar a gynhwysir mewn rhestr a gymeradwywyd gan Weinidogion Cymru at ddibenion adran 80 o Ddeddf 2006 (trefniadau ar gyfer gwasanaethau fferyllol);

ystyr "cyfarpar argaeedd cyfyngedig" ("restricted availability appliance") yw cyfarpar a gymeradwywyd ar gyfer categorïau penodol o bersonau neu ddibenion penodol yn unig;

ystyr "cyfarpar penodedig" ("specified appliance") yw—

- (a) unrhyw un o'r cyfarpar canlynol a restrir yn Rhan IXA o'r Tariff Cyffuriau—
 - (i) cyfarpar cathetr (gan gynnwys ategolyn cathetr a hydoddiant cynnal),
 - (ii) cyfarpar laryngectomi neu gyfarpar traceostomi,
 - (iii) system ddyfrhau rhefrol,
 - (iv) pwmp gwactod neu fodrwy ddarwasgu ar gyfer diffyg ymgodol, neu
 - (v) bag draenio ar gyfer clwyf;
- (b) cyfarpar anymataliaeth a restrir yn Rhan IXB o'r Tariff Cyffuriau; neu
- (c) cyfarpar stoma a restrir yn Rhan IXC o'r Tariff Cyffuriau;

ystyr "cyfarwyddwr" ("director") yw—

Ministers have determined on appeal, in accordance with Parts 1 and 2 of Schedule 3, to be rural or which is a controlled locality by virtue of the operation of regulation 6(1);

"dentist" ("deintydd") means a dental practitioner;

"directed services" ("gwasanaethau cyfeiriedig") means additional pharmaceutical services provided in accordance with directions under section 81 of the 2006 Act (arrangements for additional pharmaceutical services);

"director" ("cyfarwyddwr") means—

- (a) a director of a body corporate; or
- (b) a member of the body of persons controlling a body corporate (whether or not a limited liability partnership);

"dispensing doctor" ("meddyg fferyllol") means a doctor who provides pharmaceutical services under arrangements with a Local Health Board made under regulation 20 (arrangements for the provision of pharmaceutical services by doctors);

"dispensing doctor list" ("rhestr meddygon fferyllol") means a list that a Local Health Board is required to prepare and maintain under regulation 4 (preparation and maintenance of dispensing doctor lists);

"doctor" ("meddyg") means a registered medical practitioner;

"drugs" ("cyffuriau") includes medicines;

"Drug Tariff" ("Tariff Cyffuriau") has the meaning given to it in regulation 41 (the Drug Tariff and remuneration of NHS pharmacists and NHS appliance contractors);

"electronic communication" ("cyfathrebiad electronig") has the meaning given in section 15(1) of the Electronic Communications Act 2000(1) (general interpretation);

"electronic prescription" ("presripsiwn electronig") means an electronic prescription form or an electronic repeatable prescription;

"electronic prescription form" ("ffurflen bresripsiwn electronig") means data created in an electronic form for the purpose of ordering a drug or appliance which—

- (a) is signed with a prescriber's advanced electronic signature;
- (b) is transmitted as an electronic communication to a nominated NHS pharmacist, NHS appliance contractor or dispensing doctor by the ETP service; and

(1) O.S. 1992/664. Mewnosodwyd y diffiniad o "joint discipline committee" gan O.S. 1996/703.

(1) 2000 c.7. The definition of "electronic communication" was amended by the Communications Act 2003 (c.21), Schedule 17 paragraph 158.

- (a) cyfarwyddwr corff corfforaethol; neu
- (b) aelod o'r corff o bersonau sy'n rheoli corff corfforaethol (boed yn bartneriaeth atebolwydd cyfyngedig ai peidio);

mae i "cyfathrebiad electronig" yr ystyr a roddir i "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(1) (dehongli cyffredinol);

mae "cyflogaeth" ("employment") yn cynnwys cyflogaeth ddi-dâl a chyflogaeth o dan gcontract am wasanaethau, ac mae "cyflogedig" ("employed"), "cyflogwr" ("employer") a "cyflogi" ("employs") i'w dehongli'n unol â hynny;

ystyr "cyffur Atodlen" ("Scheduled drug") yw cyffur neu sylwedd arall a bennir yn Atodlen 1 neu 2 i'r Rheoliadau Rhagnodi Cyffuriau (sy'n ymwneud â chyffuriau, meddyginaethau a sylweddau eraill na chaniateir eu harchebu o dan gcontract gwasanaethau meddygol cyffredinol, neu y caniateir eu harchebu mewn amgylchiadau penodol yn unig);

mae "cyffuriau" ("drugs") yn cynnwys meddyginaethau;

ystyr "Cyngor Iechyd Cymuned" ("Community Health Council") yw Cyngor Iechyd Cymuned a gadwyd neu a sefydlwyd o dan adran 182 o Ddeddf 2006 (cynghorau iechyd cymuned);

mae i "cymeradwyaeth mangre" ("premises approval") yr ystyr a roddir iddo yn rheoliad 24(1)(b) (cydsyniad amlinellol a chymeradwyaeth mangre) ac y mae'n cynnwys cymeradwyaeth mangre dros dro a roddir o dan reoliad 28(13) (cymeradwyaeth mangre: mangroedd ychwanegol a newydd wedi i'r cydsyniad amlinellol gael effaith) neu gymeradwyaeth mangre weddilliol a roddir o dan reoliad 29(9) (cymeradwyaeth mangre: cyfuno practisiau);

ystyr "cynllun GFfLl" ("LPS scheme") yw cynllun a wnaed gan Fwrdd Iechyd Lleol o dan adran 102 o Ddeddf 2006 (cynlluniau gwasanaethau fferyllol lleol);

mae i "cynllun peilot" ("pilot scheme") yr un ystyr a roddir i'r term "pilot scheme" yn adran 92(2) o Ddeddf 2006 (Cynlluniau peilot);

ystyr "cynnwys yn amodol" ("conditional inclusion", "conditionally include") yw cynnwys mewn rhestr fferyllol, neu roi cydsyniad rhagweiniol ar gyfer cynnwys mewn rhestr fferyllol, yn ddarostyngedig i amodau a osodir o dan Ran 6 o'r Rheoliadau hyn;

ystyr "darparwr gwasanaethau meddygol sylfaenol" ("provider of primary medical services")

- (c) does not indicate that the drug or appliance ordered may be provided more than once;

"electronic repeatable prescription" ("presripsiwn amlroddadwy electronig") means data created in an electronic form which—

- (a) is signed with a repeatable prescriber's advanced electronic signature;
- (b) is transmitted as an electronic communication to a nominated NHS pharmacist, NHS appliance contractor or dispensing doctor by the ETP service;
- (c) indicates that the drugs or appliances ordered may be provided more than once; and
- (d) specifies the number of occasions on which they may be provided;

"electronic signature" ("llofnod electronig") has the same meaning as in section 7 of the Electronic Communications Act 2000 (electronic signatures and related certificates);

"employment" ("cyflogaeth") includes unpaid employment and employment under a contract for services and "employed" ("cyflogedig"), "employer" ("cyflogwr") and "employs" ("cyflogi") are to be construed accordingly;

"equivalent body" ("corff gyfatebol") means the National Health Service Commissioning Board in England, a Health Board in Scotland, a Health and Social Services Board in Northern Ireland or any successor body in England, Scotland or Northern Ireland and, in relation to any time prior to 1 April 2003, a Health Authority in Wales or in relation to any time prior to 1 April 2013 and after 30 September 2002 a Primary Care Trust in England, or in relation to any time prior to 1 October 2002 a Health Authority in England;

"equivalent list" ("rhestr gyfatebol") means a list kept by an equivalent body;

"essential services" ("gwasanaethau hanfodol") for NHS pharmacists means the services specified in paragraph 3 of Schedule 4 and for NHS appliance contractors means the services specified in paragraphs 3 to 11 of Schedule 5;

"EEA" ("AEE") means the European Economic Area created by the EEA Agreement;

"ETP service" ("gwasanaeth TPE") means the 2-dimensional barcoded prescription service which forms part of the information technology systems in prescribing and dispensing systems in Wales and used by the health service in Wales to transfer and hold prescription information relating to patients;

(1) 2000 p.7. Diwygiwyd y diffiniad o "electronic communication" gan Ddeddf Cyfathrebiadau 2003 (p.21), Atodlen 17, paragraff 158.

yw contractwr GMC, contractwr GMDdA, neu bractis GMBILL;

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

ystyr "deintydd" ("dentist") yw ymarferydd deintyddol;

ystyr "digwyddiadau cychwynnol" ("originating events") yw'r digwyddiadau a arweiniodd at y gollfarn, yr ymchwiliad, yr achos cyfreithiol, yr atal dros dro, y gwrthod derbyn, y cynnwys yn amodol, y tynnu ymaith neu'r tynnu digwyddiadol a ddigwyddodd;

ystyr "enw amherchnogol" ("non-proprietary name") yw enw sy'n un o'r canlynol, neu'n amrywiad a ganiateir o un o'r canlynol—

- (a) Enw Amherchnogol Rhyngwladol (INN);
- (b) Enw Amherchnogol Rhyngwladol Addasedig (INNM);
- (c) Enw Cymeradwy Prydeinig (BAN);
- (d) Enw Cymeradwy Prydeinig Addasedig (BANM); neu
- (e) enw cymeradwy,

ac at y diben hwn, mae i'r enwau hyn (a'u hamrywiadau caniatadwy) yr un ystyr sydd iddynt mewn rhestr o enwau y mae Comisiwn Cyffurlyfr Prydain wedi ei pharatoi ac wedi peri ei chyhoeddi, ac nad yw wedi ei disodli(1);

ystyr "enw amherchnogol priodol" ("appropriate non-proprietary name") yw enw amherchnogol nas crybwylkir yn Atodlen 1 i'r Rheoliadau Rhagnodi Cyffuriau nac, ac eithrio pan fodlonir yr amodau ym mharagraff 42(2) o Atodlen 6 i'r Rheoliadau GMC, yn Atodlen 2 i'r Rheoliadau Rhagnodi Cyffuriau;

ystyr "fferyllfa" ("pharmacy") yw—

- (a) mangre restredig o dan reoliad 3 (paratoi a chynnal rhestrau fferyllol), lle y darperir gwasanaethau fferyllol gan fferyllydd GIG yn unol â threfniadau a wnaed o dan adran 80 o Ddeddf 2006; neu
- (b) mangre lle mae'r ystod o wasanaethau fferyllol a ddarperir o dan gynllun peilot fferylliaeth o dan adran 92 o Ddeddf 2006 (Cynlluniau peilot), a'r oriau pan ddarperir y gwasanaethau

"General Pharmaceutical Council Register" ("Cofrestr y Cyngor Fferyllol Cyffredinol") means the register maintained under article 19 of the Pharmacy Order 2010(1) (Establishment, maintenance of and access to the Register);

"GMS contract" ("contract GMC") means a general medical services contract under section 42 of the 2006 Act (general medical services contracts: introductory);

"GMS contractor" ("contractwr GMC") means a party to a GMS contract, other than the Local Health Board;

"GMS Regulations" ("Rheoliadau GMC") means the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(2);

"health care professional" ("gweithiwr profesiynol gofal iechyd") means a person other than a social worker who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Healthcare Professions Act 2002(3);

"independent nurse prescriber" ("nyrs sy'n rhagnodi'n annibynnoi") means a person—

- (a) who is registered in the Nursing and Midwifery Register; and
- (b) against whose name in that register is recorded an annotation signifying that he or she is qualified to order drugs and appliances as a community practitioner nurse prescriber, a nurse independent prescriber or a nurse independent/supplementary prescriber;

"joint discipline committee" ("cyd-bwyllgor disgynblu") has the same meaning as in regulation 2 of the National Health Service (Service Committees and Tribunal) Regulations 1992(4) (interpretation);

"LHBMS" ("GMBILL") means primary medical services provided by a Local Health Board under section 41(2)(a) of the 2006 Act (primary medical services);

"LHBMS practice" ("practis GMBILL") means a practice providing LHBMS;

"licensing or regulatory body" ("corff trwyddedu neu reoleiddio") means any body that licenses or regulates any profession of which the person is or

(1) Y prif gasgliad o safonau ar gyfer cynhyrchion meddyginaethol a sylweddau fferyllol y DU yw The British Pharmacopoeia 2013, sydd ar gael yn www.pharmacopoeia.co.uk.

(2) S.I. 2010/231.

(2) S.I. 2004/478 (W.48). Amending instruments include S.I. 2004/1017 (W.114), S.I. 2006/358 (W.46), S.I. 2006/945 (W.94), S.I. 2007/121 (W.11), S.I. 2007/205 (W.19), S.I. 2008/1329 (W.138), S.I. 2008/1425 (W.147), S.I. 2010/729 (W.70), S.I. 2010/1647 (W.155) and S.I. 2011/704 (W.108).

(3) 2002 c.17. Section 25 has been amended by the Health and Social Care Act 2008 (c.14).

(4) S.I. 1992/664. The definition of "joint discipline committee" was inserted by S.I. 1996/703.

hynny, yn gymaradwy â fferyllfa sy'n dod o fewn is-baragraff (a);

ystyr "fferyllydd cofrestredig" ("*registered pharmacist*") yw person a gofrestrwyd yn Rhan 1 o Gofrestr y Cyngor Fferyllol Cyffredinol neu yn y gofrestr a gynhelir o dan Erthyglau 6 a 9 o Orchymyn Fferylliaeth (Gogledd Iwerddon) 1976;

ystyr "fferyllydd GIG" ("*NHS pharmacist*") yw—

- (a) fferyllydd cofrestredig; neu
- (b) person sy'n cynnal busnes fferyllfa fanwerthu yn gyfreithlon yn unol ag adran 69 o Ddeddf Meddyginaethau 1968(1),

y mae ei enw wedi ei gynnwys mewn rhestr fferyllol o dan reoliad 3 (paratoi a chynnal rhestrau fferyllol) ar yfer darparu gwasanaethau fferyllol yn benodol drwy ddarparu cyffuriau;

ystyr "fferyllydd-ragnodydd annibynnol" ("*pharmacist independent prescriber*") yw fferyllydd cofrestredig sydd â nodyn gyferbyn â'i enw yn Rhan 1 o Gofrestr y Cyngor Fferyllol Cyffredinol neu yn y gofrestr a gynhelir o dan Erthyglau 6 a 9 o Orchymyn Fferylliaeth (Gogledd Iwerddon) 1976(2)(sy'n ymwneud â chofrestrau a'r cofrestrydd), sy'n dynodi ei fod yn gymwys i archebu cyffuriau, meddyginaethau a chyfarpar fel fferyllydd-ragnodydd annibynnol;

ystyr "ffurflen bresgripsiwn" ("*prescription form*") yw—

- (a) ffurflen a ddarperir gan Fwrdd Iechyd Lleol, Ymddiriedolaeth GIG, Ymddiriedolaeth Sefydledig GIG neu gorff cyfatebol ac a ddyroddir gan ragnodydd; neu
- (b) ffurflen bresgripsiwn electronig,

sy'n galluogi person i gael gwasanaethau fferyllol ac nad yw'n cynnwys presgripsiwn amlroddadwy;

ystyr "ffurflen bresgripsiwn anelectronig" ("*non-electronic prescription form*") yw ffurflen bresgripsiwn sy'n dod o fewn is-baragraff (a) o'r diffiniad o "ffurflen bresgripsiwn";

ystyr "ffurflen bresgripsiwn electronig" ("*electronic prescription form*") yw data a grëwyd mewn ffurf electronig at y diben o archebu cyffur neu gyfarpar, ac—

- (a) sy'n dwyn llofnod electronig uwch y rhagnodydd;
- (b) a drawsyrrir fel cyfathrebiad electronig at fferyllydd GIG, contractwr cyfarpar GIG neu feddyg fferyllol enwebedig drwy'r gwasanaeth TPE; ac
- (c) nad ydynt yn dynodi y caniateir darparu'r cyffur neu'r cyfarpar a archebir fwy nag unwaith;

(1) 1968 p.67

(2) O.S. 1976/1213 (G.I. 22).

has been a member, and includes any body which licenses or regulates any such profession in a country other than the United Kingdom;

"list" ("*rhestr*"), unless the context otherwise requires, means a pharmaceutical list or a dispensing doctor list;

"listed premises" ("*mangre restredig*") means the premises that are included in—

- (a) a pharmaceutical list; or
- (b) a dispensing doctor list pursuant to regulation 4 (preparation and maintenance of dispensing doctor lists);

"Local Health Board" ("*Bwrdd Iechyd Lleol*") means a Local Health Board established under section 11 of the 2006 Act (local health boards);

"Local Medical Committee" ("*Pwyllgor Meddygol Lleol*") means a committee recognised under section 54 of the 2006 Act (local medical committees);

"Local Pharmaceutical Committee" ("*Pwyllgor Fferyllol Lleol*") means a committee recognised under section 90 of the 2006 Act (local pharmaceutical committees);

"local pharmaceutical services" ("*gwasanaethau fferyllol lleol*") means services of a kind which may be provided under section 80, or by virtue of section 81 of the 2006 Act, other than practitioner dispensing services, and which are provided under a pilot scheme;

"medical performers list" ("*rhestr cyflawnwyr meddygol*") means a list of doctors prepared and published pursuant to regulation 3(1) of the National Health Service (Performers Lists) (Wales) Regulations 2004(1);

"national disqualification" ("*anghymhwysiad cenedlaethol*") means—

- (a) a national disqualification as mentioned in section 115 (2) and (3) of the 2006 Act (national disqualification);
- (b) a national disqualification as mentioned in section 159 (2) and (3) of the National Health Service Act 2006(2) (national disqualification);
- (c) any decision in Scotland or Northern Ireland corresponding to a national disqualification under section 115 (2) and (3) of the 2006 Act; and
- (d) any other decision that was a national disqualification for the purposes of the 2005 Regulations;

(1) S.I. 2004/1020 (W.117).

(2) 2006 c.41. Section 159 has been amended by S.I. 2010/22.

ystyr "GMBILLI" ("LHBMS") yw gwasanaethau meddygol sylfaenol a ddarperir gan Fwrdd Iechyd Lleol o dan adran 41(2)(a) o Ddeddf 2006 (gwasanaethau meddygol sylfaenol);

ystyr "GMDdA" ("APMS") yw gwasanaethau meddygol sylfaenol a ddarperir yn unol â chontract GMDdA;

ystyr "gwasanaeth adolygu defnyddio cyfarpar" ("appliance use review service") yw trefniadau a wneir yn unol â chyfarwyddiadau o dan adran 81 o Ddeddf 2006 (trefniadau ar gyfer gwasanaethau fferyllol ychwanegol) i fferyllydd GIG neu gontractwr cyfarpar GIG adolygu'r modd y mae person yn defnyddio unrhyw gyfarpar penodedig;

ystyr "gwasanaeth TPE" ("ETP service") yw'r gwasanaeth presgripsiynau cod-bar 2-ddimensiwn sy'n rhan o'r systemau technoleg gwybodaeth mewn systemau rhagnodi a gweinyddu yng Nghymru, ac a ddefnyddir gan y gwasanaeth iechyd yng Nghymru i drosglwyddo a chadw gwybodaeth am bresgripsiynau mewn perthynas â chleifion;

ystyr "gwasanaethau amlweinyddu" ("repeat dispensing services") yw gwasanaethau fferyllol sy'n cynnwys darparu cyffuriau neu gyfarpar gan fferyllydd GIG neu gontractwr cyfarpar GIG yn unol â phresgripsiwn amlroddadwy;

ystyr "gwasanaethau cyfeiriedig" ("directed services") yw gwasanaethau fferyllol ychwanegol a ddarperir yn unol â chyfarwyddiadau o dan adran 81 o Ddeddf 2006 (trefniadau ar gyfer gwasanaethau fferyllol ychwanegol);

ystyr "gwasanaethau fferyllol" ("pharmaceutical services") yw gwasanaethau fferyllol sy'n dod o fewn adran 80 o Ddeddf 2006 (trefniadau ar gyfer gwasanaethau fferyllol) ac nid ydynt yn cynnwys gwasanaethau cyfeiriedig;

ystyr "gwasanaethau fferyllol lleol" ("local pharmaceutical services") yw gwasanaethau o fath y caniateir eu darparu o dan adran 80, neu yn rhinwedd adran 81 o Ddeddf 2006, ac eithrio gwasanaethau gweinyddu gan ymarferwyr, ac a ddarperir o dan gynllun peilot;

ystyr "gwasanaethau GIG" ("NHS services") yw gwasanaethau a ddarperir yn rhan o'r gwasanaeth iechyd yng Nghymru;

ystyr "gwasanaethau hanfodol" ("essential services") ar gyfer fferyllwyr GIG yw'r gwasanaethau a bennir ym mharagraff 3 o Atodlen 4, ac ar gyfer contractwyr cyfarpar GIG yr ystyr yw'r gwasanaethau a bennir ym mharagraffau 3 i 11 o Atodlen 5;

"NHS appliance contractor" ("contractwr cyfarpar GIG") means a person who is included in a pharmaceutical list under regulation 3 (preparation and maintenance of pharmaceutical lists) for the provision of pharmaceutical services only by the provision of appliances;

"NHS Business Services Authority" ("Awdurdod Gwasanaethau Busnes y GIG") means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(1)

"NHS pharmacist" ("fferyllydd GIG") means—

- (a) a registered pharmacist; or
- (b) a person lawfully carrying on a retail pharmacy business in accordance with section 69 of the Medicines Act 1968(2),

whose name is included in a pharmaceutical list under regulation 3 (preparation and maintenance of pharmaceutical lists) for the provision of pharmaceutical services in particular by the provision of drugs;

"NHS services" ("gwasanaethau GIG") means services provided as part of the health service in Wales;

"non-electronic prescription form" ("ffurflen bresgripsiwn anelectronig") means a prescription form which falls within sub-paragraph (a) of the definition of "prescription form";

"non-electronic repeatable prescription" ("presgripsiwn amlroddadwy anelectronig") means a prescription which falls within sub-paragraph (a)(i) of the definition of "repeatable prescription";

"non-proprietary name" ("enw amherchnogol") means a name which is, or which is a permitted variation of—

- (a) an International Nonproprietary Name (INN);
- (b) an International Nonproprietary Name Modified (INNM);
- (c) a British Approved Name (BAN);
- (d) a British Approved Name Modified (BANM); or
- (e) an approved name,

and for this purpose these names (and their permitted variations) have the same meanings as in a list of

(1) S.I. 2005/2414 as amended by S.I. 2006/632.

(2) 1968 c.67.

ystyr "gweithiwr proffesiynol gofal iechyd" ("*health care professional*") yw person, ac eithrio gweithiwr cymdeithasol, sy'n aelod o broffesiwn a reoleiddir gan gorff a grybwyllir yn adran 25(3) o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002(1);

ystyr "Gwladwriaeth Ewropeaidd berthnasol" ("*relevant European State*") yw Gwladwriaeth AEE neu'r Swistir;

ystyr "gŵyl banc" ("*bank holiday*") yw unrhyw ddiwrnod a bennir neu a gyhoeddir yn âyl banc yng Nghymru yn unol ag adran 1 o Ddeddf Bancio a Thrafodion Ariannol 1971(2);

ystyr "hysbysiad" ("*notice*") yw hysbysiad ysgrifenedig ac mae "hysbysu" ("*notify*") i'w ddehongli'n unol â hynny;

mae i "lleoliad neilltuedig" ("*reserved location*") yr ystyr a roddir iddo gan reoliad 11(4) (lleoliadau mewn ardaloedd rheoledig sy'n lleoliadau neilltuedig);

mae i "llofnod electronig" yr ystyr a roddir i "electronic signature" yn adran 7 o Ddeddf Cyfathrebiadau Electronig 2000 (llofnodion electronig a thystysgrifau cysylltiedig);

ystyr "llofnod electronig uwch" ("*advanced electronic signature*") yw llofnod electronig—

- (a) sydd â chysylltiad unigryw â'r llofnodwr;
- (b) y gellir adnabod y llofnodwr oddi wrtho;
- (c) a grëwyd drwy ddefnyddio dull y gall y llofnodwr gadw dan ei reolaeth ei hunan yn unig;
- (d) wedi ei gysylltu â'r data y mae'r llofnod yn perthyn iddynt mewn modd a fyddai'n gwneud unrhyw newid diweddarach yn y data yn ganfyddadwy;

ystyr "mangre practis" ("*practice premises*"), mewn perthynas â darparwr gwasanaethau meddygol sylfaenol, yw'r cyfeiriad neu'r cyfeiriadau a bennir yn y contract (yn achos contractwr GMC neu GMDdA) neu'r datganiad practis (yn achos practis GMBILL) lle y darperir gwasanaethau o dan y contract neu'r datganiad practis;

ystyr "mangre restredig" ("*listed premises*") yw'r fangre sydd wedi ei chynnwys mewn—

- (a) rhestr fferyllol; neu
- (b) rhestr meddygon fferyllol yn unol â rheoliad 4 (paratoi a chynnal rhestrau meddygon fferyllol);

(1) 2002 p.17. Diwygiwyd adran 25 gan Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p.14).

(2) 1971 p.80.

names which has been prepared and caused to be published by the British Pharmacopoeia Commission and which has not been superseded(1);

"notice" ("*hysbysiad*") means a notice in writing and "notify" ("*hysbysu*") is to be construed accordingly;

"nurse independent prescriber" ("*nyrs-ragnodydd annibynnol*") means a person—

- (a) whose name is registered in the Nursing and Midwifery Register;
- (b) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as:
 - (i) a nurse independent prescriber, or
 - (ii) a nurse independent/supplementary prescriber, and
- (c) who, in respect of a person practising in Wales on or after 19 July 2010, has passed an accredited course to practise as a nurse independent prescriber;

"Nursing and Midwifery Register" ("*Cofrestr Nyrsio a Bydwreigiaeth*") means the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(2) (establishment and maintenance of register);

"optometrist independent prescriber" ("*optometrydd-ragnodydd annibynnol*") means a person—

- (a) who is an optometrist registered in the register of optometrists maintained under section 7 of the Opticians Act 1989(3) (which relates to the register of optometrists and the register of dispensing opticians) or the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act; and
- (b) against whose name is recorded an annotation signifying that the optometrist is qualified to order drugs, medicines and appliances as an optometrist independent prescriber;

"originating events" ("*digwyddiadau cychwynnol*") means the events that gave rise to the conviction, investigation, proceedings, suspension, refusal to admit, conditional inclusion, removal or contingent removal that took place;

"outline consent" ("*cydysniad amlinelloi*") has the meaning given to it in regulation 24(1)(a) (outline consent and premises approval);

(1) The British Pharmacopoeia 2013 is the leading collection of standards for UK medicinal products and pharmaceutical substances and is available at www.pharmacopoeia.co.uk.

(2) S.I. 2002/253; as amended by S.I. 2009/1182.

(3) 1989 c.44; amended by S.I. 2005/848.

ystyr "meddyg" ("doctor") yw ymarferydd meddygol cofrestredig;

ystyr "meddyg fferyllol" ("dispensing doctor") yw meddyg sy'n darparu gwasanaethau fferyllol o dan drefniadau gyda Bwrdd Iechyd Lleol a wneir o dan reoliad 20 (trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon);

ystyr "nyrs sy'n rhagnodi'n annibynnol" ("independent nurse prescriber") yw person—

- (a) sydd wedi ei gofrestru yn y Gofrestr Nyrsio a Bydwreigiaeth; a
- (b) sydd â nodyn gyferbyn â'i enw yn y gofrestr honno yn dynodi ei fod yn gymwys i archebu cyffuriau a chyfarpar fel nyrs sy'n rhagnodi fel ymarferydd cymunedol, nyrs-ragnodydd annibynnol neu nyrs-ragnodydd annibynnol/atodol; annibynnol/atodol;

ystyr "nyrs-ragnodydd annibynnol" ("nurse independent prescriber") yw person—

- (a) sydd â'i enw wedi ei gofrestru yn y Gofrestr Nyrsio a Bydwreigiaeth;
- (b) sydd â nodyn neu gofnod gyferbyn â'i enw yn y gofrestr honno yn dynodi ei fod yn gymwys i archebu cyffuriau, meddyginaethau a chyfarpar fel
 - (i) nyrs-ragnodydd annibynnol, neu
 - (ii) nyrs-ragnodydd annibynnol/atodol; ac
- (c) sydd, mewn perthynas â pherson sy'n ymarfer yng Nghymru ar neu ar ôl 19 Gorffennaf 2010, wedi llwyddo mewn cwrs a achredwyd ar gyfer ymarfer fel nyrs-ragnodydd annibynnol;

ystyr "optometrydd-ragnodydd annibynnol" ("optometrist independent prescriber") yw person—

- (a) sy'n optometrydd a gofrestrwyd yn y gofrestr o optometryddion a gynhelir o dan adran 7 o Ddeddf Optometryddion 1989(1) (sy'n ymneud â'r gofrestr o optometryddion a'r gofrestr o optegwyr fferyllol) neu'r gofrestr o optometryddion gwadd o Wladwriaethau Ewropeaidd perthnasol a gynhelir o dan adran 8B(1)(a) o'r Ddeddf honno; a
- (b) sydd â nodyn gyferbyn â'i enw yn dynodi bod yr optometrydd yn gymwys i archebu cyffuriau, meddyginaethau a chyfarpar fel optometrydd-ragnodydd annibynnol;

ystyr "plentyn" ("child") yw person nad yw wedi cyrraedd 16 mlwydd oed;

ystyr "practis GMBILI" ("LHBMS practice") yw practis sy'n darparu GMBILI;

"outstanding pharmacy application" ("cais am fferyllfa yn yr arfaeth") has the meaning given to it in regulation 25(11) (taking effect of outline consent and premises approval);

"patient list" ("rhestr cleifion") means a list of patients kept in accordance with paragraph 14 (list of patients) of Schedule 6 to the GMS Regulations or in respect of an APMS contractor or an LHBMS practice, in accordance with directions given by the Welsh Ministers under section 12(3) of the 2006 Act;

"pharmaceutical discipline committee" ("pwylgor disgylu fferyllol") has the same meaning as in regulation 2 of the National Health Service (Service Committees and Tribunal) Regulations 1992(1);

"pharmaceutical list" ("rhestr fferyllol") means a list that a Local Health Board is required to prepare and maintain under regulation 3 (preparation and maintenance of pharmaceutical lists);

"pharmaceutical services" ("gwasanaethau fferyllol") means pharmaceutical services that fall within section 80 of the 2006 Act (arrangements for pharmaceutical services) and do not include directed services;

"pharmacist independent prescriber" ("fferyllydd-ragnodydd annibynnol") means a registered pharmacist against whose name in Part 1 of the General Pharmaceutical Council Register or in the register maintained under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(2) (which relates to registers and the registrar) is recorded an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;

"pharmacy" ("fferyllfa") means—

- (a) listed premises under regulation 3 (preparation and maintenance of pharmaceutical lists) at which pharmaceutical services are provided by an NHS pharmacist pursuant to arrangements made under section 80 of the 2006 Act; or
- (b) premises where under a pharmacy pilot scheme under section 92 of the 2006 Act (Pilot schemes) the range of pharmaceutical services and the hours on which they are provided are comparable to a pharmacy falling within subparagraph (a);

"pilot scheme" ("cynllun peilot") has the same meaning as in the term "pilot scheme" in section 92(2) of the 2006 Act (Pilot schemes);

"practice premises" ("mangre practis"), in relation to a provider of primary medical services, means

(1) 1989 p.44; diwygiwyd gan O.S. 2005/848.

(1) S.I. 1992/664. The definition of "pharmaceutical discipline committee" was inserted by S.I. 1996/703.

(2) S.I. 1976/1213 (N.I. 22).

ystyr "presgripsiwn amlroddadwy" ("repeatable prescription") yw presgripsiwn a gynhwysir mewn ffurflen a ddarparwyd gan Fwrdd Iechyd Lleol—
(a) sydd naill ai—

- (i) wedi ei chynhyrchu gan gyfrifiadur ond wedi ei llofnodi gan ragnodydd amlroddadwy, neu
 - (ii) yn ffurflen a grëwyd mewn fformat electronig, a adwaenir drwy ddefnyddio cod rhagnodydd amlroddadwy ac a drawsyrrir fel cyfathrebiad electronig at fferyllydd GIG, contractwr cyfarpar GIG neu feddyg fferyllol enwebedig drwy'r gwasanaeth TPE;
- (b) a ddyroddir neu a grëir i alluogi person i gael gwasanaethau fferyllol; ac
- (c) sy'n dynodi y caniateir darparu'r cyffuriau neu'r cyfarpar a archebir ar y ffurflen honno fwy nag unwaith, ac yn pennu'r nifer o droeon y caniateir eu darparu;

ystyr "presgripsiwn amlroddadwy anelectronig" ("non-electronic repeatable prescription") yw presgripsiwn sy'n dod o fewn is-baragraff (a)(i) o'r diffiniad o "presgripsiwn amlroddadwy";

ystyr "presgripsiwn amlroddadwy electronig" ("electronic repeatable prescription") yw data a grëwyd mewn ffurf electronig—

- (a) sy'n dwyn llofnod electronig uwch y rhagnodydd amlroddadwy;
- (b) a drawsyrrir fel cyfathrebiad electronig at fferyllydd GIG, contractwr cyfarpar GIG neu feddyg fferyllol enwebedig drwy'r gwasanaeth TPE;
- (c) sy'n dynodi y caniateir darparu'r cyffuriau neu'r cyfarpar a archebir fwy nag unwaith; a
- (d) sy'n pennu'r nifer o droeon y caniateir darparu'r cyffuriau neu'r cyfarpar;

ystyr "presgripsiwn electronig" ("electronic prescription") yw ffurflen bresgripsiwn electronig neu bresgripsiwn amlroddadwy electronig;

mae i "pwylgor disgynnu fferyllol" yr ystyr a roddir i "pharmaceutical discipline committee" yn rheoliad 2 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Pwyllgorau Gwasanaeth a Thribiwnlys) 1992(1);

ystyr "Pwyllgor Fferyllol Lleol" ("Local Pharmaceutical Committee") yw pwylgor a gydnabyddir o dan adran 90 o Ddeddf 2006 (pwyllgorau fferyllol lleol);

ystyr "Pwyllgor Meddygol Lleol" ("Local Medical Committee") yw pwylgor a gydnabyddir o dan

the address or addresses specified in the contract (in the case of a GMS or APMS contractor) or practice statement (in the case of an LHBMS practice) at which services are to be provided under the contract or practice statement;

"preliminary consent" ("cydsyniad rhagarweiniol") has the meaning given to it in regulation 12 (applications for preliminary consent and effect of preliminary consent);

"premises approval" ("cymeradwyaeth mangre") has the meaning given to it in regulation 24(1)(b) (outline consent and premises approval) and includes temporary premises approval granted under regulation 28(13) (premises approval: additional and new premises after outline consent has taken effect) or residual premises approval granted under regulation 29(9) (premises approval: practice amalgamations);

"prescriber" ("rhagnodydd") means a doctor, dentist, pharmacist independent prescriber, independent nurse prescriber, nurse independent prescriber, optometrist independent prescriber or a supplementary prescriber;

"prescription form" ("ffurflen bresgripsiwn") means—

- (a) a form provided by a Local Health Board, an NHS Trust, an NHS Foundation Trust or an equivalent body and issued by a prescriber; or
- (b) an electronic prescription form,

that enables a person to obtain pharmaceutical services and does not include a repeatable prescription;

"Prescription of Drugs Regulations" ("Rheoliadau Rhagnodi Cyffuriau") means the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) Regulations 2004(1);

"provider of primary medical services" ("darparwr gwasanaethau meddygol sylfaenol") means a GMS contractor, APMS contractor, or an LHBMS practice;

"registered pharmacist" ("fferyllydd cofrestredig") means a person who is registered in Part 1 of the General Pharmaceutical Council Register or in the register maintained under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976;

"relevant APMS contractor" ("contractwr GMDda perthnasol"), in relation to any doctor, means the APMS contractor, where the doctor is an APMS contractor, or where he or she is not, the APMS contractor by whom the doctor is employed or engaged;

(1) O.S. 1992/664. Mewnosodwyd y diffiniad o "pharmaceutical discipline committee" gan O.S. 1996/703.

(1) S.I. 2004/1022 (W.119) amended by S.I. 2005/366 (W.32), S.I. 2009/1838 (W.166) and S.I. 2009/1977 (W.176).

adran 54 o Ddeddf 2006 (pwyllogorau meddygol lleol);

ystyr "rhagnodydd" ("prescriber") yw meddyg, deintydd, fferyllydd-rhagnodydd annibynnol, nyrs sy'n rhagnodi'n annibynnol, nyrs-rhagnodydd annibynnol, optometrydd-rhagnodydd annibynnol neu ragnodydd atodol;

ystyr "rhagnodydd amlroddadwy" ("repeatable prescriber") yw person sydd—

- (a) yn gontactwr GMC sy'n darparu gwasanaethau amlweinyddu o dan y telerau yn ei gontact sy'n rhoi effaith i baragraff 40 (gwasanaethau amlweinyddu) o Atodlen 6 i'r Rheoliadau GMC;
- (b) yn gontactwr GMDdA sy'n darparu gwasanaethau amlweinyddu o dan y telerau yn ei gytundeb sy'n rhoi effaith i ddarpariaeth mewn cyfarwyddiadau a wnaed gan Weinidogion Cymru o dan adran 12(3) o Ddeddf 2006 mewn perthynas â chontractau GMDdA, sy'n ddarpariaeth gyfatebol i baragraff 40 o Atodlen 6 i'r Rheoliadau GMC; neu
- (c) yn gyflogedig neu wedi ei gymryd ymlaen gan—
 - (i) contractwr GMC sy'n darparu gwasanaethau amlweinyddu o dan y telerau mewn contract sy'n rhoi effaith i baragraff 40 o Atodlen 6 i'r Rheoliadau GMC,
 - (ii) contractwr GMDdA sy'n darparu gwasanaethau amlweinyddu o dan y telerau mewn cytundeb sy'n rhoi effaith i ddarpariaeth mewn cyfarwyddiadau a wnaed gan Weinidogion Cymru o dan adran 12(3) o Ddeddf 2006 mewn perthynas â chontractau GMDdA, sy'n ddarpariaeth gyfatebol i baragraff 40 o Atodlen 6 i'r Rheoliadau GMC, neu
 - (iii) Bwrdd Iechyd Lleol at ddibenion darparu gwasanaethau meddygol sylfaenol mewn practis GMBIL sy'n darparu presgripsiynu amlroddadwy yn unol â darpariaeth mewn cyfarwyddiadau a wnaed gan Weinidogion Cymru o dan adran 12(3) o Ddeddf 2006 mewn perthynas â GMBIL, sy'n ddarpariaeth gyfatebol i baragraff 40 o Atodlen 6 i'r Rheoliadau GMC;

ystyr "rhagnodydd atodol" ("supplementary prescriber") yw—

- (a) fferyllydd cofrestredig y mae nodyn gyferbyn â'i enw yn Rhan 1 o Gofrestr y Cyngor

"relevant European State" ("Gwladwriaeth Ewropeidd perthnasol") means an EEA State or Switzerland;

"relevant GMS contractor" ("contractwr GMC perthnasol"), in relation to any doctor, means the GMS contractor, where the doctor is a GMS contractor or, where he or she is not, the GMS contractor by whom the doctor is employed or engaged;

"relevant list" ("rhestr berthnasol") means—

- (a) a pharmaceutical list or an equivalent list; or
- (b) a list maintained by a Local Health Board or an equivalent body of approved performers or providers of primary medical, dental or ophthalmic services;

"relevant patient list" ("rhestr cleifion berthnasol") means, in relation to a doctor who is (or is a legal and beneficial shareholder in a company which is) a GMS contractor or APMS contractor, the patient list for that contractor or, where the doctor is not a contractor, means the patient list for the GMS contractor or APMS contractor by whom the doctor is employed or engaged or for the LHBMS practice within which the doctor provides primary medical services;

"Remission of Charges Regulations" ("Rheoliadau Peidio â Chodi Tâl") means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(1);

"repeat dispensing services" ("gwasanaethau amlweinyddu") means pharmaceutical services which involve the provision of drugs or appliances by an NHS pharmacist or an NHS appliance contractor in accordance with a repeatable prescription;

"repeatable prescriber" ("rhagnodydd amlroddadwy") means a person who is—

- (a) a GMS contractor who provides repeatable prescribing services under the terms of its contract which give effect to paragraph 40 (repeatable prescribing services) of Schedule 6 to the GMS Regulations;
- (b) an APMS contractor who provides repeatable prescribing services under the terms of its agreement which give effect to a provision in directions made by Welsh Ministers under section 12(3) of the 2006 Act in relation to APMS contracts which is the equivalent provision to paragraph 40 of Schedule 6 to the GMS Regulations; or
- (c) employed or engaged by—

(1) S.I. 2007/1104 (W.116) amended by S.I. 2008/1480 (W.153), S.I. 2008/2568 (W.226), S.I. 2009/54 (W.18), S.I. 2009/709 (W.61), S.I. 2009/1824 (W.165), S.I. 2009/2365 (W.193), S.I. 2010/1237 (W.107), S.I. 2010/2759 (W.231), S.I. 2011/681 (W.100), S.I. 2011/1940 (W.208) and S.I. 2012/800 (W.109).

- Fferyllol Cyffredinol neu yn y gofrestr a gynhelir o dan Erthyglau 6 a 9 o Orchymyn Fferylliaeth (Gogledd Iwerddon) 1976 sy'n dynodi ei fod yn gymwys i archebu cyffuriau, meddyginaethau a chyfarpar fel rhagnodydd atodol;
- (b) person y mae ei enw wedi ei gofrestru yn y Gofrestr Nysio a Bydwreigaeth, ac y mae nodyn gyferbyn â'i enw yn y Gofrestr honno sy'n dynodi ei fod yn gymwys i archebu cyffuriau, meddyginaethau a chyfarpar fel nyrs-ragnodydd annibynnol/atodol;
- (c) person—
- (i) sydd wedi ei gofrestru mewn rhan o'r gofrestr a gynhelir o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001(1) (sefydlu a chynnal cofrestr) sy'n ymwneud â chiropodyddion a phodiatriyddion, ffisiotherapyddion neu radiograffwyr, a
 - (ii) y mae nodyn gyferbyn â'i enw yn y gofrestr honno sy'n dynodi ei fod yn gymwys i archebu cyffuriau, meddyginaethau a chyfarpar fel rhagnodydd atodol; neu
- (d) optometrydd y mae nodyn gyferbyn â'i enw yn y gofrestr o optometryddion a gynhelir o dan adran 7 neu 8B(1)(a) o Ddeddf Optegwyr 1989 sy'n dynodi bod yr optometrydd yn gymwys i archebu cyffuriau, meddyginaethau a chyfarpar fel rhagnodydd atodol;

ystyr "Rheoliadau 1992" ("the 1992 Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(2), a oedd mewn grym yn union cyn i'r Rheoliadau hyn ddod i rym;

ystyr "Rheoliadau 2005" ("the 2005 Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 2005(3) fel yr oeddent mewn grym yn union cyn 1 Medi 2012;

ystyr "Rheoliadau Ffioedd" ("Charges Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007(4);

- (i) a GMS contractor who provides repeatable prescribing services under the terms of a contract which give effect to paragraph 40 of Schedule 6 to the GMS Regulations,
- (ii) an APMS contractor who provides repeatable prescribing services under the terms of an agreement which give effect to a provision in directions made by the Welsh Ministers under section 12(3) of the 2006 Act in relation to APMS contracts which is the equivalent provision to paragraph 40 of Schedule 6 to the GMS Regulations, or
- (iii) a Local Health Board for the purposes of providing primary medical services within a LHBMS practice which provides repeatable prescribing in accordance with a provision in directions made by the Welsh Ministers under section 12(3) of the 2006 Act in relation to LHBMS which is the equivalent provision to paragraph 40 of Schedule 6 to the GMS Regulations;

"repeatable prescription" ("presgripsiwn amlroddadwy") means a prescription contained in a form provided by a Local Health Board which—

- (a) is either—
 - (i) generated by computer but signed by a repeatable prescriber, or
 - (ii) a form created in an electronic format, identified using a repeatable prescriber's code and transmitted as an electronic communication to a nominated NHS pharmacist, NHS appliance contractor or dispensing doctor by the ETP service;
- (b) is issued or created to enable a person to obtain pharmaceutical services; and
- (c) indicates that the drugs or appliances ordered on that form may be provided more than once, and specifies the number of occasions on which they may be provided;

"reserved location" ("lleoliad neilltuedig") has the meaning given to it by regulation 11(4) (locations in controlled localities that are reserved locations);

(1) O.S. 2002/254. Diwygiwyd erthygl 5 gan O.S. 2009/1182. Mae'r Gorchymyn wedi ei ailienwi gan adran 213(4) a (6) o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p.7)

(2) O.S. 1992/662. Yr offerynnau perthnasol sy'n diwygio yw O.S. 2007/205 (Cy.19), O.S. 2009/1491 (Cy.144), O.S. 2010/868 (Cy.90), O.S. 2010/1648 (Cy.156) ac O.S. 2011/2907 (Cy.311).

(3) O.S. 2005/641. Dirymwyd gan O.S. 2012/1909.

(4) O.S. 2007/121 (Cy.11) a ddiwygiwyd gan O.S. 2007/1112 (Cy.117), O.S. 2009/1175 (Cy.102), O.S. 2009/2607 (Cy.210), O.S. 2010/231 ac O.S. 2010/1647 (Cy.155).

ystyr "Rheoliadau GMC" ("GMS Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004(1);

ystyr "Rheoliadau Peidio â Chodi Tâl" ("Remission of Charges Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007(2);

ystyr "Rheoliadau Rhagnodi Cyffuriau" ("Prescription of Drugs Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Rhagnodi Cyffuriau etc) (Cymru) 2004(3);

ystyr "rhestr" ("list"), oni fydd y cyd-destun yn mynnu'n wahanol, yw rhestr fferyllol neu restr meddygon fferyllol;

ystyr "rhestr berthnasol" ("relevant list") yw—

- (a) rhestr fferyllol neu restr gyfatebol; neu
- (b) rhestr, a gynhelir gan Fwrdd Iechyd Lleol neu gorff cyfatebol, o gyflawnwyr cymeradwy neu ddarparwyr gwasanaethau meddygol sylfaenol, deintyddol neu offthalmig;

ystyr "rhestr cleifion" ("patient list") yw rhestr o gleifion a gedwir yn unol â pharagraff 14 (rhestr o gleifion) o Atodlen 6 i'r Rheoliadau GMC neu, mewn perthynas â chontractwr GMDdA neu bractis GMBILL, yn unol â chyfarwyddiadau a roddir gan Weinidogion Cymru o dan adran 12(3) o Ddeddf 2006;

ystyr "rhestr cleifion berthnasol" ("relevant patient list"), mewn perthynas â meddyg sy'n gcontractwr GMC neu'n gcontractwr GMDdA (neu sy'n gyfranddaliwr cyfreithiol a llesiannol mewn cwmni sy'n gcontractwr o'r fath), yw'r rhestr cleifion ar gyfer y contractwr hwnnw, neu, pan nad yw'r meddyg yn gcontractwr, yw'r rhestr cleifion ar gyfer y contractwr GMC neu'r contractwr GMDdA y cyflogir y meddyg ganddo neu y cymerwyd y meddyg ymlaen ganddo neu ar gyfer y practis GMBILL y mae'r meddyg yn darparu gwasanaethau meddygol sylfaenol ynddo;

ystyr "rhestr cyflawnwyr meddygol" ("medical performers list") yw rhestr o feddygon, a baratowyd ac a gyhoeddwyd yn unol â rheoliad 3(1) o Reoliadau'r Gwasanaeth Iechyd Gwladol

"restricted availability appliance" ("cyfarpar argaeledd cyfyngedig") means an appliance which is approved for particular categories of persons or particular purposes only;

"Scheduled drug" ("cyffur Atodlen") means a drug or other substance specified in Schedule 1 or 2 to the Prescription of Drugs Regulations (which relate to drugs, medicines and other substances not to be ordered under a general medical services contract or that may be ordered only in certain circumstances);

"specified appliance" ("cyfarpar penodedig") means—

- (a) any of the following appliances listed in Part IXA of the Drug Tariff—
 - (i) a catheter appliance (including a catheter accessory and maintenance solution),
 - (ii) a laryngectomy or tracheostomy appliance,
 - (iii) an anal irrigation system,
 - (iv) a vacuum pump or constrictor ring for erectile dysfunction, or
 - (v) a wound drainage pouch;
- (b) an incontinence appliance listed in Part IXB of the Drug Tariff; or
- (c) a stoma appliance listed in Part IXC of the Drug Tariff;

"stoma appliance customisation" ("addasu cyfarpar stoma") means the customisation of a quantity of more than one stoma appliance, where—

- (a) the stoma appliances to be customised are listed in Part IXC of the Drug Tariff;
- (b) the customisation involves modification to the same specification of multiple identical parts for use with each appliance; and
- (c) that modification is based on the patient's measurements or a record of those measurements and, if applicable, a template;

"superintendent" ("uwcharolygydd") has the same meaning as in section 71 of the Medicines Act 1968(1) (bodies corporate);

"supplementary prescriber" ("rhagnodydd atodol")

(1) O.S. 2004/478 (Cy.48). Mae'r offerynnau sy'n diwygio yn cynnwys O.S. 2004/1017 (Cy.114), O.S. 2006/358 (Cy.46), O.S. 2006/945 (Cy.94), O.S. 2007/121 (Cy.11), O.S. 2007/205 (Cy.19), O.S. 2008/1329 (Cy.138), O.S. 2008/1425 (Cy.147), O.S. 2010/729 (Cy.70), O.S. 2010/1647 (Cy.155) ac O.S. 2011/704 (Cy.108).

(2) O.S. 2007/1104 (Cy.116) a ddiwygiwyd gan O.S. 2008/1480 (Cy.153), O.S. 2008/2568 (Cy.226), O.S. 2009/54 (Cy.18), O.S. 2009/709 (Cy.61), O.S. 2009/1824 (Cy.165), O.S. 2009/2365 (Cy.193), O.S. 2010/1237 (Cy.107), O.S. 2010/2759 (Cy.231), O.S. 2011/681 (Cy.100), O.S. 2011/1940 (Cy.208) ac O.S. 2012/800 (Cy.109).

(3) O.S. 2004/1022 (Cy.119) a ddiwygiwyd gan O.S. 2005/366 (Cy.32), O.S. 2009/1838 (Cy.166) ac O.S. 2009/1977 (Cy.176).

(1) Section 71 was substituted by section 28 of the Health Act 2006 (c.28).

(Rhestri Cyflawnwyr) (Cymru) 2004(1);

ystyr "rhestr fferyllol" ("pharmaceutical list") yw rhestr y mae'n ofynnol bod Bwrdd Iechyd Lleol yn ei pharatoi a'i chynnal o dan reoliad 3 (paratoi a chynnal rhestrau fferyllol);

ystyr "rhestr gyfatebol" ("equivalent list") yw rhestr a gedwir gan gorff cyfatebol;

ystyr "rhestr meddygon fferyllol" ("dispensing doctor list") yw rhestr y mae'n ofynnol i Fwrdd Iechyd Lleol ei pharatoi a'i chynnal o dan reoliad 4 (paratoi a chynnal rhestrau meddygon fferyllol);

ystyr "swp-ddyroddiad" ("batch issue") yw ffurflen, a ddarparwyd gan Fwrdd Iechyd Lleol ac a ddyroddir gan ragnodydd amlroddadwy ar yr un pryd â phresgripsiwn amlroddadwy anelectronig i alluogi fferyllydd GIG neu gcontractwr cyfarpar GIG i dderbyn tâl am ddarparu gwasanaethau amlweinyddu, ac sydd yn y fformat gofynnol, ac—

- (a) a gynhyrchir gan gyfrifiadur ac nas llofnodir gan ragnodydd amlroddadwy;
- (b) sy'n ymwneud â phresgripsiwn amlroddadwy anelectronig penadol ac yn cynnwys yr un dyddiad a'r presgripsiwn hwnnw;
- (c) a ddyroddir fel un o ddilyniant o ffurflenni sydd â'u nifer yn hafal i nifer y troeon y caniateir darparu'r cyffuriau neu'r cyfarpar a archebwyd ar y presgripsiwn amlroddadwy anelectronig; a
- (d) sy'n pennu rhif i ddynodi ei safle yn y dilyniant y cyfeirir ato yn is-baragraff (c);

ystyr "swp-ddyroddiad cysylltiedig" ("associated batch issue"), mewn perthynas â phresgripsiwn amlroddadwy anelectronig, yw un o'r swp-ddyroddiadau sy'n ymwneud â'r presgripsiwn hwnnw ac yn cynnwys yr un dyddiad â'r presgripsiwn hwnnw;

mae i "Tariff Cyffuriau" ("Drug Tariff") yr ystyr a roddir iddo yn rheoliad 41 (y Tariff Cyffuriau a chydubyddiaeth ariannol i fferyllwyr GIG a chontractwyr cyfarpar GIG);

ystyr "Tribiwnlys" ("Tribunal") yw Tribiwnlys yr Haen Gyntaf a sefydlwyd o dan Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007(2);

ystyr "tynnu digwyddiadol" ("contingent removal") yw tynnu oddi ar restr fferyllol yn ddigwyddiadol, o fewn yr ystyr a roddir i "contingent removal" gan adran 108 o Ddeddf 2006 (tynnu digwyddiadol) ac mae "tynnu yn ddigwyddiadol" ("contingently remove") i'w ddehongli'n unol â hynny; ac

means—

- (a) a registered pharmacist against whose name in Part 1 of the General Pharmaceutical Council Register or in the register maintained under Article 6 and 9 of the Pharmacy (Northern Ireland) Order 1976 is recorded an annotation signifying that they are qualified to order drugs, medicines and appliances as a supplementary prescriber;
- (b) a person whose name is registered in the Nursing and Midwifery Register and against whose name in that Register is recorded an annotation signifying that they are qualified to order drugs, medicines and appliances as a nurse independent/supplementary prescriber;
- (c) a person—
 - (i) who is registered in a part of the register maintained under article 5 of the Health and Social Work Professions Order 2001(1) (establishment and maintenance of register) which relates to chiropodists and podiatrists, physiotherapists or radiographers, and
 - (ii) against whose name in that register is recorded an annotation signifying that they are qualified to order drugs, medicines and appliances as a supplementary prescriber; or
- (d) an optometrist against whose name in the register of optometrists maintained under section 7 or 8B(1)(a) of the Opticians Act 1989 is recorded an annotation signifying that the optometrist is qualified to order drugs, medicines and appliances as a supplementary prescriber; and

"Tribunal" ("Tribiwnlys") means the First-tier Tribunal established under the Tribunals, Courts and Enforcement Act 2007(2).

(2) Where reference is made in these Regulations to a decision of a Local Health Board and that decision is changed on appeal, unless the context otherwise requires, the reference to that decision is to be construed as a reference to the decision changed on appeal.

(3) In these Regulations—

- (a) the term "pharmaceutical services" ("gwasanaethau fferyllol") in relation to a doctor means those services referred to in regulation 20; and
- (b) the term "dispensing services" ("gwasanaethau gweinyddu"), in relation to a doctor or GMS contractor means any

(1) O.S. 2004/1020 (Cy.117).

(2) 2007 p.15.

(1) S.I. 2002/254. Article 5 has been amended by S.I. 2009/1182. The Order was renamed by section 213(4) and (6) of the Health and Social Care Act 2012 (c.7).

(2) 2007 c.15.

mae i "uwcharolygydd" yr un ystyr a roddir i "superintendent" yn adran 71 o Ddeddf Meddyginaethau 1968(1) (cyriff corfforaethol).

(2) Os cyfeirir yn y Rheoliadau hyn at benderfyniad gan Fwrdd Iechyd Lleol ac os newidir y penderfyniad hwnnw yn dilyn apêl, onid yw'r cyd-destun yn mynnu fel arall, mae'r cyfeiriad at y penderfyniad hwnnw i'w ddehongli fel cyfeiriad at y penderfyniad fel y'i newidiwyd yn dilyn yr apêl.

(3) Yn y Rheoliadau hyn—

- (a) ystyr y term "gwasanaethau fferyllol" ("pharmaceutical services") mewn perthynas â meddyg yw'r gwasanaethau hynny y cyfeirir atynt yn rheoliad 20; a
- (b) ystyr y term "gwasanaethau gweinyddu" ("dispensing services"), mewn perthynas â meddyg neu gontractwr GMC yw unrhyw wasanaeth cyfatebol a ddarperir, nid fel gwasanaethau fferyllol, ond o dan y telerau mewn contract GMC sy'n rhoi effaith i baragraffau 47 i 51 o Atodlen 6 i'r Rheoliadau GMC.

(4) Ac eithrio pan ddarperir yn benodol i'r gwrthwyneb, caniateir rhoi neu anfon unrhyw ddogfen y mae'n ofynnol, neu yr awdurdodir, ei rhoi neu ei hanfon i berson neu gorff o dan y Rheoliadau hyn drwy ddanfon y ddogfen i'r person neu, yn achos corff, i ysgrifennydd neu reolwr cyffredinol y corff hwnnw, neu drwy anfon y ddogfen mewn llythyr rhagdaledig wedi ei gyfeirio at y person hwnnw neu, yn achos corff, at ysgrifennydd neu reolwr cyffredinol y corff hwnnw, yn ei gyfeiriad arferol neu ei gyfeiriad olaf sy'n hysbys, ac mae danfon y ddogfen yn cynnwys ei hanfon yn electronig i gyfeiriad electronig a hysbyswyd gan y person hwnnw at y diben hwnnw.

(5) Pan fo'r term "community practitioner nurse prescriber" yn ymddangos yn Rheoliadau Meddyginaethau Dynol 2012(2) neu yn y Gofrestr Nyrsio a Bydwreigiaeth, rhaid ei ddehongli at ddibenion y Rheoliadau hyn fel cyfeiriad at "nyrs sy'n rhagnodi'n annibynnol".

corresponding service provided, not as pharmaceutical services, but under the terms of a GMS contract which give effect to paragraphs 47 to 51 of Schedule 6 to the GMS Regulations.

(4) Except where expressly provided to the contrary, any document which is required or authorised to be given or sent to a person or body under these Regulations may be given or sent by delivering it to the person or, in the case of a body, to the secretary or general manager of that body, or by sending it in a pre-paid letter addressed to that person or, in the case of a body, to the secretary or general manager of that body at his usual or last known address, and delivering it includes sending it electronically to an electronic address which that person has notified for the purpose.

(5) Where the term "community practitioner nurse prescriber" appears in the Human Medicines Regulations 2012(1) or the Nursing and Midwifery Register it is to be construed for the purposes of these Regulations as a reference to an "independent nurse prescriber".

(1) Amnewidiwyd adran 71 gan adran 28 o Ddeddf Iechyd 2006 (p.28).

(2) S.I. 2012/1916.

(1) S.I. 2012/1916.

RHAN 2

Rhestrau fferyllol a rhestrau meddygon fferyllol

Paratoi a chynnal rhestrau fferyllol

3.—(1) Rhaid i bob Bwrdd Iechyd Lleol baratoi a chynnal rhestrau fferyllol o'r fferyllwyr GIG a chontractwyr cyfarpar GIG sydd wedi gwneud cais yn unol â Rhan 4 o'r Rheoliadau hyn ac Atodlen 1 i ddarparu gwasanaethau fferyllol o fangoedd yn ardal y Bwrdd Iechyd Lleol ac y cymeradwywyd eu ceisiadau gan y Bwrdd Iechyd Lleol yn unol ag Atodlen 2 neu, yn dilyn apêl, gan Weinidogion Cymru yn unol ag Atodlen 3, ac sydd wedi eu hawdurdodi—

- (a) i ddarparu gwasanaethau fferyllol yn benodol drwy ddarparu cyffuriau; neu
- (b) i ddarparu gwasanaethau fferyllol drwy ddarparu cyfarpar yn unig.

(2) Rhaid i bob rhestr fferyllol gynnwys—

- (a) cyfeiriad y fangre lle mae'r person a restrir wedi ymrwymo i ddarparu gwasanaethau fferyllol;
- (b) y diwrnodau a'r amseroedd pan fydd y person a restrir yn darparu gwasanaethau fferyllol yn y fangre honno; ac
- (c) disgrifiad o'r gwasanaethau fferyllol y mae'r person a restrir wedi ymrwymo i'w darparu, gan gynnwys unrhyw wasanaethau cyfeiriedig y mae'r person a restrir wedi cytuno i'w darparu.

(3) Mae Rhan 6 o'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer tynnu personau oddi ar restrau fferyllol.

(4) Bydd rhestr fferyllol Bwrdd Iechyd Lleol, sy'n rhestr gyfredol yn union cyn i'r Rheoliadau hyn ddod i rym, yn rhestr fferyllol gyfredol hefyd pan ddaw'r Rheoliadau hyn i rym, oni fydd yn ofynnol bod y Bwrdd Iechyd Lleol yn rhoi effaith i benderfyniad, a wnaed cyn y dyddiad dod i rym, i newid, tynnu ymaith neu gynnwys cofnod yn y rhestr o ddechrau'r dyddiad dod i rym, neu oni fydd hawl gan y Bwrdd Iechyd Lleol i wneud hynny, ac mewn achos o'r fath, y rhestr gyfredol ar ddechrau'r dyddiad dod i rym fydd y rhestr fel y'i haddaswyd i roi effaith i'r penderfyniad hwnnw.

Paratoi a chynnal rhestrau meddygon fferyllol

4.—(1) Rhaid i bob Bwrdd Iechyd Lleol baratoi a chynnal rhestr meddygon fferyllol o'r meddygon y gwnaeth y Bwrdd Iechyd Lleol drefniant gyda hwy yn unol â rheoliad 20 (trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon) i ddarparu

PART 2

Pharmaceutical lists and dispensing doctor lists

Preparation and maintenance of pharmaceutical lists

3.—(1) Each Local Health Board must prepare and maintain pharmaceutical lists of NHS pharmacists and NHS appliance contractors who have applied in accordance with Part 4 of these Regulations and Schedule 1, to provide pharmaceutical services from premises in the Local Health Board's area and whose applications have been approved by the Local Health Board in accordance with Schedule 2 or on appeal by the Welsh Ministers in accordance with Schedule 3 and who are authorised—

- (a) to provide pharmaceutical services in particular by way of the provision of drugs; or
- (b) to provide pharmaceutical services only by way of the provision of appliances.

(2) Each pharmaceutical list must include—

- (a) the address of the premises at which the listed person has undertaken to provide pharmaceutical services;
- (b) the days on which and times at which at those premises the listed person provides pharmaceutical services; and
- (c) a description of the pharmaceutical services that the listed person has undertaken to provide, including any directed services the listed person has agreed to provide.

(3) Part 6 of these Regulations makes provision for the removal of persons from pharmaceutical lists.

(4) A pharmaceutical list of a Local Health Board that is the current list immediately before these Regulations come into force is also the current pharmaceutical list when these Regulations come into force, unless the Local Health Board is required or entitled to give effect to a decision reached before the coming into force date to change, remove or include an entry from the list from the start of the coming into force date, in which case the current list at the start of the coming into force date is the list as modified to give effect to that decision.

Preparation and maintenance of dispensing doctor lists

4.—(1) Each Local Health Board must prepare and maintain a dispensing doctor list of doctors with whom the Local Health Board has made an arrangement in accordance with regulation 20 (arrangements for the provision of pharmaceutical services by doctors) to

gwasanaethau fferyllol i'w cleifion o fangre yn ardal y Bwrdd Iechyd Lleol.

(2) Rhaid i bob rhestr meddygon fferyllol gynnwys—

(a) enw'r meddyg—

- (i) y mae ei gais o dan Ran 5 am gydsyniad amlinellol a chymeradwyaeth mangre wedi ei gymeradwyo gan y Bwrdd Iechyd Lleol yn unol ag Atodlen 2 neu, yn dilyn apêl, gan Weinidogion Cymru yn unol ag Atodlen 3, a
- (ii) sydd wedi gwneud trefniadau gyda'r Bwrdd Iechyd Lleol o dan reoliad 20 i ddarparu gwasanaethau fferyllol;
- (b) yr ardal y rhoddwyd cydsyniad amlinellol mewn perthynas â hi a'r dyddiad y cafodd y cydsyniad amlinellol effaith;
- (c) cyfeiriad y fangre practis y rhoddwyd cymeradwyaeth mangre iddi, gan bennu—
 - (i) y dyddiad y cafodd y gymeradwyaeth mangre effaith neu, os nad yw eto wedi cael effaith, y dyddiad y'i rhoddwyd, a
 - (ii) os yw cymeradwyaeth y fangre yn gymeradwyaeth dybiedig, dros dro neu weddilliol, yffaith honno;
- (d) cyfeiriad unrhyw fangroedd practis y gwnaeth y meddyg geisiadau am gymeradwyaeth mangre mewn perthynas â hwy, sy'n dal yn yr arfaeth; ac
- (e) pan fo meddyg y cynhwysir ei enw yn y rhestr meddygon fferyllol yn darparu gwasanaethau meddygol sylfaenol gyda phractis GMBIL1, enw a chyfeiriad y Bwrdd Iechyd Lleol.

(3) Caiff meddyg sydd wedi ei gynnwys mewn rhestr meddygon fferyllol a gynhelir gan Fwrdd Iechyd Lleol ac sy'n ddarparwr gwasanaethau meddygol sylfaenol, neu a gyflogir, neu a gymerwyd ymlaen, gan ddarparwr gwasanaethau meddygol sylfaenol, wneud cais i'r Bwrdd Iechyd Lleol hwnnw am i feddyg arall sy'n ddarparwr gwasanaethau meddygol sylfaenol, neu a gyflogir neu a gymerwyd ymlaen gan ddarparwr gwasanaethau meddygol sylfaenol gael ei gynnwys yn y rhestr meddygon fferyllol yn ei le.

(4) Rhaid i Fwrdd Iechyd Lleol sy'n cael cais a ddisgrifir ym mharagraff (3) gytuno â'r cais hwnnw, ac—

- (a) rhaid i'r Bwrdd Iechyd Lleol gynnwys y meddyg arall ("y meddyg newydd") yn lle'r meddyg a wnaeth y cais ("y meddyg gwreiddiol") yn y rhestr meddygon fferyllol a gynhelir gan y Bwrdd Iechyd Lleol;
- (b) bydd y trefniadau a oedd gan y Bwrdd Iechyd Lleol gyda'r meddyg gwreiddiol yn dod yn drefniadau gyda'r meddyg newydd; ac

provide pharmaceutical services to their patients from premises in the area of the Local Health Board.

(2) Each dispensing doctor list must include—

(a) the name of the doctor—

- (i) whose application under Part 5 for outline consent and premises approval has been approved by the Local Health Board in accordance with Schedule 2 or, on appeal by the Welsh Ministers in accordance with Schedule 3, and
- (ii) who has made arrangements with the Local Health Board under regulation 20 to provide pharmaceutical services;
- (b) the area in relation to which outline consent has been granted and the date on which the outline consent took effect;
- (c) the address of the practice premises which have been granted premises approval, specifying—
 - (i) the date on which premises approval took effect or where it has not taken effect the date on which it was granted, and
 - (ii) if premises approval is deemed, temporary or residual, that this is the case;
- (d) the address of any practice premises in relation to which the doctor has outstanding applications for premises approval; and
- (e) where the doctor whose name is included in the dispensing doctor list provides primary medical services with an LHBMS practice, the name and address of the Local Health Board.

(3) A doctor included in a dispensing doctor list maintained by a Local Health Board who is a provider of primary medical services or who is employed or engaged by a provider of primary medical services may make a request to that Local Health Board for another doctor who is a provider of primary medical services or who is employed or engaged by a provider of primary medical services to be included in the dispensing doctor list in his or her place.

(4) A Local Health Board that receives a request described in paragraph (3) must agree to that request and—

- (a) the doctor that made the request ("the original doctor") must be substituted by the other doctor ("the new doctor") by the Local Health Board in the dispensing doctor list that it maintains;
- (b) the arrangements that the Local Health Board had with the original doctor become arrangements with the new doctor; and

- (c) bydd cydsyniadau amlinellol a chymeradwyaethau mangre y meddyg gwreiddiol yn dod yn gydsyniadau amlinellol a chymeradwyaethau mangre y meddyg newydd.

(5) Rhaid i Fwrdd Iechyd Lleol dynnu meddyg rhestridig oddi ar restr meddygon fferyllol—

- (a) os bu farw'r meddyg;
- (b) os nad yw'r meddyg bellach yn cyflawni gwasanaethau meddygol sylfaenol o fewn ardal y Bwrdd Iechyd Lleol;
- (c) os yw'r cydsyniad amlinellol a chymeradwyaeth mangre wedi mynd yn ddi-rym o dan reoliad 26 (cydsyniad amlinellol a chymeradwyaeth mangre yn mynd yn ddi-rym);
- (d) os yw'r meddyg wedi ei dynnu oddi ar y rhestr cyflawnwyr meddygol; neu
- (e) os aeth mwy na 12 mis heibio er pan ddarparwyd cyffuriau, meddyginaethau neu gyfarpar ddiwethaf gan y meddyg o dan drefniant a wnaed yn unol â rheoliad 20.

(6) Bydd rhestr meddygon fferyllol Bwrdd Iechyd Lleol, sy'n rhestr gyfredol yn union cyn i'r Rheoliadau hyn ddod i rym, yn rhestr meddygon fferyllol gyfredol hefyd pan ddaw'r Rheoliadau hyn i rym, oni fydd yn ofynnol bod y Bwrdd Iechyd Lleol yn rhoi effaith i benderfyniad, a wnaed cyn y dyddiad dod i rym, i newid, tynnau ymaith neu gynnwys cofnod yn y rhestr o ddechrau'r dyddiad dod i rym, neu oni fydd hawl gan y Bwrdd Iechyd Lleol i wneud hynny, ac mewn achos o'r fath, y rhestr gyfredol ar ddechrau'r dyddiad dod i rym fydd y rhestr fel y'i haddaswyd i roi effaith i'r penderfyniad hwnnw.

Telerau gwasanaethu

5.—(1) Y telerau y cynhwysir person ar eu sail mewn rhestr fferyllol (ac felly, telerau gwasanaethu'r person) yw'r telerau sydd wedi eu cynnwys—

- (a) yn y telerau gwasanaethu—
 - (i) ar gyfer fferyllwyr GIG sy'n darparu gwasanaethau fferyllol yn benodol drwy ddarparu cyffuriau, a bennir yn Atodlen 4; neu
 - (ii) ar gyfer contractwyr cyfarpar GIG sy'n darparu gwasanaethau fferyllol drwy ddarparu cyfarpar yn unig, a bennir yn Atodlen 5,

y caniateir eu hamrywio gan amodau a osodir gan Fwrdd Iechyd Lleol yn rhinwedd rheoliad 33 (cynnwys yn amodol mewn perthynas â seiliau addasrwydd);

- (b) yn y Tariff Cyffuriau i'r graddau y mae'r hawliau a'r rhwymedigaethau yn y Tariff Cyffuriau yn ymneud â fferyllwyr GIG neu contractwyr cyfarpar GIG ac yn gymwys yn

- (c) the outline consents and premises approvals of the original doctor become the outline consents and premises approvals of the new doctor.

(5) A Local Health Board must remove a listed doctor from a dispensing doctor list if—

- (a) the doctor has died;
- (b) the doctor is no longer performing primary medical services within the area of the Local Health Board;
- (c) outline consent and premises approval has lapsed under regulation 26 (lapse of outline consent and premises approval);
- (d) the doctor has been removed from the medical performers list; or
- (e) more than 12 months have elapsed since the doctor last provided drugs, medicines or appliances under an arrangement made pursuant to regulation 20.

(6) A dispensing doctor list of a Local Health Board that is the current list immediately before these Regulations come into force is also the current dispensing doctor list when these Regulations come into force unless the Local Health Board is required or entitled to give effect to a decision reached before the coming into force date to change, remove or include an entry in the list from the start of the coming into force date, in which case the current list at the start of the coming into force date is the list as modified to give effect to that decision.

Terms of service

5.—(1) The terms on which a person is included in a pharmaceutical list (and therefore the person's terms of service) are those that are included—

- (a) in the terms of service—
 - (i) for NHS pharmacists who provide pharmaceutical services in particular by the provision of drugs, set out in Schedule 4; or
 - (ii) for NHS appliance contractors who provide pharmaceutical services only by way of the provision of appliances, set out in Schedule 5,

as may be varied by conditions imposed by a Local Health Board by virtue of regulation 33 (conditional inclusion relating to fitness grounds);

- (b) in the Drug Tariff, in so far as the rights and liabilities in the Drug Tariff relate to NHS pharmacists or NHS appliance contractors and are applicable in the case of the NHS

- achos y fferyllydd GIG neu'r contractwr cyfarpar GIG; ac
- (c) mewn trefniant a wnaed gan Fwrdd Iechyd Lleol gyda'r fferyllydd GIG neu gcontractwr cyfarpar GIG ar gyfer darparu unrhyw wasanaethau cyfeiriedig.
- (2) Y telerau y cynhwysir person ar eu sail mewn rhestr meddygon fferyllol (ac felly, telerau gwasanaethu'r person) yw'r telerau—
- (a) a gynhwysir yn y telerau gwasanaethu ar gyfer meddygon sy'n darparu gwasanaethau fferyllol, a bennir yn Atodlen 6;
 - (b) yn unol ag unrhyw amodau a osodir ynglŷn â gohirio neu derfynu darparu gwasanaethau fferyllol i gleifion cymwys, a wnaed o dan baragraff 6 o Atodlen 2, paragraff 13 o Atodlen 2 neu reoliad 11(6); ac
 - (c) yn unol ag unrhyw amodau a osodir mewn perthynas â gallu'r meddyg fferyllol i ddarparu gwasanaethau fferyllol yn rhinwedd rheoliad 9(7) o Reoliadau 1992(1).
- pharmacist or NHS appliance contractor; and
- (c) in an arrangement made by a Local Health Board with the NHS pharmacist or NHS appliance contractor for the provision of any directed services.
- (2) The terms on which a person is included in a dispensing doctor list (and therefore the person's terms of service) are those that are—
- (a) included in the terms of service for doctors providing pharmaceutical services set out in Schedule 6;
 - (b) in accordance with any conditions imposed regarding the postponement or termination of the provision of pharmaceutical services to eligible patients made under paragraph 6 of Schedule 2, paragraph 13 of Schedule 2 or regulation 11(6); and
 - (c) in accordance with any conditions imposed in relation to the dispensing doctor's ability to provide pharmaceutical services by virtue of regulation 9(7) of the 1992 Regulations(1)

RHAN 3

Penderfynu ar ardaloedd rheoledig

Ardaloedd sy'n ardaloedd rheoledig

6.—(1) Mae unrhyw ardal, a oedd yn ardal reoledig neu'n rhan o ardal reoledig at ddibenion Rheoliadau 1992—

- (a) yn union cyn i'r Rheoliadau hyn ddod i rym; neu
- (b) yn dilyn penderfyniad a wnaed yn unol â rheoliad 49(2)

yn parhau'n ardal reoledig neu'n rhan o ardal reoledig at ddibenion y Rheoliadau (hyn oni phenderfynir, neu hyd nes penderfynir nad yw'r ardal bellach yn ardal reoledig nac yn rhan o ardal reoledig).

(2) Yn ddarostyngedig i baragraff (3), rhaid i Fwrdd Iechyd Lleol, wrth ymateb i gais a gyflwynwyd mewn ysgrifen gan Bwyllgor Meddygol Lleol neu Bwyllgor Fferyllol Lleol, ystyried y cwestiwn pa un a yw unrhyw ardal benodol o fewn yr ardal y sefydlwyd y Bwrdd ar ei chyfer, oherwydd ei chymeriad gwledig, yn ardal reoledig neu'n rhan o ardal reoledig; neu ar unrhyw adeg arall a benderfynir gan y Bwrdd, caiff y Bwrdd ystyried hynny.

(3) Pan fo'r cwestiwn pa un a yw unrhyw ardal benodol yn ardal reoledig neu'n rhan o ardal reoledig

PART 3

Determination of controlled localities

Areas that are controlled localities

6.—(1) Any area that was, or was part of, a controlled locality for the purposes of the 1992 Regulations—

- (a) immediately before these Regulations come into force; or
- (b) following a determination made in accordance with regulation 49(2),

continues to be, or to be part of, a controlled locality for the purposes of these Regulations (unless or until it is determined that the area is no longer, or is no longer part of, a controlled locality).

(2) Subject to paragraph (3), a Local Health Board must in response to an application submitted in writing by a Local Medical Committee or a Local Pharmaceutical Committee, or may at any other time that it may decide, consider the question of whether or not any particular area within the area for which it is established is, because it is rural in character, a controlled locality or part of a controlled locality.

(3) Where the question of whether or not any particular area is or is part of a controlled locality has

(1) Cyn ei ddiddymu, mewnosodwyd rheoliad 9(7) yn Rheoliadau 1992 gan O.S. 2009/1491 (Cy.144).

(1) Prior to its repeal, regulation 9(7) was inserted into the 1992 Regulations by S.I. 2009/1491 (W.144).

wedi ei benderfynu gan Fwrdd Iechyd Lleol neu gan Weinidogion Cymru yn dilyn apêl (boed hynny o dan y Rheoliadau hyn neu Reoliadau 1992), rhaid peidio ag ystyried y cwestiwn hwnnw drachefn mewn perthynas â'r ardal benodol honno—

- (a) am gyfnod o bum mlynedd, sy'n cychwyn gyda dyddiad y penderfyniad gan y Bwrdd Iechyd Lleol neu, os apeliwyd yn erbyn y penderfyniad hwnnw, dyddiad y penderfyniad ar yr apêl; oni bai
 - (b) y bodlonir y Bwrdd Iechyd Lleol (o fewn y cyfnod hwnnw o bum mlynedd) fod newid sylweddol wedi digwydd mewn amgylchiadau sy'n effeithio ar yr ardal er pan benderfynwyd y cwestiwn ddiwethaf.
- (4) Mae Rhannau 1 a 2 o Atodlen 2 yn pennu'r gweithdrefnau sydd i'w dilyn gan Fwrdd Iechyd Lleol wrth benderfynu a yw ardal yn ardal reoledig o dan y rheoliad hwn ai peidio.

Apelau yn erbyn penderfyniadau o dan Ran 3

7. Mae Rhannau 1 a 2 o Atodlen 3 yn gwneud darpariaeth ar gyfer apelau i Weinidogion Cymru mewn perthynas â phenderfyniadau a wneir o dan y Rhan hon.

RHAN 4

Ceisiadau gan fferyllwyr GIG a chontractwyr cyfarpar GIG am eu cynnwys mewn rhestrau fferyllol neu ddiwygio rhestrau fferyllol

Ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol

8.—(1) Caiff person gyflwyno cais i Fwrdd Iechyd Lleol os yw'r person hwnnw—

- (a) yn dymuno cael ei gynnwys mewn rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol;
- (b) eisoes wedi ei gynnwys mewn rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol ond yn dymuno, o fewn ardal y Bwrdd—
 - (i) agor mangre ychwanegol i ddarparu'r un gwasanaethau fferyllol neu wasanaethau fferyllol gwahanol ohoni;
 - (ii) adleoli i fangre wahanol ac, yn y fangre honno, ddarparu'r un gwasanaethau fferyllol neu wasanaethau fferyllol gwahanol; neu
 - (iii) darparu, o'r un fangre restredig, wasanaethau fferyllol o ddisgrifiad gwahanol i'r gwasanaethau a restrwyd eisoes mewn perthynas â'r person hwnnw; neu
- (c) wedi ei gynnwys eisoes mewn rhestr fferyllol a

been determined by a Local Health Board or on appeal by the Welsh Ministers (whether under these Regulations or the 1992 Regulations) that question must not be considered again in relation to the particular area—

- (a) for five years, beginning on the date of the determination of the Local Health Board or, if that determination was appealed, the date of the decision on the appeal; unless
- (b) the Local Health Board is satisfied (within that five years) that there has been a substantial change in circumstances affecting the area since the question was last determined.

(4) Parts 1 and 2 of Schedule 2 specify the procedures to be followed by a Local Health Board when determining whether or not an area is a controlled locality under this regulation.

Appeals against decisions under Part 3

7. Parts 1 and 2 of Schedule 3 make provision for appeals to the Welsh Ministers in respect of decisions made under this Part.

PART 4

Applications by NHS pharmacists and NHS appliance contractors for inclusion in or amendment to pharmaceutical lists

Applications to be included in or for amendment to a pharmaceutical list

8.—(1) A person may submit an application to a Local Health Board where that person—

- (a) wishes to be included in a pharmaceutical list maintained by the Local Health Board;
- (b) is already included in a pharmaceutical list maintained by the Local Health Board but wishes, within the Board's area, to—
 - (i) open additional premises from which to provide the same or different pharmaceutical services;
 - (ii) relocate to different premises, and at those premises to provide the same or different pharmaceutical services; or
 - (iii) provide from the listed premises pharmaceutical services that are of a different description to those services already listed in relation to that person; or
- (c) is already included in a pharmaceutical list

gynhelir gan Fwrdd Iechyd Lleol cyfagos, ond yn dymuno adleoli i fangre wahanol sydd yn ardal y Bwrdd Iechyd Lleol y gwneir cais iddo ac, yn y fangre honno, ddarparu'r un gwasanaethau fferyllol.

(2) Rhaid i gais a wneir i Fwrdd Iechyd Lleol o dan y rheoliad hwn fod mewn ysgrifen, a rhaid iddo ddarparu'r wybodaeth a bennir yn Rhan 1 o Atodlen 1.

(3) Yn ddarostyngedig i reoliad 46 (Bwrdd Iechyd Lleol cartref), rhaid i berson sy'n gwneud cais o dan baragraff (1)(a) ddarparu'r wybodaeth a'r ymrwymiadau a bennir yn Rhan 2 o Atodlen 1.

(4) Rhaid i Fwrdd Iechyd Lleol ddychwelyd cais os nad yw'n cynnwys yr holl wybodaeth sy'n ofynnol o dan baragraffau (2) a (3).

(5) Rhaid gwrtihod cais gan berson, nad yw eisoes wedi ei gynnwys mewn rhestr fferyllol, am gael ei gynnwys yn y rhestr honno, os yw'r ceisydd yn unigolyn a gymhwysodd fel fferyllydd yn y Swistir neu mewn Gwladwriaeth AEE ac eithrio'r Deyrnas Unedig, oni fydd yr unigolyn hwnnw'n bodloni'r Bwrdd Iechyd Lleol fod ganddo'r lefel o wybodaeth o Saesneg sydd, er budd yr unigolyn hwnnw a'r personau sy'n defnyddio'r gwasanaethau y mae'r cais yn ymwneud â hwy, yn angenrheidiol ar gyfer darparu'r gwasanaethau hynny yn ardal y Bwrdd Iechyd Lleol.

(6) Bydd yr holl geisiadau a wneir o dan reoliad 8(1) yn cael eu penderfynu o dan reoliad 9 (penderfynu ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol), ac eithrio ceisiadau y mae—

- (a) rheoliad 13 (ceisiadau sy'n ymwneud ag adleoliad bach o fewn ardal Bwrdd Iechyd Lleol);
- (b) rheoliad 14 (ceisiadau sy'n ymwneud ag adleoliad bach rhwng ardaloedd Byrddau Iechyd Lleol cyfagos);
- (c) rheoliad 15 (ceisiadau sy'n ymwneud ag adleoli dros dro); neu
- (d) rheoliad 16 (ceisiadau sy'n ymwneud â newid perchnogaeth),

yn gymwys iddynt ac a benderfynir o dan y rheoliadau hynny.

(7) Mae Rhannau 1 a 3 o Atodlen 2 yn pennu'r gweithdrefnau sydd i'w dilyn gan Fwrdd Iechyd Lleol wrth benderfynu ceisiadau a wnaed o dan y Rhan hon.

Penderfynu ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol

9.—(1) Yn ddarostyngedig i reoliad 10 (penderfynu ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol: effaith penderfyniadau cynharach), pan nad yw'r fangre a bennir mewn cais o

maintained by a neighbouring Local Health Board but wishes to relocate to different premises in the area of the Local Health Board to which the application is made, and at those premises to provide the same pharmaceutical services.

(2) An application to a Local Health Board made under this regulation must be made in writing and must provide the information set out in Part 1 of Schedule 1.

(3) Subject to regulation 46 (home Local Health Board), a person making an application under paragraph (1)(a) must provide the information and undertakings specified in Part 2 of Schedule 1.

(4) A Local Health Board must return an application if it does not contain all of the information required under paragraphs (2) and (3).

(5) An application to be included in a pharmaceutical list by a person not already included must be refused if the applicant is an individual who qualified as a pharmacist in Switzerland or an EEA state other than the United Kingdom, unless that individual satisfies the Local Health Board that he or she has the level of knowledge of English which, in the interests of that individual and the persons making use of the services to which the application relates, is necessary for the provision of those services in the area of the Local Health Board.

(6) All applications made under regulation 8(1) will be determined under regulation 9 (determination of applications to be included in or for amendment to a pharmaceutical list) except for applications to which—

- (a) regulation 13 (applications involving minor relocation within a Local Health Board's area);
- (b) regulation 14 (applications involving minor relocation between neighbouring Local Health Board areas);
- (c) regulation 15 (applications involving temporary relocation); or
- (d) regulation 16 (applications involving a change of ownership),

applies and which are determined under those regulations.

(7) Parts 1 and 3 of Schedule 2 specify the procedures to be followed by a Local Health Board when determining applications made under this Part.

Determination of applications to be included in or for amendment to a pharmaceutical list

9.—(1) Subject to regulation 10 (determination of applications to be included in or for amendment to a pharmaceutical list: effect of earlier determinations), where the premises specified in an application are not

fewn ardal reoledig, rhaid i'r Bwrdd Iechyd Lleol beidio â chaniatáu'r cais oni fodlonir y Bwrdd fod caniatáu'r cais yn angenrheidiol neu'n hwylus er mwyn sicrhau darpariaeth ddigonol, gan bersonau a gynhwysir mewn rhestr fferyllol, o'r gwasanaethau a bennir yn y cais, neu rai o'r gwasanaethau hynny, yn y gymdogaeth y lleolir ynddi'r fangre (y "prawf angenrheidiol neu hwylus").

(2) Yn ddarostyngedig i reoliad 10, pan fo'r fangre a bennir mewn cais o fewn ardal reoledig ond nid mewn lleoliad neilltuedig (fel y'i diffinnir yn rheoliad 11(4)), rhaid i'r Bwrdd Iechyd Lleol—

- (a) gwrrhod y cais os yw o'r farn y byddai ei ganiatáu yn niweidio'r ddarpariaeth briodol o wasanaethau meddygol sylfaenol, gwasanaethau gweinyddu neu wasanaethau fferyllol yn yr ardal reoledig y lleolir ynddi'r fangre a bennir yn y cais (y "prawf niweidio"); a
- (b) pan nad yw cais wedi ei wrthod o dan y prawf niweidio, wrthod y cais oni fodlonir ef fod caniatáu'r cais yn angenrheidiol neu'n hwylus er mwyn sicrhau darpariaeth ddigonol, gan bersonau a gynhwysir mewn rhestr fferyllol, o'r gwasanaethau a bennir yn y cais, neu rai o'r gwasanaethau hynny, yn y gymdogaeth y lleolir ynddi'r fangre (y "prawf angenrheidiol neu hwylus").

(3) Nid yw'r prawf niweidio yn gymwys pan fo Bwrdd Iechyd Lleol yn penderfynu cais a'r fangre a bennir yn y cais mewn lleoliad neilltuedig.

(4) Rhaid i Fwrdd Iechyd Lleol wrthod cais nad yw'r ceisydd yn cynnig ynddo ddarparu pob un o'r gwasanaethau hanfodol, ond caiff ganiatáu cais mewn perthynas â'r cyfan neu rai yn unig o'r gwasanaethau cyfeiriedig a bennir ynddo.

(5) Wrth benderfynu cais o dan y rheoliad hwn, a wnaed o dan reoliad 8(1)(a) (ac eithrio pan fo'r cais wedi ei wneud gan berson y rhoddwyd iddo gydsyniad rhagarweiniol yn unol â rheoliad 12 a'r cydsyniad rhagarweiniol hwnnw'n ddilys yn unol â rheoliad 12(5)); neu o dan reoliad 12 pan nad yw'r ceisydd eisoes wedi ei gynnwys yn rhestr fferyllol y Bwrdd Iechyd Lleol hwnnw, caiff Bwrdd Iechyd Lleol—

- (a) gohirio ystyried y cais ar sail addasrwydd o dan reoliad 31 (gorhirio ceisiadau ar sail addasrwydd);
- (b) gwrrhod y cais ar sail addasrwydd o dan reoliad 32 (gwrrhod ceisiadau ar sail addasrwydd); neu
- (c) gosod amodau ar ganiatáu'r cais o dan reoliad 33 (cynnwys yn amodol mewn perthynas â seiliau addasrwydd).

in a controlled locality, the Local Health Board must grant the application only if it is satisfied that it is necessary or expedient to do so in order to secure in the neighbourhood in which the premises are located the adequate provision, by persons included in a pharmaceutical list, of the services, or some of the services, specified in the application (the "necessary or expedient test").

(2) Subject to regulation 10, where the premises specified in an application are in a controlled locality but not in a reserved location (as defined in regulation 11(4)) the Local Health Board—

- (a) must refuse the application where it is of the opinion that to grant it would prejudice the proper provision of primary medical services, dispensing services or pharmaceutical services in the controlled locality within which the premises specified in the application are situated (the "prejudice test"); and
- (b) must, where the application has not been refused under the prejudice test, grant the application only if it is satisfied that it is necessary or expedient to do so to secure in the neighbourhood in which the premises are located the adequate provision, by persons included in a pharmaceutical list, of the services, or some of the services, specified in the application (the "necessary or expedient test").

(3) The prejudice test does not apply to the Local Health Board's determination of an application where the premises specified in an application are situated in a reserved location.

(4) A Local Health Board must refuse an application in which the applicant does not offer to provide all of the essential services but may grant an application in respect of all or some only of the directed services specified in it.

(5) In determining an application under this regulation which has been made under regulation 8(1)(a), (except where the application is made by a person who has been granted preliminary consent under regulation 12 which is valid in accordance with regulation 12(5)); or under regulation 12 where the applicant is not already included in that Local Health Board's pharmaceutical list a Local Health Board may—

- (a) defer consideration of the application on fitness grounds under regulation 31 (deferral of applications on fitness grounds);
- (b) refuse the application on fitness grounds under regulation 32 (refusal of applications on fitness grounds); or
- (c) impose conditions on the grant of the application under regulation 33 (conditional inclusion relating to fitness grounds).

Penderfynu ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol: effaith penderfyniadau cynharach

10. Os oedd y prawf angenrheidiol neu hwylus o dan reoliad 9, wedi ei ystyried wrth benderfynu cais cynharach am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol, mewn perthynas â'r gymdogaeth y bodlonir y Bwrdd Iechyd Lleol y lleolir ynddi'r fangre a bennir yn y cais sydd dan ystyriaeth, ac os penderfynwyd nad oedd yn angenrheidiol neu'n hwylus caniatáu'r cais blaenorol er mwyn sicrhau darpariaeth ddigonol o wasanaethau fferyllol yn y gymdogaeth, rhaid peidio ag ystyried y prawf angenrheidiol neu hwylus drachefn mewn perthynas â'r gymdogaeth honno—

- (a) am gyfnod o dair blynedd, sy'n cychwyn gyda'r dyddiad y penderfynwyd y cais cynharach gan y Bwrdd Iechyd Lleol neu, os apeliwyd yn erbyn y penderfyniad hwnnw, y dyddiad y penderfynwyd yr apêl; oni bai
- (b) bod y Bwrdd Iechyd Lleol wedi ei fodloni bod newid sylweddol wedi digwydd mewn perthynas â'r gymdogaeth er pan ystyriwyd y prawf angenrheidiol neu hwylus ddiwethaf.

Lleoliadau mewn ardaloedd rheoledig sy'n lleoliadau neilltuedig

11.—(1) Rhaid i Fwrdd Iechyd Lleol benderfynu, pan fo mangre a bennir mewn cais a gyflwynwyd i'r Bwrdd o dan reoliad 8 (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol), neu fangre neu'r lleoliad perthnasol y mae'r ceisydd yn dymuno darparu gwasanaethau fferyllol ohono a bennir mewn cais a gyflwynwyd i'r Bwrdd o dan reoliad 12 (ceisiadau am gydsyniad rhagarweiniol ac effaith cydsyniad rhagarweiniol), mewn ardal reoledig, pa un a yw hefyd mewn lleoliad neilltuedig.

(2) Pan fo penderfyniad wedi ei wneud gan y Bwrdd Iechyd Lleol neu, yn dilyn apêl, gan Weinidogion Cymru (o dan baragraff (1) ac Atodlen 3 yn eu trefn) neu yn unol â rheoliad 11ZA neu 13 o Reoliadau 1992, mewn perthynas â mangre neu leoliad perthnasol y darperir neu y bwriedir darparu gwasanaethau fferyllol ohoni neu ohono, i'r perwyl bod y fangre honno neu'r lleoliad perthnasol hwnnw mewn lleoliad neilltuedig, caiff y person a gynhwysir yn y rhestr fferyllol mewn perthynas â'r fangre honno neu'r lleoliad perthnasol hwnnw, wneud cais mewn ysgrifen i'r Bwrdd Iechyd Lleol, am i'r Bwrdd Iechyd Lleol wneud penderfyniad pellach pa un a yw'r fangre honno neu'r lleoliad perthnasol hwnnw, ar ddyddiad y cais, mewn lleoliad neilltuedig.

(3) At ddibenion y rheoliad hwn, ystyr "lleoliad perthnasol" ("relevant location"), pan fo lleoliad y fangre y bwriedir darparu gwasanaethau fferyllol ohoni wedi ei bennu mewn ysgrifen gan y ceisydd cyn i'r Bwrdd Iechyd Lleol wneud ei benderfyniad, yw'r

Determination of applications to be included in or for amendment to a pharmaceutical list: effect of earlier determinations

10. Where in determining an earlier application for inclusion in or amendment to a pharmaceutical list the necessary or expedient test under regulation 9 was considered in relation to the neighbourhood in which the Local Health Board is satisfied the premises specified in the application under consideration are located and it was decided that it was not necessary or expedient to grant the earlier application to secure in the neighbourhood the adequate provision of pharmaceutical services, the necessary or expedient test must not be considered again in relation to that neighbourhood—

- (a) for three years, beginning on the date on which the earlier application was determined by the Local Health Board or, if that determination was appealed, the date of the decision on the appeal; unless
- (b) the Local Health Board is satisfied that there has been a substantial change of circumstances in relation to the neighbourhood since the necessary or expedient test was last considered.

Locations in controlled localities that are reserved locations

11.—(1) A Local Health Board must determine whether premises specified in an application submitted to it under regulation 8 (applications to be included in or for amendment to a pharmaceutical list) or premises or the relevant location from which the applicant wishes to provide pharmaceutical services, specified in an application submitted to it under regulation 12 (applications for preliminary consent and effect of preliminary consent) that are in a controlled locality are also in a reserved location.

(2) Where it has been determined by the Local Health Board, or on appeal the Welsh Ministers (under paragraph (1) and Schedule 3 respectively) or pursuant to regulation 11ZA or 13 of the 1992 Regulations, in relation to premises or a relevant location, from which pharmaceutical services are to be or are being provided, that those premises are or the relevant location is in a reserved location, the person included in the pharmaceutical list in relation to those premises, or that relevant location, may make an application in writing to the Local Health Board to make a further determination as to whether, on the date of the application, those premises are, or that relevant location is, in a reserved location.

(3) For the purposes of this regulation the "relevant location" ("lleoliad perthnasol") means, where the location of the premises from which the pharmaceutical services are to be provided, is specified in writing by the applicant before the Local Health

lleoliad hwnnw, a phan nad yw'r lleoliad wedi ei bennu felly, yr amcan gorau y gall y Bwrdd Iechyd Lleol ei wneud o'r man lle byddai'r fangre honno.

(4) Yn ddarostyngedig i baragraff (5), lleoliad neilltuedig yw lleoliad mewn ardal reoledig lle mae nifer yr unigolion ar y rhestrau cleifion ar gyfer yr ardal sydd o fewn 1.6 kilometr i'r fangre neu leoliad y fangre yn llai na 2,750 o bersonau.

(5) Nid yw lleoliad yn lleoliad neilltuedig o dan baragraff (4) os yw'r Bwrdd Iechyd Lleol o'r farn, pe bai fferyllfa yn gweithredu o'r lleoliad, y defnyddid hi i raddau cyffelyb neu raddau mwy nag y byddid yn disgwyl pe bai nifer yr unigolion ar y rhestrau cleifion ar gyfer yr ardal sydd o fewn 1.6 kilometr i'r fangre neu'r lleoliad yn hafal i neu'n fwy na 2,750 o bersonau.

(6) Pan fo'r Bwrdd Iechyd Lleol, wrth wneud penderfyniad pellach y gwnaed cais amdano yn unol â pharagraff (2), yn penderfynu nad yw'r fangre honno neu'r lleoliad perthnasol hwnnw mewn lleoliad neilltuedig, neu os apelir yn erbyn penderfyniad gan y Bwrdd Iechyd Lleol a phenderfynir yn yr apêl nad yw'r fangre neu nad yw'r lleoliad perthnasol mewn lleoliad neilltuedig—

- (a) caiff y Bwrdd Iechyd lleol benderfynu bod y fangre i'w thrin, neu'r lleoliad perthnasol i'w drin, at ddibenion y Rheoliadau hyn fel pe bai mewn lleoliad neilltuedig, os yw o'r farn y byddai peidio â gwneud hynny yn niweidio'r ddarpariaeth briodol o wasanaethau meddygol sylfaenol (ac eithrio'r rhai a ddarperir gan y Bwrdd Iechyd Lleol ei hunan), gwasanaethau gweinyddu neu wasanaethau fferyllol mewn unrhyw ardal reoledig; neu
- (b) os yw'r Bwrdd Iechyd Lleol o'r farn ei bod yn debygol yr effeithir yn anffafriol ar y ddarpariaeth o wasanaethau meddygol sylfaenol gan ddarparwr gwasanaethau meddygol sylfaenol (ac eithrio un a gyflogir gan y Bwrdd Iechyd Lleol), gwasanaethau fferyllol gan fferyllydd GIG neu gcontractwr cyfarpar GIG, gwasanaethau fferyllol lleol a ddarperir o dan gynllun peilot neu wasanaethau fferyllol a ddarperir gan feddyg, oherwydd penderfyniad nad yw'r fangre mewn lleoliad neilltuedig, caiff y Bwrdd Iechyd Lleol wneud y cyfryw benderfyniad ond caiff osod amodau i ohirio, am ba bynnag gyfnod y tybia'n briodol, gwneud neu derfynu trefniadau o dan reoliad 20 (neu'r hyn sy'n cyfateb iddo o dan y Rheoliadau GMC) ar gyfer darpariaeth, gan feddyg neu gcontractwr GMC, o wasanaethau fferyllol neu wasanaethau gweinyddu i gleifion.

Board makes its determination, that location, and where that location is not so specified, the best estimate the Local Health Board is able to make of where those premises may be

(4) Subject to paragraph (5), a reserved location is a location in a controlled locality in respect of which the number of individuals on the patient lists for the area within 1.6 kilometres of the premises or the location of the premises is less than 2,750 persons.

(5) A location is not a reserved location under paragraph (4) if the Local Health Board considers that if a pharmacy were to operate from the location the extent to which it would be used would be similar to or greater than might be expected if the number of individuals on the patient lists for the area within 1.6 kilometres of the premises or the location were equal to or more than 2,750 persons.

(6) Where in making a further determination applied for in accordance with paragraph (2) the Local Health Board determines that those premises are, or the relevant location is, not in a reserved location, or there is an appeal against a determination by the Local Health Board and it is determined on appeal that the premises are not, or that the relevant location is not, in a reserved location—

- (a) the Local Health Board may determine that the premises are, or the relevant location is to be treated for the purposes of these Regulations as if they were in a reserved location, where it is of the opinion that not to do so would prejudice the proper provision of primary medical services (other than those provided by the Local Health Board itself), dispensing services or pharmaceutical services in any controlled locality; or
- (b) if the Local Health Board considers that the provision of primary medical services by a provider of primary medical services (other than one employed by the Local Health Board), pharmaceutical services by a NHS pharmacist or NHS appliance contractor, local pharmaceutical services provided under a pilot scheme or pharmaceutical services provided by a doctor is likely to be adversely affected by a determination that the premises are not in a reserved location, it may make such determination but may impose conditions to postpone, for such period as it thinks fit, the making or termination of arrangements under regulation 20 (or equivalent under the GMS Regulations) for the provision by a doctor or a GMS contractor of pharmaceutical services or dispensing services to patients.

Ceisiadau am gydsyniad rhagarweiniol ac effaith cydsyniad rhagarweiniol

12.—(1) Caiff person, sy'n dymuno cael yr hawl i'w gynnwys mewn rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol pan gyflwyni cais dilynol gan y person hwnnw o dan reoliad 8(1)(a) neu 8(1)(b)(i) (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol), gyflwyno cais i Fwrdd Iechyd Lleol am gydsyniad rhagarweiniol o dan y rheoliad hwn.

(2) Rhaid i gais a wneir o dan y rheoliad hwn fod mewn ysgrifen, a rhaid iddo ddarparu'r wybodaeth a'r ymrwymiadau a bennir yn—

- (a) Rhan 1 o Atodlen 1; a
- (b) yn ddarostyngedig i reoliad 46, Rhan 2 o Atodlen 1.

(3) Rhaid i Fwrdd Iechyd Lleol ddychwelyd cais os nad yw'n cynnwys yr holl wybodaeth sy'n ofynnol o dan baragraff (2).

(4) Rhaid i Fwrdd Iechyd Lleol benderfynu cais am gydsyniad rhagarweiniol fel pe bai'n gais a wnaed o dan reoliad 8(1)(a) neu 8(1)(b)(i).

(5) Bydd cydsyniad rhagarweiniol yn ddilys am gyfnod o chwe mis o'r dyddiad y'i rhoddir, sef y diweddaraf o naill ai—

- (a) 30 diwrnod ar ôl anfon hysbysiad o benderfyniad y Bwrdd Iechyd Lleol ar y cais yn unol â pharagraff 14 o Atodlen 2; neu
- (b) pan fo apêl wedi ei gwneud yn erbyn penderfyniad y Bwrdd Iechyd Lleol, y dyddiad y rhoddir hysbysiad gan Weinidogion Cymru o'u penderfyniad ar yr apêl yn unol â pharagraff 8 o Atodlen 3.

(6) Rhaid i Fwrdd Iechyd Lleol ganiatáu cais dilynol a wneir o dan reoliad 8(1)(a) neu 8(1)(b)(i) gan berson y rhoddyd cydsyniad rhagarweiniol iddo—

- (a) os yw'r dyddiad y daeth y cais i law'r Bwrdd Iechyd Lleol o fewn y cyfnod a bennir ym mharagraff (5);
- (b) os yw'r gwasanaethau a bennir yn y cais yr unrhai ag a Bennwyd yn y cais am gydsyniad rhagarweiniol; ac
- (c) os yw'r fangre a bennir yn y cais yn yr un man â'r fangre a Bennwyd yn y cais am gydsyniad rhagarweiniol, neu yng nghymdogaeth y fangre a Bennwyd yn y cais am gydsyniad rhagarweiniol.

(7) Pan fo is-baragraffau (a) a (b) o baragraff (6) wedi eu bodloni, ond lleoliad y fangre a bennir yn y cais yn wahanol i'r lleoliad y rhoddyd cydsyniad rhagarweiniol mewn perthynas ag ef, rhaid i'r Bwrdd Iechyd Lleol drin y cais fel pe bai'n gais o dan reoliad

Applications for preliminary consent and effect of preliminary consent

12.—(1) A person who wishes to be granted the right to be included in a pharmaceutical list maintained by the Local Health Board on a subsequent application under regulation 8(1)(a) or 8(1)(b)(i) (applications to be included in or for amendment to a pharmaceutical list) may submit an application to a Local Health Board for preliminary consent under this regulation.

(2) An application made under this regulation must be made in writing and must provide the information and undertakings set out in—

- (a) Part 1 of Schedule 1; and
- (b) subject to regulation 46, Part 2 of Schedule 1.

(3) A Local Health Board must return an application if it does not contain all of the information required under paragraph (2).

(4) A Local Health Board must determine an application for preliminary consent as if it were an application made under regulation 8(1)(a) or 8(1)(b)(i).

(5) A preliminary consent will be valid for a period of six months from the date on which it is granted, which is the later of either—

- (a) 30 days after notice of the Local Health Board's decision on the application was sent by the Local Health Board in accordance with paragraph 14 of Schedule 2; or
- (b) where an appeal is made against the decision of the Local Health Board, the date on which the Welsh Ministers give notice of their decision on the appeal under paragraph 8 of Schedule 3.

(6) A Local Health Board must grant a subsequent application made under regulation 8(1)(a) or 8(1)(b)(i) by a person who has been granted preliminary consent if—

- (a) the date on which the application was received by the Local Health Board is within the period specified in paragraph (5);
- (b) the services specified in the application are the same as those that were specified in the application for preliminary consent; and
- (c) the premises specified in the application are in the same location as the premises or the locality of the premises specified in the application for preliminary consent.

(7) Where sub-paragraphs (a) and (b) of paragraph (6) are satisfied but the premises specified in the application have a different location from that in respect of which preliminary consent was granted, the Local Health Board must treat the application as

8(1)(b)(ii).

(8) Rhaid i'r penderfyniad i ganiatáu cais o dan baragraff (6) fod yn ddarostyngedig i unrhyw amodau a osodwyd gan y Bwrdd Iechyd Lleol, neu gan Weinidogion Cymru yn dilyn apêl, mewn perthynas â'r penderfyniad terfynol i ganiatáu'r cydsyniad rhagarweiniol cyfatebol.

(9) Wrth benderfynu cais o dan y rheoliad hwn, gan berson nad yw'n gynwysedig eisoes yn rhestr fferyllol y Bwrdd Iechyd Lleol (ac eithrio cais gan berson sydd â chydsyniad rhagarweiniol diliys yn unol â pharagraff (5)), caiff Bwrdd Iechyd Lleol—

- (a) gohirio ystyried y cais ar sail addasrwydd o dan reoliad 31 (gorhirio ceisiadau ar sail addasrwydd);
- (b) gwrrhod y cais ar sail addasrwydd o dan reoliad 32 (gwrrhod ceisiadau ar sail addasrwydd); neu
- (c) gosod amodau ar ganiatáu'r cais o dan reoliad 33 (cynnwys yn amodol mewn perthynas â seiliau addasrwydd).

Ceisiadau sy'n ymwneud ag adleoliad bach o fewn ardal Bwrdd Iechyd Lleol

13.—(1) Caiff person sydd wedi gwneud cais o dan reoliad 8(1)(a) (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol), ar unrhyw adeg ar ôl gwneud y cais ond cyn diwedd y cyfnod perthnasol (fel y'i diffinnir yn rheoliad 17(3)(b) (gweithdrefn yn dilyn caniatáu cais)), hysbysu'r Bwrdd Iechyd Lleol ei fod yn dymuno newid y fangre y mae'n bwriadu darparu'r gwasanaethau fferyllol a bennir yn y cais ohoni, a chaiff y Bwrdd Iechyd Lleol ddiwygio'r fangre a bennir yn y cais gwreiddiol os bodlonir y Bwrdd—

- (a) mai adleoliad bach yw'r newid;
- (b) y bydd y gwasanaethau fferyllol, a bennir yn y cais ac y byddid wedi eu darparu yn y fangre a bennwyd yn y cais gwreiddiol, yn cael eu darparu yn y fangre newydd; ac
- (c) ar gyfer y cleifion sy'n gyfarwydd â chael mynediad i wasanaethau fferyllol yn y fangre bresennol, nad yw lleoliad y fangre newydd yn llai hygyrch i raddau sylweddol.

(2) Rhaid i Fwrdd Iechyd Lleol ganiatáu cais a wneir gan berson o dan reoliad 8(1)(b)(ii), i adleoli o fangre restredig i fangre newydd lle mae'r person hwnnw'n bwriadu darparu'r un gwasanaethau fferyllol, os bodlonir y Bwrdd—

- (a) mai adleoliad bach yw'r newid;
- (b) ar gyfer y cleifion sy'n gyfarwydd â chael mynediad i wasanaethau fferyllol yn y fangre

though it were an application under regulation 8(1)(b)(ii).

(8) The grant of an application under paragraph (6) must be subject to any conditions that were imposed by the Local Health Board, or the Welsh Ministers on appeal, in relation to the final grant of the corresponding preliminary consent.

(9) In determining an application under this regulation from a person who is not already included in the Local Health Board's pharmaceutical list (apart from an application from a person who has a valid preliminary consent in accordance with paragraph (5)), a Local Health Board may—

- (a) defer consideration of the application on fitness grounds under regulation 31 (deferral of applications on fitness grounds);
- (b) refuse the application on fitness grounds under regulation 32 (refusal of applications on fitness grounds); or
- (c) impose conditions on the grant of the application under regulation 33 (conditional inclusion relating to fitness grounds).

Applications involving minor relocation within a Local Health Board's area

13.—(1) A person who has made an application under regulation 8(1)(a) (applications to be included in or for amendment to a pharmaceutical list) may at any time after making the application but before the end of the relevant period (as defined in regulation 17(3)(b) (procedure following grant of an application)) notify the Local Health Board that he or she wishes to change the premises from which he or she intends to provide the pharmaceutical services specified in the application and the Local Health Board may amend the premises specified in the original application if it is satisfied that—

- (a) the change is a minor relocation;
- (b) the pharmaceutical services specified in the application that would have been provided at the premises specified in the original application will be provided at the new premises; and
- (c) for the patients who are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is not significantly less accessible.

(2) A Local Health Board must grant an application made by a person under regulation 8(1)(b)(ii) to relocate from listed premises to new premises at which the person intends to provide the same pharmaceutical services if it is satisfied that—

- (a) the change is a minor relocation;
- (b) for the patients who are accustomed to accessing pharmaceutical services at the

- bresennol, nad yw lleoliad y fangre newydd yn llai hygrych i raddau sylweddol;
- (c) y darperir yr un gwasanaethau fferyllol yn y fangre newydd ag a ddarperir yn y fangre restredig;
 - (d) na fydd unrhyw doriad yn y ddarpariaeth o wasanaethau fferyllol (ac eithrio am ba bynnag gyfnod a ganiateir am reswm da gan y Bwrdd Iechyd Lleol); ac
 - (e) nad yw'r fangre a bennir yn y cais fel y fangre y mae'r person yn dymuno adleoli ohoni yn fangre y mae'r person wedi adleoli iddi dros dro o dan reoliad 15 (ceisiadau sy'n ymwneud ag adleoli dros dro).

(3) Ni chaiff person, y caniatawyd cais ganddo o dan y rheoliad hwn, gyflwyno cais arall ar gyfer ei benderfynu o dan y rheoliad hwn nac o dan reoliad 14 o fewn deuddeng mis ar ôl dyddiad caniatáu'r cais (fel y'i diffinnir yn rheoliad 17(3)(a)).

Ceisiadau sy'n ymwneud ag adleoliad bach rhwng ardaloedd Byrddau Iechyd Lleol cyfagos

14.—(1) Rhaid i Fwrdd Iechyd Lleol, ganiatáu cais a wneir iddo gan berson o dan reoliad 8(1)(c) (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol), i adleoli o fangre restredig yn ardal Bwrdd Iechyd Lleol cyfagos i fangre newydd yn ardal y Bwrdd Iechyd Lleol y gwneir y cais iddo, ac yn y fangre honno mae'r person yn bwriadu darparu'r un gwasanaethau fferyllol—

- (a) os bodlonir y Bwrdd Iechyd Lleol y gwneir y cais iddo—
 - (i) mai adleoliad bach yw'r newid,
 - (ii) ar gyfer y cleifion sy'n gyfarwydd â chael mynediad i wasanaethau fferyllol yn y fangre bresennol, nad yw lleoliad y fangre newydd yn llai hygrych i raddau sylweddol,
 - (iii) y darperir yr un gwasanaethau fferyllol yn fangre newydd ag a ddarperir yn y fangre restredig,
 - (iv) na fydd unrhyw doriad yn y ddarpariaeth o wasanaethau fferyllol (ac eithrio am ba bynnag gyfnod a ganiateir am reswm da gan y Bwrdd Iechyd Lleol),
 - (v) nad yw'r fangre a bennir yn y cais fel y fangre y mae'r person yn dymuno adleoli ohoni yn fangre y mae'r person wedi adleoli iddi dros dro o dan reoliad 15 (ceisiadau sy'n ymwneud ag adleoli dros dro); a
- (b) os yw'r person hwnnw yn cytuno i'w enw gael ei dynnu oddi ar y rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol y lleolir y fangre

- existing premises, the location of the new premises is not significantly less accessible;
- (c) the same pharmaceutical services will be provided at the new premises as are provided at the listed premises;
- (d) the provision of pharmaceutical services will not be interrupted (except for such period as the Local Health Board may for good cause allow); and
- (e) the premises specified in the application from which the person wishes to relocate are not premises to which the person has temporarily relocated under regulation 15 (applications involving temporary relocation).

(3) A person who has had an application granted under this regulation may not, within twelve months of the date of the grant of the application (as defined in regulation 17(3)(a)) submit another application for determination under this regulation or under regulation 14.

Applications involving minor relocation between neighbouring Local Health Board areas

14.—(1) A Local Health Board must grant an application made by a person under regulation 8(1)(c) (applications to be included in or for amendment to a pharmaceutical list) to relocate from listed premises in the area of a neighbouring Local Health Board to new premises in the area of the Local Health Board to which the application is made, and at those premises the person intends to provide the same pharmaceutical services, if—

- (a) the Local Health Board to which the application is made is satisfied that—
 - (i) the change is a minor relocation,
 - (ii) for the patients who are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is not significantly less accessible,
 - (iii) the same pharmaceutical services will be provided at the new premises as are provided at the listed premises,
 - (iv) the provision of pharmaceutical services will not be interrupted (except for such period as the Local Health Board may for good cause allow),
 - (v) the premises specified in the application from which the person wishes to relocate are not premises to which the person has temporarily relocated under regulation 15 (applications involving temporary relocation); and
- (b) the person consents to the removal of his or her name from the pharmaceutical list maintained by the Local Health Board in whose area the

restredig bresennol yn ei ardal, gydag effaith o'r dyddiad y bydd y ddarpariaeth o wasanaethau fferyllol o'r fangre newydd yn cychwyn.

(2) Ni chaiff person, y caniatawyd cais ganddo o dan y rheoliad hwn, gyflwyno cais arall am benderfyniad o dan y rheoliad hwn nac o dan reoliad 13 o fewn deuddeng mis ar ôl dyddiad caniatâu'r cais (fel y'i diffinnir yn rheoliad 17(3)(a)).

Ceisiadau sy'n ymwneud ag adleoli dros dro

15.—(1) Caiff Bwrdd Iechyd Lleol ddiwygio cofnod mewn rhestr fferyllol dros dro dros drwy ganiatâu cais a wneir gan berson o dan reoliad 8(1)(b)(ii) (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol) i adleoli i fangre wahanol dros dro, os bodlonir y Bwrdd—

- (a) bod yr amgylchiadau pan wneir y cais yn ei gwneud yn ofynnol ddarparu gwasanaethau fferyllol yn hyblyg;
- (b) ar gyfer y cleifion sy'n gyfarwydd â chael mynediad i wasanaethau fferyllol yn y fangre bresennol, nad yw lleoliad y fangre dros dro yn llai hygyrch i raddau sylweddol;
- (c) y darperir yr un gwasanaethau fferyllol yn y fangre dros dro ag a ddarperir yn y fangre restredig; ac
- (d) na fydd unrhyw doriad yn y ddarpariaeth o wasanaethau fferyllol (ac eithrio am ba bynnag gyfnod a ganiateir am reswm da gan y Bwrdd Iechyd Lleol).

(2) Bydd diwygiad dros dro mewn cofnod yn y rhestr fferyllol yn cael effaith o'r dyddiad y cymeradwyodd y Bwrdd Iechyd Lleol y cais a wnaed iddo, a bydd yn ddilys am ba bynnag gyfnod o hyd at chwe mis, ac unrhyw gyfnodau pellach o hyd at dri mis, a ystyrir yn angenrheidiol gan y Bwrdd Iechyd Lleol.

(3) Caiff person ddychwelyd i'r cofnod a ddisodlwyd yn y rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol cyn diwedd y cyfnod a benderfynir gan y Bwrdd Iechyd Lleol o dan baragraff (2), drwy roi i'r Bwrdd Iechyd Lleol 7 diwrnod, o leiaf, o rybudd ysgrifenedig.

(4) Pan ddisodlir cofnod mewn rhestr fferyllol gan ddiwygiad dros dro yn unol â'r rheoliad hwn, ni fydd y disodliad hwnnw'n effeithio ar unrhyw weithrediadau mewn perthynas â'r trefniadau a ddisodlwyd (er, hwyrach y bydd angen eu hatal am resymau eraill), ac os bydd angen diwygio'r trefniadau a ddisodlwyd cyn diwedd y diwygiad dros dro, o ganlyniad i'r gweithrediadau hynny, bydd rhaid dychwelyd, ar ddiwedd y diwygiad dros dro, i'r trefniadau a ddisodlwyd fel y'u diwygiwyd o ganlyniad i'r gweithrediadau hynny.

current listed premises are located with effect from the date on which the provision of pharmaceutical services from the new premises commences.

(2) A person who has had an application granted under this regulation may not, within twelve months of the date of the grant of the application (as defined in regulation 17(3)(a)) submit another application for determination under this regulation or under regulation 13.

Applications involving temporary relocation

15.—(1) A Local Health Board may make a temporary amendment to an entry in a pharmaceutical list by granting an application made by a person under regulation 8(1)(b)(ii) (applications to be included in or for amendment to a pharmaceutical list) to relocate to different premises on a temporary basis if it is satisfied that—

- (a) the circumstances in which the application is made require the flexible provision of pharmaceutical services;
- (b) for the patients who are accustomed to accessing pharmaceutical services at the existing premises, the location of the temporary premises is not significantly less accessible;
- (c) the same pharmaceutical services will be provided at the temporary premises as are provided at the listed premises; and
- (d) the provision of pharmaceutical services will not be interrupted (except for such period as the Local Health Board may for good cause allow).

(2) A temporary amendment to an entry in the pharmaceutical list will have effect from the date on which the Local Health Board approved the application made to it and will be valid for such period of up to six months and any further periods of up to three months each that the Local Health Board considers necessary.

(3) A person may revert to the overridden entry in the pharmaceutical list maintained by the Local Health Board before the end of the period determined by the Local Health Board under paragraph (2) on giving the Local Health Board at least 7 days notice in writing.

(4) Where, in accordance with this regulation, an entry in a pharmaceutical list is overridden by a temporary amendment any proceedings with regard to the overridden arrangements are unaffected by that overriding (although they may need to be stayed for other reasons), and if, as a result of those proceedings the overridden arrangements require amendment before the end of the temporary amendment, the reversion to the overridden arrangements is to be to the original overridden amendments as amended as a result of those proceedings.

Ceisiadau sy'n ymwneud â newid perchnogaeth

16.—(1) Rhaid i Fwrdd Iechyd Lleol ganiatáu cais a wneir gan berson o dan reoliad 8(1)(a), (b)(i) neu (ii) (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol) sy'n bwriadu darparu gwasanaethau fferyllol mewn mangre lle darperir y gwasanaethau hynny, ar yr adeg y gwneir y cais, gan berson arall sydd wedi ei gynnwys mewn rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol o dan reoliad 3 (paratoi a chynnal rhestrau fferyllol), os bodlonir y Bwrdd Iechyd Lleol—

- (a) bod y fangre wedi ei chynnwys eisoes mewn rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol;
- (b) y parheir i ddarparu'r un gwasanaethau fferyllol o'r fangre; ac
- (c) na fydd toriad yn y ddarpariaeth o wasanaethau fferyllol (ac eithrio am ba bynnag gyfnod a ganiateir am reswm da gan y Bwrdd Iechyd Lleol).

(2) Wrth benderfynu cais o dan y rheoliad hwn, a wnaed o dan reoliad 8(1)(a) (ac eithrio pan fo'r cais wedi ei wneud gan berson y rhoddywyd iddo gydsyniad rhagarweiniol o dan reoliad 12 a'r cydsyniad rhagarweiniol hwnnw'n ddilys yn unol â rheoliad 12(5)) neu o dan reoliad 12 pan nad yw'r ceisydd eisoes wedi ei gynnwys yn rhestr fferyllol y Bwrdd Iechyd Lleol hwnnw, caiff Bwrdd Iechyd Lleol—

- (a) gohirio ystyried y cais ar sail addasrwydd o dan reoliad 31 (gorhirio ceisiadau ar sail addasrwydd);
- (b) gwrrhod y cais ar sail addasrwydd o dan reoliad 32 (gwrrhod ceisiadau ar sail addasrwydd); neu
- (c) gosod amodau ar ganiatáu'r cais o dan reoliad 33 (cynnwys yn amodol mewn perthynas â seiliau addasrwydd).

Gweithdrefn yn dilyn caniatáu cais

17.—(1) Yn dilyn y dyddiad y caniateir cais a wneir o dan reoliad 8 (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol), rhaid i Fwrdd Iechyd Lleol beidio â chynnwys person mewn rhestr fferyllol na diwygio rhestr fferyllol oni fydd—

- (a) yr amod ym mharagraff (2) wedi ei fodloni; a
- (b) gofynion rheoliad 33 (cynnwys yn amodol mewn perthynas â seiliau addasrwydd), os oes rhai, wedi eu bodloni o ran gosod amodau ar unrhyw berson.

(2) Bydd person yn cael ei gynnwys yn y rhestr fferyllol berthnasol, neu diwygir y rhestr fferyllol berthnasol fel y bo'n briodol, os bydd y person hwnnw, ddim llai na 14 diwrnod cyn diwedd y cyfnod

Applications involving a change of ownership

16.—(1) A Local Health Board must grant an application made by a person under regulation 8(1)(a), (b)(i) or (ii) (applications to be included in or for amendment to a pharmaceutical list) who intends to provide pharmaceutical services at premises from which those services are, at the time of the application, provided by another person who is included in a pharmaceutical list maintained by the Local Health Board under regulation 3 (preparation and maintenance of pharmaceutical lists) if the Local Health Board is satisfied that—

- (a) the premises are already included in a pharmaceutical list maintained by the Local Health Board;
- (b) the same pharmaceutical services will continue to be provided from the premises; and
- (c) the provision of pharmaceutical services will not be interrupted (except for such period as the Local Health Board may for good cause allow).

(2) In determining an application under this regulation which has been made under regulation 8(1)(a) (except where the application has been made by a person who has been granted preliminary consent under regulation 12 which is valid in accordance with regulation 12(5)), or under regulation 12 where the applicant is not already included in that Local Health Board's pharmaceutical list a Local Health Board may—

- (a) defer consideration of the application on fitness grounds under regulation 31 (deferral of applications on fitness grounds);
- (b) refuse the application on fitness grounds under regulation 32 (refusal of applications on fitness grounds); or
- (c) impose conditions on the grant of the application under regulation 33 (conditional inclusion relating to fitness grounds).

Procedure following grant of an application

17.—(1) Following the date of the grant of an application made under regulation 8 (applications to be included in or for amendment to a pharmaceutical list), a Local Health Board must not include a person in a pharmaceutical list or amend a pharmaceutical list unless—

- (a) the condition in paragraph (2) is satisfied; and
- (b) the requirements of regulation 33 (conditional inclusion relating to fitness grounds), if any, are met as regards the imposition of conditions on any person.

(2) A person will be included in the relevant pharmaceutical list or the relevant pharmaceutical list will be amended as appropriate if, not less than 14 days before the end of the relevant period, he or she notifies

perthnasol, gan ddarparu'r wybodaeth a bennir yn Rhan 3 o Atodlen 1, yn hysbysu'r Bwrdd Iechyd Lleol, mewn ysgrifen, y bydd y person hwnnw, o fewn y 14 diwrnod nesaf, yn cychwyn darparu, yn y fangre, y gwasanaethau a bennwyd yn y cais.

(3) At ddibenion y rheoliad hwn a phan fo'n berthnasol, rheoliad 18—

(a) "y dyddiad y caniateir cais" ("the date of the grant of an application") yw'r dyddiad diweddaraf o naill ai—

(i) 30 diwrnod ar ôl anfon hysbysiad o benderfyniad y Bwrdd Iechyd Lleol ar y cais, gan y Bwrdd Iechyd Lleol yn unol â pharagraff 14 o Atodlen 2; neu

(ii) y dyddiad y penderfynir unrhyw apêl a ddygir yn erbyn penderfyniad y Bwrdd Iechyd Lleol,

ac mae "caniatawyd" ("granted") i'w ddehongli'n unol â hynny; a

(b) "y cyfnod perthnasol" ("the relevant period") yw—

(i) y cyfnod o chwe mis o'r dyddiad y caniatawyd cais; neu

(ii) pa bynnag gyfnod pellach yn ychwanegol at yr hyn a bennir yn is-baragraff (a), ac na fydd yn hwy na thri mis, y caiff y Bwrdd Iechyd Lleol ei ganiatâu am reswm da.

Cais am estyn y cyfnod perthnasol

18.—(1) Cyn diwedd y cyfnod perthnasol, caiff person wneud cais i'r Bwrdd Iechyd Lleol am estyn y cyfnod perthnasol.

(2) Yn unol â rheoliad 17(3)(b)(ii) caiff y person wneud cais am estyniad o hyd at dri mis.

(3) Rhaid i gais a wneir i'r Bwrdd Iechyd Lleol o dan y rheoliad hwn fod mewn ysgrifen, a rhaid iddo nodi'n llawn pam y gofynnir am estyniad o'r cyfnod perthnasol.

(4) Mae Rhannau 1 a 3 o Atodlen 2 yn pennu'r gweithdrefnau sydd i'w dilyn gan Fwrdd Iechyd Lleol wrth benderfynu ceisiadau a wneir o dan y rheoliad hwn.

(5) At ddibenion y rheoliad hwn, ystyr "person" ("person") yw'r person y byddai hawl ganddo i ddarparu hysbysiad i Fwrdd Iechyd Lleol yn unol â rheoliad 17(2) o gychwyn darparu gwasanaethau fferyllol.

Apelau

19.—(1) Mae Atodlen 3 yn gwneud darpariaeth ar gyfer apelau i Weinidogion Cymru mewn perthynas â

the Local Health Board in writing, providing the information specified in Part 3 of Schedule 1, that he or she will within the next 14 days commence the provision at the premises of the services that were specified in the application.

(3) For the purposes of this regulation and, where relevant, regulation 18—

(a) "the date of the grant of an application" ("y dyddiad y caniateir cais") is the date which is the later of either—

(i) 30 days after notice of the Local Health Board's decision on the application was sent by the Local Health Board in accordance with paragraph 14 of Schedule 2; or

(ii) the date of the determination of any appeal that is brought against the decision of the Local Health Board,

and "granted" ("caniatawyd") is to be construed accordingly; and

(b) "the relevant period" ("cyfnod perthnasol") is—

(i) the period of six months from the date an application is granted; or

(ii) such further period in addition to that specified in sub-paragraph (a) not exceeding three months that the Local Health Board may for good cause allow.

Application to extend the relevant period

18.—(1) Before the expiry of the relevant period, a person may make an application to the Local Health Board to extend the relevant period.

(2) In accordance with regulation 17(3)(b)(ii) the person may apply for an extension of up to three months.

(3) An application to the Local Health Board under this regulation must be in writing and must set out in full why an extension of the relevant period is sought.

(4) Parts 1 and 3 of Schedule 2 specify the procedures to be followed by a Local Health Board when determining applications made under this regulation.

(5) For the purposes of this regulation, "person" ("person") means the person who would be entitled to provide notification to a Local Health Board in accordance with regulation 17(2) of commencement of provision of pharmaceutical services.

Appeals

19.—(1) Schedule 3 makes provision for appeals to the Welsh Ministers in respect of decisions of Local

phenderfyniadau a wneir gan Fyrddau Iechyd Lleol o dan y Rhan hon.

(2) Nid oes hawl i apelio o dan y Rheoliadau hyn mewn perthynas â phenderfyniad gan Fwrdd Iechyd Lleol i ddiwygio dros dro neu beidio â'i diwygio dros dro neu estyn diwygiad dros dro, mewn rhestr fferyllol o dan reoliad 15 (ceisiadau sy'n ymwneud ag adleoli dros dro).

RHAN 5

Ceisiadau gan feddygon am eu cynnwys mewn rhestrau meddygon fferyllol neu ddiwygio rhestrau meddygon fferyllol

Trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon

20.—(1) Caiff Bwrdd Iechyd Lleol wneud trefniant gyda meddyg sy'n dod o fewn paragraff (8) er mwyn i'r meddyg ddarparu gwasanaethau fferyllol i glaf sydd wedi ei gynnwys ar restr cleifion y meddyg neu restr cleifion darparwr gwasanaethau meddygol sylfaenol sy'n cyflogi'r meddyg neu wedi ei gymryd ymlaen, os bodlonir yr amodau canlynol—

- (a) byddai'n ddifrifol o anodd i'r claf gael unrhyw gyffuriau neu gyfarpar angenrheidiol o fferyllfa, oherwydd pellter neu fodion cyfathrebu annigonol a bodlonir yr amodau ym mharagraff (2);
- (b) bod y claf yn preswylio mewn ardal reoledig, a hynny'n bellter o fwy nag 1.6 cilometr o unrhyw fferyllfa, a bodlonir yr amodau a bennir ym mharagraff (4); neu
- (c) bod y claf yn preswylio mewn ardal reoledig, a phenderfynwyd bod unrhyw fferyllfa, sydd o fewn pellter o 1.6 cilometr i'r man lle mae'r claf yn byw, mewn lleoliad neilltuedig ac na newidiwyd y penderfyniad hwnnw mewn apêl na thrwy benderfyniad pellach, a bodlonir yr amodau a bennir ym mharagraff (4).

(2) Yr amodau y cyfeirir atynt ym mharagraff (1)(a) yw—

- (a) bod y claf wedi gwneud cais mewn ysgrifen i'r Bwrdd Iechyd Lleol am i'r meddyg ddarparu gwasanaethau fferyllol iddo, am y rhesymau a bennir ym mharagraff (1)(a); a
- (b) bod y Bwrdd Iechyd Lleol wedi ei fodloni y byddai'n ddifrifol o anodd i'r claf gael unrhyw gyffuriau neu gyfarpar angenrheidiol am y rhesymau hynny.

(3) Wrth i'r Bwrdd Iechyd Lleol wneud trefniant gyda meddyg o dan baragraff (1)(a) i'r meddyg ddarparu gwasanaethau fferyllol i glaf o fangre practis,

Health Boards made under this Part.

(2) There is no right of appeal under these Regulations in respect of a decision of a Local Health Board to make or not to make, or to extend a temporary amendment to a pharmaceutical list under regulation 15 (applications involving temporary relocation).

PART 5

Applications by doctors for inclusion in or amendment to dispensing doctor lists

Arrangements for the provision of pharmaceutical services by doctors

20.—(1) A Local Health Board may make an arrangement with a doctor who falls within paragraph (8) for the doctor to provide pharmaceutical services to a patient included on the doctor's patient list or the patient list of a provider of primary medical services by whom the doctor is employed or engaged if the patient—

- (a) would have serious difficulty in obtaining any necessary drugs or appliances from a pharmacy because of distance or inadequacy of means of communication, and the conditions in paragraph (2) are satisfied;
- (b) is resident in a controlled locality, at a distance of more than 1.6 kilometres from any pharmacy, and the conditions specified in paragraph (4) are satisfied; or
- (c) is resident in a controlled locality and any pharmacy within a distance of 1.6 kilometres from where the patient lives has been determined to be in a reserved location, and that determination has not been altered on appeal or by way of a further determination and the conditions specified in paragraph (4) are satisfied.

(2) The conditions referred to in paragraph (1)(a) are—

- (a) the patient has made a request in writing to the Local Health Board for the doctor to provide him or her with pharmaceutical services for the reasons specified in paragraph (1)(a); and
- (b) the Local Health Board is satisfied that the patient would have serious difficulty in obtaining any necessary drugs or appliances for those reasons.

(3) In making an arrangement with a doctor for the doctor to provide a patient under paragraph (1)(a) with pharmaceutical services from practice premises, the

rhaid i'r Bwrdd Iechyd Lleol roi i'r meddyg mewn ysgrifen, gyfnod rhesymol o rybudd o'r dyddiad y bydd y trefniant yn cael effaith, oni fydd y meddyg wedi bodloni'r Bwrdd Iechyd Lleol—

- (a) nad yw'r meddyg fel arfer yn darparu gwasanaethau fferyllol i gleifion; neu
- (b) na fyddai'n ddifrifol o anodd i'r claf gael cyffuriau a chyfarpar o fferyllfa oherwydd pellter neu foddion cyfathrebu annigonol.

(4) Yr amodau y cyfeirir atynt ym mharagraff (1)(b) ac (c) yw—

- (a) bod cydsyniad amlinellol wedi ei roi i'r meddyg neu i'r darparwr gwasanaethau meddygol sylfaenol sy'n cyflogi'r meddyg neu wedi ei gymryd ymlaen;
- (b) bod cymeradwyaeth mangre wedi ei rhoi mewn perthynas â'r fangre y bydd y meddyg yn darparu gwasanaethau fferyllol ohoni i'r claf hwnnw;
- (c) bod y cydsyniad amlinellol a'r gymeradwyaeth mangre wedi cael effaith o dan reoliad 25 (cydsyniad amlinellol a chymeradwyaeth mangre yn cael effaith); a
- (d) bod unrhyw amodau a osodir o dan y Rheoliadau hyn mewn cysylltiad â rhoi cydsyniad amlinellol neu gymeradwyaeth mangre yn rhai sy'n caniatáu gwneud trefniadau o dan y rheoliad hwn ar gyfer darparu gwasanaethau fferyllol gan y meddyg hwnnw i gleifion o dan baragraff (1)(b) neu (c).

(5) Mae cyfeiriadau ym mharagraff (4) at gydsyniad amlinellol, cymeradwyaeth mangre ac amodau a osodir yn cynnwys cyfeiriadau at rai a oedd wedi cael effaith o dan Reoliadau 1992.

(6) Caiff meddyg, y gwnaed trefniant gydag ef i ddarparu gwasanaethau fferyllol i glaf o dan y rheoliad hwn, gyda chydsyniad y claf, yn hytrach na darparu'r cyffuriau neu gyfarpar ei hunan, archebu'r cyffuriau neu gyfarpar drwy ddyroddi presgripsiwn i'r claf.

(7) Os oedd trefniant bod meddyg yn darparu gwasanaethau fferyllol i glaf wedi cael effaith yn union cyn i'r Rheoliadau hyn ddod i rym, bydd y trefniant hwnnw'n cael effaith fel pe bai wedi ei wneud o dan y rheoliad hwn, hyd yn oed os na fodlonir yr amodau ym mharagraff (4).

(8) Mae meddyg yn dod o fewn y paragraff hwn os yw—

- (a) yn gcontractwr GMC neu'n gcontractwr GMDdA;
- (b) wedi ei gymryd ymlaen neu'n gyflogedig gan gcontractwr GMC neu gcontractwr GMDdA; neu

Local Health Board must give reasonable notice in writing to the doctor of when the arrangement is to take effect unless the doctor satisfies the Local Health Board that—

- (a) the doctor does not normally provide pharmaceutical services to patients; or
- (b) the patient would not have serious difficulty in obtaining drugs and appliances from a pharmacy because of distance or inadequacy of means of communication.

(4) The conditions referred to in paragraph (1)(b) and (c) are that—

- (a) outline consent has been granted to the doctor or the provider of primary medical services by whom the doctor is employed or engaged;
- (b) premises approval has been granted in relation to the premises from which the doctor will provide pharmaceutical services to that patient;
- (c) the outline consent and premises approval has taken effect under regulation 25 (taking effect of outline consent and premises approval); and
- (d) any conditions imposed under these Regulations in connection with the grant of outline consent or premises approval are such as to permit arrangements to be made under this regulation for the provision of pharmaceutical services by that doctor to patients under paragraph (1)(b) or (c).

(5) References in paragraph (4) to outline consent, premises approval and conditions imposed include references to those in effect under the 1992 Regulations.

(6) A doctor with whom an arrangement has been made to provide pharmaceutical services to a patient under this regulation may, with the consent of the patient, instead of providing the drugs or appliances himself or herself order them by issuing a prescription to the patient.

(7) Where an arrangement for a doctor to provide pharmaceutical services to a patient was in effect immediately before these Regulations came into force, that arrangement will have effect as though made under this regulation notwithstanding that the conditions in paragraph (4) are not satisfied.

(8) A doctor falls within this paragraph if he or she is—

- (a) a GMS contractor or an APMS contractor;
- (b) engaged or employed by a GMS contractor or an APMS contractor; or

- (c) wedi ei gymryd ymlaen gan Fwrdd Iechyd Lleol at y diben o ddarparu gwasanaethau meddygol sylfaenol i bractis GMBILL.

(9) Caiff meddyg apelio i Weinidogion Cymru yn erbyn penderfyniad gan Fwrdd Iechyd Lleol o dan baragraff (3). Rhaid gwneud yr apêl mewn ysgrifen o fewn cyfnod o 30 diwrnod sy'n cychwyn gyda'r dyddiad yr anfonwyd hysbysiad o'r penderfyniad at y meddyg, a rhaid i'r apêl gynnwys datganiad cryno o seilai'r apêl.

(10) Rhaid i Weinidogion Cymru, ar ôl cael unrhyw hysbysiad o apêl o dan baragraff (9), anfon copi o'r hysbysiad hwnnw at y Bwrdd Iechyd Lleol a'r contractwr GMC neu'r contractwr GMDdA perthnasol, a chaiff y Bwrdd Iechyd Lleol a'r contractwr GMC neu'r contractwr GMDdA perthnasol, o fewn 30 diwrnod o'r dyddiad yr anfonodd Gweinidogion Cymru gopi o'r hysbysiad o apêl, gyflwyno sylwadau ysgrifenedig i Weinidogion Cymru.

(11) Caiff Gweinidogion Cymru benderfynu apêl yn unol â pharagraff (9) ym mha bynnag fod y gwelant yn briodol, gan gymryd i ystyriaeth y materion rhagorweiniol yn Rhan 1 o Atodlen 3.

(12) Rhaid i Weinidogion Cymru, wedi iddynt benderfynu unrhyw apêl o dan baragraff (9), roi hysbysiad o'u penderfyniad mewn ysgrifen, ynghyd â'r rhesymau am y penderfyniad, i'r apelydd, i'r Bwrdd Iechyd Lleol ac i'r contractwr GMC neu'r contractwr GMDdA perthnasol.

Gwasanaethau angenrheidiol ar gyfer cleifion dros dro

21. Caiff meddyg, sy'n darparu gwasanaethau fferyllol i gleifion ar restr cleifion drwy drefniant a wneir gyda Bwrdd Iechyd Lleol o dan reoliad 20 (trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon), ddarparu gwasanaethau fferyllol angenrheidiol i berson sydd wedi ei dderbyn gan y meddyg fel claf dros dro.

Darparu gwasanaethau fferyllol ar gyfer rhoi triniaeth ar unwaith neu eu rhoi neu eu defnyddio ar y claf gan y meddyg ei hunan

22.—(1) Yn ddarostyngedig i baragraff (2), caiff meddyg y mae ei enw wedi ei gynnwys mewn rhestr cyflawnwyr meddygol—

- (a) darparu i glaf unrhyw gyfarpar neu gyffur, nad yw'n gyffur Atodlen, pan fo angen darpariaeth o'r fath ar gyfer trin y claf hwnnw ar unwaith, cyn y gellir cael darpariaeth rywfodd arall; a
- (b) darparu i glaf unrhyw gyfarpar neu gyffur, nad yw'n gyffur Atodlen, a roddir i'r claf hwnnw, neu a osodir ar y claf hwnnw, gan y meddyg ei hunan.

- (c) is engaged by a Local Health Board for the purposes of providing primary medical services to a LHBMS practice.

(9) A doctor may appeal to the Welsh Ministers against a decision of a Local Health Board under paragraph (3). The appeal must be made in writing within 30 days beginning with the date on which notice of the decision was sent to the doctor and must contain a concise statement of the grounds of appeal.

(10) The Welsh Ministers must, on receipt of any notice of appeal under paragraph (9), send a copy of that notice to the Local Health Board and the relevant GMS contractor or APMS contractor, and the Local Health Board and the relevant GMS contractor or APMS contractor may, within 30 days from the date on which the Welsh Ministers sent a copy of the notice of appeal, make representations in writing to the Welsh Ministers.

(11) The Welsh Ministers may determine an appeal pursuant to paragraph (9) in such manner as they see fit, taking into consideration the preliminary matters in Part 1 of Schedule 3.

(12) The Welsh Ministers must, upon determination by them of any appeal under paragraph (9), give notice of their decision in writing, together with the reasons for it, to the appellant, to the Local Health Board, and to the relevant GMS contractor or relevant APMS contractor.

Necessary services for temporary patients

21. A doctor who provides pharmaceutical services to patients on a patient list by arrangement made with a Local Health Board under regulation 20 (arrangements for the provision of pharmaceutical services by doctors) may provide necessary pharmaceutical services to a person who has been accepted by the doctor as a temporary patient.

Provision of pharmaceutical services for immediate treatment or personal administration

22.—(1) Subject to paragraph (2), a doctor whose name is included in a medical performers list may—

- (a) provide to a patient any appliance or drug, not being a Scheduled drug, where such provision is needed for the immediate treatment of that patient before a provision can otherwise be obtained; and
- (b) provide to a patient any appliance or drug, not being a Scheduled drug, which he or she personally administers or applies to that patient.

(2) Ni chaiff meddyg ddarparu cyfarpar argaeedd cyfyngedig ac eithrio ar gyfer person neu ddiben a bennir yn y Tariff Cyffuriau.

Terfynu trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon

23.—(1) Rhaid i'r Bwrdd Iechyd Lleol roi cyfnod rhesymol o rybudd mewn ysgrifen i feddyg, i'r perwyl y bydd rhaid i'r meddyg roi'r gorau i ddarparu gwasanaethau fferyllol i glaf o dan drefniant yn unol â rheoliad 20 os nad yw'r claf hwnnw bellach yn dod o fewn rheoliad 20(1)(a), (b) neu (c).

(2) Mae hysbysiad a roddir o dan baragraff (1)—

(a) yn ddarostyngedig i unrhyw ohirio neu derfynu'r trefniadau ar gyfer darparu gwasanaethau fferyllol i'r person hwnnw gan y meddyg hwnnw, a wnaed o dan baragraff 6 o Atodlen 2, paragraff 13 o Atodlen 2 neu reoliad 11(6); a

(b) rhaid peidio â'i roi—

(i) os oes unrhyw apêl yn yr arfaeth yn erbyn penderfyniad gan y Bwrdd Iechyd Lleol i ohirio gwneud, neu derfynu'r trefniant; neu
(ii) pan fo paragraff 5 o Atodlen 2 yn gymwys

Cydsyniad amlinellol a chymeradwyaeth mangre

24.—(1) Rhaid i feddyg, sy'n ddarparwr gwasanaethau meddygol sylfaenol neu a gymerwyd ymlaen neu a gyflogir gan ddarparwr gwasanaethau meddygol sylfaenol ac sy'n dymuno gwneud trefniant gyda Bwrdd Iechyd Lleol i ddarparu gwasanaethau fferyllol i gleifion o dan reoliad 20(1)(b) neu (c) (trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon), gyflwyno cais mewn ysgrifen i'r Bwrdd Iechyd Lleol, am—

(a) cydsyniad, gan bennu'r ardal y mae'r meddyg yn dymuno darparu gwasanaethau fferyllol ynddi ("cydsyniad amlinellol"); a
(b) cymeradwyaeth i unrhyw fangre practis y mae'r meddyg yn dymuno gweinyddu ohoni ("cymeradwyaeth mangre").

(2) Ni chaiff meddyg, y mae ganddo gydsyniad amlinellol sydd wedi cael effaith o dan reoliad 25 (cydsyniad amlinellol a chymeradwyaeth mangre yn cael effaith), gyflwyno cais am gymeradwyaeth mangre ac eithrio mewn perthynas ag—

(a) mangre practis ychwanegol y bwriedir darparu gwasanaethau fferyllol ohoni; neu
(b) mangre practis y mae'r meddyg yn dymuno adleoli iddi o fangre restredig.

(3) Rhaid i gais a wneir i Fwrdd Iechyd Lleol o dan y rheoliad hwn fod mewn ysgrifen, a rhaid iddo ddarparu'r wybodaeth a bennir yn Rhan 4 o Atodlen 1.

(2) A doctor may only provide a restricted availability appliance if it is for a person or a purpose specified in the Drug Tariff.

Discontinuation of arrangements for the provision of pharmaceutical services by doctors

23.—(1) A Local Health Board must give reasonable notice in writing to a doctor that he or she must discontinue the provision of pharmaceutical services to a patient under an arrangement pursuant to regulation 20 where the patient no longer falls within regulation 20(1)(a), (b) or (c).

(2) A notice given under paragraph (1)—

(a) is subject to any postponement or termination of arrangements for the provision of pharmaceutical services to that person by that doctor made under paragraph 6 of Schedule 2, paragraph 13 of Schedule 2 or regulation 11(6); and

(b) must not be given—

(i) pending any appeal against a decision of the Local Health Board to postpone the making of or the termination of the arrangement.; or
(ii) where paragraph 5 of Schedule 2 applies.

Outline consent and premises approval

24.—(1) A doctor who is a provider of primary medical services or who is engaged or employed by a provider of primary medical services and who wishes to make an arrangement with a Local Health Board to provide pharmaceutical services to patients under regulation 20(1)(b) or (c) (arrangements for the provision of pharmaceutical services by doctors) must submit an application in writing to the Local Health Board for—

(a) consent specifying the area in which the doctor wishes to provide pharmaceutical services ("outline consent"); and
(b) approval of any practice premises from which the doctor wishes to dispense ("premises approval").

(2) A doctor who has outline consent which has taken effect under regulation 25 (taking effect of outline consent and premises approval) may submit an application for premises approval only in relation to—

(a) additional practice premises from which to provide pharmaceutical services; or
(b) practice premises to which the doctor wishes to relocate from listed premises.

(3) An application to a Local Health Board made under this regulation must be made in writing and must provide the information set out in Part 4 of Schedule 1.

(4) Rhaid i Fwrdd Iechyd Lleol ddychwelyd cais os nad yw'r cais yn cynnwys yr holl wybodaeth sy'n ofynnol o dan baragraff (3).

(5) O ran y Bwrdd Iechyd Lleol—

- (a) rhaid iddo wrthod cydsyniad amlinellol mewn perthynas ag unrhyw ran o'r ardal a bennir yn y cais nad yw mewn ardal reoledig, neu sydd o fewn 1.6 kilometr i unrhyw fferyllfa;
- (b) rhaid iddo wrthod cymeradwyaeth mangre mewn perthynas ag unrhyw fangre a bennir yn y cais sydd o fewn 1.6 kilometr i unrhyw fferyllfa;
- (c) rhaid iddo wrthod cais os yw o'r farn y byddai ei ganiatáu yn niweidio'r ddarpariaeth briodol o wasanaethau meddygol sylfaenol, gwasanaethau gweinyddu neu wasanaethau fferyllol yn yr ardal reoledig y lleolir ynddi'r fangre a bennir yn y cais (y "prawf niweidio");
- (d) yn ddarostyngedig i baragraff (7) a phan nad yw cais wedi ei wrthod o dan y prawf niweidio, rhaid iddo wrthod y cais oni fodlonir ef fod caniatáu'r cais yn angenrheidiol neu'n hwylus er mwyn sicrhau darpariaeth ddigonol, gan bersonau a gynhwysir mewn rhestr, o'r gwasanaethau a bennir yn y cais, neu rai o'r gwasanaethau hynny, yn yr ardal y gwnaeth y meddyg gais am gydsyniad amlinellol mewn perthynas â hi; ac
- (e) pan fo'r Bwrdd Iechyd Lleol wedi ystyried dau neu ragor o geisiadau ar y cyd ac mewn perthynas â'i gilydd, caiff wrthod un neu ragor ohonynt (hyd yn oed rhai y byddid wedi eu caniatáu pe baent wedi eu penderfynu ar eu pen eu hunain) os yw nifer y ceisiadau yn peri y byddai caniatáu pob un ohonynt neu fwy nag un ohonynt yn niweidio'r ddarpariaeth briodol o wasanaethau meddygol sylfaenol, gwasanaethau gweinyddu neu wasanaethau fferyllol mewn unrhyw ardal reoledig.

(6) Caiff unrhyw wrthodiad o gais, fel amlinellir yn is-baragraffau (a) i (e) uchod, ymwneud â'r cyfan neu unrhyw ran o'r ardal sydd o fewn yr ardal reoledig neu, yn ôl fel y digwydd, yr holl fangreodd neu rai o'r mangreodd y gofynnir am gymeradwyaeth ar eu cyfer.

(7) Os, wrth benderfynu cais blaenorol a wnaed o dan y rheoliad hwn, gwrthodwyd y cais hwnnw o dan baragraff (5)(d), rhaid peidio ag ystyried y cwestiwn o dan baragraff (5)(d) drachefn mewn perthynas â'r un ardal a bennwyd yn y cais blaenorol—

- (a) am gyfnod o dair blynedd, sy'n cychwyn gyda'r dyddiad y penderfynwyd y cais blaenorol gan y Bwrdd Iechyd Lleol, neu, os apeliwyd yn erbyn y penderfyniad hwnnw, dyddiad y penderfyniad ar yr apêl; oni bai
- (b) bod y Bwrdd Iechyd Lleol wedi ei fodloni bod

(4) A Local Health Board must return an application if it does not contain all of the information required under paragraph (3).

(5) The Local Health Board—

- (a) must refuse outline consent in relation to any part of the area specified in the application which is not in a controlled locality or which is within 1.6 kilometres of any pharmacy;
- (b) must refuse premises approval in relation to any premises specified in the application which are within 1.6 kilometres of any pharmacy;
- (c) must refuse an application where it is of the opinion that to grant it would prejudice the proper provision of primary medical services, dispensing services or pharmaceutical services in the controlled locality within which the premises specified in the application are situated (the "prejudice test");
- (d) subject to paragraph (7) and where an application has not been refused under the prejudice test, must refuse the application unless it is satisfied that it is necessary or expedient to grant the application in order to secure in the area in respect of which the doctor has applied for outline consent the adequate provision, by persons included in a list, of the services, or some of the services, specified in the application; and
- (e) may, where the Local Health Board has considered two or more applications together and in relation to each other, refuse one or more of them (notwithstanding that it would, if determining the applications in isolation, grant them) where the number of applications is such that to grant all of them or more than one of them would prejudice the proper provision of primary medical services, dispensing services or pharmaceutical services in any controlled locality.

(6) Any refusal of an application outlined at subparagraphs (a) to (e) above may relate to all or any part of the area within the controlled locality, or, as the case may be, all or some of the premises for which approval is sought.

(7) Where in determining an earlier application made under this regulation that application was refused under paragraph (5)(d), the question under paragraph (5)(d) must not be considered again in relation to the same area as was specified in the earlier application—

- (a) for three years, beginning on the date on which the earlier application was determined by the Local Health Board or, if that determination was appealed, the date of the decision on the appeal; unless
- (b) the Local Health Board is satisfied that there

newid sylweddol wedi digwydd yn yr amgylchiadau mewn perthynas â'r ardal y gwnaeth y meddyg gais am gydysniad amlinellol mewn perthynas â hi, er pan ystyriwyd ddiwethaf y cwestiwn o dan baragraff (5)(d).

(8) Yn ddarostyngedig i unrhyw ofynion penodol a gynhwysir yn y Rhan hon, mae Rhannau 1 a 3 o Atodlen 2 yn pennu'r gweithdrefnau sydd i'w dilyn gan Fwrdd Iechyd Lleol wrth benderfynu ceisiadau o dan y Rhan hon.

(9) Mae cais o dan y rheoliad hwn yn cael ei ganiatáu ar ba bynnag ddyddiad yw'r diweddaraf o—

- (a) 30 diwrnod ar ôl anfon hysbysiad o benderfyniad y Bwrdd Iechyd Lleol ar y cais, gan y Bwrdd Iechyd Lleol yn unol â pharagraff 15 o Atodlen 2; neu
- (b) os gwneir apêl yn erbyn penderfyniad y Bwrdd Iechyd Lleol, y dyddiad y rhoddwyd hysbysiad gan Weinidogion Cymru o'u penderfyniad ar yr apêl o dan baragraff 8 o Atodlen 3.

has been a substantial change of circumstances in relation to the area in respect of which the doctor has applied for outline consent since the question under paragraph (5)(d) was last considered.

(8) Subject to any specific requirements that are contained within this Part, Parts 1 and 3 of Schedule 2 specify the procedures to be followed by a Local Health Board when determining applications under this Part.

(9) An application under this regulation is granted on the date which is the later of—

- (a) 30 days after notice of the Local Health Board's decision on the application was sent by the Local Health Board in accordance with paragraph 15 of Schedule 2; or
- (b) where an appeal is made against the decision of the Local Health Board, the date on which the Welsh Ministers gave notice of their decision on the appeal under paragraph 8 of Schedule 3.

Cydsyniad amlinellol a chymeradwyaeth mangre yn cael effaith

25.—(1) Wrth ganiatáu cais a wneir o dan reoliad 24 (cydsyniad amlinellol a chymeradwyaeth mangre), rhaid i'r Bwrdd Iechyd Lleol benderfynu ar ba ddyddiad y bydd y cydsyniad amlinellol a'r gymeradwyaeth mangre yn cael effaith.

(2) Os nad oes ceisiadau am fferyllfa yn yr arfaeth (fel y'u diffinnir ym mharagraff (11)), mae'r cydsyniad amlinellol a chymeradwyaeth mangre yn cael effaith ar y dyddiad y caniateir y cais.

(3) Os oes ceisiadau am fferyllfa yn yr arfaeth ar y diwrnod cyn y caniateir y cais o dan reoliad 24, rhaid penderfynu'r dyddiad y bydd y cydsyniad amlinellol a chymeradwyaeth mangre yn cael effaith yn unol â pharagraffau (4) i (9).

(4) Rhaid i'r Bwrdd Iechyd Lleol, mewn perthynas â chais y mae paragraff (3) yn gymwys iddo, hysbysi'r meddyg a wnaeth y cais o dan reoliad 24, a Gweinidogion Cymru os yw'r cais yn destun apêl, ynghylch—

- (a) unrhyw geisiadau am fferyllfa yn yr arfaeth;
- (b) tynnu'n ôl unrhyw geisiadau am fferyllfa yn yr arfaeth;
- (c) y dyddiad dros dro (fel y'i diffinnir ym mharagraff (11)) pan gaiff y meddyg ofyn i'r Bwrdd Iechyd Lleol benderfynu y dylai'r cydysniad amlinellol a chymeradwyaeth mangre gael effaith; a
- (d) cais y meddyg am gydysniad amlinellol a chymeradwyaeth mangre yn mynd yn ddi-rym os dechreuir darparu gwasanaethau fferyllol,

Taking effect of outline consent and premises approval

25.—(1) When granting an application made under regulation 24 (outline consent and premises approval), the Local Health Board must determine the date on which outline consent and premises approval are to take effect.

(2) Where there are no outstanding pharmacy applications (as defined in paragraph (11)) outline consent and premises approval take effect on the date on which the application is granted.

(3) Where there are outstanding pharmacy applications on the day before the application under regulation 24 is granted, the date on which outline consent and premises approval take effect is to be determined in accordance with paragraphs (4) to (9).

(4) The Local Health Board must in respect of an application to which paragraph (3) applies notify the doctor who made the application under regulation 24, and the Welsh Ministers if the application is subject to appeal, of—

- (a) any outstanding pharmacy applications;
- (b) the withdrawal of outstanding pharmacy applications;
- (c) the provisional date (as defined in paragraph 11) on which the doctor can request the Local Health Board to determine that outline consent and premises approval should come into effect; and
- (d) the lapse of the doctor's application for outline consent and premises approval if, before the provisional date, the provision of

cyn y dyddiad dros dro, o fangre a oedd yn destun cais am fferyllfa yn yr arfaeth sydd wedi ei ganiatáu;

(5) Ar y dyddiad dros dro, neu mor fuan ag y bo'n rhesymol ymarferol ar ôl y dyddiad dros dro, rhaid i'r Bwrdd Iechyd Lleol hysbysu'r meddyg a wnaeth y cais o dan reoliad 24—

- (a) y caiff y meddyg, o fewn tri mis ar ôl yr hysbysiad gan y Bwrdd Iechyd Lleol, gyflwyno cais ysgrifenedig i'r Bwrdd Iechyd Lleol yn gofyn iddo benderfynu a ddylai'r cydsyniad amlinellol a chymeradwyaeth mangre gael effaith; a
- (b) bod rhaid i'r Bwrdd Iechyd Lleol benderfynu'r cais cyn gynted ag y bo'n ymarferol ac yn unol â pharagraffau (6) a (7).

(6) Os yw'r fangre y ceisir cymeradwyaeth mangre mewn perthynas â hi, ar ddyddiad y penderfyniad o dan baragraff (5), yn fangre practis, rhaid i'r Bwrdd Iechyd Lleol benderfynu y bydd y cydsyniad amlinellol a chymeradwyaeth mangre mewn perthynas â'r fangre honno yn cael effaith ar y dyddiad hwnnw.

(7) Os nad yw'r fangre y ceisir cymeradwyaeth mangre mewn perthynas â hi, ar ddyddiad y penderfyniad o dan baragraff (5), yn fangre practis, bydd y cydsyniad amlinellol a chymeradwyaeth mangre yn mynd yn ddi-rym.

(8) Rhaid i'r Bwrdd Iechyd Lleol roi hysbysiad o'i benderfyniad o dan baragraff (5) i'r ceisydd ac i'r personau hynny yr oedd yn ofynnol, o dan baragraff 8 o Atodlen 2, roi hysbysiad iddynt o'r cais o dan reoliad 24.

(9) Pan fo'r Bwrdd Iechyd Lleol wedi penderfynu y bydd cydsyniad amlinellol a chymeradwyaeth mangre yn mynd yn ddi-rym yn rhinwedd paragraff (7) neu yr estynnir y dyddiad dros dro o dan baragraff (11), caiff y meddyg a wnaeth y cais o dan reoliad 24 apelio i Weinidogion Cymru.

(10) Yn yr amgylchiadau a amlinellir ym mharagraff (9), os cyflwynir hysbysiad o apêl i Weinidogion Cymru, bydd Rhan I o Atodlen 3 a'r paragraffau canlynol o Atodlen 3 yn gymwys:

- (a) 6(4)(b) ac (c);
- (b) 7(2) a (4); ac
- (c) 8,

fel pe bai'r hysbysiad o apêl wedi ei gyflwyno o dan baragraff 6(2) o Atodlen 3.

(11) Yn y rheoliad hwn—

ystyr "cais am fferyllfa yn yr arfaeth" ("outstanding pharmacy application") yw cais a wneir o dan reoliad 8 (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol) neu reoliad 12 (ceisiadau am gydsyniad rhagarweiniol

pharmaceutical services is commenced from the premises which were the subject of an outstanding pharmacy application which has been granted;

(5) On, or as soon as reasonably practicable after, the provisional date, the Local Health Board must notify the doctor who made the application under regulation 24 that—

- (a) the doctor may within three months of the Local Health Board's notification submit a request in writing to the Local Health Board asking it to determine whether the outline consent and premises approval should come into effect; and
- (b) the Local Health Board must determine the request as soon as practicable and in accordance with paragraphs (6) and (7).

(6) Where on the date of the determination under paragraph (5), the premises in respect of which premises approval is sought are practice premises, the Local Health Board must determine that the outline consent and premises approval in respect of those premises will come into effect on that date.

(7) Where on the date of the determination under paragraph (5), the premises in respect of which premises approval is sought are not practice premises outline consent and premises approval will lapse.

(8) The Local Health Board must notify its determination under paragraph (5) to the applicant and those persons to whom notice of the application under regulation 24 was required to be given under paragraph 8 of Schedule 2.

(9) Where the Local Health Board has determined that outline consent and premises approval will lapse by virtue of paragraph (7) or that the provisional date is to be extended under paragraph (11), the doctor who made the application under regulation 24 may appeal to the Welsh Ministers.

(10) If, in the circumstances outlined in paragraph (9), a notice of appeal is submitted to the Welsh Ministers, Part I of Schedule 3 and the following paragraphs of Schedule 3 will apply:

- (a) 6(4)(b) and (c);
- (b) 7(2) and (4); and
- (c) 8,

as if the notice of appeal were submitted under paragraph 6(2) of Schedule 3.

(11) In this regulation—

"outstanding pharmacy application" ("cais am fferyllfa yn yr arfaeth") means an application made under regulation 8 (applications to be included in or for amendment to a pharmaceutical list) or regulation 12 (applications for preliminary consent

ac effaith cydsyniad rhagarweiniol)—

- (a) pan fo'r fangre a bennir yn y cais hwnnw o fewn 1.6 cilometr i'r fangre y ceisir cymeradwyaeth mangre ar ei chyfer; a
- (b) sydd naill ai—
 - (i) wedi ei wneud ond eto heb ei benderfynu, gan gynnwys yn dilyn apêl, neu
 - (ii) wedi ei ganiatáu fel y diffinnir "canniatawyd" yn rheoliad 17 (gweithdrefn yn dilyn caniatáu cais) ond darparu gwasanaethau fferyllol o'r fangre honno heb gychwyn eto; ac
- (c) ystyr "dyddiad dros dro" ("provisional date") yw'r diwrnod ar ôl diwedd cyfnod o un flwyddyn, neu pa bynnag gyfnod pellach o ddim mwy na thri mis a benderfynir gan y Bwrdd Iechyd Lleol (a rhaid iddo hysbysu'r meddyg a wnaeth y cais o dan reoliad 24 o unrhyw estyniad) sy'n cychwyn gyda'r dyddiad y caniateir y cais yn unol â rheoliad 24(9).

Cydsyniad amlinellol a chymeradwyaeth mangre yn mynd yn ddi-rym

26.—(1) Bydd cydsyniad amlinellol yn peidio â chael effaith—

- (a) os na fydd darparu gwasanaethau gweinyddu wedi cychwyn o fewn deuddeng mis wedi i gydsyniad amlinellol neu gymeradwyaeth mangre gael effaith o dan reoliad 25 (cydsyniad amlinellol a chymeradwyaeth mangre yn cael effaith);
- (b) pan fo mwy na 12 mis wedi mynd heibio er pan ddarparwyd gwasanaethau gweinyddu ddiwethaf;
- (c) pan fo practisiau'n cyfuno ac ar ôl cyfuno nid oes mangre practis sydd â chymeradwyaeth mangre; neu
- (d) pan fo cydsyniad amlinellol wedi mynd yn ddi-rym o dan reoliad 25.

(2) Bydd cymeradwyaeth mangre yn peidio â chael effaith mewn perthynas ag—

- (a) mangre restredig sydd, yn barhaol, wedi peidio â bod yn fangre practis;
- (b) mangre restredig nas defnyddiwyd ar gyfer gweinyddu gan unrhyw feddyg a awdurdodwyd i weinyddu o'r fangre honno am gyfnod o chwe mis, neu pa bynnag gyfnod hwy a ganiateir am reswm da gan y Bwrdd Iechyd Lleol;
- (c) mangre restredig lle mae'r meddyg, y rhestrwyd y fangre o dan ei enw yn y rhestr meddygon fferyllol, wedi hysbysu'r Bwrdd Iechyd Lleol fod yr holl feddygon sydd ag

and effect of preliminary consent)—

- (a) where the premises specified in that application are within 1.6 kilometres of the premises for which premises approval has been sought; and
- (b) which has either—
 - (i) been made but not yet determined, including on appeal, or
 - (ii) has been granted as defined in regulation 17 (procedure following grant of an application) but the provision of pharmaceutical services from those premises has not been commenced; and
- (c) "provisional date" ("dyddiad dros dro") means the day after the end of a period of one year or such further period not exceeding three months as the Local Health Board may determine (and it must notify the doctor who made the application under regulation 24 of any extension) beginning with the date on which the application is granted in accordance with regulation 24(9).

Lapse of outline consent and premises approval

26.—(1) Outline consent will cease to have effect—

- (a) where the provision of dispensing services has not commenced within twelve months of outline consent or premises approval taking effect under regulation 25 (taking effect of outline consent and premises approval);
- (b) where more than twelve months have elapsed since the last provision of dispensing services;
- (c) where there is a practice amalgamation and following the amalgamation there are no practice premises which have premises approval; or
- (d) where outline consent has lapsed under regulation 25.

(2) Premises approval will cease to have effect in relation to—

- (a) listed premises which have permanently ceased to be practice premises;
- (b) listed premises which have not been used for dispensing by any doctor authorised to dispense from those premises for six months or such longer period as the Local Health Board may for good cause allow;
- (c) listed premises where the doctor under whose name those premises are listed in the dispensing doctors list has notified the Local Health Board that all the doctors who have

- awdurdod i weinyddu o'r fangre honno wedi rhoi'r gorau i wneud hynny;
- (d) mangre restredig lle nad oes meddyg sydd â chymeradwyaeth mangre mewn perthynas â'r fangre honno yn weddill ar y rhestr meddygon fferyllol; neu
 - (e) mangre restredig y caniatawyd cymeradwyaeth mangre iddi o dan reoliad 29(3), os nad oes cyfuno practisiau yn digwydd o fewn y cyfnod a bennir yn rheoliad 29(7).

(3) Bydd cymeradwyaeth mangre yn peidio â chael effaith pan yw'r cydsyniad amlinellol perthnasol yn peidio â chael effaith.

Cymeradwyaeth mangre: newid mangre cyn bo cydsyniad amlinellol yn cael effaith

27.—(1) Pan fo—

- (a) cydsyniad amlinellol wedi ei roi ond heb ddod i rym eto o dan reoliad 25 (rhoi cydsyniad amlinellol a chymeradwyaeth mangre mewn grym); a
- (b) cyn y dyddiad dros dro a ddiffinnir yn rheoliad 25(11), y meddyg yn bwriadu newid y fangre practis y dymuna ddarparu gwasanaethau fferyllol ohoni,

caiff y meddyg wneud cais ysgrifenedig i'r Bwrdd Iechyd Lleol, gan ddarparu'r wybodaeth a bennir yn Rhan 4 o Atodlen 1, am i'r Bwrdd Iechyd Lleol benderfynu a ddylid rhoi cymeradwyaeth mangre mewn perthynas â'r fangre newydd, a rhaid i'r Bwrdd Iechyd Lleol wneud y penderfyniad yn unol â pharagraff (2).

(2) Os yw'r Bwrdd Iechyd Lleol wedi ei fodloni mai adleoliad bach yw'r newid mangre, caiff ganiatâu'r gymeradwyaeth mangre ar gyfer y fangre newydd, ond os nad yw wedi ei fodloni felly, rhaid gwrrhod cymeradwyaeth mangre ar gyfer y fangre newydd.

(3) Rhaid i'r Bwrdd Iechyd Lleol hysbysu'r personau hynny yr oedd yn ofynnol rhoi hysbysiad iddynt o'r cais a wnaed o dan reoliad 24 (cydsyniad amlinellol a chymeradwyaeth mangre) o'i benderfyniad o dan baragraff (2).

(4) Caiff y ceisydd apelio i Weinidogion Cymru yn erbyn penderfyniad y Bwrdd Iechyd Lleol o dan baragraff (2).

(5) Yn yr amgylchiadau a amlinellir ym mharagraff (4), os cyflwynir hysbysiad o apêl i Weinidogion Cymru, bydd Rhan I o Atodlen 3 a'r paragraffau canlynol o Atodlen 3 yn gymwys:

- (a) 6(4)(b) ac (c);
- (b) 7(2) a (4); ac
- (c) 8,

- authority to dispense from those premises have ceased to do so;
- (d) listed premises where there is no doctor with premises approval in respect of them remaining on the dispensing doctor list; or
- (e) listed premises which were granted premises approval under regulation 29(3), where no practice amalgamation takes place within the period specified in regulation 29(7).

(3) Premises approval will cease to have effect where the related outline consent ceases to have effect.

Premises approval: change of premises before outline consent takes effect

27.—(1) Where—

- (a) outline consent has been granted but has not yet taken effect under regulation 25 (taking effect of outline consent and premises approval); and
- (b) before the provisional date defined in regulation 25(11) the doctor intends to change the practice premises from which he or she wishes to provide pharmaceutical services,

he or she may apply in writing to the Local Health Board providing the information set out in Part 4 of Schedule 1 for the Local Health Board to determine whether premises approval should be given in relation to the new premises, and the Local Health Board must make the determination in accordance with paragraph (2).

(2) If the Local Health Board is satisfied that the change of premises is a minor relocation it may grant the premises approval for those new premises, but if it is not so satisfied premises approval for those new premises must be refused.

(3) The Local Health Board must notify those persons to whom notice of the application made under regulation 24 (outline consent and premises approval) was required to be given of its determination under paragraph (2).

(4) The determination by the Local Health Board under paragraph (2) may be appealed by the applicant to the Welsh Ministers.

(5) If, in the circumstances outlined in paragraph (4), a notice of appeal is submitted to the Welsh Ministers, Part I of Schedule 3 and the following paragraphs of Schedule 3 will apply:

- (a) 6(4)(b) and (c);
- (b) 7(2) and (4); and
- (c) 8,

fel pe bai'r hysbysiad o apêl wedi ei gyflwyno o dan baragraff 6(2) o Atodlen 3.

Cymeradwyaeth mangre: mangroedd ychwanegol a newydd wedi i'r cydsyniad amlinellol gael effaith

28.—(1) Caiff meddyg y mae ganddo gydsyniad amlinellol sydd wedi cael effaith, ac sy'n dymuno cael cymeradwyaeth mangre ar gyfer mangre yn ychwanegol at y fangre honno y rhoddywyd cymeradwyaeth mangre ar ei chyfer ("mangre ychwanegol") wneud cais ysgrifenedig, gan ddarparu'r wybodaeth a bennir yn Rhan 4 o Atodlen 1, i bob un o'r Byrddau Iechyd Lleol priodol, a bydd y cais yn cael ei benderfynu gan y Bwrdd Iechyd Lleol perthnasol yn unol â pharagraff (2).

(2) Rhaid i gais am fangre ychwanegol gael ei benderfynu gan y Bwrdd Iechyd Lleol perthnasol yn unol â rheoliad 24 (cydsyniad amlinellol a chymeradwyaeth mangre) a rheoliad 25 (cydsyniad amlinellol a chymeradwyaeth mangre yn cael effaith).

(3) At ddibenion y rheoliad hwn—

- (a) y "Byrddau Iechyd Lleol priodol" ("appropriate Local Health Boards") yw'r rheini sy'n cynnal y rhestrau meddygol fferyllol y cynhwysir ynddynt y meddyg sy'n gwneud y cais; a
- (b) y "Bwrdd Iechyd Lleol perthnasol" ("relevant Local Health Board") yw'r Bwrdd Iechyd Lleol y lleolir y fangre ychwanegol yn ei ardal.

(4) Caiff meddyg sy'n dymuno cael cymeradwyaeth mangre mewn perthynas â mangre ("mangre newydd") lle mae'r meddyg yn dymuno gweinyddu, yn lle mangre restredig, wneud cais, gan ddarparu'r wybodaeth a bennir yn Rhan 4 o Atodlen 1, i bob un o'r Byrddau Iechyd Lleol priodol, a bydd y cais yn cael ei benderfynu gan y Bwrdd Iechyd Lleol perthnasol yn unol â pharagraffau (5) a (6).

(5) Yn achos cais am fangre newydd, rhaid i'r Bwrdd Iechyd Lleol perthnasol roi hysbysiad o'r cais yn unol â pharagraff 9 o Atodlen 2 a rhaid i gynnwys yr hysbysiad gydymffurfio â pharagraff 10 o'r Atodlen honno.

(6) Yn achos cais am fangre newydd, rhaid i'r Bwrdd Iechyd Lleol perthnasol—

- (a) caniatáu'r cais os yw wedi ei fodloni—
 - (i) ar gyfer y cleifion sy'n gyfarwydd â chael mynediad i wasanaethau fferyllol yn y fangre bresennol, nad yw lleoliad y fangre newydd yn llai hygyrch i raddau sylweddol, a
 - (ii) na fyddai caniatáu'r cais yn achosi newid sylweddol yn y trefniadau ar gyfer darparu gwasanaethau fferyllol neu wasanaethau gweinyddu mewn unrhyw ran o'r ardal

as if the notice of appeal were submitted under paragraph 6(2) of Schedule 3.

Premises approval: additional and new premises after outline consent has taken effect

28.—(1) A doctor who has outline consent which has taken effect and who wishes to be granted premises approval for premises in addition to those premises in respect of which premises approval has been given ("additional premises") may apply in writing providing the information set out in Part 4 of Schedule 1 to all of the appropriate Local Health Boards and the application will be determined by the relevant Local Health Board in accordance with paragraph (2).

(2) An application for additional premises must be determined by the relevant Local Health Board in accordance with regulation 24 (outline consent and premises approval) and regulation 25 (taking effect of outline consent and premises approval).

(3) For the purpose of this regulation—

- (a) the "appropriate Local Health Boards" ("Byrddau Iechyd Lleol priodol") are those who hold the dispensing doctor lists on which the doctor making the application is included; and
- (b) the "relevant Local Health Board" ("Bwrdd Iechyd Lleol perthnasol") is the Local Health Board in whose area the additional premises are situated.

(4) A doctor wishing to be granted premises approval in relation to premises ("new premises") where he or she wishes to dispense instead of listed premises may apply to all the appropriate Local Health Boards providing the information set out in Part 4 of Schedule 1 and the application will be determined by the relevant Local Health Board in accordance with paragraphs (5) and (6).

(5) In the case of an application for new premises the relevant Local Health Board must give notice of the application in accordance with paragraph 9 of Schedule 2 and the content of the notification must comply with paragraph 10 of that Schedule.

(6) In the case of an application for new premises the relevant Local Health Board must—

- (a) grant an application where it is satisfied that—
 - (i) for the patients that are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is not significantly less accessible, and
 - (ii) granting the application would not result in a significant change in the arrangements for the provision of pharmaceutical or dispensing services to any part of the

reoledig y lleolir y fangre newydd yniddi; neu

- (b) mewn unrhyw achos arall, penderfynu'r cais fel cais am gymeradwyaeth mangre a wneir o dan reoliad 24(1)(b).

(7) Rhaid i Fwrdd Iechyd Lleol, oni fydd ganddo reswm da dros beidio â gwneud hynny, wrthod cais o dan baragraff (1) neu (4) os oes cais a wnaed gan y meddyg wedi ei ganiatáu o dan baragraff (6)(a) yn ystod y deuddeng mis cyn cyflwyno'r cais o dan baragraff (1) neu (4).

(8) Rhaid i'r Bwrdd Iechyd Lleol roi hysbysiad o'i benderfyniad o dan baragraff (2) neu baragraff (6)(b) i'r personau hynny y mae'n ofynnol rhoi hysbysiad o'r cais iddynt yn unol â rheoliad 24 a pharagraff 8 o Atodlen 2.

(9) Rhaid i'r Bwrdd Iechyd Lleol roi hysbysiad o'i benderfyniad o dan baragraff (6)(a) i'r personau hynny y mae'n ofynnol rhoi hysbysiad iddynt yn unol â pharagraff 15 o Atodlen 2.

(10) Caiff y personau a restrir ym mharagraff 6(2) o Atodlen 3 apelio i Weinidogion Cymru yn erbyn penderfyniad gan y Bwrdd Iechyd Lleol o dan baragraff (2), (6)(a) neu (6)(b).

(11) Yn ddarostyngedig i baragraff (12) bydd y gymeradwyaeth mangre ar gyfer mangre ychwanegol neu newydd yn cael effaith o ddyddiad yr hysbysiad o ganiatáu'r gymeradwyaeth mangre, sef—

- (a) os na wneir apêl yn erbyn penderfyniad y Bwrdd Iechyd Lleol, y dyddiad ar ôl diwedd y cyfnod o 30 diwrnod sy'n cychwyn gyda'r dyddiad y rhoddir hysbysiad o'r penderfyniad hwnnw o dan baragraff (8) neu baragraff (9); neu
- (b) os gwneir apêl o'r fath, y dyddiad y bydd Gweinidogion Cymru yn rhoi hysbysiad o'u penderfyniad ar yr apêl honno.

(12) Pan fo—

- (a) cymeradwyaeth mangre wedi ei roi mewn perthynas â mangre ychwanegol; a
- (b) mewn perthynas â'r fangre y rhoddir y gymeradwyaeth ar ei chyfer, ceisiadau am fferyllfa yn yr arfaeth (fel y'u diffinnir yn rheoliad 25(11)), ar y dyddiad y rhoddyd y gymeradwyaeth,

y dyddiad y bydd y gymeradwyaeth mangre yn cael effaith fydd y diwrnod ar ôl diwedd cyfnod o un flwyddyn, neu pa bynnag gyfnod pellach (o ddim mwy na thri mis) y caiff y Bwrdd Iechyd Lleol ei ganiatáu am reswm da, ar ôl penderfynu yn derfynol unrhyw gais am fferyllfa yn yr arfaeth.

(13) Caiff y Bwrdd Iechyd Lleol roi cymeradwyaeth mangre dros dro i feddyg sydd â chydsyniad amlinellol a chymeradwyaeth mangre mewn perthynas â mangre

controlled locality in which the new premises are located; or

- (b) in any other case determine the application as an application for premises approval made under regulation 24(1)(b).

(7) A Local Health Board must, unless it has good cause not to do so, refuse an application under paragraph (1) or (4) if an application made by the doctor has been granted under paragraph (6)(a) during the twelve months before the application was submitted under paragraph (1) or (4).

(8) The Local Health Board must notify its determination under paragraph (2) or paragraph (6)(b) to the persons to whom notice of the application is required to be given in accordance with regulation 24 and paragraph 8 of Schedule 2.

(9) The Local Health Board must notify its determination under paragraph (6)(a) to those persons to whom notification is required to be given in accordance with paragraph 15 of Schedule 2.

(10) A determination by the Local Health Board under paragraph (2), (6)(a) or (6)(b) may be appealed to the Welsh Ministers by the persons listed in paragraph 6(2) of Schedule 3.

(11) Subject to paragraph (12) the premises approval for the additional or new premises will take effect from the date of notification of the grant of premises approval, which is—

- (a) where no appeal is made against the decision of the Local Health Board, the date after the expiry of 30 days beginning with the date on which notice of that decision is given under paragraph (8) or paragraph (9); or
- (b) where such an appeal is made, the date on which the Welsh Ministers give notice of their decision on that appeal.

(12) Where—

- (a) the premises approval is granted in relation to additional premises; and
- (b) in relation to the premises for which the approval is granted there were, at the date of the grant, outstanding pharmacy applications (as defined in regulation 25(11)),

the premises approval will take effect on the date which is the day after the end of a period of one year, or such further period (not exceeding three months) as the Local Health Board may for good cause allow, from the final resolution of any outstanding pharmacy application.

(13) The Local Health Board may grant temporary premises approval to a doctor who has outline consent and premises approval in relation to additional or new

ychwanegol neu fangre newydd os yw'r Bwrdd o'r farn ei bod yn angenrheidiol neu'n hwylus gwneud hynny er mwyn sicrhau darpariaeth ddigonol o wasanaethau fferyllol yn yr ardal a wasanaethir gan y fangre ychwanegol neu'r fangre newydd, ac adnewyddu unrhyw gymeradwyaeth dros dro o'r fath a roddwyd, er mwyn sicrhau darpariaeth ddigonol, ac os yw'r Bwrdd yn gwneud hynny rhaid iddo—

- (a) hysbysu'r personau hynny yr oedd yn ofynnol, o dan baragraff 8 o Atodlen 2, rhoi hysbysiad o'r cais iddynt o dan reoliad 24 (cydsyniad amlinellol a chymeradwyaeth mangre) a'r ceiswyr mewn perthynas â'r ceisiadau am fferyllfa yn yr arfaeth;
- (b) datgan am ba gyfnod y bydd y gymeradwyaeth mangre dros dro mewn grym; ac
- (c) cynnwys y fangre honno yn y rhestr meddygon fferyllol mewn perthynas â'r meddyg hwnnw.

(14) Caniateir rhoi cymeradwyaeth mangre dros dro am gyfnod o ddim mwy na deuddeng mis, a chaniateir ei adnewyddu am gyfnod pellach o ddim mwy na thri mis.

(15) Caiff y ceisydd apelio i Weinidogion Cymru yn erbyn penderfyniad gan y Bwrdd Iechyd Lleol o dan baragraff (13).

(16) Yn yr amgylchiadau a amlinellir ym mharagraff (15), os cyflwynir hysbysiad o apêl i Weinidogion Cymru, bydd Rhan I o Atodlen 3 a'r paragraffau canlynol o Atodlen 3 yn gymwys:

- (a) 6(4)(b) ac (c);
- (b) 7(2) a (4); ac
- (c) 8,

fel pe bai'r hysbysiad o apêl wedi ei gyflwyno o dan baragraff 6(2) o Atodlen 3.

Cymeradwyaeth mangre: cyfuno practisiau

29.—(1) Mae cyfuno practisiau yn digwydd pan fo dau neu ragor o ddarparwyr gwasanaethau meddygol sylfaenol yn uno fel un darparwr gwasanaethau meddygol sylfaenol, ac, o ganlyniad, dwy neu ragor o restrau cleifion yn cael eu cyfuno.

(2) Yn dilyn cyfuno practisiau, os yw pob un o fangroedd practis y darparwr gwasanaethau meddygol sylfaenol sengl yn fangroedd a oedd, yn union cyn cyfuno'r practisiau, yn fangroedd rhestredig, bydd y cymeradwyaethau mangre ar gyfer y mangroedd hynny a'r cydsyniadau amlinellol perthynol yn parhau i gael effaith.

(3) Yn dilyn cyfuno practisiau, os nad yw paragraff (2) yn gymwys ond yr oedd gan un neu ragor o'r meddygon a ymunodd â'i gilydd fel darparwr gwasanaethau meddygol sylfaenol sengl, yn union cyn cyfuno, gymeradwyaeth mangre ar gyfer mangroedd—

premises where it considers it is necessary or expedient to do so to secure the adequate provision of pharmaceutical services in the area served by the additional or new premises, and renew any such temporary approval granted, to secure such adequate provision, and where it does so it must—

- (a) notify those persons to whom notice of the application under regulation 24 (outline consent and premises approval) was required to be given under paragraph 8 of Schedule 2 and the applicants in relation to the outstanding pharmacy applications;
- (b) state the period during which the temporary premises approval is to apply; and
- (c) include those premises in the dispensing doctor list in relation to that doctor.

(14) Temporary premises approval may be granted for a period not exceeding twelve months, and may be renewed for a further period not exceeding three months.

(15) The determination by the Local Health Board under paragraph (13) may be appealed by the applicant to the Welsh Ministers.

(16) If, in the circumstances outlined in paragraph (15), a notice of appeal is submitted to the Welsh Ministers, Part I of Schedule 3 and the following paragraphs of Schedule 3 will apply:

- (a) 6(4)(b) and (c);
- (b) 7(2) and (4); and
- (c) 8,

as if the notice of appeal were submitted under paragraph 6(2) of Schedule 3.

Premises approval: practice amalgamations

29.—(1) A practice amalgamation occurs where two or more providers of primary medical services amalgamate as a single provider of primary medical services as a result of which two or more patient lists are combined.

(2) Following a practice amalgamation, if the practice premises of the single provider of primary medical services are all premises that immediately prior to the practice amalgamation were listed premises, the premises approvals for those premises and the related outline consents will continue to have effect.

(3) Following a practice amalgamation, if paragraph (2) does not apply but one or more of the doctors coming together as the single provider of primary medical services had, immediately prior to amalgamation, premises approval for premises—

- (a) os daw unrhyw rai o'r mangreodd hynny yn fangreodd practis y darparwr gwasanaethau meddygol sylfaenol sengl—
 - (i) bydd y cymeradwyaethau mangre ar gyfer y mangreodd a'r cydysniadau amlinellol perthynol yn parhau i gael effaith, a
 - (ii) rhaid trin unrhyw geisiadau am gymeradwyaethau mangre i fangreodd practis eraill fel ceisiadau am fangreodd ychwanegol o dan reoliad 28 (cymeradwyo mangre: mangreodd ychwanegol a newydd wedi i'r cydysniad amlinellol gael effaith);
- (b) os nad oes yr un o'r mangreodd hynny yn dod yn fangre practis y darparwr gwasanaethau meddygol sylfaenol sengl—
 - (i) caiff meddyg gyflwyno cais am gymeradwyaeth mangre ar gyfer mangre o dan reoliad 24 (cydysniad amlinellol a chymeradwyaeth mangre) a chael trin y cais hwnnw fel adleoliad o fangre restredig meddyg a oedd yn rhan o'r cyfuno practisiau; a
 - (ii) rhaid trin unrhyw geisiadau am gymeradwyaeth mangre mewn perthynas â mangreodd practis eraill y darparwr gwasanaethau meddygol sylfaenol sengl fel ceisiadau am fangreodd ychwanegol o dan reoliad 28.

(4) Caniateir gwneud cais a grybwyllir ym mharagraff (3) cyn neu ar ôl cyfuno'r practisiau, ac os bydd cyfuno'r practisiau yn cael effaith cyn bo'r cais wedi ei benderfynu yn derfynol—

- (a) bydd unrhyw gymeradwyaeth mangre sydd wedi cael effaith ar ddyddiad cyfuno'r practisiau yn cael effaith o ddyddiad y cyfuno ymlaen fel pe bai'n gymeradwyaeth mangre dros dro o dan reoliad 28(13) am gyfnod a ddatgenir gan y Bwrdd Iechyd Lleol, o ddim mwy nag un flwyddyn; a
- (b) bydd y practis newydd yn cael cymeradwyaeth mangre dros dro o ddyddiad cyfuno'r practisiau ymlaen i weinyddu o unrhyw fangre a grybwyllir yn y cais am gyfnod a ddatgenir gan y Bwrdd Iechyd Lleol, o ddim mwy nag un flwyddyn.

(5) Pan fo cyfuno practisiau yn cael effaith, rhaid i'r meddygon hysbysu'r holl Fyrddau Iechyd Lleol y lleolir y practis cyfunedig yn eu hardaloedd fod y cyfuno practisiau wedi digwydd.

(6) Yn ddarostyngedig i baragraff (7), pan fo cais a wnaed o dan baragraff (3) wedi ei ganiatáu cyn i'r cyfuno practisiau ddigwydd, bydd y gymeradwyaeth mangre yn cael effaith o ddyddiad cyfuno'r practisiau ymlaen.

- (a) if any of those premises become practice premises of the single provider of primary medical services—
 - (i) the premises approvals for the premises and the related outline consents will continue to have effect, and
 - (ii) any applications for premises approvals for other practice premises must be treated as applications for additional premises under regulation 28 (premises approval: additional and new premises after outline consent has taken effect);
- (b) if none of those premises become practice premises of the single provider of primary medical services—
 - (i) a doctor may submit an application for premises approval for premises under regulation 24 (outline consent and premises approval) and have that application treated as a relocation from listed premises of a doctor who was part of the practice amalgamation; and
 - (ii) any applications for premises approval in respect of other practice premises of the single provider of primary medical services are to be treated as applications for additional premises under regulation 28.

(4) An application mentioned in paragraph (3) may be made before or after the practice amalgamation takes place, and where the practice amalgamation takes effect before the application has been finally determined—

- (a) any premises approval in effect at the date of the practice amalgamation will have effect from the date of the amalgamation as if it were a temporary premises approval under regulation 28(13) for a period stated by the Local Health Board not exceeding one year; and
- (b) the new practice will have temporary premises approval from the date of the practice amalgamation to dispense from any premises mentioned in the application for a period stated by the Local Health Board not exceeding one year.

(5) When the practice amalgamation takes effect the doctors must notify all Local Health Boards in whose area the amalgamated practice is situated that the practice amalgamation has taken place.

(6) Subject to paragraph (7), where an application made under paragraph (3) was granted before the practice amalgamation takes place, premises approval will take effect from the date of the practice amalgamation.

(7) Pan fo cais wedi ei wneud o dan baragraff (3) cyn i'r cyfuno practisiau ddigwydd, ac nad yw'r cyfuno practisiau wedi digwydd cyn diwedd cyfnod o un flwyddyn sy'n cychwyn gyda'r dyddiad y rhoddwyd cymeradwyaeth mangre o dan y paragraff hwnnw, bydd y gymeradwyaeth mangre honno'n mynd yn ddi-rym.

(8) Os gwrthodir cais o dan baragraff (3) am gymeradwyaeth mangre, naill ar gyfer pob un neu unrhyw rai o'r mangre oedd a bennir yn y cais, boed hynny cyn neu ar ôl i'r cyfuno practisiau ddigwydd, bydd gan y meddygon yr oedd ganddynt gymeradwyaeth mangre cyn gwneud y cais ac unrhyw feddyg arall yn y practis newydd ar ôl y dyddiad hwnnw gymeradwyaeth mangre weddilliol.

(9) At ddibenion y rheoliad hwn, ystyr "cymeradwyaeth mangre weddilliol" ("residual premises approval") yw cymeradwyaeth mangre i ddarparu gwasanaethau fferyllol—

- (a) o fangre yr oedd gan y meddyg hwnnw, neu feddyg arall yn ei bractis, gymeradwyaeth mangre ar ei chyfer ar yr adeg y gwnaed y cais mewn perthynas â chyfuno practisiau; a
- (b) i glaf sy'n dod o fewn rheoliad 20(1) ac y mae'r meddyg sy'n gwneud y cais yn darparu gwasanaethau fferyllol iddo, ond gan eithrio unrhyw glaf o'r fath sy'n peidio â bod yn glaf a grybwyllir yn rheoliad 20(1)(b) neu (c).

(10) At ddibenion paragraff (9), mae rheoliad 20(1)(b) neu (c) i'w ddarllen fel pe bai'r geriau ", a bodlonir yr amodau a bennir ym mharagraff (4)" wedi eu hepgor.

(11) Pan fo Bwrdd Iechyd Lleol wedi penderfynu cais am gymeradwyaeth mangre o dan baragraff (3), penderfynir ar y personau a gaiff wneud apêl i Weinidogion Cymru yn unol ag—

- (a) rheoliad 28 mewn perthynas â chais o dan baragraff (3)(a)(ii) neu (b)(ii); neu
- (b) rheoliad 24 mewn perthynas â chais o dan baragraff (3)(b)(i).

(12) Pan fo Bwrdd Iechyd Lleol wedi penderfynu cais o dan baragraff (4), caiff y ceisydd apelio i Weinidogion Cymru.

(13) Yn yr amgylchiadau amlinellir ym mharagraff (12), os cyflwynir hysbysiad o apêl i Weinidogion Cymru, bydd Rhan I o Atodlen 3 a'r paragraffau canlynol o Atodlen 3 yn gymwys:

- (a) 6(4)(b);
- (b) 7(2) a (4); ac
- (c) 8,

fel pe bai'r hysbysiad o apêl wedi ei gyflwyno o dan baragraff 6(2) o Atodlen 3.

(7) Where an application was made under paragraph (3) before the practice amalgamation takes place and the practice amalgamation has not taken place before the end of a period of one year beginning with the date that premises approval was granted under that paragraph, that grant will lapse.

(8) Where an application under paragraph (3) for premises approval is refused either for all or any of the premises specified in the application, whether before or after the practice amalgamation takes place, the doctors who had premises approval prior to making the application, and any other doctor in the new practice after that date will have residual premises approval.

(9) For the purposes of this regulation "residual premises approval" ("cymeradwyaeth mangre weddilliol") means premises approval to provide pharmaceutical services—

- (a) from premises in respect of which the doctor or another doctor in his or her practice had premises approval at the time of the application in relation to the practice amalgamation; and
- (b) to a patient falling within regulation 20(1) to whom the doctor making the application provides pharmaceutical services, but excluding any such patient who ceases to be a patient mentioned in regulation 20(1)(b) or (c).

(10) For the purposes of paragraph (9), regulation 20(1)(b) or (c) is to be read as if the words "and the conditions specified in paragraph (4) are satisfied" were omitted.

(11) Where a Local Health Board has determined an application for premises approval under paragraph (3), the persons who may make an appeal to the Welsh Ministers will be determined in accordance with—

- (a) regulation 28 in respect of an application under paragraph (3)(a)(ii) or (b)(ii); or
- (b) regulation 24 in respect of an application under paragraph (3)(b)(i).

(12) Where a Local Health Board has determined an application under paragraph (4), the applicant may make an appeal to the Welsh Ministers.

(13) If, in the circumstances outlined in paragraph (12), a notice of appeal is submitted to the Welsh Ministers, Part I of Schedule 3 and the following paragraphs of Schedule 3 will apply:

- (a) 6(4)(b);
- (b) 7(2) and (4); and
- (c) 8,

as if the notice of appeal were submitted under paragraph 6(2) of Schedule 3.

Apelau

30. Yn ddarostyngedig i unrhyw ddarpariaethau penodol a gynhwysir yn y Rhan hon, mae Atodlen 3 yn darparu ar gyfer apelau i Weinidogion Cymru mewn perthynas â phenderfyniadau a wneir gan Fyrddau Iechyd Lleol o dan y Rhan hon.

RHAN 6

Seiliau addasrwydd, cynnwys mewn rhestrau fferyllol a thynnw ymaith o restrau fferyllol

Gohirio ceisiadau ar sail addasrwydd

31.—(1) Mae'r rheoliad hwn yn gymwys i geisiadau a wneir o dan—

- (a) rheoliad 8(1)(a) (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol), ac eithrio pan wneir y cais gan berson sydd â chydsyniad rhagarweiniol diliys yn unol â rheoliad 12(5); a
- (b) rheoliad 12 (ceisiadau am gydsyniad rhagarweiniol ac effaith cydsyniad rhagarweiniol) pan nad yw'r ceisydd eisoes wedi ei gynnwys yn rhestr fferyllol y Bwrdd Iechyd Lleol hwnnw.

(2) Caiff Bwrdd Iechyd Lleol ohirio ystyried neu benderfynu cais—

- (a) os oes achos troseddol yn y Deyrnas Unedig neu achos yn rhywle arall yn y byd sy'n ymwnaed ag ymddygiad a fyddai, yn y Deyrnas Unedig, yn gyfystyr â throsedd, mewn perthynas ag—
 - (i) y ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, mewn perthynas â'r ceisydd neu gyfarwyddwr neu uwcharolygydd y ceisydd), neu
 - (ii) corff corfforaethol y mae'r ceisydd yn gyfarwyddwr neu'n uwcharolygydd ohono, neu y bu'r ceisydd yn gyfarwyddwr neu'n uwcharolygydd ohono yn ystod y chwe mis blaenorol neu ar adeg y digwyddiadau cychwynnol,

a fyddai, pe bai'n arwain at golffarn, neu'r hyn sy'n gyfystyr â chollfarn, yn debygol o beri tynnu'r ceisydd ymaith o restr fferyllol y Bwrdd Iechyd Lleol, pe bai'r ceisydd wedi ei gynnwys ynnddi;

- (b) os oes ymchwiliad mewn unrhyw le yn y byd gan gorff sy'n trwyddedu neu'n rheoleiddio'r ceisydd (neu os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd), neu unrhyw ymchwiliad arall (gan gynnwys ymchwiliad gan Fwrdd Iechyd Lleol neu gorff cyfatebol

Appeals

30. Subject to any specific provisions that are contained within this Part, Schedule 3 makes provision for appeals to the Welsh Ministers in respect of determinations of Local Health Boards made under this Part.

PART 6

Fitness grounds and inclusion in and removal from pharmaceutical lists

Deferral of applications on fitness grounds

31.—(1) This regulation applies to applications made under—

- (a) regulation 8(1)(a) (applications to be included in or for amendment to a pharmaceutical list), except where the application is made by a person who has a valid preliminary consent in accordance with regulation 12(5); and
- (b) regulation 12 (applications for preliminary consent and effect of preliminary consent) where the applicant is not already included in that Local Health Board's pharmaceutical list.

(2) A Local Health Board may defer consideration or determination of an application where—

- (a) there are criminal proceedings in the United Kingdom or proceedings elsewhere in the world relating to conduct which in the United Kingdom would constitute a criminal offence in respect of—
 - (i) the applicant (and where the applicant is a body corporate, in respect of the applicant or a director or superintendent of the applicant), or
 - (ii) a body corporate of which the applicant is, or has in the preceding six months been, or was at the time of the originating events, a director or superintendent,

which, if they resulted in a conviction or the equivalent of a conviction, would be likely to lead to the applicant's removal from the Local Health Board's pharmaceutical list, if the applicant had been included in it;

- (b) there is an investigation anywhere in the world by the applicant's (or where the applicant is a body corporate, any director or superintendent of the applicant) licensing or regulatory body or any other investigation (including one by another Local Health Board or equivalent body) relating to the applicant's professional

- arall) ynglŷn â gallu proffesiynol y ceisydd, a fyddai, pe bai'r canlyniad yn anffafriol yn debygol o beri tynnu'r ceisydd ymaith o restr fferyllol y Bwrdd Iechyd Lleol, pe bai'r ceisydd wedi ei gynnwys ynnddi;
- (c) os yw'r ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) yn cael ei atal dros dro o restr berthnasol;
 - (d) os yw corff corfforaethol yr oedd y ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd), ar adeg y digwyddiadau cychwynnol, yn gyfarwyddwr neu'n uwcharolygydd ohono yn cael ei atal dros dro o restr berthnasol;
 - (e) os yw'r Tribiwnlys yn ystyried apêl gan y ceisydd (neu os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) yn erbyn penderfyniad gan Fwrdd Iechyd Lleol neu gorff cyfatebol—
 - (i) i wrthod cais gan y ceisydd am ei gynnwys mewn rhestr berthnasol, neu
 - (ii) i gynnwys yn amodol neu dynnu ymaith, neu dynnu yn ddigwyddiadol, y ceisydd o restr berthnasol, neu
 - (iii) i wrthod cais gan y ceisydd am gydsyniad rhagarweiniol ar gyfer ei gynnwys mewn rhestr fferyllol a gynhelir gan Fwrdd Iechyd Lleol neu gorff cyfatebol,
- a phe bai'r apêl honno'n aflwyddiannus, byddai'r Bwrdd Iechyd Lleol yn debygol o dynnu'r ceisydd ymaith o'r rhestr fferyllol pe bai'r ceisydd wedi ei gynnwys ynnddi;
- (f) os yw'r Tribiwnlys yn ystyried apêl gan gorff corfforaethol yr oedd y ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd), ar adeg y digwyddiadau cychwynnol, neu yn ystod y chwe mis blaenorol yn gyfarwyddwr neu'n uwcharolygydd ohono, yn erbyn penderfyniad gan Fwrdd Iechyd Lleol neu gorff cyfatebol—
 - (i) i wrthod cais gan y corff corfforaethol hwnnw am ei gynnwys mewn rhestr berthnasol;
 - (ii) i wrthod cais gan y corff corfforaethol hwnnw am gydsyniad rhagarweiniol ar gyfer ei gynnwys mewn rhestr fferyllol a gynhelir gan Fwrdd Iechyd Lleol neu gorff cyfatebol; neu
 - (iii) i'w gynnwys yn amodol neu i'w dynnu ymaith, neu i'w dynnu yn ddigwyddiadol o unrhyw restr berthnasol,
- a phe bai'r apêl honno'n aflwyddiannus, byddai'r Bwrdd Iechyd Lleol yn debygol o dynnu'r ceisydd ymaith o'r rhestr fferyllol pe bai'r ceisydd wedi ei
- capacity, that if the outcome of which was adverse would be likely to lead to the removal of the applicant from the Local Health Board's pharmaceutical list, if the applicant had been included in it;
- (c) the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) is suspended from a relevant list;
 - (d) a body corporate of which the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) was, at the time of the originating events, a director or superintendent, is suspended from a relevant list;
 - (e) the Tribunal is considering an appeal by the applicant (or where the applicant is a body corporate, any director or superintendent of the applicant) against a decision of a Local Health Board or an equivalent body—
 - (i) to refuse an application by the applicant for inclusion in a relevant list,
 - (ii) to conditionally include or remove or contingently remove the applicant from a relevant list, or
 - (iii) to refuse an application from the applicant for preliminary consent to be included in a pharmaceutical list held by a Local Health Board or an equivalent body,
- and if that appeal were to be unsuccessful the Local Health Board would be likely to remove the applicant from the pharmaceutical list if he or she were to be included in it;
- (f) the Tribunal is considering an appeal by a body corporate of which the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) was, at the time of the originating events, or has in the preceding six months been, a director or superintendent, against a decision of a Local Health Board or equivalent body—
 - (i) to refuse an application by that body corporate for inclusion in a relevant list;
 - (ii) to refuse an application by that corporate body for preliminary consent to be included in a pharmaceutical list held by a Local Health Board or an equivalent body; or
 - (iii) to conditionally include it in, or to remove or contingently remove it from any relevant list,
- and if that appeal were to be unsuccessful the Local Health Board would be likely to remove the applicant from the pharmaceutical list if he or she were to be

gynnwys ynddi;

- (g) os yw'r ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) yn destun ymchwiliad mewn perthynas ag unrhyw dwyll, ac y byddai'r canlyniad, pe bai'n anffafriol, yn debygol o beri tynnu'r ceisydd ymaith o'r rhestr fferyllol pe bai'r ceisydd wedi ei gynnwys ynddi;
- (h) os yw corff corfforaethol yr oedd y ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd), ar adeg y digwyddiadau cychwynnol, yn gyfarwyddwr neu'n uwcharolygydd ohono yn destun ymchwiliad mewn perthynas â thwyll, ac y byddai'r canlyniad, pe bai'n anffafriol, yn debygol o beri tynnu'r ceisydd ymaith o'r rhestr fferyllol pe bai'r corff corfforaethol wedi ei gynnwys ynddi; neu
- (i) os yw'r Tribiwnlys yn ystyried cais gan Fwrdd Iechyd Lleol neu gorff cyfatebol am anghymhwysiad cenedlaethol o'r ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) neu o gorff corfforaethol yr oedd y ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) ar adeg y digwyddiadau cychwynnol, yn gyfarwyddwr neu'n uwcharolygydd ohono;
- (j) os yw Bwrdd Iechyd Lleol neu gorff cyfatebol, am reswm mewn perthynas â thwyll, anaddasrwydd neu effeithlonrwydd y ddarpariaeth o wasanaethau—
 - (i) yn ystyried tynnu'r ceisydd (ac eithrio ei dynnu yn wirfoddol) neu dynnu'r ceisydd yn ddigwyddiadol oddi ar restr berthnasol; neu
 - (ii) wedi gwneud penderfyniad i dynnu'r ceisydd (ac eithrio ei dynnu yn wirfoddol) neu dynnu'r ceisydd yn ddigwyddiadol oddi ar restr berthnasol ond nad yw'r penderfyniad hwnnw eto wedi cael effaith.

(3) Ni chaiff Bwrdd Iechyd Lleol ohirio penderfyniad o dan baragraff (2) ac eithrio hyd nes bo'r achos, yr ymchwiliadau neu'r ceisiadau a grybwylir yn y paragraff hwnnw wedi eu cwblhau, neu'r rheswm dros ohirio yn peidio â bodoli.

(4) Rhaid i Fwrdd Iechyd Lleol, cyn gynted ag y bo'n ymarferol, hysbysu'r ceisydd mewn ysgrifen o benderfyniad i ohirio ystyried neu benderfynu y cais, ac o'r rhesymau am hynny.

(5) Unwaith y bydd yr achos, yr ymchwiliadau neu'r ceisiadau a grybwylir ym mharagraff (2) wedi eu cwblhau, rhaid i'r Bwrdd Iechyd Lleol hysbysu'r ceisydd y bydd rhaid i'r ceisydd, o fewn 30 diwrnod ar ôl dyddiad yr hysbysiad, (neu pa bynnag gyfnod hwy a gytunir gan y Bwrdd)—

included in it;

- (g) the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) is being investigated in relation to any fraud, where the outcome, if adverse, would be likely to lead to the removal of the applicant from the pharmaceutical list if the applicant had been included in it;
- (h) a body corporate, of which the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) was, at the time of the originating events, a director or superintendent, is being investigated in relation to fraud, where the outcome if adverse would be likely to lead to the removal of the applicant from the pharmaceutical list if the body corporate had been included in it; or
- (i) the Tribunal is considering an application from a Local Health Board or equivalent body for a national disqualification of the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) or of a body corporate of which the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) was, at the time of the originating events, a director or superintendent;
- (j) a Local Health Board or equivalent body, for a reason relating to fraud, unsuitability or efficiency of service provision—
 - (i) is considering removal (other than voluntary removal) or contingent removal of the applicant from a relevant list; or
 - (ii) has taken a decision to remove (other than voluntary removal) or contingently remove the applicant from a relevant list but that decision has yet to take effect .

(3) A Local Health Board may only defer a decision under paragraph (2) until the proceedings, investigations or applications mentioned in that paragraph are concluded or the reason for the deferral no longer exists.

(4) A Local Health Board must, as soon as is practicable, notify the applicant in writing of a decision to defer consideration or determination of the application, and the reasons for this.

(5) Once the proceedings, investigations or applications mentioned in paragraph (2) are concluded, the Local Health Board must notify the applicant that he or she within 30 days of the date of the notification (or such longer period as it may agree)—

- (a) cadarnhau mewn ysgrifen ei fod yn dymuno mynd ymlaen â'r cais; a
- (b) y caiff ddiweddar ei gais os yw'n dymuno.

(6) Os nad yw'r ceisydd yn cadarnhau, yn unol â pharagraff (5), ei fod yn dymuno mynd ymlaen, rhaid i'r Bwrdd Iechyd Lleol ystyried bod y cais wedi ei dynnu'n ôl gan y ceisydd.

Gwrthod ceisiadau ar sail addasrwydd

32.—(1) Mae'r rheoliad hwn yn gymwys i geisiadau a wneir o dan—

- (a) rheoliad 8(1)(a) (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol), ac eithrio pan wneir y cais gan berson sydd â chydsyniad rhagarweiniol diliys yn unol â rheoliad 12(5); a
- (b) rheoliad 12 (ceisiadau am gydsyniad rhagarweiniol ac effaith cydsyniad rhagarweiniol) pan nad yw'r ceisydd eisoes wedi ei gynnwys yn rhestr fferyllol y Bwrdd Iechyd Lleol hwnnw.

(2) Caiff Bwrdd Iechyd Lleol wrthod caniatáu cais os yw'r Bwrdd Iechyd Lleol—

- (a) ar ôl ystyried yr wybodaeth a'r ymrwymiadau sy'n ofynnol gan Ran 2 o Atodlen 1 ac unrhyw wybodaeth arall sydd yn ei feddiant mewn perthynas â'r cais, o'r farn bod y ceisydd yn anaddas i'w gynnwys yn ei restr fferyllol;
- (b) ar ôl cysylltu â'r canolwyr enwebwyd gan y ceisydd yn unol â Rhan 2 o Atodlen 1, heb ei fodloni gan y geirdaon a roddwyd;
- (c) ar ôl gwirio gydag Awdurdod Gwasanaethau Busnes y GIG unrhyw ffeithiau yr ystyria'r Awdurdod yn berthnasol ynglŷn ag ymchwiliadau i dwyll, presennol neu yn y gorffennol, sy'n ymwneud neu sy'n gysylltiedig â'r ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd), ac ar ôl ystyried y ffeithiau hynny ac unrhyw ffeithiau eraill yn ei feddiant ynglŷn â thwyll sy'n ymwneud neu sy'n gysylltiedig â'r ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd), o'r farn eu bod yn cyflawnhau gwrthodiad o'r fath;
- (d) ar ôl gwirio gyda Gweinidogion Cymru unrhyw ffeithiau yr ystyriant yn berthnasol ynglŷn ag ymchwiliadau neu achosion, presennol neu yn y gorffennol, sy'n ymwneud neu sy'n gysylltiedig â'r ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd), ac ar ôl ystyried y ffeithiau hynny ac unrhyw ffeithiau eraill yn ei feddiant sy'n ymwneud

- (a) must confirm in writing that the applicant wishes to proceed with the application; and
- (b) may update the application if the applicant wishes.

(6) If the applicant fails to confirm that he or she wishes to proceed in accordance with paragraph (5), the Local Health Board must deem the application as having been withdrawn by the applicant.

Refusal of applications on fitness grounds

32.—(1) This regulation applies to applications made under—

- (a) regulation 8(1)(a) (applications to be included in or for amendment to a pharmaceutical list), except where the application is made by a person who has a valid preliminary consent in accordance with regulation 12(5); and
- (b) regulation 12 (applications for preliminary consent and effect of preliminary consent) where the applicant is not already included in that Local Health Board's pharmaceutical list.

(2) A Local Health Board may refuse to grant an application where—

- (a) having considered the information and undertakings required by Part 2 of Schedule 1 and any other information in its possession in relation to the application, the Local Health Board considers that the applicant is unsuitable to be included in its pharmaceutical list;
- (b) having contacted the referees nominated by the applicant in accordance with Part 2 of Schedule 1, it is not satisfied with the references given;
- (c) having checked with the NHS Business Services Authority for any facts that it considers relevant relating to past or current fraud investigations involving or related to the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant), and having considered these and any other facts in its possession relating to fraud involving or relating to the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant), it considers these justify such refusal;
- (d) having checked with the Welsh Ministers for any facts that they consider relevant relating to past or current investigations or proceedings involving or relating to the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) and having considered these and any other facts in its possession involving or relating to the applicant (and where the applicant is a body

neu sy'n gysylltiedig â'r ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd), o'r farn eu bod yn cyfiawnhau gwirthodiad o'r fath; neu

- (e) o'r farn y byddai derbyn y ceisydd i'r rhestr yn niweidio effeithlonrwydd y gwasanaeth y byddai'r ceisydd yn ymrwymo i'w ddarparu.

(3) Rhaid i Fwrdd Iechyd Lleol wrthod caniatáu cais os yw—

- (a) y ceisydd (neu os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) wedi ei gollfarnu yn y Deyrnas Unedig am lofruddiaeth;
- (b) y ceisydd (neu os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) wedi ei gollfarnu yn y Deyrnas Unedig am drosedd ac eithrio llofruddiaeth, a gyflawnwyd ar ôl y dyddiad y daeth y Rheoliadau hyn i rym, ac wedi ei ddedfrydu i gyfnod hwy na chwe mis o garchar;
- (c) y ceisydd yn destun anghymhwysiad cenedlaethol; neu
- (d) y Tribiwnlys, yn dilyn apêl, yn penderfynu y caniateir cynnwys y ceisydd mewn rhestr fferyllol, yn ddarostyngedig i amodau, ond nad yw'r ceisydd, o fewn 30 diwrnod i'r penderfyniad hwnnw, wedi hysbysu'r Bwrdd Iechyd Lleol ei fod wedi cytuno â gosod yr amodau.

(4) Pan fo'r Bwrdd Iechyd Lleol yn ystyried gwirthod cais o dan baragraff (2), rhaid iddo gymryd i ystyriaeth yr holl ffeithiau sy'n ymddangos iddo yn berthnasol, ac yn benodol, mewn perthynas â pharagraff (2)(a), (c) a (d), rhaid iddo ystyried—

- (a) natur unrhyw drosedd, ymchwiliad neu ddigwyddiad;
- (b) yr amser a aeth heibio ers unrhyw drosedd, digwyddiad, collfarn neu ymchwiliad;
- (c) a oes yna unrhyw droseddau, digwyddiadau neu ymchwiliadau eraill i'w hystyried;
- (d) unrhyw gamau a gymerwyd neu gosb a osodwyd gan unrhyw gorff trwyddedu neu reoleiddio, gan yr heddlu neu'r llysoedd o ganlyniad i unrhyw drosedd, digwyddiad neu ymchwiliad o'r fath;
- (e) pa mor berthnasol yw unrhyw drosedd, digwyddiad neu ymchwiliad i'r ddarpariaeth gan y ceisydd o wasanaethau fferyllol ac unrhyw risg debygol i ddefnyddwyr gwasanaethau fferyllol neu i arian cyhoeddus;
- (f) a oedd unrhyw drosedd yn drosedd rywiol y mae Rhan 2 o Ddeddf Troeddau Rhywiol 2003(1) yn gymwys iddi, neu y byddai wedi

corporate any director or superintendent of the applicant), it considers that these justify such a refusal; or

- (e) it considers that admitting the applicant to the list would be prejudicial to the efficiency of the service which he or she would undertake to provide.

(3) A Local Health Board must refuse to grant an application where—

- (a) the applicant (or where the applicant is a body corporate, any director or superintendent of the applicant) has been convicted in the United Kingdom of murder;
- (b) the applicant (or where the applicant is a body corporate, any director or superintendent of the applicant) has been convicted in the United Kingdom of a criminal offence, other than murder, which was committed after the date on which these Regulations come into force and has been sentenced to a term of imprisonment of over six months;
- (c) the applicant is the subject of a national disqualification; or
- (d) on appeal the Tribunal determines that the applicant may be included in the pharmaceutical list subject to conditions but the applicant has not, within 30 days of that decision notified the Local Health Board that he or she agrees to the imposition of conditions.

(4) Where the Local Health Board is considering a refusal of an application under paragraph (2), it must consider all facts which appear to it to be relevant and must, in particular, take into consideration in relation to paragraph (2)(a), (c) and (d)—

- (a) the nature of any offence, investigation or incident;
- (b) the length of time since any offence, incident, conviction or investigation;
- (c) whether there are other offences, incidents or investigations to be considered;
- (d) any action taken or penalty imposed by any licensing or regulatory body, the police or the courts as a result of any such offence, incident or investigation;
- (e) the relevance of any offence, investigation or incident to the provision by the applicant of pharmaceutical services and any likely risk to users of pharmaceutical services or public finances;
- (f) whether any offence was a sexual offence to which Part 2 of the Sexual Offences Act 2003(1) applies, or if it had been committed in

(1) 2003 p.42.

(1) 2003 c.42.

- bod yn gymwys pe bai'r drosedd wedi ei chyflawni yng Nghymru neu Loegr;
- (g) a yw'r ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) wedi ei wrthod rhag ei gynnwys mewn unrhyw restr neu restr gyfatebol, neu wedi ei gynnwys yn amodol, neu ei dynnu, neu ei dynnu yn ddigwyddiadol, neu ar hyn o bryd wedi ei atal oddi arni dros dro ar seiliau addasrwydd i ymarfer, ac os felly, ffeithiau'r mater a arweiniodd at weithredu felly, a'r rhesymau a roddwyd gan y Bwrdd Iechyd Lleol neu gorff cyfatebol dros weithredu felly; neu
- (h) a fu'r ceisydd (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) ar adeg y digwyddiadau cychwynnol, neu yn ystod y chwe mis blaenorol, yn gyfarwyddwr neu'n uwcharolygydd corff corfforaethol y gwrthodwyd ei gynnwys mewn unrhyw restr neu restr gyfatebol, neu a gynhwyswyd yn amodol mewn rhestr o'r fath, neu a dynnwyd, neu a dynnwyd yn ddigwyddiadol oddi arni, neu sydd ar hyn o bryd wedi ei atal oddi arni dros dro, ar seiliau addasrwydd i ymarfer, ac os felly, beth oedd y ffeithiau ym mhob achos o'r fath, a'r rhesymau a roddwyd gan y Bwrdd Iechyd Lleol neu gorff cyfatebol ym mhob achos.

(5) Pan fo'r Bwrdd Iechyd Lleol yn cymryd i ystyriaeth y materion a bennir ym mharagraff (4), rhaid iddo ystyried effaith gyffredinol y materion a ystyri'r.

(6) Os yw Bwrdd Iechyd Lleol yn gwrthod cais y mae'r rheoliad hwn yn gymwys iddo, ar seiliau ym mharagraff (2) neu (3), rhaid i'r Bwrdd Iechyd Lleol hysbysu'r ceisydd o'r penderfyniad hwnnw, a chynnwys gyda'r hysbysiad esboniad o'r canlynol—

- (a) y rhesymau am y penderfyniad;
- (b) hawl y ceisydd i apelio i'r Tribiwnlys yn erbyn y penderfyniad, a bod rhaid arfer yr hawl honno o fewn 30 diwrnod o'r dyddiad yr hysbyswyd y ceisydd o'r penderfyniad; ac
- (c) o fewn pa derfyn amser, yn unol â Rheolau Gweithdrefn y Tribiwnlysoedd (Tribiwnlys yr Haen Gyntaf) (Y Siambra Iechyd, Addysg a Gofal Cymdeithasol) 2008(1), y bydd rhaid anfon hysbysiad o'r cais at y Tribiwnlys os bwriedir dwyn apêl.

Cynnwys yn amodol mewn perthynas â seiliau addasrwydd

33.—(1) Caiff Bwrdd Iechyd Lleol sy'n cael cais gan berson—

- (a) o dan reoliad 8(1)(a) (ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol), ac eithrio pan wneir y cais gan

England and Wales would have applied;

- (g) whether the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) has been refused admittance to, conditionally included in, removed, contingently removed or is currently suspended from any list or equivalent list on fitness to practise grounds, and if so, the facts relating to the matter which led to such action and the reasons given by the Local Health Board or equivalent body for such action; or
- (h) whether the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) was, at the time of the originating events, or has in the preceding six months been, a director or superintendent of a body corporate which has been refused admittance to, conditionally included in, removed or contingently removed from any list or equivalent list, or is currently suspended from any such list on fitness to practise grounds, and if so, what the facts were in each such case and the reasons given by the Local Health Board or equivalent body in each case.

(5) When the Local Health Board takes into account the matters set out in paragraph (4), it must consider the overall effect of the matters being considered.

(6) If a Local Health Board refuses an application to which this regulation applies under grounds in paragraph (2) or (3), the Local Health Board must notify the applicant of that decision and it must include with the notification an explanation of—

- (a) the reasons for the decision;
- (b) the applicant's right of appeal against the decision to the Tribunal; and
- (c) the time limit within which, in accordance with the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008(1), the application notice must be sent to the Tribunal if an appeal is to be brought.

Conditional inclusion relating to fitness grounds

33.—(1) A Local Health Board that receives an application from a person—

- (a) under regulation 8(1)(a) (applications to be included in or for amendment to a pharmaceutical list), except where the

(1) O.S. 2008/2699 (Cyfr.16), gweler rheol 19 o'r Rheolau hynny.

(1) S.I. 2008/2699 (L.16), see rule 19 of those Rules.

- berson y rhoddyd cydsyniad rhagarweiniol iddo o dan reoliad 12 (ceisiadau am gydsyniad rhagarweiniol ac effaith cydsyniad rhagarweiniol) a'r cydsyniad rhagarweiniol yn ddilys yn unol â rheoliad 12(5); neu
- (b) o dan reoliad 12 pan nad yw'r ceisydd eisoes wedi ei gynnwys yn rhestr fferyllol y Bwrdd Iechyd Lleol hwnnw,

benderfynu y bydd y person hwnnw, tra bo wedi ei gynnwys yn y rhestr fferyllol neu tra bo'i gydsyniad rhagarweiniol yn ddilys, yn ddarostyngedig i amodau a osodir gan roi sylw i ofynion adran 104 (cynnwys yn amodol mewn rhestrau offthalmig a fferyllol) o Ddeddf 2006.

(2) Caiff Bwrdd Iechyd Lleol amrywio'r telerau gwasanaethu y cynhwysir person yn unol â hwy yn y rhestr fferyllol at ddiben paragraff (1).

(3) Rhaid i amod a osodir o dan baragraff (1) fod yn amod a osodir gyda'r bwriad o—

- (a) rhwystro unrhyw niwed i effeithlonrwydd y gwasanaethau neu unrhyw un neu rai o'r gwasanaethau, y mae'r person wedi ymgymryd â'u darparu; neu
- (b) rhwystro unrhyw weithred neu anweithred o fewn adran 107(3)(a) o Ddeddf 2006 (anghymhwys ymarferwyr).

(4) Os yw Bwrdd Iechyd Lleol yn penderfynu caniatáu cais yn ddarostyngedig i amod a osodir o dan baragraff (1), rhaid iddo hysbysu'r person o'r penderfyniad hwnnw a rhaid iddo gynnwys gyda'r hysbysiad esboniad o'r canlynol—

- (a) y rhesymau am y penderfyniad;
- (b) hawl y person i apelio i'r Tribiwnlys yn erbyn ei benderfyniad;
- (c) o fewn pa derfyn amser yn unol â Rheolau Gweithdrefn y Tribiwnlysoedd (Tribiwnlys yr Haen Gyntaf) (Y Siambra Iechyd, Addysg a Gofal Cymdeithasol) 2008, y bydd rhaid anfon hysbysiad o'r cais at y Tribiwnlys os bwriedir dwyn apêl; a
- (d) effaith paragraff (5).

(5) Os yw'r person, yn unol â rheoliad 17(2), yn darparu hysbysiad o gychwyn cyn bo'r Tribiwnlys wedi penderfynu apêl yn erbyn amod a osodwyd o dan baragraff (1), rhaid cynnwys y person hwnnw yn y rhestr fferyllol yn ddarostyngedig i'r amod, ond yn unig hyd nes canlyniad yr apêl os bydd yr apêl yn llwyddiannus.

(6) Bydd yr apêl ar ffurf ailbenderfynu—

- (a) penderfyniad y Bwrdd Iechyd Lleol i osod yr amod; a
- (b) os yw'r person, ar yr adeg y penderfynir yr apêl, wedi ei gynnwys yn y rhestr fferyllol,

application is made by a person who has been granted preliminary consent under regulation 12 (applications for preliminary consent and effect of preliminary consent) and which is valid in accordance with regulation 12(5); or

- (b) under regulation 12 where the applicant is not already included in that Local Health Board's pharmaceutical list,

may determine that the person, whilst he or she is included in the pharmaceutical list or whilst his or her preliminary consent is valid, is to be subject to the imposition of conditions having regard to the requirements of section 104 (conditional inclusion in ophthalmic and pharmaceutical lists) of the 2006 Act.

(2) A Local Health Board may vary the terms of service on which a person is included in the pharmaceutical list for the purpose of paragraph (1).

(3) A condition imposed under paragraph (1) must be a condition imposed with a view to—

- (a) preventing any prejudice to the efficiency of the services, or any of the services, which the person has undertaken to provide; or
- (b) preventing any act or omission within section 107(3)(a) of the 2006 Act (disqualification of practitioners).

(4) If a Local Health Board decides to grant an application subject to a condition imposed under paragraph (1), it must notify the person of that decision and it must include with the notification an explanation of—

- (a) the reasons for the decision;
- (b) the person's right of appeal against its decision to the Tribunal;
- (c) the time limit within which, in accordance with the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, the application notice must be sent to the Tribunal if an appeal is to be brought; and
- (d) the effect of paragraph (5).

(5) If the person, in accordance with regulation 17(2), provides a notice of commencement before the Tribunal has determined an appeal against a condition imposed under paragraph (1), that person is to be included in the pharmaceutical list subject to the condition, but only until the outcome of the appeal if the appeal is successful.

(6) The appeal is to be by way of redetermination of—

- (a) the decision of the Local Health Board to impose the condition; and
- (b) if the person has, at the time the appeal is determined, been included in the

unrhyw benderfyniad o dan baragraff (2) i amrywio telerau gwasanaethu'r person hwnnw at y diben o osod yr amod neu mewn cysylltiad â'i osod.

(7) Os nad yw'r person wedi ei gynnwys yn y rhestr fferyllol ar yr adeg y penderfynir yr apêl ac—

- (a) y Tribiwnlys yn cadarnhau penderfyniad y Bwrdd Iechyd Lleol; neu
- (b) yn gosod amod gwahanol,

rhaid i'r person, o fewn 30 diwrnod ar ôl ei hysbysu o benderfyniad y Tribiwnlys, hysbysu'r Bwrdd Iechyd Lleol o ba un a yw'r person yn dymuno tynnu ei gais yn ôl ai peidio.

(8) Os yw'r person, yn yr amgylchiadau a ddisgrifir ym mharagraff (7), yn methu â hysbysu'r Bwrdd Iechyd Lleol o fewn y cyfnod hwnnw o 30 diwrnod nad yw'n dymuno tynnu ei gais yn ôl, bydd y penderfyniad i ganiatáu cais y person hwnnw yn mynd yn ddi-rym.

(9) Pan fo person yn dymuno tynnu ei enw oddi ar restr fferyllol, rhaid i'r person hwnnw hysbysu'r Bwrdd Iechyd Lleol, o leiaf 30 diwrnod cyn y dyddiad hwnnw—

- (a) os gosodwyd amod o dan baragraff (1);
- (b) os yw'r person yn apelio i'r Tribiwnlys yn erbyn yr amod hwnnw;
- (c) os yw'r Tribiwnlys, yn dilyn apêl, yn cadarnhau'r penderfyniad i osod yr amod hwnnw neu'n gosod amod arall; a
- (d) os yw'r person, o fewn 30 diwrnod ar ôl ei hysbysu o benderfyniad y Tribiwnlys, yn hysbysu'r Bwrdd Iechyd Lleol o'i ddymuniad i dynnu ei enw oddi ar restr fferyllol y Bwrdd,

onid yw'n anymarferol i'r person wneud hynny, ac os felly, rhaid i'r person hysbysu'r Bwrdd Iechyd Lleol cyn gynted ag y bo'n ymarferol iddo wneud hynny.

Tynnu ymaith o restr fferyllol am dorri amodau mewn cysylltiad â seiliau addasrwydd neu osod neu amrywio neu osod amodau newydd o dan adran 108 o Ddeddf 2006

34.—(1) Pan fo Bwrdd Iechyd Lleol yn ystyried—

- (a) tynnu enw person o'r rhestr fferyllol o dan adran 107 (datgymhwys ymarferwyr) o Ddeddf 2006, ac eithrio mewn achosion a bennir yn rheoliad 35 (tynnu ymaith oddi ar restr fferyllol am resymau eraill);
- (b) tynnu enw person o'r rhestr fferyllol yn ddigwyddiadol o dan adran 108 (tynnu digwyddiadol) o Ddeddf 2006;
- (c) tynnu enw person o'r rhestr fferyllol am dorri amod a osodwyd o dan adran 108 o Ddeddf 2006;

pharmaceutical list, any decision under paragraph (2) to vary the terms of service of that person for the purpose of or in connection with the imposition of the condition.

(7) If at the time the appeal is determined, the person has not been included in the pharmaceutical list and

- (a) the Tribunal confirms the decision of the Local Health Board; or
- (b) imposes a different condition,

the person must, within 30 days of being notified of the Tribunal's decision, notify the Local Health Board as to whether or not the person wishes to withdraw his or her application.

(8) If the person fails, in the circumstances described in paragraph (7), to notify the Local Health Board within that 30 days that he or she does not wish to withdraw his or her application, the grant of that person's application lapses.

(9) Where a person wishes to withdraw from a pharmaceutical list, that person must notify the Local Health Board at least 30 days in advance of that date, if—

- (a) a condition is imposed under paragraph (1);
- (b) the person appeals that condition to the Tribunal;
- (c) on appeal, the Tribunal confirms the imposition of that condition or imposes another condition; and
- (d) within 30 days of being informed of the decision of the Tribunal the person notifies the Local Health Board that he or she wishes to withdraw from its pharmaceutical list,

unless it is impracticable for the person to do so in which case the person must notify the Local Health Board as soon as it is practicable to do so.

Removal from a pharmaceutical list for breach of conditions on fitness grounds or imposition or variation or imposition of new conditions under section 108 of the 2006 Act

34.—(1) Where a Local Health Board is considering—

- (a) removing a person's name from the pharmaceutical list under section 107 (disqualification of practitioners) of the 2006 Act, other than in cases specified in regulation 35 (removal from a pharmaceutical list for other reasons);
- (b) contingently removing a person's name from the pharmaceutical list under section 108 (contingent removal) of the 2006 Act;
- (c) removing a person's name from the pharmaceutical list for breach of a condition imposed under section 108 of the 2006 Act;

(d) gosod unrhyw amod penodol o dan adran 108 o Ddeddf 2006, neu amrywio unrhyw amod neu osod amod gwahanol o dan yr adran honno, neu amrywio telerau gwasanaethu person o dan adran 108(4) o Ddeddf 2006; neu

(e) tynnu enw person o'r rhestr fferyllol am dorri amod o dan reoliad 33 (cynnwys yn amodol mewn perthynas â seiliau addasrwydd),

ar sail addasrwydd, rhaid i'r Bwrdd ddilyn y weithdrefn a bennir yn y rheoliad hwn.

(2) Cyn gweithredu fel a bennir ym mharagraff (1), rhaid i'r Bwrdd Iechyd Lleol roi i'r person—

- (a) hysbysiad o unrhyw honiad a wnaed yn ei erbyn;
- (b) hysbysiad o'r camau y mae'r Bwrdd Iechyd Lleol yn ystyried eu cymryd, ac ar ba sail;
- (c) cyfle i wneud sylwadau ysgrifenedig o fewn cyfnod o 30 diwrnod sy'n cychwyn gyda'r dyddiad y rhoddir yr hysbysiad o dan y paragraff hwn; a
- (d) y cyfle i gyflwyno'i achos mewn gwrandawriad llafar gerbron y Bwrdd Iechyd Lleol, os yw'r person yn gofyn am wrandawriad o'r fath o fewn y cyfnod o 30 diwrnod a grybwyllir yn is-baragraff (c).

(3) Os yw'r Bwrdd Iechyd Lleol yn cael sylwadau neu gais am wrandawriad llafar o fewn y cyfnod a bennir ym mharagraff (2)(c), rhaid iddo gymryd y sylwadau i ystyriaeth neu gynnal y gwrandawriad, yn ôl fel y digwydd, cyn cyrraedd ei benderfyniad.

(4) Unwaith y bydd y Bwrdd Iechyd Lleol wedi cyrraedd penderfyniad, rhaid iddo hysbysu'r person o'r penderfyniad hwnnw, a chynnwys gyda'r hysbysiad esboniad o'r canlynol—

- (a) y rhesymau am y penderfyniad;
- (b) hawl y person i apelio i'r Tribiwnlys yn erbyn ei benderfyniad; ac
- (c) o fewn pa derfyn amser, yn unol â Rheolau Gweithdrefn y Tribiwnlysoedd (Tribiwnlys yr Haen Gyntaf) (Y Siambra Iechyd, Addysg a Gofal Cymdeithasol) 2008, y bydd rhaid anfon hysbysiad o'r cais at y Tribiwnlys os bwriedir dwyn apêl.

(5) Os yw'r Bwrdd Iechyd Lleol wedi penderfynu tynnu enw person yn ddigwyddiadol, rhaid iddo hysbysu'r person o'i hawl i gael adolygiad o'r penderfyniad yn unol ag adran 113 (adolygu penderfyniadau) o Ddeddf 2006.

(6) Rhaid i'r Bwrdd Iechyd Lleol beidio â thynnu enw person o'r rhestr fferyllol, na thynnu ei enw yn ddigwyddiadol, hyd nes bo'r amser ar gyfer gwneud apêl wedi dod i ben neu, os gwneir apêl, hyd nes bo'r apêl wedi ei phenderfynu gan y Tribiwnlys.

(d) imposing any particular condition under section 108 of the 2006 Act, or varying any condition or imposing a different condition under that section, or varying a person's terms of service under section 108(4) of the 2006 Act; or

(e) removing a person's name from the pharmaceutical list for breach of a condition under regulation 33 (conditional inclusion relating to fitness grounds),

on fitness grounds, it must follow the procedure set out in this regulation.

(2) Before taking an action specified in paragraph (1), the Local Health Board must give the person—

- (a) notice of any allegation against him or her;
- (b) notice of what action the Local Health Board is considering and on what grounds;
- (c) the opportunity to make written representations within 30 days beginning on the date on which the notification is given under this paragraph; and
- (d) the opportunity to put the person's case at an oral hearing before the Local Health Board, if the person so requests within the 30 day period mentioned in sub-paragraph (c).

(3) If the Local Health Board receives representations or a request for an oral hearing within the period specified in paragraph (2)(c), it must take the representations into account, or hold the hearing, as the case may be, before reaching its decision.

(4) Once the Local Health Board has reached a decision it must notify the person of that decision and it must include with that notification an explanation of—

- (a) the reasons for the decision;
- (b) the person's right of appeal against its decision to the Tribunal; and
- (c) the time limit within which in accordance with the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, the application notice must be sent to the Tribunal if an appeal is to be brought.

(5) Where the Local Health Board has decided to impose a contingent removal, it must inform the person of their right to have the decision reviewed in accordance with section 113 (review of decisions) of the 2006 Act.

(6) The Local Health Board must not remove a person's name from the pharmaceutical list, or impose a contingent removal, until the time for bringing an appeal has expired or, where an appeal is made, it has been determined by the Tribunal.

(7) Os yw'r Tribiwnlys yn hysbysu'r Bwrdd Iechyd Lleol fod y Tribiwnlys wedi ystyried—

- (a) apêl gan berson yn erbyn tynnu digwyddiadol a bod y Tribiwnlys wedi penderfynu yn hytrach dynnu'r person oddi ar y rhestr fferyllol; neu
- (b) apêl gan berson sy'n ddarostyngedig i amodau o dan reoliad 33, a bod y Tribiwnlys wedi penderfynu yn hytrach beidio â chynnwys y person yn y rhestr fferyllol honno,

rhaid i'r Bwrdd Iechyd Lleol dynnu'r person oddi ar ei restr fferyllol a hysbysu'r person, ar unwaith, ei fod wedi gwneud hynny.

Tynnu ymaith o restr fferyllol am resymau eraill

35.—(1) Yn ddarostyngedig i baragraff (2), rhaid i Fwrdd Iechyd Lleol dynnu person oddi ar restr fferyllol a gynhelir ganddo os daw'n ymwybodol bod y person (ac os yw'r person yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y corff hwnnw)—

- (a) wedi ei gollfarnu yn y Deyrnas Unedig o lofruddiaeth;
- (b) wedi ei gollfarnu yn y Deyrnas Unedig o drosedd a gyflawnwyd ar ôl y dyddiad y daw'r Rheoliadau hyn i rym ac wedi ei ddedfrydu i garchar am dymor hwy na chwe mis; neu
- (c) o dan anghymhwysiad cenedlaethol.

(2) Pan fo'r Bwrdd Iechyd Lleol yn ystyried tynnu person oddi ar ei restr fferyllol ar seiliau a gynhwysir ym mharagraff (1), rhaid i'r Bwrdd Iechyd Lleol, cyn cyrraedd ei benderfyniad—

- (a) hysbysu'r person o'r camau y mae'n ystyried eu cymryd a'r seiliau dros ystyried cymryd y camau hynny; a
- (b) fel rhan o'r hysbysiad
 - (i) hysbysu'r person am unrhyw honiadau a wnaed yn ei erbyn; a
 - (ii) rhoi gwybod i'r person y caiff wneud—
 - (aa) sylwadau ysgrifenedig i'r Bwrdd Iechyd Lleol ynghylch y camau hynny ar yr amod bod y Bwrdd Iechyd Lleol yn cael y sylwadau hynny o fewn 30 diwrnod sy'n cychwyn gyda dyddiad yr hysbysiad gan y Bwrdd Iechyd Lleol; a
 - (bb) sylwadau llafar i'r Bwrdd Iechyd Lleol ynghylch y camau hynny, ar yr amod bod y person yn hysbysu'r Bwrdd Iechyd Lleol o'i ddymuniad i wneud sylwadau llafar o fewn 30 diwrnod sy'n cychwyn gyda dyddiad yr hysbysiad gan y Bwrdd Iechyd

(7) Where a Local Health Board is notified by the Tribunal that it has considered—

- (a) an appeal by a person against a contingent removal and the Tribunal has decided to remove the person from the pharmaceutical list instead; or
- (b) an appeal by a person who is subject to conditions under regulation 33 and the Tribunal has decided not to include the person in that pharmaceutical list,

the Local Health Board must remove the person from its pharmaceutical list and must notify the person immediately that it has done so.

Removal from a pharmaceutical list for other reasons

35.—(1) Subject to paragraph (2), a Local Health Board must remove a person from a pharmaceutical list that it maintains where it becomes aware that the person (and where the person is a body corporate, any director or superintendent of that body)—

- (a) has been convicted in the United Kingdom of murder;
- (b) has been convicted in the United Kingdom of a criminal offence which was committed after the date on which these Regulations come into force and has been sentenced to a term of imprisonment of over six months; or
- (c) is subject to a national disqualification.

(2) Where a Local Health Board is considering removing a person from its pharmaceutical list under grounds contained in paragraph (1), the Local Health Board must, before reaching its decision—

- (a) notify the person of the action that it is considering taking and the grounds for considering taking that action; and
- (b) as part of that notification
 - (i) inform the person of any allegation made against him or her; and
 - (ii) advise the person that he or she may make—
 - (aa) written representations to the Local Health Board with regard to that action provided such representations are received by the Local Health Board within 30 days beginning with the date of notification by the Local Health Board; and
 - (bb) oral representations to the Local Health Board with regard to that action, provided the person notifies the Local Health Board of his or her wish to make oral representations within 30 days beginning with the date of the notification by the Local

Lleol, a bod y person (neu gynrychiolydd) yn bresennol yn y gwrandawiad y mae'r Bwrdd Iechyd Lleol yn ei drefnu at ddibenion clywed y sylwadau hynny; ac

- (c) mewn achos y mae paragraff (1)(a) neu (b) yn gymwys iddo, os yw'r person yn gorff corfforaethol, rhoi gwybod iddo na fydd y Bwrdd Iechyd Lleol yn tynnu'r corff corfforaethol oddi ar ei restr fferyllol o ganlyniad i baragraff (1)(a) neu (b) (heb niweidio unrhyw gamau eraill y caiff y Bwrdd eu cymryd), ar yr amod—
- (i) bod y cyfarwyddwr neu uwcharolygydd dan sylw yn peidio â bod yn gyfarwyddwr neu'n uwcharolygydd y corff corfforaethol o fewn y cyfnod o 30 diwrnod sy'n cychwyn gyda dyddiad yr hysbysiad; a
 - (ii) bod y corff corfforaethol yn hysbysu'r Bwrdd Iechyd Lleol, o fewn y cyfnod hwnnw, am y dyddiad y mae'r cyfarwyddwr neu'r uwcharolygydd wedi peidio â bod, neu y bydd yn peidio â bod, yn gyfarwyddwr neu'n uwch-aroagydd y corff corfforaethol.

(3) Rhaid i Fwrdd Iechyd Lleol dynnu person oddi ar restr fferyllol—

- (a) os nad yw'r person, yn ystod y chwe mis blaenorol, wedi darparu gwasanaethau fferyllol o'r fangre y mae'r person wedi ei gynnwys yn y rhestr fferyllol mewn perthynas â hi (ond wrth gyfrifo'r cyfnod o chwe mis ni ddylid cynnwys unrhyw gyfnod pan oedd y person wedi ei atal); neu
- (b) os bu farw'r person, ond nid os yw cynrychiolydd y person hwnnw yn parhau i gynnal ei fusnes ar ôl ei farwolaeth o dan adran 72 o Ddeddf Meddyginaethau 1968 (cynrychiolydd fferyllydd mewn achos o farwolaeth neu anabledd) cyn belled â bod y cynrychiolydd yn cynnal y busnes yn unol â darpariaethau'r Ddeddf honno, ac yn cytuno i gael ei rwymo gan y telerau gwasanaethu; neu
- (c) os nad yw'r person bellach yn fferyllydd cofrestredig.

(4) Cyn tynnu person oddi ar restr fferyllol o dan baragraff (3) rhaid i'r Bwrdd Iechyd Lleol—

- (a) rhoi i'r person, neu i gynrychiolydd y person a grybwyllir o dan baragraff (3)(b), 30 diwrnod o rybudd o'i fwriad i dynnu'r person oddi ar y rhestr fferyllol;
- (b) rhoi cyfle i'r person, neu i gynrychiolydd y person a grybwyllir o dan baragraff (3)(b), wneud sylwadau mewn ysgrifen neu, os yw'n dymuno hynny, yn bersonol yn ystod y cyfnod hwnnw; ac
- (c) ymgynghori â'r Pwyllgor Fferyllol Lleol.

Health Board and the person (or a representative) attends the hearing that the Local Health Board arranges for the purposes of hearing those representations; and

- (c) in a case to which paragraph (1)(a) or (b) applies, if the person is a body corporate, advise the person that the Local Health Board will not remove the body corporate from its pharmaceutical list as a consequence of paragraph (1)(a) or (b) (without prejudice to any other action that it may take), provided that—
- (i) the director or superintendent concerned ceases to be a director or superintendent of the body corporate within the period of 30 days commencing with the date of the notice; and
 - (ii) within that period, the body corporate notifies the Local Health Board of the date on which the director or superintendent has ceased or is to cease to be a director or superintendent of the body corporate.

(3) A Local Health Board must remove a person from a pharmaceutical list—

- (a) if the person has not, in the preceding six months, provided pharmaceutical services from the premises in respect of which the person is included in the pharmaceutical list (but a period during which the person has been suspended does not count towards calculating the six month period); or
- (b) if the person has died, but not if that person's business is carried on after his or her death by a representative under section 72 of the Medicines Act 1968 (representative of pharmacist in case of death or disability) so long as the business is carried on by the representative in accordance with the provisions of that Act, and the representative agrees to be bound by the terms of service; or
- (c) if the person is no longer a registered pharmacist.

(4) Before removing a person from a pharmaceutical list under paragraph (3) the Local Health Board must—

- (a) give the person or the person's representative mentioned under paragraph (3)(b) 30 days notice of its intention to remove the person from the pharmaceutical list;
- (b) give the person or the person's representative mentioned under paragraph (3)(b) the opportunity to make representations in writing or, if he or she so desires, in person, during that period; and
- (c) consult the Local Pharmaceutical Committee.

(5) Unwaith y bydd y Bwrdd Iechyd Lleol wedi gwneud penderfyniad i dynnu person oddi ar y rhestr fferyllol ar sail a gynhwysir ym mharagraff (1), rhaid iddo hysbysu'r person o'r penderfyniad hwnnw, a chynnwys gyda'r hysbysiad esboniad o'r canlynol—

- (a) y rhesymau am y penderfyniad;
- (b) hawl y person i apelio i'r Tribiwnlys yn erbyn ei benderfyniad; ac
- (c) o fewn pa derfyn amser, yn unol â Rheolau Gweithdrefn y Tribiwnlysoedd (Tribiwnlys yr Haen Gyntaf) (Y Siambra Iechyd, Addysg a Gofal Cymdeithasol) 2008, y bydd rhaid anfon hysbysiad o'r cais at y Tribiwnlys os bwriedir dwyn apêl.

(6) Rhaid i'r Bwrdd Iechyd Lleol hysbysu'r person ar unwaith mewn ysgrifen, o benderfyniad y Bwrdd o dan baragraff (3) i dynnu'r person oddi ar y rhestr fferyllol, ac o hawl y person i apelio o dan baragraff (7).

(7) Caiff person a hysbysir o dan baragraff (6), o fewn 30 diwrnod ar ôl cael yr hysbysiad, apelio yn erbyn y penderfyniad drwy roi hysbysiad ysgrifenedig i Weinidogion Cymru, gan nodi seiliau'r apêl.

(8) Ar ôl cael apêl o dan baragraff (7) rhaid i Weinidogion Cymru hysbysu'r Bwrdd Iechyd Lleol fod apêl wedi ei gael.

(9) Rhaid i Weinidogion Cymru benderfynu apêl, y rhoddyd hysbysiad o apêl diliys mewn perthynas â hi yn unol â pharagraff (7) yn y cyfryw fod (gan gynnwys o ran gweithdrefnau) a ystyri yn briodol gan Weinidogion Cymru.

(10) Wrth benderfynu apêl o dan baragraff (9), caiff Gweinidogion Cymru—

- (a) cadarnhau penderfyniad y Bwrdd Iechyd Lleol; neu
- (b) yn lle'r penderfyniad hwnnw, gwneud unrhyw benderfyniad arall y gallai'r Bwrdd Iechyd Lleol fod wedi ei wneud pan wnaeth y penderfyniad hwnnw.

(11) Rhaid i Fwrdd Iechyd Lleol beidio â thynnu enw person oddi ar y rhestr fferyllol—

- (a) os na wneir apêl, hyd nes i'r cyfnod ar gyfer dwyn apêl yn erbyn y penderfyniad ddod i ben; neu
- (b) os gwneir apêl, hyd nes bo'r apêl wedi ei phenderfynu.

(12) Os yw apêl yn cael ei chadarnhau, rhaid i'r Bwrdd Iechyd Lleol beidio â thynnu enw'r person oddi ar y rhestr fferyllol.

Atal dros dro o restr fferyllol

36.—(1) Cyn gwneud penderfyniad o dan adran 110(1)(atal dros dro) neu adran 111(2) (atal dros dro tra'n aros am apêl) o Ddeddf 2006, rhaid i'r Bwrdd

(5) Once the Local Health Board has taken a decision to remove the person from the pharmaceutical list on grounds contained in paragraph (1), it must notify the person of that decision and it must include with the notification an explanation of—

- (a) the reasons for the decision;
- (b) the person's right of appeal against its decision to the Tribunal; and
- (c) the time limit within which, in accordance with the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, the application notice must be sent to the Tribunal if an appeal is to be brought.

(6) The Local Health Board must notify the person immediately in writing of its decision under paragraph (3) to remove the person from the pharmaceutical list and of the person's right of appeal under paragraph (7).

(7) A person notified under paragraph (6) may, within 30 days of receiving the notice appeal the decision by notice in writing to the Welsh Ministers setting out the grounds of appeal.

(8) Upon receipt of an appeal under paragraph (7) the Welsh Ministers must notify the Local Health Board that an appeal has been received.

(9) The Welsh Ministers may determine the appeal in respect of which a valid notice of appeal has been given in accordance with paragraph (7) in such manner (including with regard to procedures) as the Welsh Ministers think fit.

(10) On determining an appeal under paragraph (9), the Welsh Ministers may—

- (a) confirm the decision of the Local Health Board; or
- (b) substitute for that decision any decision that the Local Health Board could have taken when it took that decision.

(11) A Local Health Board must not remove the person's name from the pharmaceutical list until—

- (a) if no appeal is made, the period for bringing an appeal against the decision has elapsed; or
- (b) if an appeal is made, the appeal is determined.

(12) Where an appeal is upheld, the Local Health Board must not remove the person's name from the pharmaceutical list.

Suspension from a pharmaceutical list

36.—(1) Before making a decision under section 110(1) (suspension) or section 111(2) (suspension pending appeal) of the 2006 Act, the Local Health

Iechyd Lleol roi i'r person—

- (a) hysbysiad o unrhyw honiad a wnaed yn ei erbyn;
- (b) hysbysiad o'r camau y mae'r Bwrdd Iechyd Lleol yn ystyried eu cymryd, ac ar ba seiliau;
- (c) cyfle i wneud sylwadau ysgrifenedig o fewn 30 diwrnod sy'n cychwyn gyda dyddiad yr hysbysiad a roddir o dan y paragraff hwn; a
- (d) y cyfle i wneud sylwadau mewn gwrandawriad llafar gerbron y Bwrdd Iechyd Lleol, ar yr amod bod y person yn hysbysu'r Bwrdd Iechyd Lleol o'i ddymuniad i wneud sylwadau o fewn cyfnod penodedig (o ddim llai na 24 awr).

(2) Rhaid i'r Bwrdd Iechyd Lleol gymryd i ystyriaeth unrhyw sylwadau a wneir gan y person cyn cyrraedd ei benderfyniad.

(3) Rhaid i'r Bwrdd Iechyd Lleol, unwaith y bydd wedi cyrraedd penderfyniad, hysbysu'r person o'r penderfyniad hwnnw, mewn ysgrifen, cyn gynted ag y bo'n rhesymol ymarferol, gan roi'r rhesymau am y penderfyniad (a chan nodi unrhyw ffeithiau y dibynnwyd arnynt).

(4) Pan fo'r Bwrdd Iechyd Lleol wedi atal person o'r rhestr fferyllol dros dro, rhaid i'r Bwrdd Iechyd Lleol hysbysu'r person o'r rhesymau am y penderfyniad ac, yn achos ataliad o dan adran 110(1) o Ddeddf 2006, o'i hawl i gael adolygiad o'r penderfyniad yn unol ag adran 113 (adolygu penderfyniadau) o Ddeddf 2006.

(5) Caiff y Bwrdd Iechyd Lleol, ar unrhyw adeg, ddirymu'r ataliad a hysbysu'r person o'i benderfyniad.

Hysbysiad o benderfyniad i osod amodau

37.—(1) Pan fo Bwrdd Iechyd Lleol yn penderfynu—

- (a) gwrrhod caniatáu cais gan berson o dan reoliad 32;
- (b) gosod amodau ar berson o dan reoliad 33;
- (c) tynnu person ymaith o restr fferyllol y Bwrdd o dan reoliad 34 neu 35;
- (d) atal person dros dro o restr fferyllol y Bwrdd o dan reoliad 36;
- (e) gosod neu amrywio amod o dan reoliad 38; neu
- (f) gosod neu amrywio amod o dan reoliad 39,

rhaid iddo hysbysu'r personau a'r cyrff a bennir ym mharagraff (2) ac yn ychwanegol hysbysu'r rhai a bennir ym mharagraff (3), os gofynnir iddo wneud felly gan y personau neu'r cyrff hynny mewn ysgrifen (gan gynnwys yn electronig), ynghylch y materion a bennir ym mharagraff (4).

Board must give the person—

- (a) notice of any allegation against him or her;
- (b) notice of the action the Local Health Board is considering and on what grounds;
- (c) the opportunity to make written representations within 30 days beginning with the date the notification is given under this paragraph; and
- (d) the opportunity to make representations at an oral hearing before the Local Health Board, provided the person notifies the Local Health Board that he or she wishes to make representations within a specified period (of not less than 24 hours).

(2) The Local Health Board must take into account any representations made by the person before it reaches its decision.

(3) Once the Local Health Board has reached a decision it must as soon as is reasonable practicable notify the person in writing of its decision and the reasons for it (including any facts relied upon).

(4) Where the Local Health Board has suspended a person from the pharmaceutical list, it must inform the person of the reasons for the decision and, in the case of a suspension under section 110(1) of the 2006 Act, of his or her right to have the decision reviewed in accordance with section 113 (review of decisions) of the 2006 Act.

(5) The Local Health Board may at any time revoke the suspension and notify the person of its decision.

Notification of decision to impose conditions

37.—(1) Where a Local Health Board decides to—

- (a) refuse to grant an application from a person under regulation 32;
- (b) impose conditions on a person under regulation 33;
- (c) remove a person from its pharmaceutical list under regulation 34 or 35;
- (d) suspend a person from its pharmaceutical list under regulation 36,
- (e) impose or vary a condition under regulation 38; or
- (f) impose or vary a condition under regulation 39

it must notify the persons and bodies specified in paragraph (2) and additionally notify those specified in paragraph (3), if requested to do so by those persons or bodies in writing (including electronically), of the matters set out in paragraph (4).

- (2) Y personau sydd i'w hysbysu yw—
- Gweinidogion Cymru;
 - unrhyw Fwrdd Iechyd Lleol arall neu gorff cyfatebol, y gŵyr y Bwrdd Iechyd Lleol sy'n hysbysu ei fod wedi cynnwys y ceisydd ar restr berthnasol;
 - Gweinidogion yr Alban;
 - yr Ysgrifennydd Gwladol;
 - Gweithrediaeth Gogledd Iwerddon;
 - y Cyngor Fferyllol Cyffredinol, Cymdeithas Fferyllol Gogledd Iwerddon neu unrhyw gorff rheoleiddio priodol arall;
 - y Pwyllgor Fferyllol Lleol ar gyfer ardal y Bwrdd Iechyd Lleol;
 - y Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol; ac
 - yn achos twyll, Awdurdod Gwasanaethau Busnes y GIG.

(3) Y personau neu'r cyrff a gaiff ofyn am eu hysbysu yn ychwanegol yn unol â pharagraff (1) yw—

- personau neu gyrff a all ddangos—
 - eu bod, neu y buont, yn cyflogi'r person, yn defnyddio neu wedi defnyddio ei wasanaethau (neu os yw'r person yn gorff corfforaethol, wedi defnyddio gwasanaethau unrhyw gyfarwyddwr neu uwcharolygydd y corff corfforaethol hwnnw) mewn swydd broffesiynol, neu
 - yn ystyried cyflogi neu ddefnyddio gwasanaethau'r person (neu os yw'r person yn gorff corfforaethol, defnyddio gwasanaethau unrhyw gyfarwyddwr neu uwcharolygydd y corff corfforaethol hwnnw) mewn swydd broffesiynol; a
- partneriaeth y mae unrhyw un o'i haelodau yn darparu neu'n cynorthwyo i ddarparu gwasanaethau fferyllol, ac sy'n gallu dangos bod y person, neu y bu'r person, yn aelod o'r bartneriaeth, neu fod y bartneriaeth yn ystyried ei wahodd i fod yn aelod.

(4) Y materion y cyfeirir atynt ym mharagraff (1) yw—

- os yw'r person yn unigolyn neu'n bartneriaeth—
 - enw, cyfeiriad a dyddiad geni'r person neu bob aelod o'r bartneriaeth;
 - rhif cofrestru proffesiynol y person neu bob aelod o'r bartneriaeth;
 - dyddiad penderfyniad y Bwrdd Iechyd Lleol a chopi o'r penderfyniad; a
 - enw person cyswllt yn y Bwrdd Iechyd

- (2) The persons to be notified are—
- the Welsh Ministers;
 - any other Local Health Board or equivalent body that to the knowledge of the notifying Local Health Board has the applicant included in a relevant list;
 - the Scottish Ministers;
 - the Secretary of State;
 - the Northern Ireland Executive;
 - the General Pharmaceutical Council, the Pharmaceutical Society of Northern Ireland or any other appropriate regulatory body;
 - the Local Pharmaceutical Committee for the Local Health Board's area;
 - the National Health Service Commissioning Board; and
 - in the case of fraud, the NHS Business Services Authority.

(3) The persons or bodies who may request to be additionally notified in accordance with paragraph (1) are—

- persons or bodies that can establish that they—
 - are or were employing the person, are using or have used his or her services (or where the person is a body corporate, have used the services of any director or superintendent of that body corporate) in a professional capacity, or
 - are considering employing or using the services of the person (or where the person is a body corporate, using the services of any director or superintendent of that body corporate) in a professional capacity; and
- a partnership any of whose members provide or assist in the provision of pharmaceutical services and can establish that the person is or was a member of the partnership or that it is considering inviting the person to become a member.

(4) The matters referred to in paragraph (1) are—

- where the person is an individual or a partnership—
 - the person's, or each member of the partnership's name, address and date of birth;
 - the person's or each member of the partnership's, professional registration number;
 - the date and copy of the decision of the Local Health Board; and
 - a contact name of a person in the Local

Lleol ar gyfer ymholiadau pellach.

- (b) os yw'r person yn gorff corfforaethol—
- (i) enw'r corff corfforaethol, ei rif cofrestru cwmni a chyfeiriad ei swyddfa gofrestredig;
 - (ii) rhif cofrestru proffesiynol uwcharolygydd y corff corfforaethol a rhif cofrestru proffesiynol unrhyw gyfarwyddwr y corff corfforaethol sy'n fferyllydd cofrestredig;
 - (iii) dyddiad penderfyniad y Bwrdd Iechyd Lleol a chopi o'r penderfyniad; a
 - (iv) enw person cyswllt yn y Bwrdd Iechyd Lleol ar gyfer ymholiadau pellach.

(5) Rhaid i'r Bwrdd Iechyd Lleol anfon copi at berson o unrhyw wybodaeth a ddarperir amdano i'r personau neu'r cyrff a bennir ym mharagraffau (2) a (3), ac unrhyw ohebiaeth gyda'r personau neu'r cyrff hynny ynglŷn â'r wybodaeth honno.

(6) Pan fo'r Bwrdd Iechyd Lleol wedi hysbysu unrhyw un o'r personau neu'r cyrff a bennir ym mharagraff (2) neu (3) o'r materion a bennir ym mharagraff (4), caiff y Bwrdd, yn ychwanegol, os gofynnir iddo gan y person neu'r corff hwnnw, hysbysu'r person neu'r corff hwnnw o unrhyw dystiolaeth a ystyriwyd, gan gynnwys sylwadau a wnaed gan y person.

(7) Pan hysbysir Bwrdd Iechyd Lleol gan y Tribiwnlys, fod y Tribiwnlys wedi gosod anghymhwysiad cenedlaethol ar berson a dynnwyd gan y Bwrdd Iechyd Lleol oddi ar ei restr fferyllol, rhaid i'r Bwrdd Iechyd Lleol hysbysu'r personau neu'r cyrff a bennir ym mharagraff (2)(b), (g), (h) ac (i) a pharagraff (3).

(8) Pan newidir penderfyniad o ganlyniad i adolygiad neu apêl, neu pan fo ataliad yn mynd yn ddi-rym, rhaid i'r Bwrdd Iechyd Lleol hysbysu unrhyw berson neu gorff, a hysbyswyd o'r penderfyniad gwreiddiol, ynghylch y penderfyniad diweddarach neu ynghylch yr ataliad yn mynd yn ddi-rym.

Adolygu penderfyniad i osod ataliad dros dro o dan adran 110 o Ddeddf 2006 neu dynnu yn ddigwyddiadol o dan adran 108 o Ddeddf 2006

38.—(1) Pan fo rhaid i Fwrdd Iechyd Lleol, yn unol ag adran 113 (adolygu penderfyniadau) o Ddeddf 2006, adolygu ei benderfyniad i dynnu person yn ddigwyddiadol oddi ar y rhestr fferyllol neu atal person dros dro o'r rhestr fferyllol o dan adran 110 (atal dros dro) o Ddeddf 2006, neu pan fo'r Bwrdd yn penderfynu adolygu penderfyniad o'r fath, rhaid iddo roi i'r person hwnnw—

- (a) hysbysiad o'i fwriad i adolygu ei benderfyniad;
- (b) hysbysiad o'r penderfyniad y mae'n ystyried ei wneud o ganlyniad i'r adolygiad, a'r rhesymau am y penderfyniad;

Health Board for further enquiries.

- (b) where the person is a body corporate—
- (i) the body corporate's name, company registration number and the address of the registered office;
 - (ii) the professional registration number of body corporate's superintendent and of any director of the body corporate who is a registered pharmacist;
 - (iii) the date and copy of the decision of the Local Health Board; and
 - (iv) a contact name of a person in the Local Health Board for further enquiries.

(5) The Local Health Board must send to the person a copy of any information about him or her provided to the persons or bodies specified in paragraphs (2) and (3) and any correspondence with those persons or bodies relating to that information.

(6) Where the Local Health Board has notified any of the persons or bodies specified in paragraph (2) or (3) of the matters set out in paragraph (4), it may in addition, if so requested by that person or body, notify that person or body of any evidence that was considered, including representations made by the person.

(7) Where a Local Health Board is notified by the Tribunal that it has imposed a national disqualification on a person whom the Local Health Board has removed from its pharmaceutical list, the Local Health Board must notify the persons or bodies specified in paragraph (2)(b), (g), (h) and (i) and paragraph (3).

(8) Where a decision is changed on review or appeal, or a suspension lapses, the Local Health Board must notify any person or body that was notified of the original decision of the later decision, or of the fact that the suspension has lapsed.

Review of decision to impose a suspension under section 110 of the 2006 Act or a contingent removal under section 108 of the 2006 Act

38.—(1) Where in accordance with section 113 (review of decisions) of the 2006 Act, a Local Health Board must review its decision to contingently remove a person from the pharmaceutical list or suspend a person from the pharmaceutical list under section 110 (suspension) of the 2006 Act, or where it decides to review such a decision, it must give that person—

- (a) notice that it intends to review its decision;
- (b) notice of the decision that it is minded to take upon review, and the reasons for it;

(c) cyfle i wneud sylwadau ysgrifenedig i'r Bwrdd Iechyd Lleol o fewn y cyfnod o 30 diwrnod sy'n cychwyn gyda dyddiad yr hysbysiad o dan is-baragraff (a); a

(d) cyfle i gyflwyno'i achos mewn gwrandawriad llafar gerbron y Bwrdd Iechyd Lleol, os yw'r person yn gofyn am hynny, o fewn y cyfnod o 30 diwrnod a grybwylir yn is-baragraff (c).

(2) Yn dilyn adolygiad o'r fath, caiff y Bwrdd Iechyd Lleol—

- (a) cadarnhau'r tynnu digwyddiadol neu'r ataliad dros dro;
- (b) yn achos ataliad dros dro, ei derfynu;
- (c) yn achos tynnu digwyddiadol, amrywio'r amodau, gosod amodau gwahanol, dirymu'r tynnu digwyddiadol, neu dynnu'r ymarferydd oddi ar y rhestr.

(3) Ni chaiff person a ataliwyd dros dro o restr fferyllol o dan adran 110 o Ddeddf 2006 neu a dynnwyd yn ddigwyddiadol oddi ar restr fferyllol o dan adran 108 o Ddeddf 2006 ofyn am adolygiad cyn diweddu—

- (a) cyfnod o dri mis sy'n cychwyn gyda dyddiad penderfyniad y Bwrdd Iechyd Lleol i dynnu yn ddigwyddiadol; neu
- (b) cyfnod o chwe mis sy'n cychwyn gyda dyddiad y penderfyniad ar yr adolygiad blaenorol.

(4) Os yw'r Bwrdd Iechyd Lleol yn cael sylwadau neu gais am wrandawriad llafar o fewn y cyfnod a bennir ym mharagraff (1)(c), rhaid iddo gymryd y sylwadau i ystyriaeth neu gynnal y gwrandawriad llafar, yn ôl fel y digwydd, cyn cyraedd ei benderfyniad.

(5) Unwaith y bydd y Bwrdd Iechyd Lleol wedi gwneud penderfyniad o dan adran 113(3) o Ddeddf 2006, rhaid iddo hysbysu'r person o'i benderfyniad a chynnwys gyda'r hysbysiad esboniad o'r canlynol—

- (a) y rhesymau am y penderfyniad;
- (b) os oes hawl gan y person i apelio mewn perthynas â'r penderfyniad
 - (i) yr hawl sydd gan y person i apelio mewn perthynas â'r penderfyniad hwnnw o dan adran 114 o Ddeddf 2006 (apelau)(1), a
 - (ii) o fewn pa derfyn amser, yn unol â Rheolau Gweithdrefn y Tribiwnlysoedd (Tribiwnlys yr Haen Gyntaf) (Y Siambro Iechyd, Addysg a Gofal Cymdeithasol) 2008, y bydd rhaid anfon hysbysiad o'r cais at y Tribiwnlys os bwriedir dwyn apêl; ac

(1) Sylwer nad oes hawl i apelio i'r Tribiwnlys yn erbyn penderfyniad i atal ymarferdydd dros dro, nac i adolygu penderfyniad yngylch atal dros dro. Fodd bynnag, mae hawl i apelio i'r Tribiwnlys yn erbyn unrhyw benderfyniad gan Fwrdd Iechyd Lleol yngylch adolygiad o dynnu digwyddiadol o dan adran 113 o Ddeddf 2006. *Gweler* adran 114 o Ddeddf 2006.

(c) the opportunity to make written representations to the Local Health Board within the period of 30 days beginning with the date of notification under sub-paragraph (a); and

(d) the opportunity to put the person's case at an oral hearing before the Local Health Board, if the person so requests within the 30 day period mentioned in sub-paragraph (c).

(2) On such a review the Local Health Board may—

- (a) confirm the contingent removal or suspension;
- (b) in the case of a suspension terminate it;
- (c) in the case of a contingent removal, vary the conditions, impose different conditions, revoke the contingent removal, or remove the practitioner from the list.

(3) A person who has been suspended from a pharmaceutical list under section 110 of the 2006 Act or contingently removed from a pharmaceutical list under section 108 of the 2006 Act cannot request a review until the expiry of—

- (a) three months beginning with the date of the decision of the Local Health Board to contingently remove; or
- (b) six months beginning with the date of the decision on the previous review.

(4) If the Local Health Board receives representations or a request for an oral hearing within the period specified in paragraph (1)(c), it must take the representations into account or hold the oral hearing, as the case may be, before reaching its decision.

(5) Once the Local Health Board has made a decision under section 113(3) of the 2006 Act, it must notify the person of its decision and it must include with the notification of its decision an explanation of—

- (a) the reasons for the decision;
- (b) if the person has a right of appeal in relation to the decision
 - (i) the right of appeal that the person has in relation to that decision under section 114 of the 2006 Act (appeals)(1), and
 - (ii) the time limit within which, in accordance with the Tribunal Procedure (First Tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, the application notice must be sent to the Tribunal if an appeal is to be brought; and

(1) Note there is no right of appeal to the Tribunal against a decision to suspend a practitioner or to review a decision on suspension. However, there is a right of appeal to the Tribunal against any decision of a Local Health Board on a review of a contingent removal under section 113 of the 2006 Act. See section 114 of the 2006 Act.

- (c) os yw'r person wedi ei atal dros dro neu wedi ei dynnu yn ddigwyddiadol neu os yw'r person yn parhau felly, y trefniadau ar gyfer adolygu'r ataliad dros dro neu'r amodau o dan adran 113(1) o Ddeddf 2006.

Adolygu penderfyniad i osod amodau

39.—(1) Pan fo Bwrdd Iechyd Lleol wedi gwneud penderfyniad i osod amodau yn unol â rheoliad 33, caiff adolygu penderfyniad o'r fath, naill ai o'i ddewis ei hunan neu os gofynnir iddo wneud hynny gan y person y caniatawyd ei gais yn ddarostyngedig i amodau.

(2) Ni chaiff person y caniatawyd ei gais yn ddarostyngedig i amodau ofyn am adolygiad o benderfyniad Bwrdd Iechyd Lleol cyn diwedd cyfnod o dri mis sy'n cychwyn gyda'r dyddiad y mae'r Bwrdd Iechyd Lleol—

- (a) yn cynnwys enw'r person yn ei restr fferyllol; neu
- (b) yn caniatáu cydsyniad rhagarweiniol i'r person,

ac ni chaiff ofyn am adolygiad o fewn chwe mis ar ôl penderfyniad ar adolygiad blaenorol.

(3) Rhaid i Fwrdd Iechyd Lleol roi i'r person y caniatawyd ei gais yn ddarostyngedig i amodau—

- (a) hysbysiad o'i fwriad i adolygu ei benderfyniad;
- (b) hysbysiad o'r penderfyniad y mae'n ystyried ei wneud o ganlyniad i'r adolygiad, a'r rhesymau am y penderfyniad;
- (c) cyfle i wneud sylwadau ysgrifenedig i'r Bwrdd Iechyd Lleol o fewn y cyfnod o 30 diwrnod sy'n cychwyn gyda dyddiad yr hysbysiad o dan is-baragraff (a); a
- (d) cyfle i gyflwyno'i achos mewn gwrandoawriad llafar gerbron y Bwrdd Iechyd Lleol, os yw'r person yn gofyn am hynny, o fewn y cyfnod o 30 diwrnod a grybwyllir yn is-baragraff (c).

(4) Os yw'r Bwrdd Iechyd Lleol yn cael sylwadau neu gais am wrandoawriad llafar o fewn y cyfnod a bennir ym mharagraff (3)(c), rhaid iddo gymryd y sylwadau i ystyriaeth neu gynnal y gwrandoawriad llafar, yn ôl fel y digwydd, cyn cyrraedd ei benderfyniad.

(5) Yn dilyn adolygiad o'r fath, caiff y Bwrdd Iechyd Lleol—

- (a) parhau'r amodau cyfredol;
- (b) gosod amodau newydd;
- (c) amrywio telerau gwasanaethu'r person;
- (d) amrywio'r amodau; neu
- (e) os yw'r person wedi torri amod, tynnu'r person

- (c) if the person has been or remains suspended or contingently removed, the arrangements for review of the suspension or the conditions under section 113(1) of the 2006 Act.

Review of a decision to impose conditions

39.—(1) Where a Local Health Board has made a decision to impose conditions in accordance with regulation 33, it may review such a decision either of its own volition or at the request of the person whose application has been granted subject to conditions.

(2) A person whose application has been granted subject to conditions may not request a review of a Local Health Board's decision until the expiry of a three month period beginning with the date the Local Health Board—

- (a) includes the person's name on its pharmaceutical list; or
- (b) grants the person preliminary consent,

and cannot request a review within six months of a decision on a previous review.

(3) A Local Health Board must give the person whose application has been granted subject to conditions—

- (a) notice that it intends to review its decision;
- (b) notice of the decision that it is minded to take upon review, and the reasons for it.
- (c) the opportunity to make written representations to the Local Health Board within the period of 30 days beginning with the date of notification under sub-paragraph (a); and
- (d) the opportunity to put the person's case at an oral hearing before the Local Health Board, if the person so requests within the 30 day period mentioned in sub-paragraph (c).

(4) If the Local Health Board receives representations or a request for an oral hearing within the period specified in paragraph (3)(c), it must take the representations into account or hold the oral hearing, as the case may be, before reaching its decision.

(5) Upon review the Local Health Board may—

- (a) maintain the current conditions;
- (b) impose new conditions;
- (c) vary the person's terms of service;
- (d) vary the conditions; or
- (e) where the person has breached a condition,

oddi ar y rhestr fferyllol.

(6) Cyn gynted ag y bo'n ymarferol ar ôl cyrraedd penderfyniad, rhaid i'r Bwrdd Iechyd Lleol hysbysu'r person o'i benderfyniad, a rhaid iddo gynnwys gyda'r hysbysiad o'i benderfyniad esboniad o'r canlynol—

- (a) y rhesymau am y penderfyniad;
- (b) yr hawl sydd gan y person i apelio i'r Tribiwnlys; ac
- (c) o fewn pa derfyn amser, yn unol â Rheolau Gweithdrefn y Tribiwnlysoedd (Tribiwnlys yr Haen Gyntaf) (Y Siambraethol, Addysg a Gofal Cymdeithasol) 2008, y bydd rhaid anfon hysbysiad o'r cais at y Tribiwnlys os bwriedir dwyn apêl.

Apelau

40.—(1) Pan fo person, ac eithrio person a hysbysir o dan reoliad 37, wedi ei hysbysu o benderfyniad gan Fwrdd Iechyd Lleol bod y Bwrdd—

- (a) yn bwriadu—
 - (i) gwthrud caniatáu cais y mae rheoliad 32 (gwthrud ceisiadau ar sail addasrwydd) yn gymwys iddo ar seiliau a gynhwysir ym mharagraffau (2) neu (3) o'r rheoliad hwnnw;
 - (ii) gosod amodau ar y person yn rhinwedd rheoliad 33 (cynnwys yn amodol mewn perthynas â seiliau addasrwydd), neu amrywio telerau gwasanaethu'r person yn unol â'r rheoliad hwnnw;
 - (iii) yn unol â rheoliad 34 (tynnu ymaith o restr fferyllol am dorri amodau mewn cysylltiad â seiliau addasrwydd neu osod neu amrywio neu osod amodau newydd o dan adran 108 o Ddeddf 2006)—
 - (aa) tynnu enw'r person oddi ar y rhestr fferyllol o dan adran 107 (anghyrwyso ymarferwyr) o Ddeddf 2006;
 - (bb) tynnu enw'r person yn ddigwyddiadol oddi ar y rhestr fferyllol o dan adran 108 (tynnu digwyddiadol) o Ddeddf 2006;
 - (cc) tynnu enw person oddi ar y rhestr fferyllol am dorri amod a osodwyd o dan adran 108 o Ddeddf 2006;
 - (dd) gosod unrhyw amod penodol o dan adran 108 o Ddeddf 2006, amrywio unrhyw amod, gosod amod gwahanol neu amrywio telerau gwasanaethu'r person o dan yr adran honno;
 - (ee) tynnu enw'r person oddi ar y rhestr fferyllol am dorri amod a osodwyd o

remove the person from the pharmaceutical list.

(6) As soon as practicable after reaching a decision, the Local Health Board must notify the person of its decision, and it must include with the notification of its decision an explanation of—

- (a) the reasons for the decision;
- (b) the right of appeal that the person has to the Tribunal; and
- (c) the time limit within which, in accordance with the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, the application notice must be sent to the Tribunal if an appeal is to be brought.

Appeals

40.—(1) A person, other than a person notified under regulation 37, who has been notified by a Local Health Board of its decision that it—

- (a) intends to—
 - (i) refuse to grant an application to which regulation 32 (refusal of applications on fitness grounds) applies under grounds contained in paragraph (2) or (3) of that regulation;
 - (ii) impose conditions on the person by virtue of regulation 33 (conditional inclusion relating to fitness grounds), or vary the person's terms of service pursuant to that regulation;
 - (iii) in accordance with regulation 34 (removal from a pharmaceutical list for breach of conditions on fitness grounds or imposition or variation or imposition of new conditions under section 108 of the 2006 Act)—
 - (aa) remove the person's name from the pharmaceutical list under section 107 (disqualification of practitioners) of the 2006 Act;
 - (bb) contingently remove the person's name from the pharmaceutical list under section 108 (contingent removal) of the 2006 Act;
 - (cc) remove the person's name from the pharmaceutical list for breach of a condition imposed under section 108 of the 2006 Act;
 - (dd) impose any particular condition under section 108 of the 2006 Act, vary any condition, impose a different condition or vary the person's terms of service under that section;
 - (ee) remove the person's name from the pharmaceutical list for breach of a

- dan reoliad 33; neu
- (iv) tynnu'r person oddi ar y rhestr fferyllol ar sail a gynhwysir yn rheoliad 35(1); neu
- (b) wedi adolygu penderfyniad i osod amodau o dan reoliad 39 (adolygu penderfyniad i osod amodau) ac wedi penderfynu cymryd un o'r camau gweithredu yn rheoliad 39(5); neu
- (c) wedi adolygu penderfyniad i dynnu'r person yn ddigwyddiadol oddi ar restr fferyllol yn rhinwedd rheoliad 38 (adolygu penderfyniad i osod ataliad dros dro o dan adran 110 o Ddeddf 2006 neu dynnu yn ddigwyddiadol o dan adran 108 o Ddeddf 2006), ac wedi—
- (i) cadarnhau'r tynnu digwyddiadol;
 - (ii) amrywio'r amodau sy'n gysylltiedig â'r tynnu digwyddiadol neu wedi gosod amodau gwahanol; neu
 - (iii) wedi tynnu'r person oddi ar y rhestr fferyllol,

caiff y person apelio yn erbyn y penderfyniad hwnnw i'r Tribiwnlys.

(2) Rhaid gwneud apêl o dan baragraff (1) mewn ysgrifen, gan nodi'r seiliau dros wneud yr apêl, a rhaid ei chyflwyno i'r Tribiwnlys o fewn y terfyn amser, yn unol â Rheolau Gweithdrefn y Tribiwnlysoedd (Tribiwnlys yr Haen Gyntaf) (Y Siambwr Iechyd, Addysg a Gofal Cymdeithasol) 2008 y bydd rhaid anfon hysbysiad o'r cais at y Tribiwnlys os bwriedir dwyn apêl.

(3) Caiff y Tribiwnlys, wrth benderfynu apêl, wneud unrhyw benderfyniad y gallai Bwrdd Iechyd Lleol ei wneud o dan y Rhan hon.

- condition imposed under regulation 33; or
- (iv) remove the person from the pharmaceutical list on grounds contained in regulation 35(1); or
- (b) has reviewed a decision to impose conditions under regulation 39 (review of a decision to impose conditions) and has decided to take any of the actions in regulation 39(5); or
- (c) has reviewed a decision to contingently remove the person from a pharmaceutical list by virtue of regulation 38 (review of decision to impose a suspension under section 110 of the 2006 Act or a contingent removal under section 108 of the 2006 Act) and has—
- (i) confirmed the contingent removal;
 - (ii) varied the conditions attached to the contingent removal or imposed different conditions; or
 - (iii) has removed the person from the pharmaceutical list,

may appeal that decision to the Tribunal.

(2) An appeal under paragraph (1) must be made in writing, setting out the grounds on which the appeal is made and must be submitted to the Tribunal within the time limit within which, in accordance with the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, the application notice must be sent to the Tribunal if an appeal is to be brought.

(3) The Tribunal, on determining an appeal, may make any decision that the Local Health Board could make under this Part.

RHAN 7

Taliadau i fferyllwyr GIG a chontractwyr cyfarpar GIG

Y Tariff Cyffuriau a chydnabyddiaeth ariannol i fferyllwyr GIG a chontractwyr cyfarpar GIG

41.—(1) Mae'r Tariff Cyffuriau y cyfeirir ato yn adran 81(4) o Ddeddf 2006 (trefniadau ar gyfer gwasanaethau fferyllol ychwanegol) yn gyfuniad o'r canlynol—

- (a) y penderfyniadau ar gydnabyddiaeth ariannol a wneir gan Weinidogion Cymru, tra'n gweithredu fel awdurdod penderfynu, o dan adran 88 o Ddeddf 2006 (cydnabyddiaeth ariannol i bersonau sy'n darparu gwasanaethau fferyllol); a
- (b) unrhyw offerynnau eraill y mae'n ofynnol bod

PART 7

Payments to NHS pharmacists and NHS appliance contractors

The Drug Tariff and remuneration of NHS pharmacists and NHS appliance contractors

41.—(1) The Drug Tariff referred to in section 81(4) of the 2006 Act (arrangements for additional pharmaceutical services) is the aggregate of—

- (a) the determinations of remuneration made by the Welsh Ministers, acting as a determining authority, under section 88 of the 2006 Act (remuneration for persons providing pharmaceutical services); and
- (b) any other instruments that the Welsh Ministers

Gweinidogion Cymru, yn rhinwedd y Rheoliadau hyn neu Ddeddf 2006, yn eu cyhoeddi, neu y byddant yn eu cyhoeddi, ynghyd â'r penderfyniadau hynny,

yn y cyhoeddiad a elwir y Tariff Cyffuriau, a gyhoeddir gan Weinidogion Cymru ym mha bynnag fformat a ystyriant yn briodol.

(2) O ran penderfyniadau gan Weinidogion Cymru o dan adran 88 o Ddeddf 2006—

- (a) caniateir eu gwneud drwy gyfeirio at raddfeydd, myngeigion neu fformiwlâu o unrhyw fath, ac os yw penderfyniad yn un sydd i'w wneud drwy gyfeirio at unrhyw raddfa, mynegai neu fformiwlâ o'r fath, caiff y penderfyniad ddarparu bod rhaid gwneud y cyfrifiad pris perthnasol drwy gyfeirio at y raddfa, mynegai neu fformiwlâ sydd—
 - (i) yn y ffurf sy'n gyfredol ar yr adeg y gwneir y penderfyniad, a
 - (ii) mewn unrhyw ffurf ddilynol a gaiff effaith ar ôl yr adeg honno; a
- (b) cânt fod yn effeithiol o ran cydnabyddiaeth ariannol mewn perthynas â chyfnod sy'n cychwyn ar neu ar ôl y dyddiad a bennir yn y penderfyniad, a gaiff fod naill ai'n ddyddiad y penderfyniad neu'n ddyddiad cynharach neu ddiweddarach, ond ni chaiff fod yn ddyddiad cynharach ac eithrio pan nad yw'r penderfyniad, o'i gymryd yn ei gyfanrwydd, yn anffafrisol i'r personau y mae'r penderfyniad yn ymwneud â'u cydnabyddiaeth ariannol.

(3) Os nad yw penderfyniad a gynhwysir yn y Tariff Cyffuriau yn pennu dyddiad fel y crybwylir ym mharagraff (2)(b), bydd yn cael effaith o ran cydnabyddiaeth ariannol mewn perthynas â'r cyfnod sy'n cychwyn ar y dyddiad y cyhoeddir y newid yn y Tariff Cyffuriau yn unol â pharagraff (4).

(4) Rhaid i unrhyw ddiwygiadau i'r Tariff Cyffuriau, a wneir gan Weinidogion Cymru ar y cyfryw adegau a ystyriant yn briodol, gael eu cyhoeddi gan Weinidogion Cymru mewn fersiwn gydgrynoëdig o'r Tariff Cyffuriau a fydd yn cynnwys y diwygiadau.

(5) Rhaid cynnal yr ymgynghoriad, a ymgymrir gan Weinidogion Cymru o dan adran 89(1) o Ddeddf 2006 (adran 88: atodol) cyn cynnwys neu cyn newid pris cyffur neu gyfarpar a fydd yn ffurfio rhan o gyfrifiad cydnabyddiaeth ariannol, drwy ymgynghori ynglŷn â'r broses ar gyfer penderfynu'r pris sydd i'w gynnwys neu ei newid, ac nid y pris arfaethedig ei hunan (onid yw'n amhosibl cynnal ymgynghoriad effeithiol mewn unrhyw ffordd arall).

(6) Rhaid i daliadau o dan y Tariff Cyffuriau gael eu gwneud—

- (a) gan y Bwrdd Iechyd Lleol sy'n gyfrifol am wneud y taliad; a

are required by virtue of these Regulations or the 2006 Act to publish, or which they do publish, together with those determinations,

in the publication known as the Drug Tariff published by the Welsh Ministers in such format as they think fit.

(2) Determinations under section 88 of the 2006 Act by the Welsh Ministers—

- (a) may be made by reference to scales, indices or formulae of any kind, and where a determination falls to be made by reference to any such scale, index or formula, the determination may provide that the relevant price calculation is to be made by reference to the scale, index or formula which is—
 - (i) in the form current at the time of the determination, and
 - (ii) in any subsequent form taking effect after that time; and
- (b) may take effect in relation to remuneration in respect of a period beginning on or after the date specified in the determination, which may be the date of the determination or an earlier or later date, but it may be an earlier date only if, taking the determination as a whole, it is not detrimental to the persons to whose remuneration it relates.

(3) Where a determination included in the Drug Tariff does not specify a date as mentioned in paragraph (2)(b), it will have effect in relation to remuneration in respect of the period beginning on the date on which the change to the Drug Tariff is published in accordance with paragraph (4).

(4) Amendments that may be made to the Drug Tariff at such intervals as the Welsh Ministers think fit must be published by the Welsh Ministers in a consolidated version of the Drug Tariff that has the amendments included in it.

(5) The consultation that the Welsh Ministers undertake under section 89(1) of the 2006 Act (section 88: supplementary) prior to the inclusion of or a change to the price of a drug or appliance which is to form part of a calculation of remuneration must be by way of consultation on the process for determining the price to be included or changed, not on the proposed price itself (unless it is impossible to carry out an effective consultation in any other way).

(6) Payments under the Drug Tariff must be made—

- (a) by the Local Health Board responsible for making the payment; and

- (b) yn unol â threfniadau ar gyfer hawlio a gwneud taliadau, sydd i'w pennu yn y Tariff Cyffuriau, ond yn ddarostyngedig, fel y bo'n briodol, i unrhyw ddidyniad o gydnabyddiaeth ariannol fferyllydd GIG neu gontactwr cyfarpar GIG y caniateir, neu y mae'n rhaid, ei wneud o dan y Rheoliadau hyn neu unrhyw Reoliadau eraill o dan Ddeddf 2006.

Byrddau Iechyd Lleol fel awdurdodau penderfynu

42.—(1) Caiff Gweinidogion Cymru ddatgan yn y Tariff Cyffuriau mai'r awdurdod penderfynu ar gyfer ffi, lwfans neu gydnabyddiaeth ariannol arall benodol fydd Bwrdd Iechyd Lleol y fferyllydd GIG neu gontactwr cyfarpar GIG y mae'r gydnabyddiaeth ariannol yn berthynol iddo.

(2) Pan fo Bwrdd Iechyd Lleol wedi ei awdurdodi i fod yn awdurdod penderfynu, rhaid i'r Bwrdd Iechyd Lleol—

- (a) ymgynghori â'r Pwyllgor Fferyllol Lleol perthnasol cyn gwneud unrhyw benderfyniad;
- (b) cyhoeddi'r penderfyniad ym mha bynnag fod a ystyria'n briodol ar gyfer ei ddwyn i sylw'r personau sy'n gynwysedig yn ei restrau fferyllol; ac
- (c) rhoi'r penderfyniad ar gael ar gyfer ei arolygu.

(3) Rhaid i benderfyniad a wneir gan Fwrdd Iechyd Lleol gynnwys y trefniadau ar gyfer hawlio a thalu'r gydnabyddiaeth ariannol ac—

- (a) rhaid i hawliadau gan fferyllwyr GIG a chontractwyr cyfarpar GIG gael eu gwneud yn unol â'r trefniadau; a
- (b) rhaid gwneud taliadau o'r gydnabyddiaeth ariannol yn unol â'r trefniadau yn ddarostyngedig, fel y bo'n briodol, i unrhyw ddidyniad o'r gydnabyddiaeth ariannol y caniateir, neu y mae'n rhaid, ei wneud o dan y Rheoliadau hyn neu unrhyw Reoliadau eraill o dan Ddeddf 2006.

Gordaliadau

43.—(1) Os yw Bwrdd Iechyd Lleol o'r farn bod taliad wedi ei wneud i fferyllydd GIG neu gontactwr cyfarpar GIG fel a grybwyllir yn rheoliad 41(6) neu 42(3) mewn amgylchiadau pan nad oedd y taliad yn ddyledus, rhaid i'r Bwrdd Iechyd Lleol dynnu sylw'r fferyllydd GIG neu'r contractwr cyfarpar GIG at y gordaliad ac—

- (a) os yw'r fferyllydd GIG neu'r contractwr cyfarpar GIG yn cydnabod bod gordaliad wedi ei wneud; neu
- (b) pan nad yw'r fferyllydd GIG neu'r contractwr cyfarpar GIG yn cydnabod bod gordaliad wedi ei wneud, ond y Bwrdd Iechyd Lleol neu, yn dilyn apêl, Gweinidogion Cymru o dan reoliad 9(1)(c) o Reoliadau'r Gwasanaeth Iechyd

- (b) in accordance with arrangements for claiming and making payments which are to be set out in the Drug Tariff but subject, as appropriate, to any deduction that may or must be made from the remuneration of an NHS pharmacist or NHS appliance contractor under these Regulations or any other Regulations under the 2006 Act.

Local Health Boards as determining authorities

42.—(1) The Welsh Ministers may state in the Drug Tariff that the determining authority for a particular fee, allowance or other remuneration is to be the Local Health Board of the NHS pharmacist or NHS appliance contractor to whom the remuneration relates.

(2) Where a Local Health Board is authorised to be a determining authority, the Local Health Board must—

- (a) consult the relevant Local Pharmaceutical Committee before making any determination;
- (b) publish the determination in such manner as it thinks appropriate for bringing it to the attention of persons included in its pharmaceutical lists; and
- (c) make the determination available for inspection.

(3) A determination made by a Local Health Board must include the arrangements for claiming and paying the remuneration and—

- (a) claims by NHS pharmacists and NHS appliance contractors must be made in accordance with the arrangements; and
- (b) payments of remuneration must be made in accordance with the arrangements subject, as appropriate, to any deduction that may or must be made from the remuneration under these Regulations or any other Regulations under the 2006 Act.

Overpayments

43.—(1) Where a Local Health Board considers that a payment has been made to an NHS pharmacist or NHS appliance contractor as mentioned in regulation 41(6) or 42(3) in circumstances where it was not due, the Local Health Board must draw the overpayment to the attention of the NHS pharmacist or NHS appliance contractor and—

- (a) where the overpayment is admitted by him or her; or
- (b) where the NHS pharmacist or NHS appliance contractor does not admit there has been an overpayment but the Local Health Board or, on appeal, the Welsh Ministers under regulation 9(1)(c) of the National Health Service (Service

Gwladol (Pwyllgorau Gwasanaethu a'r Tribiwnlys) 1992, yn penderfynu bod gordaliad wedi ei wneud,

bydd y swm a ordalwyd yn adenilladwy, naill ai drwy ddidynnu o gydnabyddiaeth ariannol y fferyllydd GIG neu'r contractwr cyfarpar GIG neu rywfodd arall.

(2) Ni fydd adennill gordaliad o dan y rheoliad hwn yn lleihau dim ar effaith ymchwiliad i doriad honedig o'r telerau gwasanaethu.

Cynllun gwobrwyd

44.—(1) Bydd fferyllydd GIG y cyflwynir archeb iddo o dan baragraff 5 o Atodlen 4, neu gontractwr cyfarpar GIG y cyflwynir archeb iddo o dan baragraff 4 o Atodlen 5, yn gymwys i hawlio taliad gan y Bwrdd Iechyd Lleol, yn unol â'r Tariff Cyffuriau—

- (a) os, yn unol â pharagraff 9 o Atodlen 4 neu baragraff 8 o Atodlen 5, gwrthododd y fferyllydd GIG neu'r contractwr cyfarpar GIG ddarparu'r cyffuriau neu'r meddyginaethau neu'r cyfarpar rhesteddig a archebwyd, ac os hysbysodd y Bwrdd Iechyd Lleol o'r weithred honno cyn gynted ag y bo'n ymarferol; neu
- (b) os cyflenwyd y cyffuriau neu'r cyfarpar rhesteddig gan y fferyllydd GIG neu'r contractwr cyfarpar GIG, er bod rheswm ganddo ar y pryd, neu ei fod wedi cael rheswm yn ddiweddarach, dros gredu nad oedd yr archeb yn archeb ddilys ar gyfer y person a enwid ar y ffurflen bresgripsiwn neu ffurflen bresgripsiwn amlroddadwy, a'r fferyllydd GIG neu'r contractwr cyfarpar GIG wedi hysbysu'r Bwrdd Iechyd Lleol o'r gred honno cyn gynted ag y bo'n ymarferol,

ac yn y naill achos neu'r llall, y fferyllydd GIG neu'r contractwr cyfarpar GIG wedi anfon yr archeb y cyfeirir ati yn y paragraff hwn at y Bwrdd Iechyd Lleol a'r Bwrdd Iechyd Lleol wedi profi nad oedd yr archeb y cyfeirir ati yn y paragraff hwn yn archeb ddilys ar gyfer y person a enwid ar y ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy.

(2) Rhaid i'r Bwrdd Iechyd Lleol, mewn perthynas ag unrhyw hawliad o dan baragraff (1) wneud pa bynnag daliad sy'n ddyledus i'r fferyllydd GIG neu'r contractwr cyfarpar GIG, gan gyfrifo'r taliad yn y modd a bennir yn y Tariff Cyffuriau.

(3) Yn y paragraff hwn, mae "archeb" ("order") yn cynnwys archeb honedig

Taliadau i fferyllwyr GIG a chontractwyr cyfarpar GIG sydd wedi eu hatal dros dro

45.—(1) Rhaid i'r Bwrdd Iechyd Lleol wneud taliadau i unrhyw fferyllydd GIG neu gontractwr

Committees and Tribunal) Regulations 1992, decides that there has been an overpayment,

the amount overpaid will be recoverable either by deduction from the remuneration of the NHS pharmacist or NHS appliance contractor or in some other manner.

(2) Recovery of an overpayment under this regulation is without prejudice to the investigation of an alleged breach of the terms of service.

Reward scheme

44.—(1) An NHS pharmacist who is presented with an order under paragraph 5 of Schedule 4 or an NHS appliance contractor who is presented with an order under paragraph 4 of Schedule 5 will be eligible to claim a payment from the Local Health Board, in accordance with the Drug Tariff, if—

- (a) in accordance with paragraph 9 of Schedule 4 or paragraph 8 of Schedule 5 the NHS pharmacist or the NHS appliance contractor refused to provide the drugs or medicines or listed appliances ordered and informed the Local Health Board of this action as soon as practicable; or
- (b) the NHS pharmacist or the NHS appliance contractor provided the drugs or listed appliances but had reason to believe at that time or subsequently came to have reason to believe that the order was not a genuine order for the person named on the prescription form or repeatable prescription form and informed the Local Health Board of this belief as soon as practicable,

and in either case the NHS pharmacist or the NHS appliance contractor has sent the order referred to in this paragraph to the Local Health Board and the Local Health Board has established that the order referred to in this paragraph was not a genuine order for the person named on the prescription form or repeatable prescription.

(2) The Local Health Board must in respect of any claim under paragraph (1) make such payment as is due to the NHS pharmacist or the NHS appliance contractor calculated in the manner specified in the Drug Tariff.

(3) In this paragraph "order" ("archeb") includes a purported order.

Payments to suspended NHS pharmacists and NHS appliance contractors

45.—(1) The Local Health Board must make payments to any NHS pharmacist or NHS appliance

cyfarpar GIG sydd wedi ei atal dros dro o restr fferyllol, yn unol â phenderfyniad Gweinidogion Cymru mewn perthynas â thaliadau o'r fath.

(2) Rhaid i Weinidogion Cymru wneud y penderfyniad yn unol â pharagraff (3), ar ôl ymgynghori â'r cyfryw sefydliadau a gydnabyddir ganddynt fel rhai sy'n cynrychioli fferyllwyr GIG a chontractwyr cyfarpar GIG y gwnaed trefniadau presennol gyda hwy ar gyfer darparu gwasanaethau fferyllol, a rhaid i Weinidogion Cymru gyhoeddi'r penderfyniad yn y Tariff Cyffuriau.

(3) Caiff Gweinidogion Cymru ddiwygio'r penderfyniad o bryd i'w gilydd ar ôl ymgynghori â'r sefydliadau y cyfeirir atynt ym mharagraff (2), a rhaid cyhoeddi unrhyw ddiwygiadau hefyd, ynghyd â'r Tariff Cyffuriau.

(4) Caiff penderfyniad Gweinidogion Cymru gynnwys darpariaeth na chaiff taliadau yn unol â'r penderfyniad fynd dros ben swm penodedig yn ystod unrhyw gyfnod penodedig.

contractor who is suspended from a pharmaceutical list, in accordance with the Welsh Ministers' determination in relation to such payments.

(2) The Welsh Ministers must make the determination in accordance with paragraph (3) after consultation with such organisations as they may recognise as representing NHS pharmacists and NHS appliance contractors with whom arrangements for the provision of pharmaceutical services exist, and must publish it in the Drug Tariff.

(3) The determination may be amended from time to time by the Welsh Ministers after consultation with the organisations referred to in paragraph (2), and any amendments must also be published with the Drug Tariff.

(4) The Welsh Ministers' determination may include provision that payments in accordance with the determination are not to exceed a specified amount in any specified period.

RHAN 8

Amrywiol

Bwrdd Iechyd Lleol cartref

46.—(1) Caiff ceisydd sy'n gorff corfforaethol ac y mae'n ofynnol iddo ddarparu'r wybodaeth a bennir yn Rhan 2 o Atodlen 1wneud cais i Fwrdd Iechyd Lleol am i'r Bwrdd Iechyd Lleol hwnnw weithredu fel ei Fwrdd Iechyd Lleol cartref.

(2) Pan fo Bwrdd Iechyd Lleol wedi cytuno â chais a wnaed o dan baragraff (1), caiff ceisydd y mae'n ofynnol iddo ddarparu, fel rhan o gais, yr wybodaeth a bennir yn Rhan 2 o Atodlen 1, ddarparu'r wybodaeth honno i'w Fwrdd Iechyd Lleol cartref yn hytrach, a hysbysu'r Bwrdd Iechyd Lleol y gwneir y cais iddo fod yr wybodaeth honno eisoes ym meddiant y Bwrdd Iechyd Lleol cartref.

(3) Rhaid i'r Bwrdd Iechyd Lleol cartref drosglwyddo'r wybodaeth a gaiff gan geisydd o dan y rheoliad hwn ymlaen i unrhyw Fwrdd Iechyd Lleol y mae'r ceisydd yn gwneud cais iddo yn ddiweddarach, a rhaid iddo wneud hynny o fewn 30 diwrnod ar ôl cael cais am yr wybodaeth honno gan y Bwrdd Iechyd Lleol arall.

(4) Rhaid i'r ceisydd naili—

- cadarnhau wrth y Bwrdd Iechyd Lleol y gwneir y cais iddo fod yr wybodaeth yn gyfredol; neu
- diweddaru'r wybodaeth drwy ei hanfon at y Bwrdd Iechyd Lleol cartref.

PART 8

Miscellaneous

Home Local Health Board

46.—(1) An applicant which is a body corporate that is required to provide the information specified in Part 2 of Schedule 1 may make a request to a Local Health Board for that Local Health Board to act as its home Local Health Board.

(2) Where a Local Health Board has agreed to a request made under paragraph (1), an applicant required to provide as part of an application the information specified in Part 2 of Schedule 1 may instead provide that information to its home Local Health Board and inform the Local Health Board to which the application is made that the home Local Health Board already has the information.

(3) The home Local Health Board must pass the information it has received from an applicant under this regulation to any Local Health Board to which the applicant makes a subsequent application and must do so within 30 days of a request for that information from the other Local Health Board.

(4) The applicant must either—

- confirm to the Local Health Board to which the application is made that the information is up to date; or
- update the information by sending it to the home Local Health Board.

Cyhoeddi manylion

47.—(1) Rhaid i Fwrdd Iechyd Lleol gyhoeddi'r canlynol, ym mha bynnag ffurf y gwêl yn briodol, a rhoi copïau ohonynt ar gael yn ei swyddfeydd ar gyfer eu harchwilio—

- (a) ei restr fferyllol;
- (b) ei restr meddygon fferyllol;
- (c) map sy'n amlinellu ffiniau unrhyw ardaloedd rheoledig a lleoliadau neilltuedig sydd wedi eu penderfynu;
- (d) manylion am unrhyw benderfyniadau a wnaed gan y Bwrdd Iechyd Lleol o dan y Rheoliadau hyn yn ystod y tair blynedd blaenorol;
- (e) y telerau gwasanaethu ar gyfer fferyllwyr GIG yn Atodlen 4;
- (f) y telerau gwasanaethu ar gyfer contractwyr cyfarpar GIG yn Atodlen 5;
- (g) y telerau gwasanaethu ar gyfer meddygon sy'n darparu gwasanaethau fferyllol yn Atodlen 6; ac
- (h) y Tariff Cyffuriau.

(2) Caiff Bwrdd Iechyd Lleol—

- (a) rhoi pa bynnag rai o'r dogfennau y cyfeirir atynt ym mharagraff (1) ar gael i'w harchwilio ym mha bynnag fannau eraill yn yr ardal y sefydlwyd y Bwrdd ar ei chyfer, fel y bo'n ymddangos i'r Bwrdd yn gyfleus er gwybodaeth i bawb sydd â diddordeb; neu
- (b) cyhoeddi, mewn mannau o'r fath yn yr ardal y sefydlwyd y Bwrdd ar ei chyfer, hysbysiad o'r lleoedd a'r amseroedd y gellir gweld copïau o'r cyfryw ddogfennau.

(3) Rhaid i Fwrdd Iechyd Lleol anfon copi o'i restrau fferyllol a'i restr meddygon fferyllol at Weinidogion Cymru, y Pwyllgor Meddygol Lleol, y Pwyllgor Fferyllol Lleol, a rhaid iddo, o fewn 14 diwrnod ar ôl unrhyw newid yn y rhestrau hynny, eu hysbysu o'r newidiadau hynny, mewn ysgrifen.

Arfer yr hawl i ddewis mewn achosion penodol

48. Caniateir gwneud cais i fferylllydd GIG neu gcontractwr cyfarpar GIG am wasanaethu fferyllol—

- (a) ar ran unrhyw blentyn gan y naill riant neu'r llall neu, yn absenoldeb y ddau riant, gan y gwarcheidwad neu berson arall sydd â gofal o'r plentyn;
- (b) ar ran unrhyw berson o dan 18 mlwydd oed sydd—
 - (i) yng ngofal awdurdod y'i traddodwyd i'w ofal o dan ddarpariaethau Deddf Plant 1989(1), gan berson a awdurdodwyd yn briodol gan yr awdurdod hwnnw, neu

Publication of particulars

47.—(1) A Local Health Board must publish in such manner as it sees fit and make available for inspection at its offices copies of—

- (a) its pharmaceutical list;
- (b) its dispensing doctor list;
- (c) a map delineating the boundaries of any controlled localities and reserved locations that have been determined;
- (d) details of any determinations made by the Local Health Board under these Regulations in the previous three years;
- (e) the terms of service for NHS pharmacists in Schedule 4;
- (f) the terms of service for NHS appliance contractors in Schedule 5;
- (g) the terms of service for doctors providing pharmaceutical services in Schedule 6; and
- (h) the Drug Tariff.

(2) A Local Health Board may—

- (a) make such of the documents referred to in paragraph (1) available for inspection at such other places in the area for which it is established as appear to it convenient for informing all persons interested; or
- (b) publish at such places in the area for which it is established a notice of the places and times at which copies of such documents may be seen.

(3) A Local Health Board must send a copy of its pharmaceutical lists and of its dispensing doctor list to the Welsh Ministers, the Local Medical Committee and the Local Pharmaceutical Committee, and must, within 14 days of any alteration to those lists, inform them in writing of those alterations.

Exercise of choice in certain cases

48. An application to an NHS pharmacist or an NHS appliance contractor for pharmaceutical services may be made—

- (a) on behalf of any child by either parent, or in the absence of both parents, the guardian or other person who has the care of the child;
- (b) on behalf of any person under 18 years of age who is—
 - (i) in the care of an authority to whose care he or she has been committed under the provisions of the Children Act 1989(1), by a person duly authorised by that authority, or

(1) 1989 p.41.

(1) 1989 c.41.

- (ii) yng ngofal sefydliad gwirfoddol, gan y sefydliad hwnnw neu berson a awdurdodwyd yn briodol gan y sefydliad;
- (c) ar ran unrhyw oedolyn nad oes ganddo'r gallu i wneud cais o'r fath neu i awdurdodi gwneud cais o'r fath ar ei ran, gan berthynas, neu brif ofalwr i'r person hwnnw; neu
- (d) ar ran unrhyw berson arall, gan unrhyw berson a awdurdodwyd yn briodol.

Darpariaethau trosiannol

49.—(1) Rhaid i unrhyw gais a wneir o dan Reoliadau 1992, sydd wedi ei gael gan Fwrdd Iechyd Lleol ar neu cyn 9 Mai 2013, gael ei benderfynu yn unol â darpariaethau Rheoliadau 1992 hyd at benderfynu'cais hwnnw'n derfynol.

(2) Rhaid i unrhyw benderfyniad arfaethedig gan Fwrdd Iechyd Lleol o dan reoliad 9(2) o Reoliadau 1992 (penderfynu ar ardal reoledig), sydd wedi ei hysbysu yn unol â rheoliad 9(5) o'r Rheoliadau hynny ar neu cyn 9 Mai 2013, gael ei benderfynu yn unol â darpariaethau Rheoliadau 1992, hyd ei benderfynu'n derfynol.

(3) Rhaid i unrhyw apêl o dan Reoliadau 1992—

- (a) a ddaw i law Gweinidogion Cymru ar neu cyn 9 Mai 2013; neu
- (b) a wneir wedi i'r Rheoliadau hyn ddod i rym, mewn perthynas â chais a benderfynwyd yn unol â pharagraff (1), neu benderfyniad a wnaed o dan baragraff (2),

gael ei phenderfynu yn unol â darpariaethau Rheoliadau 1992.

(4) Os bydd hawl gan berson, cyn 10 Mai 2013 neu o ganlyniad i baragraff (1) neu (3), ar sail penderfyniad (boed yn benderfyniad gan Fwrdd Iechyd Lleol neu'n dilyn apêl)—

- (a) i gael ei gynnwys mewn rhestr fferyllol neu restr meddygon fferyllol, ond nad yw wedi ei gynnwys yn y rhestr honno; neu
- (b) i gael rhestru mangre mewn perthynas â'i gofnod mewn rhestr fferyllol neu restr meddygon fferyllol, ac nad yw'r fangre wedi ei rhestru mewn perthynas â'r person,

bydd y trefniadau ar gyfer rhestru'r person hwnnw neu'r fangre honno, a'r amgylchiadau pan â'r penderfyniad hwnnw'n ddi-rym, fel y'u pennir yn Rheoliadau 1992.

(5) Ar gyfer penderfyniad a wneir o dan baragraff (2), y weithdrefn y mae'n rhaid ei dilyn yw honno yn rheoliad 9(8) a (9) o Reoliadau 1992.

(6) Os rhoddwyd cydsyniad rhagarweiniol o dan reoliad 14 o Reoliadau 1992 (cydsyniad rhagarweiniol ar gyfer cynnwys person mewn rhestr fferyllol) (boed hynny yn unol â pharagraff (1) neu (3) ai peidio) ac nad

- (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them;
- (c) on behalf of any adult who is incapable of making such an application or authorising such an application to be made on their behalf, by a relative or the primary carer of that person; or
- (d) on behalf of any other person by any duly authorised person.

Transitional provisions

49.—(1) Any application under the 1992 Regulations that has been received by a Local Health Board on or before 9 May 2013 must be determined in accordance with the provisions of the 1992 Regulations until that application is finally determined.

(2) Any proposed determination by a Local Health Board under regulation 9(2) of the 1992 Regulations (determination of controlled locality) that has been notified in accordance with regulation 9(5) of those Regulations on or before 9 May 2013, must be determined in accordance with the provisions of the 1992 Regulations until finally determined.

(3) Any appeal under the 1992 Regulations that is—

- (a) received by the Welsh Ministers on or before 9 May 2013; or
- (b) made after the coming into force of these Regulations in respect of an application determined in accordance with paragraph (1) or a determination made under paragraph (2),

must be determined in accordance with the provisions of the 1992 Regulations.

(4) Where, before 10 May 2013 or as a consequence of paragraph (1) or (3) a person is entitled on the basis of a decision (whether by a Local Health Board or on appeal)—

- (a) to be included in a pharmaceutical list or a dispensing doctor list but has not been included in that list; or
- (b) to have listed in relation to their entry in a pharmaceutical list or dispensing doctor list premises that have not been listed in relation to them,

the arrangements for the listing of that person or those premises, and the circumstances in which that decision lapses, are as set out in the 1992 Regulations.

(5) In respect of a determination made under paragraph (2), the procedure that must be followed is that in regulation 9(8) and (9) of the 1992 Regulations.

(6) Where preliminary consent was granted under regulation 14 of the 1992 Regulations (preliminary consent to be included in a pharmaceutical list) (whether or not pursuant to paragraph (1) or (3)) and

oedd cais wedi ei wneud o dan reoliad 15 o Reoliadau 1992 (effaith cydsyniad rhagarweiniol) cyn y dyddiad y daeth y Rheoliadau hyn i rym, bydd rheoliad 12 (ceisiadau am gydsyniad rhagarweiniol ac effaith cydsyniad rhagarweiniol) yn gymwys, fel pe bai'r cydsyniad rhagarweiniol wedi ei roi o dan y rheoliad hwnnw.

(7) Pan fo paragraff (6) yn gymwys, mae rheoliad 14(5) o Reoliadau 1992 yn cymryd lle rheoliad 12(5).

(8) Os bydd penderfyniad o dan reoliad 9 o Reoliadau 1992 heb ei benderfynu'n derfynol cyn i'r Rheoliadau hyn ddod i rym ("penderfyniad yn yr arfaeth"), rhaid i Fwrdd Iechyd Lleol ohirio ystyried unrhyw gais a gyflwynir iddo o dan Rannau 4 neu 5 o'r Rheoliadau hyn os gallai penderfyniad sydd yn yr arfaeth effeithio ar y cais hwnnw, hyd nes bo'r penderfyniad sydd yn yr arfaeth wedi ei benderfynu'n derfynol.

(9) At ddibenion y rheoliad hwn, rhaid peidio â thrin cais neu benderfyniad fel pe bai wedi ei benderfynu'n derfynol cyn diwedd y cyfnod a ganiateir ar gyfer dwyn apêl yn erbyn y cais neu'r penderfyniad hwnnw, neu hyd nes penderfynir unrhyw apêl o'r fath, pa un bynnag yw'r diweddaraf.

Mân ddiwygiadau, diwygiadau canlyniadol a dirymiadau

50.—(1) Mae'r Rheoliadau a restrir yn Atodlen 7 wedi eu diwygio fel a bennir yn yr Atodlen.

(2) Mae'r Rheoliadau neu'r rhannau ohonynt a restrir yn Atodlen 8 wedi eu dirymu.

no application had been made under regulation 15 of the 1992 Regulations (effect of preliminary consent) before the date of the coming into force of these Regulations, regulation 12 (applications for preliminary consent and effect of preliminary consent) will apply as if the preliminary consent had been granted under that regulation.

(7) Where paragraph (6) applies, regulation 14(5) of the 1992 Regulations is substituted for regulation 12(5).

(8) If a determination under regulation 9 of the 1992 Regulations has not been finally determined before the coming into force of these Regulations ("an outstanding determination") a Local Health Board must defer consideration of any application submitted to it under Parts 4 or 5 of these Regulations if the application could be affected by an outstanding determination until such time as the outstanding determination is finally determined.

(9) For the purposes of this regulation, an application or a determination is not to be treated as finally determined until the end of the period for bringing an appeal against that application or determination or until the determination of any such appeal, whichever is later.

Minor and consequential amendments and revocations

50.—(1) The Regulations listed in Schedule 7 are amended as set out in the Schedule.

(2) The Regulations or parts of them listed in Schedule 8 are revoked.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

17 Ebrill 2013

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

17 April 2013

ATODLEN 1

Rheoliadau 8, 12, 17, 23, 26 a 27

Gwybodaeth sydd i'w chynnwys mewn ceisiadau am gael darparu gwasanaethau fferyllol

RHAN 1

Ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol

Gwybodaeth sy'n ofynnol gan bob ceisydd

Manylion am y cais

1. Enw'r Bwrdd Iechyd Lleol y gwneir y cais iddo.
2. Y math o gydysniad y gwnaed cais amdano (llawn neu ragarweiniol).
3. Y math o gais (er enghraifft: cynnwys o'r newydd; adleoliad bach o fewn ardal Bwrdd Iechyd Lleol; adleoliad bach rhwng ardaloedd Byrddau Iechyd Lleol cyfagos; adleoli dros dro; newid perchnogaeth).
4. Enw a chyfeiriad y ceisydd.
5. Os yw'r ceisydd yn unigolyn neu'n bartneriaeth sy'n cynnal busnes fferyllfa fanwerthu, rhif cofrestru'r ceisydd neu rif cofrestru pob un o'r partneriaid yng nghofrestr y Cyngor Fferyllol Cyffredinol.
6. Os yw'r ceisydd yn gorff corfforaethol sy'n cynnal busnes fferyllfa fanwerthu, enw a rhif cofrestru uwch arolygydd y ceisydd yng nghofrestr y Cyngor Fferyllol Cyffredinol.

Manylion am y fangre a'r oriau agor

7. Cyfeiriad y fangre y mae'r ceisydd yn gwneud cais i ddarparu gwasanaethau fferyllol ohoni; neu leoliad y fangre y mae'r ceisydd yn bwriadu darparu gwasanaethau fferyllol ohoni os yw'r cais ar gyfer cydysniad rhagarweiniol.
8. Pa un a yw'r fangre ym meddiant y ceisydd ar hyn o bryd, neu, er enghraifft, a yw'r fangre yn cael ei hadeiladu neu'n destun negodi.
9. Ar ba ddiwrnodau y bydd y fferyllfa ar agor ar gyfer darparu gwasanaethau fferyllol, a'r oriau agor ar y diwrnodau hynny.

Y gwasanaethau fferyllol sydd i'w darparu

10. Cadarnhad y bydd yr holl wasanaethau hanfodol yn cael eu darparu.

SCHEDULE 1

Regulations 8, 12, 17, 23, 26 and 27

Information to be included in applications to provide pharmaceutical services

PART 1

Application for inclusion in or for amendment to a pharmaceutical list

Information required from all applicants

Details of the application

1. Name of the Local Health Board to which the application is made.
2. Type of consent applied for (full or preliminary).
3. Type of application (for example: new inclusion; minor relocation within a Local Health Board's area; minor relocation between neighbouring Local Health Board areas; temporary relocation; change of ownership).

Details of the applicant

4. Name and address of applicant.
5. If the applicant is an individual or a partnership carrying on a retail pharmacy business, the applicant's or each partner's registration number in the General Pharmaceutical Council register.
6. If the applicant is a body corporate carrying on a retail pharmacy business, the name and registration number of applicant's superintendent in the General Pharmaceutical Council register.

Details of the premises and opening hours

7. The address of the premises from which the applicant applies to provide pharmaceutical services; or the location of the premises from which the applicant intends to provide pharmaceutical services if the application is for preliminary consent.
8. Whether the applicant is currently in possession of the premises or whether, for example, the premises are under construction or negotiation.
9. The days on which the pharmacy will be open for the provision of pharmaceutical services and the opening hours on those days.

Pharmaceutical services to be provided

10. Confirmation that all essential services will be provided.

11. Manylion am y gwasanaethau cyfeiriedig y mae'r ceisydd yn gwneud cais am gael eu darparu.

12. Os yw'r cais ar gyfer darparu gwasanaethau o ddisgrifiad gwahanol i'r rhai a ddarperir ar hyn o bryd o'r fangre restredig, manylion am y gwasanaethau hynny.

Gwybodaeth mewn perthynas â'r prawf angenrheidiol neu hwylus

13. Pan fo'r prawf angenrheidiol neu hwylus yn rheoliad 9 yn gymwys ar gyfer penderfynu cais, rhaid i'r ceisydd—

- (a) darparu disgrifiad ysgrifenedig o'r gymdogaeth arfaethedig;
- (b) darparu map sy'n dangos ffiniau'r gymdogaeth arfaethedig; ac
- (c) datgan y rhesymau pam y mae'r ceisydd o'r farn bod caniatáu'r cais yn angenrheidiol neu'n hwylus er mwyn sicrhau, yn y gymdogaeth, ddarpariaeth ddigonol, gan bersonau sydd wedi eu cynnwys mewn rhestr fferyllol o'r gwasanaethau a bennir yn y cais, neu rai o'r gwasanaethau hynny.

Gwybodaeth mewn perthynas â'r prawf niweidio

14. Pan fo'r prawf niweidio yn rheoliad 9 yn gymwys ar gyfer penderfynu cais, rhaid i'r ceisydd ddatgan y rhesymau pam y mae o'r farn na fydd caniatáu'r cais yn niweidio darpariaeth briodol o wasanaethau meddygol sylfaenol, gwasanaethau gweinyddu neu wasanaethau fferyllol yn yr ardal reoledig y lleolir ynddi'r fangre a bennir yn y cais.

Gwybodaeth mewn perthynas â cheisiadau sy'n ymwneud ag adleoliadau

15. Pan fo'r ceisydd yn gwneud cais adleoli (pa un ai o fewn ardal Bwrdd Iechyd Lleol o dan reoliad 13, rhwng ardaloedd Byrddau Iechyd Lleol cyfagos o dan reoliad 14, neu dros dro o dan reoliad 15), rhaid i'r ceisydd ddarparu manylion am yr adleoliad arfaethedig, gan gynnwys cyfeiriad mangre restredig bresennol y ceisydd.

16. Pan fo'r cais yn ymwneud ag adleoliad bach rhwng ardaloedd Byrddau Iechyd Lleol cyfagos o dan reoliad 14, rhaid i'r ceisydd ddatgan—

- (a) enw'r Bwrdd Iechyd Lleol y lleolir y fangre bresennol ynddo;
- (b) bod y ceisydd yn cydsynio â thynnu ei enw oddi ar y rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol y lleolir y fangre bresennol yn ei ardal, ac mewn perthynas â'r fangre restredig bresennol honno, gydag effaith o'r dyddiad y bydd y ddarpariaeth o wasanaethau fferyllol o'r fangre newydd yn cychwyn.

11. Details of directed services that the applicant applies to provide.

12. If the application is to provide services of a different description to those currently provided at the listed premises, details of those services.

Information relating to the necessary or expedient test

13. Where the necessary or expedient test in regulation 9 applies to the determination of an application the applicant must—

- (a) provide a written description of the proposed neighbourhood;
- (b) provide a map showing the boundaries of the proposed neighbourhood; and
- (c) state the reasons why the applicant considers granting the application is necessary or expedient to secure in the neighbourhood the adequate provision, by persons included in a pharmaceutical list, of the services or some of the services specified in the application.

Information relating to the prejudice test

14. Where the prejudice test in regulation 9 applies to the determination of an application, the applicant must state the reasons why he or she considers that granting the application will not prejudice the proper provision of primary medical services, dispensing services or pharmaceutical services in the controlled locality in which the premises specified in the application are situated.

Information relating to applications involving relocations

15. Where the applicant applies to relocate (whether within the Local Health Board's area under regulation 13, between neighbouring Local Health Board areas under regulation 14 or on a temporary basis under regulation 15) the applicant must provide details of the proposed relocation including the address of the applicant's existing listed premises.

16. Where the application involves a minor relocation between neighbouring Local Health Board areas under regulation 14 the applicant must state—

- (a) the name of the Local Health Board where the existing premises are located;
- (b) that the applicant consents to the removal of his or her name from the pharmaceutical list maintained by the Local Health Board in whose area the existing premises are located and in respect of those existing listed premises with effect from the date on which the provision of pharmaceutical services from the new premises will commence.

17. Rhaid i'r ceisydd ddarparu manylion fel a ganlyn—

- (a) pa un a yw lleoliad y fangre newydd yn llai hygyrch i raddau sylweddol, ar gyfer y cleifion sy'n gyfarwydd â chael mynediad i wasanaethau fferyllol yn y fangre bresennol;
- (b) pa un a ddarperir yr un gwasanaethau fferyllol yn y fangre newydd, ag a ddarperir yn y fangre restredig; ac
- (c) pa un a fydd y ddarpariaeth o wasanaethau fferyllol yn parhau'n ddi-dor, ynteu a fydd toriad, a'r rhesymau am unrhyw doriad.

18. Os yw'r cais yn gais am adleoliad dros dro, rhaid i'r ceisydd ddatgan yr amgylchiadau sy'n gwneud adleoli dros dro yn ofynnol.

Gwybodaeth mewn perthynas â cheisiadau sy'n ymwneud â newid perchnogaeth

19. Enw'r person sydd wedi ei gynnwys yn y rhestr fferyllol ac, ar hyn o bryd, yn darparu gwasanaethau fferyllol o'r fangre.

20. Rhaid i'r ceisydd ddarparu manylion fel a ganlyn—

- (a) pa un a barheir i ddarparu'r un gwasanaethau fferyllol o'r fangre; a
- (b) pa un a barheir i ddarparu'r gwasanaethau fferyllol yn ddi-dor, ynteu a fydd toriad, a'r rhesymau am unrhyw doriad.

Ymrwymiad y ceisydd

21. Rhaid i'r ceisydd roi ymrwymiad y bydd y ceisydd, os caniateir y cais, yn darparu'r gwasanaethau yn y fangre y caniateir y cais mewn perthynas â hi, yn unol â'r telerau gwasanaethu.

17. The applicant must provide details of whether—

- (a) for the patients who are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is significantly less accessible;
- (b) the same pharmaceutical services will be provided at the new premises as are provided at the listed premises; and
- (c) the provision of pharmaceutical services will be continuous or interrupted and the reasons for any interruption.

18. If the application is for a temporary relocation, the applicant must state the circumstances that require a temporary relocation.

Information relating to applications involving a change of ownership

19. Name of the person included in the pharmaceutical list currently providing pharmaceutical services from the premises.

20. The applicant must provide details of whether—

- (a) the same pharmaceutical services will continue to be provided from the premises; and
- (b) the provision of pharmaceutical services will be continuous or interrupted and the reasons for any interruption.

Applicant's undertaking

21. The applicant must give an undertaking that if the application is granted the applicant will provide the services at the premises in respect of which the application is granted in accordance with the terms of service.

RHAN 2

Gwybodaeth ac ymrwymiadau ar gyfer ceisiadau am gynnwys person mewn rhestr fferyllol

Manylion am y ceisydd

22.—(1) Rhaid i geisydd (ac eithrio ceisydd sy'n gorff corfforaethol) ddarparu'r wybodaeth ganlynol—

- (a) enw llawn;
- (b) rhyw;
- (c) dyddiad geni;
- (d) cyfeiriad a rhif teleffon;
- (e) datganiad bod y ceisydd yn fferyllydd

PART 2

Information and undertakings for applications for inclusion in a pharmaceutical list

Applicant's details

22.—(1) An applicant (other than an applicant which is a body corporate) must provide the following information—

- (a) full name;
- (b) gender;
- (c) date of birth;
- (d) address and telephone number;
- (e) a declaration that he or she is a registered

- cofrestredig; ac
- (f) rhif cofrestru proffesiynol a'r dyddiad y'i cofrestrwyd gyntaf yn y gofrestr.
- (2) Rhaid i geisydd sy'n gorff corfforaethol ddarparu'r wybodaeth ganlynol—
- (a) enw llawn;
 - (b) rhif cofrestru cwmni;
 - (c) swyddfa gofrestredig a rhif teleffon y swyddfa honno;
 - (d) datganiad bod y ceisydd yn berson sy'n cynnal busnes fferyllfa fanwerthu yn gyfreithlon yn unol ag adran 69 o Ddeddf Meddyginaethau 1968;
 - (e) rhif cofrestru yn y Gofrestr o Fangreoedd a gynhelir gan y Cyngor Fferylliaeth Cyffredinol;
 - (f) manylion am unrhyw restr berthnasol y tynnwyd y ceisydd oddi arni, neu y'i tynnwyd yn ddigwyddiadol oddi arni, neu y'i gwrthodwyd ei dderbyn arni, neu y'i cynhwyswyd yn amodol ynnddi ar sail addasrwydd, ynghyd ag esboniad o'r rhesymau am hynny.

Ymchwiliadau, achosion llys a chollfarnau

23. Rhaid i geisydd gyflenwi gwybodaeth ysgrifenedig ynghylch a yw'r ceisydd, neu os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd—

- (a) wedi ei gollfarnu am unrhyw drosedd yn y Deyrnas Unedig;
- (b) wedi ei rwymo yn dilyn collfarn droseddol yn y Deyrnas Unedig;
- (c) wedi derbyn rhybuddiad gan yr heddlu yn y Deyrnas Unedig;
- (d) mewn achos diannod yn yr Alban ynglŷn â throedd, wedi bod yn destun gorchymyn i'w ryddhau'n ddiamed (heb fynd ymlaen at gollfarn);
- (e) wedi derbyn cynnig amodol o dan adran 302 o Ddeddf Gweithdrefn Droseddol (Yr Alban) 1995 (cosb benodedig: cynnig amodol gan y procuradur ffisgal) neu wedi cytuno i dalu cosb o dan adran 115A o Ddeddf Gweinyddu Nawdd Cymdeithasol 1992 (cosb fel dewis amgen yn lle erlyn);
- (f) wedi ei gollfarnu yn rhywle arall am drosedd, neu'r hyn a fyddai'n drosedd pe bai wedi ei gyflawni yng Nghymru a Lloegr, neu'n ddarostyngedig i gosb a fyddai'n cyfateb i rwymo neu rybuddiad;
- (g) ar hyn o bryd yn destun unrhyw achos a allai arwain at gollfarn o'r fath, ac nad hysbyswyd y Bwrdd Iechyd Lleol yn ei gylch eto;

- pharmacist; and
- (f) professional registration number and date of first registration in the register.
- (2) An applicant which is a body corporate must provide the following information—
- (a) full name;
 - (b) company registration number;
 - (c) registered office and telephone number relating to that office;
 - (d) a declaration that it is a person who is or who will be lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968;
 - (e) registration number in the Register of Premises maintained by the General Pharmaceutical Council;
 - (f) details of any relevant list from which it has been removed or contingently removed, or to which it has been refused admission or in which it has been conditionally included, on fitness grounds, with an explanation as to why.

Investigations, proceedings and convictions

23. An applicant must supply in writing information as to whether he or she, or where the applicant is a body corporate, any of its directors or its superintendent—

- (a) has any criminal convictions in the United Kingdom;
- (b) has been bound over following a criminal conviction in the United Kingdom;
- (c) has accepted a police caution in the United Kingdom;
- (d) has in summary proceedings in Scotland in respect of an offence, been the subject of an order discharging him absolutely (without proceeding to conviction);
- (e) has accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal) or agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);
- (f) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales, or is subject to a penalty which would be the equivalent of being bound over or cautioned;
- (g) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Local Health Board;

- (h) wedi bod yn destun unrhyw ymchwiliad i'w ymddygiad proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall, gyda chanlyniad a oedd yn anffafriol;
- (i) ar hyn o bryd yn destun unrhyw ymchwiliad i'w ymddygiad proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall;
- (j) ar hyn o bryd, neu wedi bod gyda chanlyniad anffafriol, yn destun unrhyw ymchwiliad i'w ymddygiad proffesiynol mewn perthynas ag unrhyw gyflogaeth bresennol neu flaenorol;
- (k) yn destun unrhyw ymchwiliad gan Fwrdd Iechyd Lleol arall neu gorff cyfatebol, a llai arwain at ei dynnu oddi ar unrhyw restr berthnasol;
- (l) ar hyn o bryd, neu wedi bod gyda chanlyniad anffafriol, yn destun unrhyw ymchwiliad gan Awdurdod Gwasanaethau Busnes y GIG(1) mewn perthynas â thwyll;
- (m) wedi ei dynnu neu ei dynnu yn ddigwyddiadol oddi ar, neu ei gynnwys yn amodol ar, unrhyw restr berthnasol a gedwir gan Fwrdd Iechyd Lleol arall neu gorff cyfatebol, neu a wrthodwyd ei gynnwys, neu a yw wedi ei atal, ar hyn o bryd neu yn y gorffennol, oddi ar restr o'r fath ar sail addasrwydd ac os ydyw, y rhesymau am hynny ac enw'r Bwrdd Iechyd Lleol neu'r corff cyfatebol hwnnw; neu
- (n) ar hyn o bryd, neu wedi bod erioed, yn destun anghymhwysiad cenedlaethol,

ac os felly, rhaid i'r ceisydd roi manylion, gan gynnwys y dyddiadau yn fras, neu os cynhaliwyd neu os cynhelir unrhyw ymchwiliad neu achos cyfreithiol, natur yr ymchwiliad neu'r achos hwnnw ac unrhyw ganlyniad.

24. Os yw'r ceisydd, (ac os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd), neu os bu, yn ystod y chwemis blaenorol, neu os oedd ar adeg y digwyddiadau cychwynnol, yn gyfarwyddwr neu'n uwcharolygydd corff corfforaethol, rhaid i'r ceisydd, yn ychwanegol, ddarparu gwybodaeth mewn ysgrifen i'r Bwrdd Iechyd Lleol ynghylch a yw'r corff corfforaethol—

- (a) wedi ei gollfarnu am unrhyw drosedd yn y Deyrnas Unedig;
- (b) wedi ei gollfarnu yn rhywle arall am drosedd, neu'r hyn a fyddai'n drosedd pe bai wedi ei gyflawni yng Nghymru a Lloegr;
- (c) ar hyn o bryd yn destun unrhyw achos a llai arwain at gollfarn o'r fath, ac nad hysbyswyd y Bwrdd Iechyd Lleol yn ei gylch eto;

- (h) has been subject to any investigation into his or her professional conduct by any licensing, regulatory or other body, where the outcome was adverse;
- (i) is currently subject to any investigation into his or her professional conduct by any licensing, regulatory or other body;
- (j) is or has been where the outcome was adverse, the subject of any investigation into his professional conduct in respect of any current or previous employment;
- (k) is the subject of any investigation by another Local Health Board or equivalent body, which might lead to his removal from any relevant list;
- (l) is, or has been where the outcome was adverse, the subject of any investigation by the NHS Business Services Authority(1) in relation to fraud;
- (m) has been removed or contingently removed from, refused admission to, or conditionally included in, any relevant list kept by another Local Health Board or equivalent body, or has been or is currently suspended from such a list, on fitness grounds, and if so, why and the name of that Local Health Board or equivalent body; or

- (n) is, or ever has been, subject to a national disqualification,

and, if so, the applicant must give details including approximate dates, or where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome.

24. If the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) is, has in the preceding six months been, or was at the time of the originating events, a director or superintendent of a body corporate, he or she must in addition supply information in writing to the Local Health Board as to whether the body corporate—

- (a) has any criminal convictions in the United Kingdom;
- (b) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (c) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Local Health Board;

(1) Sefydlwyd gan Orchymyn Awdurdod Gwasanaethau Busnes y GIG (Awdurdod Gwasanaethau Busnes y GIG) (Sefydlu a Chyfansoddiad) 2005 (O.S. 2005/2414).

(1) Established by the NHS Business Services Authority (Awdurod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005 (S.I. 2005/2414).

- (d) wedi bod yn destun unrhyw ymchwiliad i'w ddarpariaeth o wasanaethau proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall, gyda chanlyniad a oedd yn anffafriol;
- (e) ar hyn o bryd yn destun unrhyw ymchwiliad i'w ddarpariaeth o wasanaethau proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall;
- (f) yn destun unrhyw ymchwiliad gan Fwrdd Iechyd Lleol arall neu gorff cyfatebol, a allai arwain at ei dynnu oddi ar unrhyw restr berthnasol;
- (g) ar hyn o bryd, neu wedi bod gyda chanlyniad anffafriol, yn destun unrhyw ymchwiliad gan Awdurdod Gwasanaethau Busnes y GIG mewn perthynas â thwyll;
- (h) wedi ei dynnu neu ei dynnu yn ddigwyddiadol oddi ar, neu ei gynnwys yn amodol ar, unrhyw restr berthnasol neu a wrthodwyd ei gynnwys, neu a yw wedi ei atal, ar hyn o bryd neu yn y gorffennol, oddi ar restr o'r fath ar sail addasrwydd; neu
- (i) ar hyn o bryd, neu wedi bod erioed, yn destun anghymhwysiad cenedlaethol,

ac os felly, rhaid i'r ceisydd roi enw a chyfeiriad swyddfa gofrestredig y corff corfforaethol a manylion, gan gynnwys y dyddiadau yn fras, neu os cynhaliwyd neu os cynhelir unrhyw ymchwiliad neu achos cyfreithiol, natur yr ymchwiliad neu'r achos hwnnw, ac unrhyw ganlyniad.

Cymwysterau fferyllol, canolwyr etc.

25. Os yw'r ceisydd, (neu os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) yn fferyllydd cofrestredig, rhaid i'r ceisydd gyflenwi manylion o'i gymwysterau fferyllol (gan gynnwys lle y'u cafwyd) a manylion cronolegol am ei brofiad proffesiynol (gan gynnwys dyddiadau cychwyn a gorffen pob penodiad), ynghyd ag esboniad o unrhyw fylchau rhwng y penodiadau a pham y'i diswyddwyd o unrhyw swydd.

26. Os yw'r ceisydd, (neu os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd) yn fferyllydd cofrestredig, rhaid i'r ceisydd gyflenwi enwau a chyfeiriadau dau ganolwr sy'n fodlon darparu geirdaon mewn perthynas â dwy swydd ddiweddar (caniateir cynnwys unrhyw swydd gyfredol) fel fferyllydd, a barhaodd am gyfnod o dri mis o leiaf heb doriad sylweddol, neu, os nad yw hynny'n bosibl, eglurhad llawn a chanolwyr amgen.

27. Os yw'r ceisydd yn gorff corfforaethol, rhaid cyflenwi enw a chyfeiriad pob cyfarwyddwr ac uwcharolygydd y corff corfforaethol.

28. Rhaid i'r ceisydd gyflenwi enw unrhyw Fwrdd

- (d) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body, where the outcome was adverse;
- (e) is currently subject to any investigation into its provision of professional services by any licensing, regulatory or other body;
- (f) is the subject of any investigation by another Local Health Board or equivalent body, which might lead to its removal from any relevant list;
- (g) is, or has been where the outcome was adverse, the subject of any investigation by the NHS Business Services Authority in relation to fraud;
- (h) has been removed or contingently removed from, refused admission to, or conditionally included in, any relevant list, or has been or is currently suspended from such a list, on fitness grounds; or
- (i) is or ever has been, subject to a national disqualification,

and if so, the applicant must give the name and address of the registered office of the body corporate and details, including approximate dates, or where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings and any outcome.

Pharmaceutical qualifications, referees etc.

25. Where the applicant (or where the applicant is a body corporate, any director or superintendent of the applicant) is a registered pharmacist, the applicant must supply details of his or her pharmaceutical qualifications (including where obtained) and chronological details of his or her professional experience (including starting and finishing dates of each appointment), with an explanation of any gaps between appointments and of why he or she was dismissed from any post.

26. Where the applicant (or where the applicant is a body corporate, any director or superintendent of the applicant) is a registered pharmacist, the applicant must supply names and addresses of two referees who are willing to provide references in respect of two recent posts (which may include any current post) as a pharmacist which lasted at least three months without a significant break, or where this is not possible, a full explanation and alternative referees.

27. Where the applicant is a body corporate, the name and address of each director and superintendent of the body corporate must be supplied.

28. The applicant must supply the name of any Local

Iechyd Lleol (neu gorff cyfatebol) y cynhwysir y ceisydd ac, os yw'r ceisydd yn gorff corfforaethol, unrhyw gyfarwyddwr neu uwcharolygydd y ceisydd, yn ei restr fferyllol, a'r manylion am unrhyw geisiadau sydd yn yr arfaeth (gan gynnwys ceisiadau gohiriedig) am gynnwys ceisydd mewn unrhyw restr fferyllol Bwrdd Iechyd Lleol (neu gorff cyfatebol), neu am gydysyniad rhagarweiniol ar gyfer cynnwys ceisydd mewn unrhyw restr o'r fath, ynghyd ag enw'r Bwrdd Iechyd Lleol (neu'r corff) dan sylw.

29. Os yw'r ceisydd yn gyfarwyddwr neu'n uwcharolygydd corff corfforaethol sydd wedi ei gynnwys mewn unrhyw restr berthnasol, neu sydd â chais yn yr arfaeth (gan gynnwys cais gohiriedig) am gael ei gynnwys mewn unrhyw restr berthnasol, rhaid i'r ceisydd gyflenwi enw'r Bwrdd Iechyd Lleol neu'r corff cyfatebol dan sylw, ac enw a swyddfa gofrestredig unrhyw gorff corfforaethol o'r fath.

Ymrwymiadau

30.—(1) Rhaid i'r ceisydd roi ymrwymiad ysgrifenedig i hysbysu'r Bwrdd Iechyd Lleol o fewn 7 diwrnod os digwydd unrhyw newidiadau perthnasol yn yr wybodaeth a ddarparwyd yn y cais—

- (a) hyd nes y cofnodir enw'r ceisydd yn y rhestr fferyllol;
- (b) hyd nes bo'r cyfnod wedi dod i ben, a bennir yn rheoliad 17(2) ar gyfer hysbysu'r Bwrdd Iechyd Lleol gan y ceisydd, y bydd y ceisydd yn cychwyn darparu'r gwasanaethau y gwnaed y cais mewn perthynas â hwy;
- (c) hyd nes bo'r ceisydd yn tynnur cais yn ôl; neu
- (d) yn achos ceisydd y rhoddwyd cydysyniad rhagarweiniol iddo o dan reoliad 12, hyd nes bo'r cyfnod pan fo'r cydysyniad rhagarweiniol yn cael effaith o dan reoliad 12(5) wedi dod i ben.

(2) Rhaid i'r ceisydd roi ymrwymiad ysgrifenedig y bydd yn hysbysu'r Bwrdd Iechyd Lleol os caiff ei gynnwys, neu os bydd yn gwneud cais am gael ei gynnwys mewn rhestr berthnasol.

Health Board (or equivalent body) in whose pharmaceutical list the applicant, and where the applicant is a body corporate, any director or superintendent of the applicant, is included, and particulars of any outstanding applications (including deferred applications) for inclusion in, or preliminary consent to be included in, any pharmaceutical list of a Local Health Board (or equivalent body) with the name of the Local Health Board (or body) in question.

29. If the applicant is the director or superintendent of a body corporate that is included in any relevant list, or which has an outstanding application (including a deferred application) for inclusion in any relevant list, the applicant must supply the name of the Local Health Board or equivalent body in question, and the name and registered office of any such body corporate.

Undertakings

30.—(1) The applicant must give a written undertaking to notify the Local Health Board within 7 days of any material changes to the information provided in the application until—

- (a) his or her name is entered on the pharmaceutical list;
- (b) the period specified in regulation 17(2) for him or her to notify the Local Health Board that he or she will commence the provision of the services in respect of which the application was made has expired;
- (c) he or she withdraws the application; or
- (d) in the case of an applicant who has been granted preliminary consent under regulation 12, the period during which the preliminary consent has effect under regulation 12(5) has expired.

(2) The applicant must give a written undertaking to notify the Local Health Board if he or she is included or applies to be included in a relevant list.

RHAN 3

Hysbysiad o'r dyddiad cychwyn

Gwybodaeth sydd i'w darparu cyn cychwyn y ddarpariaeth o wasanaethau fferyllol

31. Rhaid i'r ceisydd ddarparu'r wybodaeth ganlynol—

- (a) enw'r ceisydd;
- (b) dyddiad caniatáu'r cais;

PART 3

Notification of commencement date

Information to be provided prior to the commencement of the provision of pharmaceutical services

31. The applicant must provide the following information—

- (a) applicant's name;
- (b) date application granted;

- (c) y fangre a bennir yn y cais ac y darperir y gwasanaethau fferyllol ohoni;
- (d) cadarnhad bod y fangre wedi ei chofrestru gyda'r Cyngor Fferyllol Cyffredinol (gan gynnwys y rhif cyfeirnod);
- (e) manylion am y gwasanaethau sydd i'w darparu;
- (f) y dyddiad y bydd darparu gwasanaethau fferyllol yn cychwyn;
- (g) enw a rhif cofrestru'r fferyllydd cofrestredig sydd â chyfrifoldeb yn y fangre; ac
- (h) ymrwymiad y bydd y ceisydd, yn unol â'r cais a ganiatawyd gan y Bwrdd Iechyd Lleol, yn darparu'r gwasanaethau fferyllol o'r fangre yn unol â'r telerau gwasanaethu.

- (c) premises specified in the application from which the pharmaceutical services will be provided;
- (d) confirmation that premises are registered with the General Pharmaceutical Council (including reference number);
- (e) details of the services to be provided;
- (f) date on which the provision of pharmaceutical services will commence;
- (g) name and registration number of the registered pharmacist in charge at the premises; and
- (h) undertaking that the applicant will, in accordance with the application granted by the Local Health Board, provide the pharmaceutical services from the premises in accordance with the terms of service.

RHAN 4

Ceisiadau am gydsyniad amlinellol a chymeradwyaeth mangre

Manylion am y cais

32. Enw'r Bwrdd Iechyd Lleol y gwneir y cais iddo.

33. Y math o gais (cydsyniad amlinellol, cymeradwyaeth mangre neu'r ddau).

Manylion am y ceisydd

34. Enw a chyfeiriad y ceisydd.

35. Rhif cyfeirnod y Cyngor Meddygol Cyffredinol, y cynhwysir y ceisydd odano yn y Rhestr o Ymarferwyr Meddygol Cofrestredig a gynhelir gan y Cyngor Meddygol Cyffredinol.

Cais am gydsyniad amlinellol

36. Disgrifiad a map o'r ardal y mae'r ceisydd yn dymuno darparu gwasanaethau fferyllol ynddi.

37. Cyfeiriad unrhyw fferyllfa o fewn yr ardal a ddisgrifir ac a amlinellir o dan baragraff 36.

Cais am gymeradwyaeth mangre

38. Cyfeiriad y fangre practis y mae'r ceisydd yn gwneud cais i ddarparu gwasanaethau fferyllol ohoni, ac a yw'r fangre practis honno yn fangre restredig mewn perthynas ag ardal wahanol.

39. Y pellter rhwng y fangre honno a'r fferyllfa agosaf (a chyfeiriad y fferyllfa honno).

40. Pa un a yw'r cais ar gyfer cymeradwyaeth

PART 4

Applications for outline consent and premises approval

Details of the application

32. Name of the Local Health Board to which the application is made.

33. Type of application (outline consent, premises approval or both).

Details of the applicant

34. Name and address of the applicant.

35. The General Medical Council reference number under which the applicant is included in the List of Registered Medical Practitioners maintained by the General Medical Council.

Application for outline consent

36. Description and map of the area within which the applicant wishes to provide pharmaceutical services.

37. Address of any pharmacy within the area described and delineated under paragraph 36.

Application for premises approval

38. The address of the practice premises from which the applicant applies to provide pharmaceutical services and whether those practice premises are listed premises in relation to a different area.

39. Distance between those premises and the nearest pharmacy (and the address of that pharmacy).

40. Whether the application is for premises approval,

mangre i fangre ychwanegol ynteu ar gyfer adleoli i fangre newydd (ac os yr olaf, y pellter o'r fangre newydd i'r fangre y mae gan y ceisydd gymeradwyaeth mangre mewn perthynas â hi ar hyn o bryd).

41. Pa un a yw'r cais yn codi oherwydd bod cyfuno practisiau naill ai wedi digwydd neu yn yr arfaeth, ac os felly, enwau'r meddygon neu'r contractwyr sy'n cymryd rhan yn y cyfuno.

42. Os oes cydsyniad amlinellol wedi ei roi eisoes, disgrifiad a map o'r ardal y rhoddyd y cydsyniad mewn perthynas â hi.

43. Manylion am unrhyw fangre practis meddygol arall y rhoddyd cymeradwyaeth mangre iddi, neu y gwnaed cais mewn perthynas â hi eisoes, nad yw'r Bwrdd Iechyd Lleol eto wedi ei benderfynu.

Y gwasanaethau fferyllol sydd i'w darparu

44. Y gwasanaethau fferyllol sydd i'w darparu a'r oriau agor a'r diwrnodau pan ddarperir y gwasanaethau hynny.

Y prawf niweidio

45. Y rhesymau pam y mae'r ceisydd o'r farn na fydd caniatáu'r cais yn niweidio darpariaeth briodol o wasanaethau meddygol sylfaenol, gwasanaethau gweinyddu neu wasanaethau fferyllol yn yr ardal reoledig y lleolir ynddi'r fangre a bennir yn y cais.

Angenrheidiol neu hwylus

46. Y rhesymau pam y mae'r ceisydd o'r farn bod caniatáu'r cais yn angenrheidiol neu'n hwylus er mwyn sicrhau darpariaeth ddigonol, gan bersonau a gynhwysir mewn rhestr, o'r gwasanaethau a bennir yn y cais, neu rai o'r gwasanaethau hynny, yn yr ardal y gwnaeth y ceisydd gais am gydsyniad amlinellol ynddi.

Ymrwymiad y ceisydd

47. Rhaid i'r ceisydd roi ymrwymiad, os caniateir y cais a phan fydd cydsyniad amlinellol a chymeradwyaeth mangre yn cael effaith, y bydd y ceisydd yn darparu'r gwasanaethau o'r fangre practis y caniateir y cais mewn perthynas â hi, yn unol â'r telerau gwasanaethu.

for additional premises or to relocate to new premises (and if the latter the distance from the new premises to the premises in respect of which the applicant currently has premises approval).

41. Whether the application arises because a practice amalgamation has taken place or will be taking place and, if so, the names of the doctors or contractors participating in the amalgamation.

42. If outline consent has already been granted a description and map of the area in respect of which consent has been granted.

43. Details of any other medical practice premises which have been granted premises approval or in respect of which an application has already been made but not yet determined by the Local Health Board.

Pharmaceutical services to be provided

44. The pharmaceutical services to be provided and the opening hours and days on which those services will be provided.

Prejudice test

45. The reasons why the applicant considers that granting the application will not prejudice the proper provision of primary medical services, dispensing services or pharmaceutical services in the controlled locality in which the premises specified in the application are situated.

Necessary or expedient

46. The reasons why the applicant considers it is necessary or expedient to grant the application in order to secure in the area in respect of which the applicant has applied for outline consent the adequate provision, by persons included in a list, of the services or some of the services specified in the application.

Applicant's undertaking

47. The applicant must give an undertaking that if the application is granted and outline consent and premises approval is in effect the applicant will provide the services from the practice premises in respect of which the application is granted in accordance with the terms of service.

ATODLEN 2

Rheoliadau 6, 8 a 24

Gweithdrefnau sydd i'w dilyn gan Fyrddau Iechyd Lleol wrth benderfynu ceisiadau o dan y Rheoliadau

RHAN 1

Materion rhagarweiniol

Egwyddorion cyffredinol

1.—(1) Ac eithrio i'r graddau y mae'r Rheoliadau hyn yn darparu i'r gwrthwyneb, caiff Bwrdd Iechyd Lleol benderfynu cais a gyflwynir iddo ym mha bynnag fod yr ystyria'n briodol.

(2) Rhaid i Fwrdd Iechyd Lleol ddychwelyd cais a gyflwynir iddo os nad yw'r cais yn cynnwys yr holl wybodaeth y mae'n ofynnol i'r ceisydd ei darparu yn unol ag Atodlen 1.

(3) Caiff Bwrdd Iechyd Lleol, os yw o'r farn bod hynny'n briodol, ystyried dau neu ragor o geisiadau ar y cyd ac mewn perthynas â'i gilydd, ond os yw'r Bwrdd Iechyd Lleol yn bwriadu gwneud hynny rhaid iddo roi hysbysiad ysgrifenedig o'r bwriad hwnnw i'r canlynol—

- (a) pob ceisydd unigol; a
- (b) os yw'r cais yn un y mae'n rhaid rhoi hysbysiad ohono o dan baragraff 8, unrhyw berson arall y mae'n rhaid rhoi hysbysiad o'r cais hwnnw iddo.

(4) Pan fo Bwrdd Iechyd Lleol, yn unol ag is-baragraff (3), yn ystyried dau neu ragor o geisiadau y mae rheoliad 9(2) yn gymwys iddynt ar y cyd ac mewn perthynas â'i gilydd, caiff y Bwrdd Iechyd Lleol wrthod cais (er gwaethaf yffaith y byddai, pe bai'n penderfynu'r cais fel cais unigol ar ei ben ei hunan, yn ei ganiatáu) os yw nifer y ceisiadau, neu'r amgylchiadau y gwneir y ceisiadau ynddynt yn peri y byddai caniatáu pob un, neu fwy nag un, ohonynt yn niweidio'r ddarpariaeth briodol o wasanaethau meddygol sylfaenol, gwasanaethau fferyllol neu wasanaethau gweinyddu yn yr ardal reoledig y lleolir ynddi'r fangre a bennir yn y cais.

Yr amserlen ar gyfer penderfynu ceisiadau

2. Rhaid i Fwrdd Iechyd Lleol ymdrechu i benderfynu cais cyn gynted ag y bo'n ymarferol ar ôl ei gael.

SCHEDULE 2

Regulations 6, 8 and 24

Procedures to be followed by Local Health Boards to determine applications under the Regulations

PART 1

Preliminary matters

General principles

1.—(1) Except in so far as these Regulations provide to the contrary, a Local Health Board may determine an application submitted to it in such manner as it thinks fit.

(2) A Local Health Board must return an application submitted to it if the application does not contain all of the information that an applicant is required to provide in accordance with Schedule 1.

(3) A Local Health Board may if it thinks fit consider two or more applications together and in relation to each other but where it intends to do so it must give notice of that intention in writing to—

- (a) the respective applicants; and
- (b) where the application is one in respect of which notice must be given under paragraph 8, any other person that must be given notice of that application.

(4) Where in accordance with subparagraph (3) a Local Health Board considers two or more applications to which regulation 9(2) applies together and in relation to each other, it may refuse an application (notwithstanding the fact that it would if determining the application in isolation grant it) where the number of applications is such, or the circumstances in which they are made are such, that to grant all of them or more than one of them, would prejudice the proper provision of primary medical services, pharmaceutical services or dispensing services in the controlled locality within which the premises specified in the application are situated.

Timetable for determining applications

2. A Local Health Board must endeavour to determine an application as soon as is practicable after its receipt.

Personau a waherddir rhag cymryd rhan mewn gwneud penderfyniadau ar geisiadau

3.—(1) Ni chaiff unrhyw berson gymryd rhan mewn penderfynu cais os yw—

- (a) yn berson sydd wedi ei gynnwys yn y rhestr fferyllol neu restr meddygon fferyllol a gynhelir gan y Bwrdd Iechyd Lleol neu'n gyflogai person o'r fath;
- (b) neu'n gyfranddaliwr, yn gyfarwyddwr neu'n ysgrifennydd cwmni sy'n cynnal busnes fferyllfa fanwerthu yn ardal y Bwrdd Iechyd Lleol;
- (c) yn ddarparwr gwasanaethau meddygol sylfaenol yn ardal y Bwrdd Iechyd Lleol;
- (d) yn gontactwr GMDdA yn ardal y Bwrdd Iechyd Lleol, neu'n swyddog, ymddiriedolwr neu berson arall sy'n ymwneud â rheoli cwmni, cymdeithas neu sefydliad gwirfoddol neu gorff arall sy'n gontactwr GMDdA, neu a gyflogir neu a gymerwyd ymlaen gan gontactwr GMDdA o'r fath; neu
- (e) yn gyflogedig, neu wedi ei gymryd ymlaen, gan y Bwrdd Iechyd Lleol at y diben o ddarparu gwasanaethau meddygol sylfaenol o fewn practis GMBIL.

(2) Ni chaiff unrhyw berson arall gymryd rhan mewn penderfynu cais os byddai ei gyfranogiad, oherwydd buddiant neu gysylltiad sydd gando, neu oherwydd pwysau y gellid ei roi arno, yn peri amheuaeth resymol o bleidgarwch.

RHAN 2

Penderfynu ar ardaloedd rheoledig

Hysbysu ynghylch bwriad i wneud penderfyniad mewn perthynas ag ardaloedd rheoledig

4.—(1) Pan fo Bwrdd Iechyd Lleol, yn rhinwedd rheoliad 6(3) (ardaloedd sy'n ardaloedd rheoledig), yn penderfynu na all ystyried cais gan Bwyllgor Meddygol Lleol neu Bwyllgor Fferyllol Lleol, rhaid i'r Bwrdd Iechyd Lleol beidio â chymryd unrhyw gam mewn perthynas â'r cais hwnnw, ac eithrio hysbysu'r ceisydd o'r ffaith honno ac o hawl y ceisydd i apelio yn erbyn y penderfyniad hwnnw o dan reoliad 7 (apelau).

(2) Ym mhob achos arall, cyn gwneud penderfyniad o dan reoliad 6(2), rhaid i Fwrdd Iechyd Lleol roi hysbysiad ysgrifenedig o'i fwriad i wneud penderfyniad i'r canlynol—

- (a) y Pwyllgor Meddygol Lleol yn ei ardal;
- (b) y Pwyllgor Fferyllol Lleol yn ei ardal;
- (c) y Cyngor Iechyd Cymuned ar gyfer yr ardal; a

Persons prohibited from taking part in decision-making on applications

3.—(1) No person is to take part in determining an application if he or she—

- (a) is a person who is included in the pharmaceutical list or dispensing doctor list maintained by the Local Health Board, or is an employee of such a person;
- (b) is a shareholder, director or company secretary of a company which runs a retail pharmacy business in the area of the Local Health Board;
- (c) is a provider of primary medical services in the area of the Local Health Board;
- (d) is an APMS contractor in the area of the Local Health Board, or is an officer, trustee or other person concerned with the management of a company, society or voluntary organisation or other body which is an APMS contractor, or is employed or engaged by such an APMS contractor; or
- (e) is employed or engaged by the Local Health Board for the purposes of providing primary medical services within an LHBMS practice.

(2) No other person is to take part in determining an application if, because of an interest or an association they have, or because of a pressure to which they may be subject, their involvement would give rise to a reasonable suspicion of bias.

PART 2

Determination of controlled localities

Notice of proposed determination in respect of controlled localities

4.—(1) If a Local Health Board decides that an application by a Local Medical Committee or a Local Pharmaceutical Committee cannot be considered by virtue of regulation 6(3) (areas that are controlled localities), the Local Health Board must take no action in relation to that application other than to notify the applicant of that fact and of its right of appeal against that decision under regulation 7 (appeals).

(2) In all other cases, before making a determination under regulation 6(2) a Local Health Board must give a written notice of proposed determination to—

- (a) the Local Medical Committee in its area;
- (b) the Local Pharmaceutical Committee in its area;
- (c) the Community Health Council for the area; and

- (d) unrhyw berson sydd wedi ei gynnwys mewn rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol ac unrhyw ddarparwr gwasanaethau fferyllol lleol o dan gynllun peilot neu unrhyw ddarparwr gwasanaethau meddygol sylfaenol yn yr ardal y sefydlwyd y Bwrdd Iechyd Lleol ar ei chyfer, y gallai'r penderfyniad effeithio arno ym marn y Bwrdd Iechyd Lleol.

(3) Rhaid i hysbysiad o fwriad i wneud penderfyniad roi gwybod i'r person a hysbysir fod hawl ganddo i gyflwyno sylwadau (neu, os hysbysir Pwyllgor Meddygol Lleol neu Bwyllgor Fferyllol Lleol a wnaeth gais am y penderfyniad, unrhyw sylwadau pellach) mewn ysgrifen ynglŷn â'r penderfyniad arfaethedig, o fewn 30 diwrnod o'r dyddiad yr anfonwyd yr hysbysiad ato.

Gohirio ystyried ceisiadau

5. Pan fo Bwrdd Iechyd Lleol wedi dyroddi hysbysiad o fwriad i wneud penderfyniad, rhaid i'r Bwrdd Iechyd Lleol ohirio'r ystyried unrhyw gais a gyflwynwyd o dan Ran 4 neu Ran 5 o'r Rheoliadau hyn ond nas penderfynwyd gan y Bwrdd, os yw'r cais yn un y gallai'r penderfyniad arfaethedig effeithio arno—

- (a) hyd nes bo'r Bwrdd wedi penderfynu a yw'r ardal yn ardal reoledig neu'n rhan o ardal reoledig ai peidio, a'r cyfnod a ganiateir ar gyfer dwyn apêl yn erbyn y penderfyniad hwnnw wedi dod i ben; neu
- (b) tan y dyddiad y penderfynir unrhyw apêl o'r fath.

Gosod amodau

6. Pan fo Bwrdd Iechyd Lleol yn penderfynu a yw unrhyw ardal benodol, o fewn yr ardal y sefydlwyd y Bwrdd ar ei chyfer, oherwydd ei chymeriad gwledig, yn ardal reoledig neu'n rhan o ardal reoledig ai peidio—

- (a) rhaid i'r Bwrdd Iechyd Lleol ystyried a yw'n debygol yr effeithir yn anffafriol ar y ddarpariaeth o—
 - (i) gwasanaethau meddygol sylfaenol gan ddarparwr gwasanaethau o'r fath (ac eithrio'r Bwrdd ei hunan),
 - (ii) gwasanaethau fferyllol gan fferyllydd GIG neu gontactwr cyfarpar GIG,
 - (iii) gwasanaethau fferyllol lleol a ddarperir o dan gynllun peilot, neu
 - (iv) gwasanaethau fferyllol gan feddyg,
o ganlyniad i'r penderfyniad hwnnw; a
- (b) caiff y Bwrdd Iechyd Lleol, os yw o'r farn ei bod yn debygol yr effeithir yn anffafriol ar unrhyw un o'r gwasanaethau hynny, osod amodau i ohirio, am ba bynnag gyfnod yr

- (d) any person included in a pharmaceutical list maintained by the Local Health Board and any provider of local pharmaceutical services under a pilot scheme or any provider of primary medical services in the area for which the Local Health Board is established who, in the opinion of the Local Health Board, may be affected by the determination.

(3) A notice of proposed determination must inform the person notified of their right to make representations (or in the case of a Local Medical Committee or Local Pharmaceutical Committee being notified that applied for the determination any further representations) in writing on the proposed determination within 30 days of the date on which the notice was sent to them.

Deferral of applications

5. Where a Local Health Board has issued a notice of proposed determination it must defer consideration of any application submitted under Part 4 or Part 5 of these Regulations but not determined by it if the application could be affected by the proposed determination until—

- (a) it has determined whether or not the locality is or is part of a controlled locality and the period for bringing an appeal relating to that determination has ended; or
- (b) the date of the determination of any such appeal.

Imposition of conditions

6. Where a Local Health Board determines whether or not any particular area within the area for which it is established is, because it is rural in character, a controlled locality or part of a controlled locality it—

- (a) must consider whether the provision of—
 - (i) primary medical services by a provider of such services (other than itself),
 - (ii) pharmaceutical services by an NHS pharmacist or NHS appliance contractor,
 - (iii) local pharmaceutical services provided under a pilot scheme, or
 - (iv) pharmaceutical services by a doctor,
is likely to be adversely affected as a consequence of that determination; and
- (b) may, where it is of the opinion that any of those services are likely to be adversely affected, impose conditions to postpone, for such period as it thinks fit, the making or termination of

ystyria'n briodol, wneud neu derfynu trefniadau o dan reoliad 20 (trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon), neu ddarpariaeth gyfatebol o dan y Rheoliadau GMC ar gyfer darparu gwasanaethau fferyllol neu wasanaethau gweinyddu gan feddyg neu gcontractwr GMC i gleifion ar y rhestr cleifion berthnasol.

Hysbysu ynghylch penderfyniadau a gweithredu yn dilyn penderfyniadau

7.—(1) Unwaith y bydd Bwrdd Iechyd Lleol wedi penderfynu'r cwestiwn pa un a yw unrhyw ardal benodol, o fewn yr ardal y sefydlwyd y Bwrdd ar ei chyfer, oherwydd ei chymeriad gwledig, yn ardal reoledig neu'n rhan o ardal reoledig ai peidio, rhaid i'r Bwrdd Iechyd Lleol—

- (a) cyn gynted ag y bo'n ymarferol ar ôl cyrraedd penderfyniad, roi hysbysiad ysgrifenedig i'r rhai a hysbyswyd o dan baragraff 4(2) i'w hysbysu o'r canlynol—
 - (i) y penderfyniad a'r rhesymau drosto,
 - (ii) unrhyw amodau a osodwyd gan y Bwrdd o dan baragraff 6, a
 - (iii) unrhyw hawliau i apelio o dan Atodlen 3; a
- (b) cyn gynted ag y bo'n ymarferol ar ôl y dyddiad perthnasol—
 - (i) amlinellu ffiniau'r ardal reoledig yn fanwl gywir ar fap, neu dynnu ymaith yr amlinelliad o ffin ardal sydd wedi peidio â bod yn ardal reoledig;
 - (ii) rhoi cyfnod rhesymol o rybudd i feddyg yr effeithir arno ynghylch unrhyw amodau sydd wedi eu gosod o dan baragraff 6 o ganlyniad i'r penderfyniad; a
 - (iii) mynd ymlaen i benderfynu unrhyw geisiadau sydd wedi eu gohirio o dan baragraff 5.

(2) At ddibenion y paragraff hwn, y "dyddiad perthnasol" ("relevant date") yw'r diweddaraf o'r canlynol—

- (a) y dyddiad y mae'r cyfnod ar gyfer dwyn apêl mewn perthynas â'r penderfyniad yn dod i ben; neu
- (b) dyddiad penderfynu unrhyw apêl o'r fath.

arrangements under regulation 20 (arrangements for the provision of pharmaceutical services by doctors) or equivalent provision under the GMS Regulations for the provision by a doctor or GMS contractor of pharmaceutical services or dispensing services to patients on the relevant patient list.

Notification of determinations and action following determinations

7.—(1) Once a Local Health Board has determined the question of whether or not any particular area within the area for which it is established is, because it is rural in character, a controlled locality or part of a controlled locality it must—

- (a) as soon as practicable after reaching a determination give notice in writing to those notified under paragraph 4(2) informing them of—
 - (i) the determination and the reasons for it,
 - (ii) any conditions that it has imposed under paragraph 6, and
 - (iii) any rights of appeal under Schedule 3; and
- (b) as soon as practicable after the relevant date—
 - (i) delineate precisely on a map the boundaries of the controlled locality or remove the delineated boundary of a locality that has ceased to be a controlled locality;
 - (ii) give a doctor that is affected reasonable notice of any conditions that have been imposed under paragraph 6 as a result of the determination; and
 - (iii) proceed to determine any applications that have been deferred under paragraph 5.

(2) For the purposes of this paragraph, the "relevant date" ("dyddiad perthnasol") is the later of—

- (a) the date on which the period for bringing an appeal relating to the determination ends; or
- (b) the date of the determination of any such appeal.

RHAN 3

Ceisiadau am gynnwys personau mewn rhestrau fferyllol a rhestrau meddygon fferyllol, neu ddiwygio rhestrau o'r fath

Hysbysu ynghyllch ceisiadau penodol

8.—(1) Mae'r paragraff hwn yn gymwys i geisiadau am—

- (a) cynnwys person mewn, neu ddiwygio—
 - (i) rhestr fferyllol a wnaed o dan Ran 4 o'r Rheoliadau hyn, ac eithrio ceisiadau o dan reoliad 16 (ceisiadau sy'n ymwneud â newid perchnogaeth); a
 - (ii) rhestr meddygon fferyllol a wnaed o dan Ran 5 o'r Rheoliadau hyn;
- (b) estyn y cyfnod perthnasol o dan reoliad 18; ac
- (c) penderfyniad pellach, pa un a yw mangre neu leoliad perthnasol mewn lleoliad neilltuedig o dan reoliad 11(2) ai peidio.

(2) Pan fo Bwrdd Iechyd Lleol wedi penderfynu na ellir ystyried cais sy'n dod o fewn—

- (a) is-baragraff (1)(a)(i) oherwydd rheoliad 10 (penderfynu ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol: effaith penderfyniadau cynharach); neu
- (b) is-baragraff (1)(a)(ii) oherwydd rheoliad 24(7),

rhaid i'r Bwrdd Iechyd Lleol beidio â chymryd unrhyw gam mewn perthynas â'r cais hwnnw, ac eithrio hysbysu'r ceisydd o'r ffaith honno ac o unrhyw hawl i apelio o dan Atodlen 3.

(3) Ym mhob achos arall, rhaid rhoi hysbysiad ysgrifenedig o'r cais yn unol â pharagraff 9.

(4) Caiff y rhai a hysbyswyd o'r cais, o fewn 30 o'r dyddiad yr anfonwyd yr hysbysiad atynt, gyflwyno sylwadau ysgrifenedig ar y cais i'r Bwrdd Iechyd Lleol y cyflwynwyd y cais iddo.,

Personau a chyrff sydd i'w hysbysu

9.—(1) Y personau a'r cyrff y mae'n rhaid i Fwrdd Iechyd Lleol eu hysbysu yw—

- (a) y Pwyllgor Fferyllol Lleol;
- (b) y Pwyllgor Meddygol Lleol;
- (c) unrhyw berson—
 - (i) sydd wedi ei gynnwys mewn rhestr fferyllol a gynhelir ganddo, neu
 - (ii) y rhoddwyd iddo gydsyniad rhagarweiniol

PART 3

Applications for inclusion in or amendment to pharmaceutical lists and dispensing doctor lists

Notice of certain applications

8.—(1) This paragraph applies to applications for—

- (a) inclusion in or amendment to a—
 - (i) pharmaceutical list made under Part 4 of these Regulations, except for applications under regulation 16 (applications involving a change of ownership); and
 - (ii) dispensing doctor list made under Part 5 of these Regulations;
- (b) an extension of the relevant period under regulation 18; and
- (c) a further determination as to whether premises are or a relevant location is in a reserved location under regulation 11(2).

(2) Where a Local Health Board has determined that an application falling within—

- (a) sub-paragraph (1)(a)(i) cannot be considered because of regulation 10 (determination of applications to be included in or for amendment to a pharmaceutical list: effect of earlier determinations); or
- (b) sub-paragraph (1)(a)(ii) cannot be considered because of regulation 24(7),

the Local Health Board must take no action in relation to that application other than to notify the applicant of that fact and of any right of appeal under Schedule 3.

(3) In all other cases, notice in writing of the application must be given in accordance with paragraph 9.

(4) Those notified of an application may within 30 days of the date on which the notification was sent to them, make representations on the application in writing to the Local Health Board to which the application was submitted.

Persons and bodies to be notified

9.—(1) The persons and bodies that must be notified by a Local Health Board are—

- (a) the Local Pharmaceutical Committee;
- (b) the Local Medical Committee;
- (c) any person—
 - (i) included in a pharmaceutical list maintained by it, or
 - (ii) who has been granted preliminary consent

ar gyfer ei gynnwys mewn rhestr fferyllol, y gallai caniatáu'r cais, ym marn y Bwrdd Iechyd Lleol, effeithio'n sylweddol ar ei fuddiannau;

- (d) unrhyw ddarparwr gwasanaethau fferyllol lleol o dan gynllun peilot yn yr ardal y sefydlwyd y Bwrdd Iechyd Lleol ar ei chyfer, y gallai caniatáu'r cais, ym marn y Bwrdd Iechyd Lleol, effeithio'n sylweddol ar ei fuddiannau;
- (e) unrhyw Gyngor Iechyd Cymuned sy'n gwasanaethu ardal y Bwrdd Iechyd Lleol;
- (f) unrhyw grŵp cleifion, grŵp defnyddwyr neu grŵp cymunedol yn ardal y Bwrdd Iechyd Lleol sydd â buddiant sylweddol, ym marn y Bwrdd, yn y ddarpariaeth o wasanaethau fferyllol yn yr ardal;
- (g) os yw'r fangre a bennir yn y cais mewn ardal reoledig, unrhyw berson (ac eithrio'r Bwrdd ei hunan) sy'n ddarparwr gwasanaethau meddygol sylfaenol o fewn ardal y Bwrdd Iechyd Lleol, neu sydd wedi ei gynnwys yn y rhestr meddygon fferyllol a gynhelir gan y Bwrdd Iechyd Lleol, ac y gallai caniatáu'r cais, ym marn y Bwrdd Iechyd Lleol, effeithio'n sylweddol ar ei fuddiannau;
- (h) unrhyw Fwrdd Iechyd Lleol neu gorff cyfatebol sydd ag unrhyw ran o'i ardal o fewn dau gilometr o'r fangre, neu o leoliad y fangre, a bennir yn y cais; ac
- (i) yn achos cais a wnaed o dan reoliad 14 (ceisiadau sy'n ymwneud ag adleoliad bach rhwng ardaloedd Byrddau Iechyd Lleol cyfagos) y Bwrdd Iechyd Lleol y mae'r ceisydd yn bwriadu adleoli o'i ardal.

(2) Rhaid i Fwrdd Iechyd Lleol a hysbysir o dan is-baragraff (1)(h)—

- (a) o fewn 14 diwrnod ar ôl cael yr hysbysiad, rhoi hysbysiad ysgrifenedig i'r personau a'r cyrff a bennir yn is-baragraff (1)(a) i (g) sydd o fewn, neu sy'n gwasanaethu, yr ardal y sefydlwyd y Bwrdd Iechyd Lleol ar ei chyfer; a
- (b) hysbysu'r Bwrdd Iechyd Lleol a ddarparodd yr hysbysiad o dan is-baragraff (1) ei fod wedi darparu'r hysbysiad sy'n ofynnol gan is-baragraff (2)(a).

(3) Caiff corff cyfatebol a hysbysir o dan is-baragraff (1)(h) ofyn i'r Bwrdd Iechyd Lleol roi hysbysiad i'r personau hynny, yn yr ardal y sefydlwyd corff cyfatebol ar ei chyfer, y gallai caniatáu'r cais, ym marn y corff cyfatebol, effeithio'n sylweddol ar eu buddiannau, a rhaid i'r Bwrdd Iechyd Lleol gydymffurfio ag unrhyw ofyniad o'r fath.

for inclusion in a pharmaceutical list,

whose interests might, in the opinion of the Local Health Board, be significantly affected if the application is granted;

- (d) any provider of local pharmaceutical services under a pilot scheme in the area for which the Local Health Board is established whose interests might, in the opinion of the Local Health Board, be significantly affected if the application is granted;
- (e) any Community Health Council serving the area of the Local Health Board;
- (f) any patient group, consumer group or community group in the area of the Local Health Board that it considers has a significant interest in the provision of pharmaceutical services in the area;
- (g) where the premises specified in the application are in a controlled locality, any person (except itself) who is a provider of primary medical services within the Local Health Board's area or who is included in the dispensing doctor list maintained by the Local Health Board whose interests might, in the opinion of the Local Health Board, be significantly affected if the application is granted;
- (h) any Local Health Board or equivalent body any part of whose area is within two kilometres of the premises or the location of the premises specified in the application; and
- (i) in the case of an application made under regulation 14 (applications involving minor relocation between neighbouring Local Health Board areas), the Local Health Board from whose area the applicant wishes to relocate.

(2) A Local Health Board notified under sub-paragraph (1)(h) must—

- (a) within 14 days of receiving the notification give notice in writing to the persons and bodies specified in sub-paragraph (1)(a) to (g) that are within or that serve the area for which the Local Health Board is established; and
- (b) notify the Local Health Board that provided the notification under sub-paragraph (1) that it has provided the notification required by sub-paragraph (2)(a).

(3) An equivalent body notified under sub-paragraph (1)(h) may request the Local Health Board to give notification to such persons in the area for which the equivalent body is established whose interests might in the opinion of the equivalent body, be significantly affected if the application is granted and the Local Health Board must comply with any such request.

Cynnwys yr hysbysiadau

10. Rhaid i hysbysiad o gais o dan baragraff 8—

- (a) rhoi gwybod i'r person neu'r corff a hysbysir—
 - (i) am ei hawl i wneud sylwadau ar y cais o dan baragraff 8(4);
 - (ii) am yr amgylchiadau pan gaiff Bwrdd Iechyd Lleol ei gwneud yn ofynnol cynnal gwrandawiad llafar o dan baragraff 11; a
 - (iii) os yw'r Bwrdd Iechyd Lleol yn bwriadu ystyried y cais ar y cyd ac mewn perthynas ag unrhyw gais arall, am y bwriad hwnnw;
- (b) darparu copi iddo o'r cais a gyflwynwyd gan y ceisydd, i alluogi'r person neu'r corff a hysbysir i wneud sylwadau gwybodus ynglŷn ag a ddylid caniatâu'r cais ai peidio; ac
- (c) pan fo rheoliad 11(1) yn gymwys i gais o dan baragraff 8(1)(a), rhoi gwybod i'r person neu'r corff a hysbysir y bydd y Bwrdd Iechyd Lleol yn penderfynu pa un a yw'r fangre neu'r lleoliad perthnasol, a bennwyd yn y cais ac sydd mewn ardal reoledig, hefyd mewn lleoliad neilltuedig.

Gwrandawiadau llafar

11.—(1) Yn achos cais sy'n dod o fewn paragraff 8, caiff Bwrdd Iechyd Lleol ei gwneud yn ofynnol cynnal gwrandawiad llafar, os yw o'r farn bod angen clywed sylwadau llafar cyn penderfynu cais o'r fath.

(2) Os yw'r Bwrdd Iechyd Lleol yn penderfynu cynnal gwrandawiad llafar, rhaid iddo—

- (a) rhoi dim llai na 14 diwrnod o rybudd o amser a lleoliad y gwrandawiad i'r canlynol—
 - (i) y ceisydd; a
 - (ii) unrhyw berson sydd wedi gwneud sylwadau ar y cais o dan baragraff 8(4);
- (b) rhoi gwybod i'r ceisydd pwy y rhoddwyd hysbysiad iddynt o'r gwrandawiad; ac
- (c) rhoi gwybod i'r rhai a hysbysir y caint roi sylwadau ar lafar yn y gwrandawiad, ynglŷn â'r cais.

(3) Caiff unrhyw berson a grybwyllir yn is-baragraff (2), sy'n dymuno rhoi sylwadau ar lafar yn y gwrandawiad, gael ei gynorthwyo i gyflwyno ei sylwadau gan berson arall a chael ei gynrychioli yn y gwrandawiad gan y person arall hwnnw, hyd yn oed pan na all y person a hysbysir o dan is-baragraff (2) fod yn bresennol ei hunan yn y gwrandawiad.

(4) Caiff y Bwrdd Iechyd Lleol benderfynu'r weithdrefn a ddilynir yn y gwrandawiad.

Content of notifications

10. A notification of an application under paragraph 8 must—

- (a) inform the person or body notified—
 - (i) of their right to make representations on the application under paragraph 8(4);
 - (ii) of the circumstances in which the Local Health Board may require an oral hearing to be held under paragraph 11; and
 - (iii) if the Local Health Board intends to consider the application together with and in relation to any other application, of that intention;
- (b) provide a copy of the application submitted by the applicant to enable the person or body notified to make informed representations with regard to whether or not the application should be granted; and
- (c) where regulation 11(1) applies to an application under paragraph 8(1)(a) inform the person or body notified that the Local Health Board will be determining whether the premises or relevant location specified in the application that are in a controlled locality are also in a reserved location.

Oral hearings

11.—(1) In the case of an application falling within paragraph 8, a Local Health Board may require an oral hearing to be held if it considers it is necessary to hear oral representations before determining such an application.

(2) If the Local Health Board does decide to hold an oral hearing it must—

- (a) give not less than 14 days notice of the time and place of the hearing to—
 - (i) the applicant; and
 - (ii) any person who has made representations on the application under paragraph 8(4);
- (b) advise the applicant who has been given notice of the hearing; and
- (c) advise those notified that they may make oral representations relating to the application at the hearing.

(3) Any person mentioned in sub-paragraph (2) wishing to make oral representations at the hearing may be assisted in the presentation of their representations by another person and may be represented by that other person at the hearing, including where the person notified under sub-paragraph (2) is unable to attend the hearing in person.

(4) A Local Health Board may determine the procedure to be followed at the oral hearing.

(5) Ni fydd y Bwrdd Iechyd Lleol wedi ei rwymo gan unrhyw argymhellion a fydd yn codi o wrandawriad llafar.

Gwybodaeth y mae'n rhaid i Fwrdd Iechyd Lleol roi sylw iddi

12. Wrth benderfynu cais sy'n dod o fewn paragraff 8 rhaid i Fwrdd Iechyd Lleol roi sylw, yn benodol, i'r canlynol—

- (a) unrhyw sylwadau a gaiff y Bwrdd Iechyd Lleol o dan baragraff 8(4);
- (b) unrhyw argymhellion sy'n codi o wrandawriad llafar, os cynhelir un o dan baragraff 11; ac
- (c) unrhyw wybodaeth arall sydd ar gael i'r Bwrdd Iechyd Lleol ac, ym marn y Bwrdd, yn berthnasol i'r ystyriaeth o'r cais.

Gosod amodau

13.—(1) Mae'r is-baragraff hwn yn gymwys pan fo Bwrdd Iechyd Lleol yn penderfynu caniatáu cais sy'n dod o fewn—

- (a) paragraff 8(1)(a)(i) pan fo'r fangre a bennir yn y cais mewn ardal reoledig; neu
- (b) paragraff 8(1)(a)(ii).

(2) Pan fo is-baragraff (1) yn gymwys, rhaid i Fwrdd Iechyd Lleol—

- (a) ystyried a yw'n debygol yr effeithir yn anffafriol ar y ddarpariaeth o—
 - (i) gwasanaethau meddygol sylfaenol gan ddarparwr gwasanaethau o'r fath (ac eithrio'r Bwrdd Iechyd Lleol ei hunan),
 - (ii) gwasanaethau fferyllol gan fferyllydd GIG neu gcontractwr cyfarpar GIG,
 - (iii) gwasanaethau fferyllol lleol a ddarperir o dan gynllun peilot, neu
 - (iv) gwasanaethau fferyllol gan feddyg,

o ganlyniad i'w benderfyniad i ganiatáu'r cais; a

- (b) os yw o'r farn ei bod yn debygol yr effeithir yn anffafriol ar y ddarpariaeth o unrhyw un o'r gwasanaethau hynny, caiff osod amodau i ohirio, am ba bynnag gyfnod yr ystyria'n briodol, gwneud neu derfynu trefniadau o dan reoliad 20 (trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon) neu ddarpariaeth gyfatebol gan feddyg neu gcontractwr GMC o wasanaethau fferyllol neu wasanaethau gweinyddu i gleifion ar y rhestr berthnasol.

(5) A Local Health Board is not bound by any recommendations arising from an oral hearing.

Information to which a Local Health Board must have regard

12. In determining an application falling within paragraph 8 a Local Health Board must have regard, in particular, to—

- (a) any representations received by the Local Health Board under paragraph 8(4);
- (b) any recommendations arising from an oral hearing, if one is held under paragraph 11; and
- (c) any other information available to the Local Health Board which, in its opinion, is relevant to the consideration of the application.

Imposition of conditions

13.—(1) This sub-paragraph applies where a Local Health Board decides to grant an application falling within—

- (a) paragraph 8(1)(a)(i) where the premises specified in the application are in a controlled locality; or
- (b) paragraph 8(1)(a)(ii).

(2) Where sub-paragraph (1) applies, a Local Health Board—

- (a) must consider whether the provision of—
 - (i) primary medical services by a provider of such services (other than itself),
 - (ii) pharmaceutical services by an NHS pharmacist or NHS appliance contractor,
 - (iii) local pharmaceutical services provided under a pilot scheme; or
 - (iv) pharmaceutical services by a doctor,

is likely to be adversely affected as a consequence of its decision to grant the application; and

- (b) may, where it is of the opinion that the provision of any of those services is likely to be adversely affected, impose conditions to postpone, for such period as it thinks fit, the making or termination of arrangements under regulation 20 (arrangements for the provision of pharmaceutical services by doctors) or equivalent provision by a doctor or GMS contractor of pharmaceutical services or dispensing services to patients on the relevant list.

Hysbysu ynghylch penderfyniadau: ceisiadau am gynnwys person mewn rhestr fferyllol neu ddiwygio rhestr fferyllol

14.—(1) Rhaid i Fwrdd Iechyd Lleol, cyn gynted ag y bo'n ymarferol ar ôl cyrraedd penderfyniad ar gais sy'n dod o fewn paragraff 8(1)(a)(i), roi hysbysiad ysgrifenedig o'i benderfyniad (gan gynnwys y cwestiwn o osod amodau o dan baragraff 13) ac o'r penderfyniad ynghylch lleoliad neilltuedig o dan reoliad 11(1)—

- (a) yn achos cais y mae paragraff 8(2)(a) yn gymwys iddo, i'r ceisydd;
- (b) yn achos pob cais arall sy'n dod o fewn paragraff 8(1)(a)(i)—
 - (i) i'r ceisydd, a
 - (ii) i unrhyw berson a gyflwynodd sylwadau ar y cais i'r Bwrdd Iechyd Lleol yn unol â pharagraff 8(4).

(2) Yn achos cais a benderfynir o dan reoliad 16 (ceisiadau sy'n ymwneud â newid perchnogaeth), rhaid i Fwrdd Iechyd Lleol, cyn gynted ag y bo'n ymarferol ar ôl cyrraedd penderfyniad roi hysbysiad ysgrifenedig yn unol â pharagraff 9.

(3) Rhaid i hysbysiad o benderfyniad o dan y paragraff hwn gynnwys datganiad o'r rhesymau am y penderfyniad ac o unrhyw hawliau apelio.

Hysbysu ynghylch penderfyniadau: ceisiadau am gynnwys person mewn rhestr meddygon fferyllol neu ddiwygio rhestr meddygon fferyllol

15.—(1) Rhaid i Fwrdd Iechyd Lleol, cyn gynted ag y bo'n ymarferol ar ôl cyrraedd penderfyniad ar gais sy'n dod o fewn paragraff 8(1)(a)(ii) roi hysbysiad ysgrifenedig o'i benderfyniad (gan gynnwys y cwestiwn o osod amodau o dan baragraff 13)—

- (a) yn achos cais y mae paragraff 8(2)(b) yn gymwys iddo, i'r ceisydd; a
- (b) yn achos pob cais arall sy'n dod o fewn paragraff 8(1)(a)(ii)—
 - (i) i'r ceisydd; a
 - (ii) i unrhyw berson sydd wedi cyflwyno sylwadau ar y cais i'r Bwrdd Iechyd Lleol yn unol â pharagraff 8(4).

(2) Rhaid i hysbysiad o benderfyniad o dan y paragraff hwn gynnwys datganiad o'r rhesymau am y penderfyniad ac o unrhyw hawliau apelio.

Hysbysu ynghylch penderfyniadau: ceisiadau o dan reoliad 18 am estyn y cyfnod perthnasol

16.—(1) Rhaid i Fwrdd Iechyd Lleol, cyn gynted ag y bo'n ymarferol ar ôl cyrraedd penderfyniad ar gais sy'n dod o fewn paragraff 8(1)(b), roi hysbysiad ysgrifenedig o'i benderfyniad i—

- (a) y ceisydd, a

Notification of decisions: applications for inclusion in or amendment to pharmaceutical lists

14.—(1) A Local Health Board must, as soon as is practicable after reaching a decision on an application falling within paragraph 8(1)(a)(i), give notice in writing of its decision (including the question of the imposition of conditions under paragraph 13 and the determination of reserved location under regulation 11(1))—

- (a) in the case of an application to which paragraph 8(2)(a) applies, to the applicant; and
- (b) in the case of all other applications falling within paragraph 8(1)(a)(i) to—
 - (i) the applicant, and
 - (ii) any person who made representations on the application to the Local Health Board in accordance with paragraph 8(4).

(2) In the case of an application which is determined under regulation 16 (applications involving a change of ownership), a Local Health Board must as soon as practicable after reaching a decision give notice in writing in accordance with paragraph 9.

(3) A notification of a decision under this paragraph must include a statement of the reasons for the decision and of any rights of appeal.

Notification of decisions: applications for inclusion in or amendment to dispensing doctor lists

15.—(1) A Local Health Board must, as soon as is practicable after reaching a decision on an application falling within paragraph 8(1)(a)(ii), give notice in writing of its decision (including the question of the imposition of conditions under paragraph 13)—

- (a) in the case of an application to which paragraph 8(2)(b) applies, to the applicant; and
- (b) in the case of all other applications falling within paragraph 8(1)(a)(ii) to—
 - (i) the applicant, and
 - (ii) any person who made representations on the application to the Local Health Board in accordance with paragraph 8(4).

(2) A notification of a decision under this paragraph must include a statement of the reasons for the decision and of any rights of appeal.

Notification of decisions: applications under regulation 18 for extension of the relevant period

16.—(1) A Local Health Board must, as soon as is practicable after reaching a decision on an application falling within paragraph 8(1)(b), give notice in writing of its decision to—

- (a) the applicant, and

- (b) unrhyw berson a gyflwynodd sylwadau ar y cais i'r Bwrdd Iechyd Lleol yn unol â pharagraff 8(4).

(2) Rhaid i hysbysiad o benderfyniad o dan y paragraff hwn gynnwys datganiad o'r rhesymau am y penderfyniad ac o unrhyw hawliau apelio.

Hysbysi ynghylch penderfyniadau: ceisiadau o dan reoliad 11(2)

17.—(1) Rhaid i Fwrdd Iechyd Lleol, cyn gynted ag y bo'n ymarferol ar ôl cyrraedd penderfyniad ar gais sy'n dod o fewn paragraff 8(1)(c), roi hysbysiad ysgrifenedig o'i benderfyniad i—

- (a) y ceisydd, a
- (b) unrhyw berson a gyflwynodd sylwadau ar y cais i'r Bwrdd Iechyd Lleol yn unol â pharagraff 8(4).

(2) Rhaid i hysbysiad o benderfyniad o dan y paragraff hwn gynnwys datganiad o'r rhesymau am y penderfyniad ac o unrhyw hawliau apelio.

Gweithredu yn dilyn penderfyniad ynghylch lleoliadau neilltuedig

18.—(1) Ar ôl penderfynu cais sy'n dod o dan reoliad 11(2) neu wneud penderfyniad yn unol â rheoliad 11(1), cyn gynted ag y bo'n ymarferol ar ôl y dyddiad perthnasol rhaid i'r Bwrdd Iechyd Lleol amlinellu, yn fanwl gywir ar fap, ffiniau unrhyw leoliad neilltuedig a benderfynwyd ganddo, neu, yn ôl fel y digwydd, dynnu ymaith yr amlinelliad o ffin unrhyw leoliad sydd wedi peidio â bod yn lleoliad neilltuedig.

(2) At ddibenion y paragraff hwn, y "dyddiad perthnasol" ("relevant date") yw'r diweddaraf o'r canlynol—

- (a) y dyddiad y mae'r cyfnod ar gyfer dwyn apêl mewn perthynas â'r penderfyniad yn dod i ben; neu
- (b) dyddiad penderfynu unrhyw apêl o'r fath.

- (b) any person who made representations on the application to the Local Health Board in accordance with paragraph 8(4).

(2) A notification of a decision under this paragraph must include a statement of the reasons for the decision and of any rights of appeal.

Notification of decisions: applications under regulation 11(2)

17.—(1) A Local Health Board must, as soon as practicable after reaching a decision on an application falling within paragraph 8(1)(c), give notice in writing of its decision to—

- (a) the applicant; and
- (b) any person who made representations on the application to the Local Health Board in accordance with paragraph 8(4).

(2) A notification of a decision under this paragraph must include a statement of the reasons for the decision and of any rights of appeal.

Action following determination in respect of reserved locations

18.—(1) After determining an application falling under regulation 11(2) or making a determination in accordance with regulation 11(1), as soon as practicable after the relevant date the Local Health Board must delineate precisely on a map the boundaries of any reserved location that it has determined or remove the delineated boundary of a location that has ceased to be a reserved location, as the case may be.

(2) For the purposes of this paragraph, the "relevant date" ("dyddiad perthnasol") is the later of—

- (a) the date on which the period for bringing an appeal relating to the determination ends; or
- (b) the date of the determination of any such appeal.

Rheoliadau 7, 19 a 30

Apelau i Weinidogion Cymru

Regulations 7, 19 and 30

Appeals to the Welsh Ministers

RHAN 1

Materion rhagarweiniol

Egwyddorion cyffredinol

1. Ac eithrio i'r graddau y mae'r Rheoliadau hyn yn darparu i'r gwrthwyneb, caiff Gweinidogion Cymru benderfynu apêl a gyflwynir iddynt ym mha bynnag fod yr ystyriant yn briodol, ac yn benodol, cânt—

- (a) ystyried yr holl wybodaeth sydd ar gael iddynt ac, yn eu barn hwy, yn berthnasol i benderfynu'r apêl;
- (b) ystyried dwy neu ragor o apelau ar y cyd ac mewn perthynas â'i gilydd (ond nid oes rhwymedigaeth arnynt i wneud hynny pan fo'r Bwrdd Iechyd Lleol wedi penderfynu dau neu ragor o geisiadau ar y cyd ac mewn perthynas â'i gilydd), ond os ydynt yn bwriadu gwneud hynny, rhaid iddynt roi hysbysiad o'r bwriad hwnnw i bob apelydd ac i'r rhai a hysbysir yngylch pob apêl yn unol â'r Atodlen hon;
- (c) pan fo Gweinidogion Cymru, yn unol ag is-baragraff (b), yn ystyried dwy neu ragor o apelau y mae rheoliad 9(2) yn gymwys iddynt ar y cyd ac mewn perthynas â'i gilydd, cânt wrthod apêl (er gwaethaf y ffaith y byddent, pe baent yn penderfynu'r apêl fel apêl unigol ar ei phen ei hunan, yn ei chaniatáu) os yw nifer yr apelau, neu'r amgylchiadau y'u gwneir ynddynt, yn peri y byddai caniatáu pob un, neu fwy nag un ohonynt, yn niweidio'r ddarpariaeth briodol o wasanaethau meddygol sylfaenol, gwasanaethau fferyllol neu wasanaethau gweinyddu yn yr ardal reoledig y lleolir ynddi'r fangre a bennir yn yr apêl;
- (d) dychwelyd apêl a gyflwynwyd iddynt at y Bwrdd Iechyd Lleol i'w ailbenderfynu, mewn achosion pan oedd yr wybodaeth y mae'n ofynnol i'r ceisydd ei darparu yn unol ag Atodlen 1 yn anghyflawn;
- (e) gwrthod apêl os ydynt o'r farn bod yr hysbysiad o apêl—
 - (i) yn annilys oherwydd nad yw'n cydymffurfio â gofynion yr Atodlen hon;
 - (ii) yn amddifad o unrhyw sail resymol dros apelio; neu
 - (iii) rywfodd arall yn flinderus neu'n wacsaw.

PART 1

Preliminary matters

General principles

1. Except in so far as these Regulations provide to the contrary, the Welsh Ministers may determine an appeal submitted to them in such manner as they think fit and may, in particular—

- (a) consider all information available to them which, in their opinion, is relevant to the determination of an appeal;
- (b) consider two or more appeals together and in relation to each other (but they are not obliged to do so where the Local Health Board has determined two or more applications together and in relation to each other) but where they intend to do so they must give notice of that intention to each appellant and those given notice of each appeal in accordance with this Schedule;
- (c) where in accordance with subparagraph (b) the Welsh Ministers consider two or more appeals to which regulation 9(2) applies together and in relation to each other, they may refuse an appeal (notwithstanding the fact that they would if determining the appeal in isolation grant it) where the number of appeals is such, or the circumstances in which they are made are such, that to grant all of them or more than one of them, would prejudice the proper provision of primary medical services, pharmaceutical services or dispensing services in the controlled locality within which the premises specified in the appeal are situated.
- (d) remit an appeal submitted to them to a Local Health Board for re-determination in cases where the information that the applicant is required to provide in accordance with Schedule 1 was incomplete;
- (e) dismiss an appeal if they are of the opinion that the notice of appeal—
 - (i) is not valid because it does not comply with the requirements of this Schedule;
 - (ii) does not disclose any reasonable grounds of appeal; or
 - (iii) is otherwise vexatious or frivolous.

Gwrandawiadau llafar

2.—(1) Caiff Gweinidogion Cymru ei gwneud yn ofynnol cynnal gwrandawriad llafar os ydynt o'r farn bod angen clywed sylwadau ar lafar cyn penderfynu apêl a gyflwynwyd iddynt.

(2) Os yw Gweinidogion Cymru yn penderfynu cynnal gwrandawriad llafar, rhaid iddynt—

- (a) penodi un neu ragor o bersonau i glywed yr apêl ac i adrodd wrthynt ar yr apêl;
- (b) rhoi dim llai na 14 diwrnod o rybudd o amser a lleoliad y gwrandawriad i'r apelydd ac i unrhyw berson yr anfonwyd copi o'r hysbysiad o apêl ato o dan baragraff 4 neu 7;
- (c) rhoi gwybod i'r apelydd i bwy y rhoddwyd hysbysiad o'r gwrandawriad; a
- (d) rhoi gwybod i'r rhai a hysbysir y cânt wneud sylwadau ar lafar ynglŷn â'r apêl yn y gwrandawriad.

(3) Caiff unrhyw berson a grybwyllir yn is-baragraff (2), sy'n dymuno rhoi sylwadau ar lafar yn y gwrandawriad, gael ei gynorthwyo i gyflwyno ei sylwadau gan berson arall a chael ei gynrychioli yn y gwrandawriad gan y person arall hwnnw, hyd yn oed pan na all y person a hysbysir o dan is-baragraff (2) fod yn bresennol ei hunan yn y gwrandawriad.

(4) Caiff y person neu'r personau a benodir gan Weinidogion Cymru i glywed yr apêl benderfynu'r weithdrefn a ddilynir yn y gwrandawriad.

(5) Ni fydd Gweinidogion Cymru wedi eu rhwymo gan unrhyw argymhellion a fydd yn codi o'r gwrandawriad llafar.

RHAN 2

Apelau yn erbyn penderfyniadau sy'n pennu ardaloedd rheoledig

Hawl i apelio i Weinidogion Cymru

3.—(1) Pan fo Bwrdd Iechyd Lleol wedi penderfynu, yn rhinwedd rheoliad 6(3) (ardaloedd sy'n ardaloedd rheoledig), na ellir ystyried cais gan Bwyllgor Meddygol Lleol neu Bwyllgor Fferyllol Lleol, caiff y ceisydd gyflwyno hysbysiad o apêl i Weinidogion Cymru yn erbyn y penderfyniad hwnnw.

(2) Pan fo Bwrdd Iechyd Lleol wedi penderfynu, o dan reoliad 6(2), a yw ardal benodol o fewn yr ardal y sefydlwyd y Bwrdd Iechyd Lleol ar ei chyfer, oherwydd ei chymeriad gwledig, yn ardal reoledig neu'n rhan o ardal reoledig ai peidio, y personau sydd â hawl i gyflwyno hysbysiad o apêl i Weinidogion Cymru yn erbyn y penderfyniad hwnnw yw—

- (a) y Pwyllgor Meddygol Lleol;

Oral hearings

2.—(1) The Welsh Ministers may require an oral hearing to be held if they consider that it is necessary to hear oral representations before determining an appeal submitted to them.

(2) If the Welsh Ministers decide to hold an oral hearing they must—

- (a) appoint one or more persons to hear and to report to them on the appeal;
- (b) give not less than 14 days notice of the time and place of the hearing to the appellant and to any person sent a copy of the notice of appeal under paragraph 4 or 7;
- (c) advise the appellant who has been given notice of the hearing; and
- (d) advise those notified that they make oral representations relating to the appeal at the hearing.

(3) Any person mentioned in sub-paragraph (2) wishing to make oral representations at the hearing may be assisted in the presentation of their representations by another person and may be represented by that other person at the hearing, including where the person notified under sub-paragraph (2) is unable to attend the hearing in person.

(4) The person or persons appointed by the Welsh Ministers to hear the appeal may determine the procedure to be followed at the hearing.

(5) The Welsh Ministers are not bound by any recommendations arising from an oral hearing.

PART 2

Appeals against decisions determining controlled localities

Right of appeal to the Welsh Ministers

3.—(1) Where a Local Health Board has decided that an application by a Local Medical Committee or a Local Pharmaceutical Committee cannot be considered by virtue of regulation 6(3) (areas that are controlled localities), the applicant may submit a notice of appeal against that decision to the Welsh Ministers.

(2) Where a Local Health Board has determined under regulation 6(2) whether or not any particular area within the area for which it is established is, because it is rural in character, a controlled locality or part of a controlled locality, the persons entitled to submit a notice of appeal against that determination to the Welsh Ministers are—

- (a) the Local Medical Committee;

- (b) y Pwyllgor Fferyllol Lleol; ac
- (c) unrhyw berson sydd wedi ei gynnwys mewn rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol, unrhyw ddarparwr gwasanaethau fferyllol lleol o dan gynllun peilot neu unrhyw ddarparwr gwasanaethau meddygol sylfaenol yn yr ardal y sefydlwyd y Bwrdd Iechyd Lleol ar ei chyfer ac y rhoddwyd hysbysiad iddo o'r penderfyniad gan y Bwrdd Iechyd Lleol o dan baragraff 7(1) o Atodlen 2.

(3) Pan fo Bwrdd Iechyd Lleol wedi penderfynu y dylai neu na ddylai ohirio gwneud neu derfynu trefniadau, fel a grybwylir ym mharagraff 6(b) o Atodlen 2, y rhai a gaiff gyflwyno hysbysiad o apêl i Weinidogion Cymru yn erbyn y penderfyniad hwnnw yw—

- (a) y Pwyllgor Meddygol Lleol;
- (b) y Pwyllgor Fferyllol Lleol; ac
- (c) unrhyw berson a gynhwysir mewn rhestr fferyllol a gynhelir gan y Bwrdd Iechyd Lleol, unrhyw ddarparwr gwasanaethau fferyllol lleol o dan gynllun peilot neu unrhyw ddarparwr gwasanaethau meddygol sylfaenol, yn yr ardal y sefydlwyd y Bwrdd Iechyd Lleol ar ei chyfer ac y rhoddwyd hysbysiad o'r penderfyniad iddynt gan y Bwrdd Iechyd Lleol o dan baragraff 7(1) o Atodlen 2.

(4) Mae hysbysiad o apêl yn ddilys os—

- (a) cyflwynir yr hysbysiad gan berson sydd â hawl i apelio o dan is-baragraff (1), (2) neu (3);
- (b) anfonir yr hysbysiad at Weinidogion Cymru o fewn 30 diwrnod o'r dyddiad yr anfonodd y Bwrdd Iechyd Lleol yr hysbysiad o'r penderfyniad yr apelir yn ei erbyn at y person sy'n gwneud yr apêl; ac
- (c) bod yr hysbysiad yn cynnwys datganiad o seiliau'r apêl.

Hysbysu yngylch apelau

4.—(1) Rhaid i Weinidogion Cymru, ar ôl cael hysbysiad o apêl a gyflwynwyd o dan baragraff 3(1) anfon copi o'r hysbysiad at y Bwrdd Iechyd Lleol.

(2) Rhaid i Weinidogion Cymru, ar ôl cael hysbysiad o apêl a gyflwynwyd o dan baragraff 3(2) neu 3(3) anfon copi o'r hysbysiad at—

- (a) y Bwrdd Iechyd Lleol; a
- (b) y personau hynny y rhoddodd y Bwrdd Iechyd Lleol hysbysiad o'i benderfyniad iddynt o dan baragraff 7(1) o Atodlen 2.

(3) Ar yr un pryd, rhaid i Weinidogion Cymru roi gwybod i'r rhai yr anfonwyd copi o'r hysbysiad o apêl atynt o dan is-baragraffau (1) i (3)—

- (a) y cînt gyflwyno sylwadau ysgrifenedig i Weinidogion Cymru ynglŷn â'r apêl, o fewn 30

- (b) the Local Pharmaceutical Committee; and
- (c) any person included in a pharmaceutical list maintained by the Local Health Board, any provider of local pharmaceutical services under a pilot scheme or any provider of primary medical services in the area for which the Local Health Board is established and who were given notice of the determination by the Local Health Board under paragraph 7(1) of Schedule 2.

(3) Where a Local Health Board has determined that it should or should not postpone the making or termination of arrangements, as mentioned in paragraph 6(b) of Schedule 2, those that may submit a notice of appeal against that determination to the Welsh Ministers are—

- (a) the Local Medical Committee;
- (b) the Local Pharmaceutical Committee; and
- (c) any person included in a pharmaceutical list maintained by the Local Health Board, any provider of local pharmaceutical services under a pilot scheme or any provider of primary medical services in the area for which the Local Health Board is established and who were given notice of the determination by the Local Health Board under paragraph 7(1) of Schedule 2.

(4) A notice of appeal is valid if—

- (a) it is submitted by a person with the right of appeal under sub-paragraph (1), (2) or (3);
- (b) it is sent to the Welsh Ministers within 30 days of the date on which notice of the decision being appealed was sent by the Local Health Board to the person making the appeal; and
- (c) it contains a statement of the grounds of appeal.

Notification of appeals

4.—(1) The Welsh Ministers must on receipt of a notice of appeal submitted under paragraph 3(1) send a copy of the notice to the Local Health Board.

(2) The Welsh Ministers must on receipt of a notice of appeal submitted under paragraph 3(2) or 3(3) send a copy of the notice to—

- (a) the Local Health Board; and
- (b) those persons to whom the Local Health Board has given notice of its determination under paragraph 7(1) of Schedule 2.

(3) Those sent a copy of the notice of appeal under sub-paragraphs (1) to (3) must, at the same time, be informed by the Welsh Ministers—

- (a) that they may within 30 days of the date on which the notice of appeal was sent to them,

- diwrnod o'r dyddiad yr anfonwyd yr hysbysiad o apêl atynt; a
- (b) am yr amgylchiadau pan gaiff Gweinidogion Cymru ei gwneud yn ofynnol cynnal gwrandawiad llafar.

Penderfynu mewn apelau

5.—(1) Rhaid i Weinidogion Cymru, ar ôl cyrraedd penderfyniad mewn apêl a gyflwynwyd o dan baragraff 3, roi hysbysiad ysgrifenedig o'u penderfyniad, ynghyd â'r rhesymau drosto, i'r personau yr anfonwyd copi o'r hysbysiad o apêl atynt o dan baragraff 4.

(2) O ran Gweinidogion Cymru—

- (a) rhaid iddynt, os ydynt yn caniatáu apêl yn erbyn penderfyniad gan Fwrdd Iechyd Lleol na ellid ystyried cais yn rhinwedd rheoliad 6(3), naill ai—
 - (i) penderfynu eu hunain y cwestiwn pa un a yw'r ardal benodol yn ardal reoledig neu'n rhan o ardal reoledig ai peidio, neu
 - (ii) dychwelyd y cwestiwn at y Bwrdd Iechyd Lleol ar gyfer ei benderfynu;
- (b) os oedd y Bwrdd Iechyd Lleol, wrth benderfynu'r cais, wedi ystyried gosod amodau o dan baragraff 6 o Atodlen 2, caiff Gweinidogion Cymru ystyried a ddylent, eu hunain, osod amodau;
- (c) os nad oedd y Bwrdd Iechyd Lleol, wrth benderfynu'r cais, wedi ystyried gosod amodau o dan baragraff 6 o Atodlen 2, caiff Gweinidogion Cymru naill ai—
 - (i) ystyried a ddylent, eu hunain, osod amodau; neu
 - (ii) dychwelyd y cwestiwn at y Bwrdd Iechyd Lleol ar gyfer ei benderfynu;
- (d) os oedd y Bwrdd Iechyd Lleol, wrth benderfynu'r cais, wedi ystyried y cwestiwn a ddylid gohirio gwneud neu ohirio terfynu trefniadau o dan reoliad 20 (neu ddarpariaeth gyfatebol o dan y Rheoliadau GMC) ar gyfer darparu gwasanaethau fferyllol neu wasanaethau gweinyddu i gleifion gan feddyg neu gcontractwr GMC, caiff Gweinidogion Cymru eu hunain ohirio gwneud neu ohirio terfynu trefniadau o'r fath am ba bynnag gyfnod a ystyriant yn briodol; neu
- (e) os nad oedd y Bwrdd Iechyd Lleol wedi ystyried y cwestiwn a ddylid gohirio gwneud neu derfynu trefniadau o dan reoliad 20 (neu ddarpariaeth gyfatebol o dan y Rheoliadau GMC) ar gyfer darparu gwasanaethau fferyllol neu wasanaethau gweinyddu i gleifion gan feddyg neu gcontractwr GMC, rhaid i Weinidogion Cymru ddychwelyd y cwestiwn at y Bwrdd Iechyd Lleol ar gyfer ei benderfynu.

make representations on the appeal in writing to the Welsh Ministers; and

- (b) of the circumstances in which the Welsh Ministers may require an oral hearing to be held.

Decision on appeals

5.—(1) The Welsh Ministers must after reaching a decision on an appeal submitted under paragraph 3 give written notice of their decision together with the reasons for it to those persons sent a copy of the notice of appeal under paragraph 4.

(2) The Welsh Ministers—

- (a) must, where they allow an appeal against a decision by a Local Health Board that an application cannot be considered by virtue of regulation 6(3), either—
 - (i) themselves determine the question of whether or not the particular locality is or is part of a controlled locality, or
 - (ii) remit the question to the Local Health Board for determination;
- (b) may, where the Local Health Board, on determining the application, considered the imposition of conditions under paragraph 6 of Schedule 2, themselves consider whether to impose conditions;
- (c) may, where the Local Health Board, on determining the application, has not considered the imposition of conditions under paragraph 6 of Schedule 2 either—
 - (i) themselves consider whether to impose conditions; or
 - (ii) remit the question to the Local Health Board for determination;
- (d) may, where the Local Health Board, on determining the application, considered the question whether to postpone the making or termination of arrangements under regulation 20 (or equivalent provision under the GMS Regulations) for the provision by a doctor or a GMS contractor of pharmaceutical services or dispensing services to patients, themselves postpone, for such period as they think fit, the making or termination of such arrangements; or
- (e) must, where the Local Health Board, did not consider the question whether to postpone the making or termination of arrangements under regulation 20 (or equivalent provision under the GMS Regulations) for the provision by a doctor or a GMS contractor of pharmaceutical services or dispensing services to patients, remit the question to the Local Health Board for determination.

Apelau yn erbyn penderfyniadau ynglŷn â chynnwys personau mewn rhestrau fferyllol a rhestrau meddygon fferyllol neu ddiwygio rhestrau o'r fath

Hawl i apelio i Weinidogion Cymru

6.—(1) Pan fo Bwrdd Iechyd Lleol, o dan baragraff 8(2) o Atodlen 2, wedi penderfynu peidio â gweithredu mewn perthynas â chais, caiff y ceisydd gyflwyno hysbysiad o apêl i Weinidogion Cymru yn erbyn penderfyniad y Bwrdd Iechyd Lleol.

(2) Yn achos pob cais arall y mae paragraff 8 o Atodlen 2 yn gymwys iddo, y personau sydd â hawl i gyflwyno hysbysiad o apêl i Weinidogion Cymru yn erbyn penderfyniad y Bwrdd Iechyd Lleol yw—

- (a) y ceisydd;
- (b) unrhyw rai o'r canlynol a gyflwynodd sylwadau ar y cais i'r Bwrdd Iechyd Lleol o dan baragraff 8(4) o Atodlen 2—
 - (i) unrhyw berson sydd wedi ei gynnwys mewn rhestr fferyllol,
 - (ii) unrhyw berson y rhoddyd iddo gydsyniad rhagarweiniol ar gyfer ei gynnwys mewn rhestr fferyllol,
 - (iii) unrhyw ddarparwr gwasanaethau fferyllol lleol o dan gynllun peilot, a
 - (iv) os yw'r fangre a bennir yn y cais mewn ardal reoledig, unrhyw berson sy'n ddarparwr gwasanaethau meddygol sylfaenol neu sydd wedi ei gynnwys yn y rhestr meddygon fferyllol.

(3) Yn achos cais a benderfynwyd o dan reoliad 16 (ceisiadau sy'n ymwneud â newid perchnogaeth), y personau sydd â hawl i gyflwyno hysbysiad o apêl i Weinidogion Cymru yw—

- (a) y ceisydd;
- (b) unrhyw rai o'r canlynol, y rhoddyd iddynt hysbysiad, o dan baragraff 14(2) o Atodlen 2, o'r penderfyniad gan y Bwrdd Iechyd Lleol ar y cais—
 - (i) unrhyw berson sydd wedi ei gynnwys mewn rhestr fferyllol,
 - (ii) unrhyw berson y rhoddyd iddo gydsyniad rhagarweiniol ar gyfer ei gynnwys mewn rhestr fferyllol,
 - (iii) unrhyw ddarparwr gwasanaethau fferyllol lleol o dan gynllun peilot, a
 - (iv) os yw'r fangre a bennir yn y cais mewn ardal reoledig, unrhyw berson sy'n ddarparwr gwasanaethau meddygol sylfaenol neu sydd wedi ei gynnwys yn y rhestr meddygon fferyllol.

Appeals against decisions for inclusion in or amendment to pharmaceutical lists and dispensing doctor lists

Right of appeal to the Welsh Ministers

6.—(1) Where under paragraph 8(2) of Schedule 2 a Local Health Board has decided to take no action in relation to an application the applicant may submit a notice of appeal against the decision of the Local Health Board to the Welsh Ministers.

(2) In the case of all other applications to which paragraph 8 of Schedule 2 applies the persons entitled to submit a notice of appeal against the decision of the Local Health Board to the Welsh Ministers are—

- (a) the applicant;
- (b) any of the following who made representations on the application to the Local Health Board under paragraph 8(4) of Schedule 2—
 - (i) any person included in a pharmaceutical list,
 - (ii) any person who has been granted preliminary consent for inclusion in a pharmaceutical list,
 - (iii) any provider of local pharmaceutical services under a pilot scheme, and
 - (iv) where the premises specified in an application are in a controlled locality, any person who is a provider of primary medical services or who is included in the dispensing doctor list.

(3) In the case of an application determined under regulation 16 (applications involving a change of ownership) the persons entitled to submit a notice of appeal to the Welsh Ministers are—

- (a) the applicant; and
- (b) any of the following who were, under paragraph 14(2) of Schedule 2, given notice of the Local Health Board's decision on the application—
 - (i) any person included in a pharmaceutical list,
 - (ii) any person who has been granted preliminary consent for inclusion in a pharmaceutical list,
 - (iii) any provider of local pharmaceutical services under a pilot scheme, and
 - (iv) where the premises specified in the application are in a controlled locality, any person who is a provider of primary medical services or who is included in the dispensing doctor list.

- (4) Mae hysbysiad o apêl yn ddilys os—
- cyflwynir yr hysbysiad gan berson sydd â hawl i apelio o dan is-baragraffau (1), (2) neu (3);
 - anfonir yr hysbysiad at Weinidogion Cymru o fewn 30 diwrnod o'r dyddiad yr anfonodd yr Bwrdd Iechyd Lleol yr hysbysiad o'r penderfyniad yr apelir yn ei erbyn at y person sy'n gwneud yr apêl; ac
 - bod yr hysbysiad yn cynnwys datganiad o seiliau'r apêl.

Hysbysu ynghyllch apelau

7.—(1) Rhaid i Weinidogion Cymru, ar ôl cael hysbysiad o apêl a gyflwynwyd o dan baragraff 6(1) anfon copi o'r hysbysiad at y Bwrdd Iechyd Lleol.

(2) Rhaid i Weinidogion Cymru, ar ôl cael hysbysiad o apêl a gyflwynwyd o dan baragraff 6(2), anfon copi o'r hysbysiad at—

- y ceisydd, os nad y ceisydd a gyflwynodd yr hysbysiad o apêl;
- y Bwrdd Iechyd Lleol, ac
- y rhai a hysbyswyd o'r cais ac a wnaeth sylwadau arno o dan baragraff 8(4) o Atodlen 2.

(3) Rhaid i Weinidogion Cymru, ar ôl cael hysbysiad o apêl a gyflwynwyd o dan baragraff 6(3) anfon copi o'r hysbysiad at—

- y ceisydd, os nad y ceisydd a gyflwynodd yr hysbysiad o apêl;
- y Bwrdd Iechyd Lleol, ac
- y rhai y rhoddodd y Bwrdd Iechyd Lleol hysbysiad o'i benderfyniad iddynt o dan baragraff 14(2) o Atodlen 2.

(4) Ar yr un pryd, rhaid i Weinidogion Cymru roi gwybod i'r personau yr anfonwyd copi o'r hysbysiad o apêl atynt o dan y paragraff hwn—

- y caint, o fewn 30 diwrnod o'r dyddiad yr anfonwyd yr hysbysiad o apêl atynt, gyflwyno sylwadau ysgrifenedig i Weinidogion Cymru ynglŷn â'r apêl;
- am yr amgylchiadau pan gaiff Gweinidogion Cymru ei gwneud yn ofynnol cynnal gwrandawiad llafar; ac
- pan fo bwriad gan Weinidogion Cymru i ystyried dwy neu ragor o apelau ar y cyd ac mewn perthynas â'i gilydd, am y bwriad hwnnw.

Penderfynu mewn apelau

8.—(1) Rhaid i Weinidogion Cymru, wrth benderfynu apêl a wnaed o dan baragraff 6, naill ai—

- caniatáu'r apêl; neu

- (4) A notice of appeal is valid if—
- it is submitted by a person with the right of appeal under sub-paragraphs (1), (2) or (3);
 - it is sent to the Welsh Ministers within 30 days of the date on which notice of the decision being appealed was sent by the Local Health Board to the person making the appeal; and
 - it contains a statement of the grounds of appeal.

Notification of appeals

7.—(1) The Welsh Ministers must on receipt of a notice of appeal submitted under paragraph 6(1) send a copy of the notice to the Local Health Board.

(2) The Welsh Ministers must on receipt of a notice of appeal submitted under paragraph 6(2) send a copy of the notice to—

- the applicant, if the applicant has not submitted the notice of appeal;
- the Local Health Board, and
- those notified of and who made representations on the application under paragraph 8(4) of Schedule 2.

(3) The Welsh Ministers must on receipt of a notice of appeal submitted under paragraph 6(3) send a copy of the notice to—

- the applicant, if the applicant has not submitted the notice of appeal;
- the Local Health Board, and
- those given notification of the Local Health Board's decision under paragraph 14(2) of Schedule 2.

(4) The persons to whom a copy of the notice of appeal is sent under this paragraph must, at the same time, be informed by the Welsh Ministers—

- that they may within 30 days of the date on which the notice of appeal was sent to them, make representations on the appeal in writing to the Welsh Ministers;
- of the circumstances in which the Welsh Ministers may require an oral hearing to be held; and
- where the Welsh Ministers intend to consider two or more appeals together and in relation to each other, of that intention.

Decision on appeals

8.—(1) On determining an appeal made under paragraph 6, the Welsh Ministers must either—

- allow the appeal; or

(b) cadarnhau penderfyniad y Bwrdd Iechyd Lleol.

(2) Pan fo Bwrdd Iechyd Lleol, o dan baragraff 8(2) o Atodlen 2, wedi penderfynu peidio â gweithredu mewn perthynas â chais, a Gweinidogion Cymru yn caniatáu apêl y ceisydd yn erbyn y penderfyniad hwnnw, rhaid i Weinidogion Cymru dychwelyd y cais yn ôl at y Bwrdd Iechyd Lleol ar gyfer ei benderfynu gan y Bwrdd Iechyd Lleol.

(3) Mewn achos pan fo'r fangre a bennir mewn cais, sydd yn destun apêl, mewn ardal reoledig—

(a) os oedd y Bwrdd Iechyd Lleol, wrth benderfynu'r cais, wedi ystyried a ddylid gosod amodau o dan baragraff 13 o Atodlen 2 neu reoliad 11(6)(b), caiff Gweinidogion Cymru eu hunain ystyried a ddylent osod amodau i ohirio gwneud neu derfynu trefniadau o'r fath, am ba bynnag gyfnod a ystyriant yn briodol; neu

(b) os nad oedd y Bwrdd Iechyd Lleol, wrth benderfynu'r cais, wedi ystyried a ddylid gosod amodau o dan baragraff 13 o Atodlen 2 neu reoliad 11(6)(b), rhaid i Weinidogion Cymru naill ai—

- (i) ystyried a ddylent, eu hunain, osod amodau; neu
- (ii) dychwelyd y cwestiwn yn ôl at y Bwrdd Iechyd Lleol ar gyfer ei benderfynu.

(4) Rhaid i Weinidogion Cymru, ar ôl cyrraedd penderfyniad mewn apêl, gan gynnwys gosod amodau o dan is-baragraff (3) roi hysbysiad ysgrifenedig o'u penderfyniad, ynghyd â'r rhesymau drosto, i'r personau hynny yr anfonwyd copi o'r hysbysiad o apêl atynt o dan baragraff 7.

Effaith penderfyniadau gan Weinidogion Cymru

9. At ddibenion y Rheoliadau hyn, mae penderfyniad Gweinidogion Cymru yn dod yn benderfyniad y Bwrdd Iechyd Lleol ar y mater (ond ni fydd apêl bellach i Weinidogion Cymru ar y penderfyniad hwnnw yn bosibl, oni chaiff penderfyniad Gweinidogion Cymru ei wrthdroi gan lys).

(b) confirm the decision of the Local Health Board.

(2) Where under paragraph 8(2) of Schedule 2 a Local Health Board has decided to take no action in relation to an application and the Welsh Ministers allow the applicant's appeal against that decision, the Welsh Ministers must remit the application back to the Local Health Board for the Local Health Board to determine.

(3) In the case where the premises specified in an application that is subject to appeal are in a controlled locality the Welsh Ministers—

(a) may, where the Local Health Board, on determining the application, considered whether to impose conditions under paragraph 13 of Schedule 2 or regulation 11(6)(b), themselves consider whether to impose conditions to postpone, for such period as they think fit, the making or termination of such arrangements; or

(b) must, where the Local Health Board on determining the application has not considered whether to impose conditions under paragraph 13 of Schedule 2 or regulation 11(6)(b) either—

- (i) themselves consider whether to impose conditions; or
- (ii) remit the question to the Local Health Board for determination.

(4) The Welsh Ministers must after reaching a decision on an appeal, including the imposition of conditions under sub-paragraph (3), give written notice of their decision together with the reasons for it to those persons sent a copy of the notice of appeal under paragraph 7.

Effect of decisions by the Welsh Ministers

9. For the purposes of these Regulations, the Welsh Ministers' decision becomes the Local Health Board's decision on the matter (but no further appeal to the Welsh Ministers on that decision is possible, unless the Welsh Ministers' decision is overruled by a court).

ATODLEN 4

Rheoliad 5

Telerau gwasanaethu ar gyfer fferyllwyr GIG sy'n darparu gwasanaethau fferyllol yn benodol drwy ddarparu cyffuriau

RHAN 1

Cyffredinol

Dehongli

1. Yn yr Atodlen hon, mae cyffuriau neu gyfarpar i'w hystyried wedi eu harchebu neu eu darparu yn unol â phresgripsiwn amlroddadwy, hyd yn oed os nad yw'r person sy'n dymuno cael y gwasanaethau fferyllol yn cyflwyno'r presgripsiwn hwnnw, cyhyd ag—

- (a) bod y presgripsiwn hwnnw gan y fferyllydd GIG yn ei feddiant; a
- (b) bod y person hwnnw'n cyflwyno swp-ddyroddiad cysylltiedig, neu fod gan y fferyllydd GIG swp-ddyroddiad cysylltiedig yn ei feddiant.

Ymgorffori darpariaethau

2. Mae unrhyw ddarpariaethau o'r canlynol sy'n effeithio ar hawliau a rhwymedigaethau fferyllwyr GIG sy'n darparu gwasanaethau fferyllol yn ffurfio rhan o'r telerau gwasanaethu—

- (a) y Rheoliadau;
- (b) y Tariff Cyffuriau i'r graddau y mae'n rhestru cyffuriau a chyfarpar at ddibenion adran 80 o Ddeddf 2006 (trefniadau ar gyfer gwasanaethau fferyllol);
- (c) cymaint o Ran II o Reoliadau'r Gwasanaeth Iechyd Gwladol (Pwyllgorau Gwasanaeth a Thribiwnlys) 1992 ag y sy'n ymwneud ag—
 - (i) ymchwiliadau a wneir gan y pwylgor disgryblu fferyllol a'r cyd-bwyllgor disgryblu a chamau y caiff y Bwrdd Iechyd Lleol eu cymryd o ganlyniad i ymchwiliadau o'r fath, a
 - (ii) apelau i Weinidogion Cymru yn erbyn penderfyniadau'r Bwrdd Iechyd Lleol; a
- (d) cymaint o reoliad 29 o Reoliadau Cyngorau Iechyd Cymuned (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2010(1) (mynd i mewn i fangreodd a'u harchwilio) ag y sy'n ymwneud â mynd i mewn i fangreodd ac archwilio mangreodd, y mae fferyllydd GIG naill ai'n berchen arnynt, neu'n eu rheoli neu'n darparu gwasanaethau fferyllol ynddynt.

SCHEDULE 4

Regulation 5

Terms of service for NHS pharmacists who provide pharmaceutical services in particular by the provision of drugs

PART 1

General

Interpretation

1. In this Schedule, drugs or appliances are to be taken to be requested or provided in accordance with a repeatable prescription even if the person who wishes to obtain pharmaceutical services does not present that prescription, as long as—

- (a) the NHS pharmacist has that prescription in his or her possession; and
- (b) that person presents, or the NHS pharmacist has in his or her possession, an associated batch issue.

Incorporation of provisions

2. Any provisions of the following affecting the rights and obligations of NHS pharmacists who provide pharmaceutical services form part of the terms of service—

- (a) the Regulations;
- (b) the Drug Tariff in so far as it lists drugs and appliances for the purposes of section 80 of the 2006 Act (arrangements for pharmaceutical services);
- (c) so much of Part II of the National Health Service (Service Committees and Tribunal) Regulations 1992 as relates to—
 - (i) investigations made by the pharmaceutical discipline committee and the joint discipline committee and action which may be taken by the Local Health Board as a result of such investigations, and,
 - (ii) appeals to the Welsh Ministers from decisions of the Local Health Board; and
- (d) so much of regulation 29 of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010(1) (entry and inspection of premises) as relate to the entry and inspection of premises either owned or controlled by the NHS pharmacist or where pharmaceutical services are provided by him or her.

(1) O.S. 2010/288 (Cy.37).

(1) S.I. 2010/288 (W.37).

RHAN 2

Gwasanaethau hanfodol

Gwasanaethau hanfodol

3. At ddibenion yr Atodlen hon, ystyr "gwasanaethau hanfodol" ("essential services") yw—

- (a) y gwasanaethau a ddisgrifir yn y Rhan hon; a
- (b) y gweithgareddau a ddisgrifir yn y Rhan hon sydd i'w cyflawni mewn cysylltiad â'r gwasanaethau hynny.

Gwasanaethau gweinyddu

4. Rhaid i fferyllydd GIG, i'r graddau y mae'n ofynnol gan baragraffau 5 i 9 ac yn y modd a ddisgrifir yn y paragraffau hynny, ddarparu cyffuriau a chyfarpar priodol a digonol i bersonau sy'n cyflwyno presgripsiwn am y cyffur neu'r cyfarpar hwnnw, wedi ei llofnodi gan ragnodydd yn unol â'r swyddogaethau yn y gwasanaeth iechyd yng Nghymru, Lloegr, yr Alban neu Ogledd Iwerddon.

Gweinyddu cyffuriau a chyfarpar

5.—(1) Yn ddarostyngedig i'r darpariaethau canlynol o'r Rhan hon, pan fo person yn cyflwyno ar ffurflen bresgripsiwn—

- (a) archeb am gyffuriau nad ydynt yn gyffuriau Atodlen, neu am gyfarpar nad ydyw'n gyfarpar argaeledd cyfyngedig, wedi ei llofnodi gan ragnodydd;
- (b) archeb am gyffur a bennir yn Atodlen 2 i'r Rheoliadau Rhagnodi Cyffuriau (cyffuriau neu feddyginiaethau sydd i'w harchebu mewn amgylchiadau penodol yn unig), wedi ei llofnodi a'i harnodi ar ei hwyneb gyda'r cyfeirnod "SLS" gan ragnodydd; neu
- (c) archeb am gyfarpar argaeledd cyfyngedig, wedi ei llofnodi a'i harnodi ar ei hwyneb gyda'r cyfeirnod "SLS" gan ragnodydd,

rhaid i fferyllydd GIG, yn rhesymol brydlon ac yn unol ag unrhyw gyfarwyddiadau a roddir gan y rhagnodydd ar y ffurflen bresgripsiwn, ddarparu'r cyffuriau a archebir felly, a'r cyfryw rai o'r cyfarpar a archebir felly a gyflenwir gan y fferyllydd GIG yng nghwrs arferol ei fusnes.

(2) Yn ddarostyngedig i ddarpariaethau canlynol y Rhan hon, pan fo unrhyw berson—

- (a) yn cyflwyno presgripsiwn amlroddadwy anelectronig sy'n cynnwys—

PART 2

Essential Services

Essential services

3. For the purposes of this Schedule, "essential services" ("gwasanaethau hanfodol") means—

- (a) the services described in this Part; and
- (b) the activities described in this Part to be carried out in connection with those services.

Dispensing services

4. An NHS pharmacist must, to the extent that paragraphs 5 to 9 require and in the manner described in those paragraphs, provide proper and sufficient drugs and appliances to persons presenting a prescription for that drug or appliance signed by a prescriber in pursuance of their functions in the health service in Wales, England, Scotland or Northern Ireland.

Dispensing of drugs and appliances

5.—(1) Subject to the following provisions of this Part, where a person presents on a prescription form—

- (a) an order for drugs, not being Scheduled drugs, or for appliances, not being restricted availability appliances, signed by a prescriber;
- (b) an order for a drug specified in Schedule 2 to the Prescription of Drugs Regulations (drugs or medicines to be ordered only in certain circumstances), signed by, and endorsed on its face with the reference "SLS" by a prescriber; or
- (c) an order for a restricted availability appliance, signed by and endorsed on its face with the reference "SLS" by a prescriber,

an NHS pharmacist must, with reasonable promptness and in accordance with any directions given by the prescriber in the prescription form, provide the drugs so ordered, and such of the appliances so ordered as he or she supplies in the normal course of his or her business.

(2) Subject to the following provisions of this Part, where any person—

- (a) presents a non-electronic repeatable prescription which contains—

- (i) archeb am gyffuriau nad ydynt yn gyffuriau Atodlen, nac yn gyffuriau rheoledig yn yr ystyr a roddir i "controlled drug" yn Nedd Camddefnyddio Cyffuriau 1971(1), ac eithrio cyffur a bennir am y tro yn Atodlen 4 neu 5 i Reoliadau Camddefnyddio Cyffuriau 2001(2) (sy'n ymwneud â chyffuriau rheoledig a eithriwyd rhag gwaharddiadau penodol o dan y Rheoliadau), wedi ei llofnodi gan ragnodydd amlroddadwy,
- (ii) archeb am gyffur a bennir yn Atodlen 2 i'r Rheoliadau Rhagnodi Cyffuriau, nad yw'n gyffur rheoledig yn yr ystyr a roddir i "controlled drug" yn Nedd Camddefnyddio Cyffuriau 1971, ac eithrio cyffur a bennir am y tro yn Atodlen 4 neu 5 i Reoliadau Camddefnyddio Cyffuriau 2001, wedi ei llofnodi a'i harnodi ar ei hwyneb gyda'r cyfeirnod "SLS" gan ragnodydd amlroddadwy,
- (iii) archeb am gyfarpar, nad ydynt yn gyfarpar argaeledd cyfyngedig, wedi ei llofnodi gan ragnodydd amlroddadwy, neu
- (iv) archeb am gyfarpar argaeledd cyfyngedig, wedi ei llofnodi a'i harnodi ar ei hwyneb gyda'r cyfeirnod "SLS" gan ragnodydd amlroddadwy,

a hefyd yn cyflwyno swp-ddyroddiad cysylltiedig; neu

- (b) yn gofyn am ddarparu cyffuriau neu gyfarpar yn unol â phresgripsiwn amlroddadwy electronig sy'n cynnwys archeb o fath a bennir ym mharagraff (a)(i) i (iv),

rhaid i fferyllydd GIG, yn rhesymol brydlon ac yn unol ag unrhyw gyfarwyddiadau a roddir gan y rhagnodydd amlroddadwy yn y presgripsiwn amlroddadwy, ddarparu'r cyffuriau a archebir felly, a'r cyfryw rai o'r cyfarpar a archebir felly a gyflenwir gan y fferyllydd GIG yng nghwrs arferol ei fusnes.

(3) At ddibenion y paragraff hwn, mae presgripsiwn amlroddadwy anelectronig am gyffuriau neu gyfarpar i'w ystyried wedi ei gyflwyno, hyd yn oed os nad yw'r person sy'n dymuno cael y cyffuriau neu gyfarpar yn cyflwyno'r presgripsiwn hwnnw, os yw—

- (a) y presgripsiwn hwnnw gan y fferyllydd GIG yn ei feddiant; a
- (b) y person hwnnw'n cyflwyno swp-ddyroddiad cysylltiedig, neu fod gan y fferyllydd GIG swp-ddyroddiad cysylltiedig yn ei feddiant.

- (i) an order for drugs, not being Scheduled drugs or controlled drugs within the meaning of the Misuse of Drugs Act 1971(1), other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 2001(2) (which relate to controlled drugs excepted from certain prohibitions under the Regulations), signed by a repeatable prescriber,
- (ii) an order for a drug specified in Schedule 2 to the Prescription of Drugs Regulations, not being a controlled drug within the meaning of the Misuse of Drugs Act 1971, other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 2001, signed by and endorsed on its face with the reference "SLS" by a repeatable prescriber,
- (iii) an order for appliances, not being restricted availability appliances, signed by a repeatable prescriber, or
- (iv) an order for a restricted availability appliance, signed by, and endorsed on its face with the reference "SLS" by a repeatable prescriber,

and also presents an associated batch issue; or

- (b) requests the provision of drugs or appliances in accordance with an electronic repeatable prescription which contains an order of a kind specified in paragraph (a)(i) to (iv),

an NHS pharmacist must, with reasonable promptness and in accordance with any directions given by the repeatable prescriber in the repeatable prescription, provide the drugs so ordered, and such of the appliances so ordered as he or she supplies in the normal course of his or her business.

(3) For the purposes of this paragraph, a non-electronic repeatable prescription for drugs or appliances is to be taken to be presented even if the person who wishes to obtain the drugs or appliances does not present that prescription, where—

- (a) the NHS pharmacist has that prescription in his or her possession; and
- (b) that person presents, or the NHS pharmacist has in his or her possession, an associated batch issue.

(1) 1971 p.38. *Gweler* adran 2(1)(a) o'r Ddeddf honno sy'n diffinio "controlled drug" at ddibenion y Ddeddf honno.

(2) O.S. 2001/3998 (fel y'i diwygiwyd).

(1) 1971 c.38. See section 2(1)(a) of that Act which defines "controlled drug" for the purposes of that Act.

(2) S.I. 2001/3998 (as amended).

Cyflenwi ar frys heb bresgripsiwn

6.—(1) Mae'r paragraff yn gymwys pan fo rhagnodydd, mewn achos brys, yn gofyn i fferyllydd GIG ddarparu cyffur neu gyfarpar.

(2) Caiff y fferyllydd GIG ddarparu'r cyffur neu gyfarpar y gofynnir amdano cyn cael ffurflen bresgripsiwn na phresgripsiwn amlroddadwy mewn perthynas â'r cyffur neu gyfarpar hwnnw, ar yr amod—

- (a) yn achos cais am gyffur, nad yw'r cyffur—
 - (i) yn gyffur Atodlen, na
 - (ii) yn gyffur rheoledig yn yr ystyr a roddir i "controlled drug" yn Nedd Camddefnyddio Cyffuriau 1971, ac eithrio cyffur a bennir am y tro yn Atodlen 4 neu 5 i Reoliadau Camddefnyddio Cyffuriau 2001; a
- (b) yn achos cais am gyffur neu am gyfarpar, bod y rhagnodydd yn ymrwymo i—
 - (i) rhoi i'r fferyllydd GIG ffurflen bresgripsiwn anelectronig neu bresgripsiwn amlroddadwy anelectronig mewn perthynas â'r cyffur neu gyfarpar o fewn 72 awr ar ôl gwneud y cais, neu
 - (ii) rhoi i'r fferyllydd GIG ffurflen bresgripsiwn electronig neu ffurflen bresgripsiwn amlroddadwy electronig sy'n cydymffurfio â'r gwasanaeth TPE o fewn 72 awr ar ôl gwneud y cais.

Materion rhagarweiniol cyn darparu cyffuriau neu gyfarpar a archebwyd

7.—(1) Os gofynnir i'r fferyllydd GIG wneud hynny gan y person sy'n cyflwyno ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy neu'n gofyn am ddarparu cyffuriau neu gyfarpar yn unol â phresgripsiwn amlroddadwy—

- (a) rhaid i'r fferyllydd GIG roi amcangyfrif o'r amser pan fydd y cyffuriau neu'r cyfarpar yn barod; a
- (b) os na fyddant yn barod erbyn yr amser hwnnw, rhaid i'r fferyllydd GIG roi amcangyfrif diwygiedig o'r amser pan fyddant yn barod (ac felly ymlaen).

(2) Cyn darparu unrhyw gyffuriau neu gyfarpar yn unol â ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy—

- (a) rhaid i'r fferyllydd GIG ofyn i unrhyw berson, sy'n gwneud datganiad nad oes raid i'r person a enwir ar y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy dalu'r ffioedd a bennir yn rheoliad 3(1) o'r Rheoliadau Ffioedd (cyflenwi cyffuriau a chyfarpar gan fferyllwyr), yn rhinwedd naill ai—
 - (i) hawl i esempiad o dan reoliad 8(1) (esempiadau) o'r Rheoliadau Ffioedd, neu

Urgent supply without a prescription

6.—(1) This paragraph applies where, in a case of urgency, a prescriber requests an NHS pharmacist to provide a drug or appliance.

(2) The NHS pharmacist may provide the drug or appliance requested before receiving a prescription form or repeatable prescription in respect of that drug or appliance, provided that—

- (a) in the case of a request for a drug, the drug is neither—
 - (i) a Scheduled drug, nor
 - (ii) a controlled drug within the meaning of the Misuse of Drugs Act 1971, other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 2001; and
- (b) in the case of a request for a drug or an appliance, the prescriber undertakes to—
 - (i) give the NHS pharmacist a non-electronic prescription form or non-electronic repeatable prescription in respect of the drug or appliance within 72 hours of the request being made, or
 - (ii) give the NHS pharmacist an electronic prescription form or electronic repeatable prescription form complying with the ETP service within 72 hours of the request being made.

Preliminary matters before providing ordered drugs or appliances

7.—(1) If the person presenting the prescription form or repeatable prescription, or requesting the provision of drugs or appliances in accordance with a repeatable prescription, asks the NHS pharmacist to do so—

- (a) the NHS pharmacist must give an estimate of the time when the drugs or appliances will be ready; and
- (b) if they are not ready by then, the NHS pharmacist must give a revised estimate of the time when they will be ready (and so on).

(2) Before providing any drugs or appliances in accordance with a prescription form or a repeatable prescription—

- (a) the NHS pharmacist must ask any person who makes a declaration that the person named on the prescription form or the repeatable prescription does not have to pay the charges specified in regulation 3(1) of the Charges Regulations (supply of drugs and appliances by chemists) by virtue of either—
 - (i) entitlement to exemption under regulation 8(1) (exemptions) of the Charges Regulations, or

- (ii) hawl i beidio â thalu ffioedd o'r fath o dan reoliad 4 o'r Rheoliadau Peidio â Chodi Tâl (ffioedd GIG y gellir peidio â'u codi),

ddangos dystiolaeth fodhaol o'r cyfryw hawl, oni wneir y datganiad mewn perthynas â hawl i esemtiaid o dan reoliad 8(1) o'r Rheoliadau Ffioedd neu mewn perthynas â hawl i beidio â thalu yn rhinwedd is-baragraffau (d) i (ng) o reoliad 4(2) o'r Rheoliadau Peidio â Chodi Tâl, a bod dystiolaeth o'r fath eisoes ar gael i'r fferyllydd GIG ar yr adeg y gwneir y datganiad; a

- (b) os na ddangosir dystiolaeth fodhaol i'r fferyllydd GIG, fel sy'n ofynnol gan baragraff (a), rhaid i'r fferyllydd GIG arnodi'r ffurflen y gwnaed y datganiad arni i'r perwyl hwnnw.

Darparu cyffuriau neu gyfarpar a archebwyd

8.—(1) Pan gyflwynir ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy i fferyllydd GIG, rhaid iddo beidio â darparu'r cyffuriau neu gyfarpar a archebir felly, ac eithrio—

- (a) pan fo'r ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy wedi eu llofnodi a'u harnodi yn briodol, fel a ddisgrifir ym mharagraff 5(1) neu (2); a
- (b) yn unol â'r archeb ac unrhyw gyfarwyddiadau a roddwyd gan y rhagnodydd ar y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy,

yn ddarstyngedig i unrhyw reoliadau sydd mewn grym o dan Ddeddf Pwysau a Mesurau 1985(1) a darpariaethau canlynol y Rhan hon.

(2) Rhaid i gyffuriau neu gyfarpar a archebir felly gael eu darparu naill ai gan fferyllydd cofrestredig neu o dan oruchwyliaeth uniongyrchol fferyllydd cofrestredig.

(3) Pan fo'r fferyllydd y cyfeirir ato yn is-baragraff (2) yn gyflogedig gan fferyllydd GIG, ni chaniateir i'r fferyllydd cofrestredig fod yn rhywun sydd—

- (a) wedi ei anghymhwys o'r gynnwys mewn rhestr berthnasol; neu
- (b) wedi ei atal dros dro o Gofrestr y Cyngor Fferyllol Cyffredinol.

(4) Os yw'r archeb yn archeb am fath o gyfarpar y mae'n ofynnol ei fesur a'i ffitio (er enghraifft, gwasgrwym), rhaid i'r fferyllydd GIG wneud yr holl drefniadau angenrheidiol—

- (a) ar gyfer mesur y person a enwir ar y ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy ar gyfer y cyfarpar; a
- (b) ar gyfer ffitio'r cyfarpar.

- (ii) entitlement to remission of such charges under regulation 4 of the Remission of Charges Regulations (remissible NHS charges),

to produce satisfactory evidence of such entitlement, unless the declaration is in respect of entitlement to exemption by regulation 8(1) of the Charges Regulations or in respect of entitlement to remission by virtue of sub-paragraphs (e) to (k) of regulation 4(2) of the Remission of Charges Regulations, and at the time of the declaration the NHS pharmacist already has such evidence available to him or her; and

- (b) if no satisfactory evidence, as required by paragraph (a), is produced to the NHS pharmacist, the NHS pharmacist must endorse the form on which the declaration is made to that effect.

Providing ordered drugs or appliances

8.—(1) Where an NHS pharmacist is presented with a prescription form or a repeatable prescription, the NHS pharmacist must only provide the drugs or appliances so ordered—

- (a) if the prescription form or repeatable prescription is duly signed and endorsed as described in paragraph 5(1) or (2); and
- (b) in accordance with the order and any directions given by the prescriber on the prescription form or repeatable prescription,

subject to any regulations in force under the Weights and Measures Act 1985(1) and the following provisions of this Part.

(2) Drugs or appliances so ordered must be provided either by or under the direct supervision of a registered pharmacist.

(3) Where the pharmacist referred to in subparagraph (2) is employed by an NHS pharmacist, the registered pharmacist must not be someone—

- (a) who is disqualified from inclusion in a relevant list; or
- (b) who is suspended from the General Pharmaceutical Council Register.

(4) If the order is for an appliance of a type requiring measuring and fitting (for example a truss), the NHS pharmacist must make all necessary arrangements—

- (a) for measuring the person named on the prescription form or repeatable prescription for the appliance; and
- (b) for fitting the appliance.

(1) 1985 p.72.

(1) 1985 c.72.

(5) Os yw'r archeb yn archeb am gyffur neu gyfarpar sydd wedi ei gynnwys yn y Tariff Cyffuriau, Fformiwlari Cenedlaethol Prydain (gan gynnwys unrhyw Atodiad a gyhoeddwyd yn rhan o'r Fformiwlari hwnnw), Fformiwlari'r Ymarferydd Deintyddol, y Cyffuriadur Ewropeaidd neu Godecs Fferyllol Prydain, rhaid i'r cyffur neu gyfarpar a gyflenwir gydymffurfio â'r safon neu'r fformiwl a bennir yno.

(6) Os yw'r archeb—

- (a) yn archeb am gyffur; ond
- (b) nid yn archeb am gyffur rheoledig yn yr ystyr a roddir i "controlled drug" yn Nedd Camddefnyddio Cyffuriau 1971, ac eithrio cyffur a bennir am y tro yn Atodlenni 4 neu 5 i Reoliadau Camddefnyddio Cyffuriau 2001,

ac nad yw'r archeb yn rhagnodi ei faint, ei gryfder na'r dosau, caiff fferyllydd GIG ddarparu'r cyffur ym mha bynnag gryfder a dosau a ystyria'n briodol drwy arfer ei sgil, ei wybodaeth a'i ofal proffesiynol ac, yn ddarostyngedig i is-baragraff (7), ym mha bynnag faint a ystyri yn briodol ganddo ar gyfer cwrs o driniaeth o ddim mwy na phum diwrnod.

(7) Os yw archeb y mae is-baragraff (6) yn gymwys iddi yn archeb ar gyfer—

- (a) sylwedd atal cenhedu geneuol;
- (b) cyffur nad yw ar gael i'w gyflenwi fel rhan o wasanaethau fferyllol ac eithrio ar y cyd ag un neu ragor o gyffuriau eraill; neu
- (c) gwrthfiotig ar ffurf hylif sydd i'w roi drwy'r genau, pan fo'n ofynnol, am resymau fferyllol mewn perthynas ag ef, ei ddarparu mewn pecyn heb ei agor,

nad yw ar gael i'w ddarparu fel rhan o wasanaethau fferyllol ac eithrio mewn pecynnau o'r fath lle mae'r maint lleiaf sydd ar gael yn cynnwys maint addas ar gyfer cwrs o driniaeth o fwy na 5 diwrnod, caiff y fferyllydd GIG ddarparu pecyn o'r maint lleiaf sydd ar gael.

(8) Pan fo unrhyw gyffur y mae'r paragraff hwn yn gymwys iddo (hynny yw, cyffur nad yw Deddf Camddefnyddio Cyffuriau 1971 yn gymwys iddo, onid yw'n gyffur a bennir am y tro yn Atodlenni 4 neu 5 i Reoliadau Camddefnyddio Cyffuriau 2001), a archebwyd gan ragnodydd ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, ar gael ar gyfer ei ddarparu gan fferyllydd GIG mewn pecyn mewn maint gwahanol i'r maint a archebwyd felly, a'r cyffur hwnnw—

- (a) yn ddi-haint;
- (b) yn eferw neu hygrosgopig;
- (c) yn gymysgedd hylifol i'w ychwanegu at ddŵr bath;
- (d) yn gymysgedd col-tar;
- (e) yn gymysgedd gludiog; neu

(5) If the order is for a drug or appliance included in the Drug Tariff, the British National Formulary (including any Appendix published as part of that Formulary), the Dental Practitioner's Formulary, the European Pharmacopoeia or the British Pharmaceutical Codex, the drug or appliance provided must comply with the standard or formula specified therein.

(6) If the order—

- (a) is an order for a drug; but
- (b) is not an order for a controlled drug within the meaning of the Misuse of Drugs Act 1971 other than a drug which is for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001,

and does not prescribe its quantity, strength or dosage, an NHS pharmacist may provide the drug in such strength and dosage as in the exercise of his or her professional skill, knowledge and care he or she considers to be appropriate and, subject to subparagraph (7), in such quantity as he or she considers to be appropriate for a course of treatment for a period not exceeding five days.

(7) Where an order to which sub-paragraph (6) applies is for—

- (a) an oral contraceptive substance;
- (b) a drug, which is available for supply as part of pharmaceutical services only together with one or more other drugs; or
- (c) an antibiotic in a liquid form for oral administration in respect of which pharmaceutical considerations require its provision in an unopened package,

which is not available for provision as part of pharmaceutical services except in such packages that the minimum size available contains a quantity appropriate to a course of treatment for a period of more than 5 days, the NHS pharmacist may provide the minimum size available package.

(8) Where any drug to which this paragraph applies (that is, a drug that is not one to which the Misuse of Drugs Act 1971 applies, unless it is a drug for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001), ordered by a prescriber on a prescription form or repeatable prescription, is available for provision by an NHS pharmacist in a pack in a quantity which is different to the quantity which has been so ordered, and that drug is—

- (a) sterile;
- (b) effervescent or hygroscopic;
- (c) a liquid preparation for addition to bath water;
- (d) a coal tar preparation;
- (e) a viscous preparation; or

(f) wedi ei becynnu ar adeg ei weithgynhyrchu mewn pecyn calendr neu gynhwysydd arbennig,

rhaid i'r fferyllydd GIG ddarparu'r cyffur yn y pecyn sydd o'r maint agosaf i'r maint a archebwyd felly.

(9) Yn y paragraff hwn, ystyr "cynhwysydd arbennig" ("*special container*") yw unrhyw gynhwysydd sydd â'r modd o roi'r cynnwys yn rhan integrol ohono, neu nad yw'n ymarferol ei ddefnyddio i weinyddu maint cywir o'r cynnwys.

(10) Pan fo rhagnodydd yn archebu cyffur mewn maint, neu luosydd o faint, sydd ar gael yn hwylus fel maint pecyn a weithgynhyrchir i ddeiliad awdurdodiad marchnata ar gyfer y cyffur, rhaid i'r fferyllydd GIG ddarparu'r cyffur mewn pecyn gwreiddiol (neu mewn pecynnau gwreiddiol) o'r maint hwnnw sydd wedi eu cydosod gan weithgynhyrchydd o'r cyffur ar gyfer y deiliad awdurdodiad marchnata hwnnw, oni bai—

(a) nad yw'n bosibl i'r fferyllydd GIG gael pecyn (neu becynnau) o'r fath yn rhesymol brydlon yng nghwrs arferol busnes; neu

(b) nad yw'n ymarferol i'r fferyllydd GIG ddarparu pecyn (neu becynnau) o'r fath wrth ymateb i'r archeb (er enghraifft oherwydd anghenion y claf neu'r dull o roi'r cyffur).

(11) Ac eithrio fel a ddarperir yn is-baragraff (12), rhaid i fferyllydd GIG beidio â darparu cyffur Atodlen wrth ymateb i archeb sy'n cyfeirio ato wrth ei enw, ei fformiwlau neu ddisgrifiad arall ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy.

(12) Pan fo gan gyffur enw amherchnogol priodol a phan archebir ef ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, naill ai wrth yr enw hwnnw neu wrth ei fformiwlau, caiff fferyllydd GIG ddarparu cyffur sydd â'r un fanyleb, hyd yn oed pan fo'r cyffur hwnnw'n gyffur Atodlen, ar yr amod pan fo cyffur Atodlen mewn pecyn sy'n cynnwys cyffur mewn mwy nag un cryfder, nad yw darparu felly yn golygu cyflenwi rhan yn unig o'r pecyn.

(13) Pan fo cyffur a archebir fel a bennir yn is-baragraff (12) yn gyfuniad o fwy nag un cyffur, nid yw'r is-baragraff hwnnw yn gymwys ac eithrio pan fo gan y cyfuniad enw amherchnogol priodol, pa un a oes gan y cyffuriau unigol yn y cyfuniad enwau o'r fath ai peidio.

(14) Rhaid i fferyllydd GIG ddarparu unrhyw gyffur y mae'n ofynnol iddo ei ddarparu o dan y paragraff mewn cynhwysydd addas.

Gwrthod darparu cyffuriau neu gyfarpar a archebir

9.—(1) Caiff fferyllydd GIG wrthod darparu cyffuriau neu gyfarpar a archebir ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy—

(f) packed at the time of its manufacture in a calendar pack or special container,

the NHS pharmacist must provide the drug in the pack whose quantity is nearest to the quantity which has been so ordered.

(9) In this paragraph "special container" ("cynhwysydd arbennig") means any container with an integral means of application or from which it is not practicable to dispense an exact quantity.

(10) Where a drug is ordered by a prescriber in a quantity that is, or is a multiple of a quantity that is, readily available in a pack size manufactured for a marketing authorisation holder for the drug, the NHS pharmacist must provide the drug in an original pack (or in original packs) of that size which have been assembled by a manufacturer of the drug for such a marketing authorisation holder, unless—

(a) it is not possible for the NHS pharmacist to obtain such a pack (or packs) with reasonable promptness in the normal course of business; or

(b) it is not practicable for the NHS pharmacist to provide such a pack (or packs) in response to the order (for example because of patient needs or the method of administration of the drug).

(11) Except as provided in sub-paragraph (12), an NHS pharmacist must not provide a Scheduled drug in response to an order by name, formula or other description on a prescription form or repeatable prescription.

(12) Where a drug has an appropriate non-proprietary name and it is ordered on a prescription form or repeatable prescription either by that name or by its formula, an NHS pharmacist may provide a drug which has the same specification notwithstanding that it is a Scheduled drug, provided that where a Scheduled drug is in a pack which consists of a drug in more than one strength, such provision does not involve the supply of part only of the pack.

(13) Where a drug which is ordered as specified in sub-paragraph (12) combines more than one drug, that sub-paragraph must apply only if the combination has an appropriate non-proprietary name, whether the individual drugs which it combines do so or not.

(14) An NHS pharmacist must provide any drug which he or she is required to provide under this paragraph in a suitable container.

Refusal to provide drugs or appliances ordered

9.—(1) An NHS pharmacist may refuse to provide the drugs or appliances ordered on a prescription form or repeatable prescription where—

- (a) os yw'r fferyllydd GIG yn credu, yn rhesymol, nad yw'r archeb yn archeb ddilys ar gyfer y person a enwir ar y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy (er engrhraifft, oherwydd bod y fferyllydd GIG yn credu, yn rhesymol, fod y ffurflen wedi ei lladrata neu'i ffugio);
 - (b) os yw'n ymddangos i'r fferyllydd GIG fod camgymeriad yn y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy neu'i swp-ddyroddiad cysylltiedig (gan gynnwys camgymeriad clinigol a wnaed gan y rhagnodydd) neu y byddai darparu'r cyffuriau neu'r cyfarpar, yn yr amgylchiadau, yn groes i farn glinigol y fferyllydd GIG;
 - (c) os yw'r fferyllydd GIG neu bersonau eraill yn y fangre yn dioddef trais neu'n cael eu bygwth â thrais gan y person sy'n cyflwyno'r ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, neu gan unrhyw berson sydd gyda'r person hwnnw; neu
 - (d) os yw'r person sy'n cyflwyno'r ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, neu unrhyw berson arall sydd gyda'r person hwnnw, yn cyflawni neu'n bygwth cyflawni troedd.
- (2) Rhaid i fferyllydd GIG wrthod darparu cyffur a archebir ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy os yw'r archeb am feddyginiaeth a roddir ar bresgripsiwn yn unig, ac nad oedd hawl gan y rhagnodydd i'w rhagnodi.
- (3) Rhaid i fferyllydd GIG wrthod darparu cyffuriau neu gyfarpar a archebir ar bresgripsiwn amlroddadwy—
- (a) os nad oes ganddo gofnod o'r presgripsiwn hwnnw;
 - (b) os nad oes ganddo, yn achos presgripsiwn amlroddadwy anelectronig unrhyw swp-ddyroddiad cysylltiedig ac os na chyflwynir swp-ddyroddiad o'r fath iddo;
 - (c) os nad yw wedi ei lofnodi gan ragnodydd amlroddadwy;
 - (d) os byddai gwneud hynny yn anghyson ag unrhyw ysbeidiau a bennir yn y presgripsiwn;
 - (e) os hwnnw fyddai'r tro cyntaf y darperid cyffur neu gyfarpar yn unol â'r presgripsiwn, ac os llofnodwyd y presgripsiwn fwy na chwe mis yn gynharach;
 - (f) os aeth mwy na blwyddyn heibio er pan llofnodwyd y presgripsiwn amlroddadwy;
 - (g) os yw'r dyddiad dod i ben ar y presgripsiwn amlroddadwy wedi mynd heibio; neu
 - (h) os hysbyswyd y fferyllydd GIG, gan y rhagnodydd amlroddadwy, nad oes angen y presgripsiwn bellach.
- (4) Pan fo claf yn gofyn am gyflenwi cyffuriau neu
- (a) the NHS pharmacist reasonably believes that it is not a genuine order for the person named on the prescription form or the repeatable prescription (for example because he or she reasonably believes the form has been stolen or forged);
 - (b) it appears to the NHS pharmacist that there is an error on the prescription form or on the repeatable prescription or its associated batch issue (including a clinical error made by the prescriber) or that, in the circumstances, providing the drugs or appliances would be contrary to the NHS pharmacist's clinical judgement;
 - (c) the NHS pharmacist or other persons on the premises are subjected to or threatened with violence by the person presenting the prescription form or repeatable prescription, or by any person accompanying that person; or
 - (d) the person presenting the prescription form or repeatable prescription, or any other person accompanying that person, commits or threatens to commit a criminal offence.

(2) An NHS pharmacist must refuse to provide a drug ordered on a prescription form or repeatable prescription where the order is for a prescription only medicine which the prescriber was not entitled to prescribe.

(3) An NHS pharmacist must refuse to provide drugs or appliances ordered on a repeatable prescription where—

- (a) he or she has no record of that prescription;
- (b) he or she does not, in the case of a non-electronic repeatable prescription, have any associated batch issue and such batch issue is not presented to him or her;
- (c) it is not signed by a repeatable prescriber;
- (d) to do so would not be in accordance with any intervals specified in the prescription;
- (e) it would be the first time a drug or appliance had been provided pursuant to the prescription and the prescription was signed more than 6 months previously;
- (f) the repeatable prescription was signed more than one year previously;
- (g) the expiry date on the repeatable prescription has passed; or
- (h) he or she has been informed by the repeatable prescriber that the prescription is no longer required.

(4) Where a patient requests the supply of drugs or

gyfarpar a archebwyd ar bresgripsiwn amlroddadwy (ac eithrio'r tro cyntaf y mae'n gwneud cais o'r fath), rhaid i fferyllydd GIG beidio â darparu cyffuriau a chyfarpar a archebir felly oni fydd wedi ei fodloni—

- (a) bod y claf yr ysgrifennwyd y presgripsiwn ar ei gyfer—
 - (i) yn cymryd neu'n defnyddio'r cyffur neu'r cyfarpar yn briodol, ac yn debygol o barhau i'w gymryd neu ei ddefnyddio felly, a
 - (ii) nad yw'n dioddef o unrhyw sgil effeithiau'r driniaeth, sy'n dynodi bod angen, neu y byddai'n fuddiol, adolygu triniaeth y claf;
- (b) nad yw trefn feddyginaethol y claf yr ysgrifennwyd y presgripsiwn ar ei gyfer, neu'r modd y defnyddir y cyfarpar gan y claf hwnnw, wedi newid mewn ffordd sy'n dynodi bod angen, neu y byddai'n fuddiol, adolygu triniaeth y claf; ac
- (c) na ddigwyddodd unrhyw newidiadau yn iechyd y claf yr ysgrifennwyd y presgripsiwn ar ei gyfer, sy'n dynodi bod angen, neu y byddai'n fuddiol, adolygu triniaeth y claf.

Gweithgareddau pellach sydd i'w cyflawni mewn cysylltiad â gwasanaethau gweinyddu

10.—(1) Mewn cysylltiad â'r gwasanaethau a ddarperir o dan baragraff 4, rhaid i fferyllydd GIG—

- (a) sicrhau y rhoddir cyngor priodol i gleifion yngylch unrhyw gyffuriau neu gyfarpar a ddarperir iddynt—
 - (i) i'w galluogi i ddefnyddio'r cyffuriau neu'r cyfarpar yn briodol, a
 - (ii) bodloni anghenion rhesymol y claf am wybodaeth gyffredinol ynglŷn â'r cyffuriau neu gyfarpar;
- (b) darparu cyngor priodol i bersonau y mae'n darparu cyffuriau neu gyfarpar iddynt yngylch—
 - (i) cadw'r cyffuriau neu'r cyfarpar yn ddiogel, a
 - (ii) dychwelyd unrhyw gyffuriau neu gyfarpar diangen i'r fferyllfa i'w dinistrio'n ddiogel;
- (c) wrth ddarparu cyffuriau i gleifion yn unol â phresgripsiwn amlroddadwy, darparu cyngor priodol, yn benodol, ar y pwysigrwydd o ofyn am yr eitemau hynny, yn unig, sydd arnynt eu hangen mewn gwirionedd;
- (d) wrth ddarparu cyfarpar i gleifion yn unol â ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy—
 - (i) darparu cyngor priodol, yn benodol, ar y pwysigrwydd o ofyn am yr eitemau hynny, yn unig, sydd arnynt eu hangen mewn gwirionedd, a

appliances ordered on a repeatable prescription (other than on the first occasion that he or she makes such a request), an NHS pharmacist must only provide the drugs and appliances so ordered if he or she is satisfied—

- (a) that the patient in respect of whom the prescription was written—
 - (i) is taking or using, and is likely to continue to take or use, the drug or appliance appropriately, and
 - (ii) is not suffering from any side effects of the treatment which indicates the need or desirability of reviewing the patient's treatment;
- (b) that the medication regimen of, or manner of utilisation of the appliance by, the patient in respect of whom the prescription was written has not altered in a way which indicates the need or desirability of reviewing the patient's treatment; and
- (c) there have been no changes to the health of the patient in respect of whom the prescription was written which indicate the need or desirability of reviewing the patient's treatment.

Further activities to be carried out in connection with the provision of dispensing services

10.—(1) In connection with the services provided under paragraph 4, an NHS pharmacist must—

- (a) ensure that appropriate advice is given to patients about any drugs or appliances provided to them—
 - (i) to enable them to utilise the drugs or appliances appropriately, and
 - (ii) to meet the patient's reasonable needs for general information about the drugs or appliances;
- (b) provide appropriate advice to persons to whom they provide drugs or appliances on—
 - (i) the safe keeping of the drugs or appliances, and
 - (ii) returning unwanted drugs or appliances to the pharmacy for safe destruction;
- (c) when providing drugs to patients in accordance with a repeatable prescription, provide appropriate advice in particular on the importance of only requesting those items which they actually need;
- (d) when providing appliances to patients in accordance with a prescription form or repeatable prescription—
 - (i) provide appropriate advice in particular on the importance of only requesting those items which they actually need, and

- (ii) at y dibenion hynny, rhoi sylw i'r manylion a gynhwysir yn y cofnodion a gynhelir o dan baragraff (f) mewn perthynas â darparu cyfarpar a'r patrwm presgripsiynu mewn cysylltiad â'r claf dan sylw;
- (e) darparu nodyn ysgrifenedig i'r claf o unrhyw gyffur neu gyfarpar sy'n ddyledus iddo, a rhoi gwybod i'r claf pan ddaw'r cyffur neu'r cyfarpar ar gael;
- (f) cadw a chynnal cofnodion—
 - (i) o'r cyffuriau a'r cyfarpar a ddarperir, pan yw'n angenrheidiol neu'n ddymunol gwneud hynny i hwyluso parhad gofal y claf;
 - (ii) mewn achosion priodol, o'r cyngor a roddir ac unrhyw ymyriadau neu atgyfeiriadau a wneir (yn enwedig ymyriadau o arwyddocâd clinigol mewn achosion sy'n ymwneud â phresgripsiynau amlroddadwy), a
 - (iii) o nodiadau a ddarperir o dan baragraff (e);
- (g) dilyn hyfforddiant priodol ynglŷn â phresgripsiynu amlroddadwy, gan roi sylw i unrhyw argymhellion ynglŷn ag hyfforddiant o'r fath a bennir yn y Tariff Cyffuriau;
- (h) os yw'r fferyllydd GIG yn cymryd meddiant o bresgripsiwn amlroddadwy neu swp-ddyroddiad cysylltiedig, storio'r presgripsiwn amlroddadwy neu'r swp-ddyroddiad cysylltiedig hwnnw yn ddiogel;
- (i) cynnal cofnodion o bresgripsiynau amlroddadwy mewn ffurf a fydd yn darparu trywydd archwilio eglur o'r cyflenwadu o dan y presgripsiwn amlroddadwy (gan gynnwys dyddiadau a'r meintiau a gyflenwir);
- (j) dinistrio unrhyw swp-ddyroddiadau dros ben mewn cysylltiad â chyffuriau neu gyfarpar—
 - (i) nad oes eu hangen, neu
 - (ii) y gwrthodwyd eu darparu i glaf yn unol â pharagraff 9;
- (k) sicrhau, pan wrthodir cyffuriau neu gyfarpar i berson yn unol â pharagraff 9(1)(b), (2), (3) neu (4), y cyfeirir y claf yn ôl at y rhagnodydd am gyngor pellach;
- (l) pan ddarperir cyffuriau neu gyfarpar i glaf o dan bresgripsiwn amlroddadwy, hysbysu'r rhagnodydd ynghylch unrhyw faterion o arwyddocâd clinigol sy'n codi mewn cysylltiad â'r presgripsiwn a chadw cofnod o'r hysbysiad hwnnw;
- (m) hysbysu'r rhagnodydd ynghylch unrhyw wrthodiad i ddarparu cyffuriau neu gyfarpar yn unol â pharagraff 9(4);
- (n) wrth ddarparu cyfarpar, darparu nodyn ysgrifenedig i'r claf, o enw, cyfeiriad a rhif teleffon y fferyllydd GIG; ac
- (ii) for those purposes, have regard to the details contained in the records maintained under paragraph (f) in respect of the provision of appliances and prescribing pattern relating to the patient in question;
- (e) provide a patient with a written note of any drug or appliance which is owed, and inform the patient when the drug or appliance becomes available;
- (f) keep and maintain records—
 - (i) of drugs and appliances provided, where it is necessary or desirable to do so in order to facilitate the continued care of the patient;
 - (ii) in appropriate cases, of advice given and any interventions or referrals made (in particular of clinically significant interventions in cases involving repeatable prescriptions), and
 - (iii) of notes provided under paragraph (e);
- (g) undertake appropriate training in respect of repeat prescribing, having regard to any recommendations in respect of such training set out in the Drug Tariff;
- (h) if he or she takes possession of a repeatable prescription or an associated batch issue, securely store that repeatable prescription or associated batch issue;
- (i) maintain records of repeatable prescriptions in such a form as to provide a clear audit trail of supplies under the repeatable prescription (including dates and quantities supplied);
- (j) destroy any surplus batch issues relating to drugs or appliances—
 - (i) which are not required, or
 - (ii) where a patient is refused the drugs or appliances pursuant to paragraph 9;
- (k) ensure that where a person is refused drugs or appliances pursuant to paragraph 9(1)(b), (2), (3) or (4), the patient is referred back to the prescriber for further advice;
- (l) where a patient is provided with drugs or appliances under a repeatable prescription, notify the prescriber of any clinically significant issues arising in connection with the prescription and keep a record of that notification;
- (m) notify the prescriber of any refusal to provide drugs or appliances pursuant to paragraph 9(4);
- (n) when providing appliances, provide a patient with a written note of the NHS pharmacist's name, address and telephone number; and

- (o) wrth ddarparu cyfarpar penodedig, cydymffurfio â'r gofynion ychwanegol a bennir ym mharagraff 11.
- (2) Pan gyflwynir ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy mewn cysylltiad â gwasanaethau gweinyddu o dan baragraff 4, os na all fferyllydd GIG ddarparu cyfarpar, neu pan fo angen addasu cyfarpar stoma ac na all y fferyllydd GIG ddarparu'r addasiad, rhaid i'r fferyllydd GIG—
- (a) os yw'r claf yn cydsynio, atgyfeirio'r ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy at fferyllydd GIG arall neu at gontactwr cyfarpar GIG; neu
 - (b) os nad yw'r claf yn cydsynio ag atgyfeirio, darparu i'r claf fanylion cyswllt dau, o leiaf, o bobl eraill sy'n fferyllwyr GIG neu'n gontactwyr cyfarpar GIG gyda'r gallu i ddarparu'r cyfarpar neu'r addasiad cyfarpar stoma (yn ôl fel y digwydd), os yw'r manylion hynny'n hysbys i'r fferyllydd GIG.

Gofynion ychwanegol mewn perthynas â chyfarpar penodedig

11.—(1) Mae'r paragraff hwn yn pennu'r gofynion ychwanegol y cyfeirir atynt ym mharagraff 10(1)(o) ynglyn â darparu cyfarpar penodedig.

(2) Rhaid i fferyllydd GIG sy'n gweinyddu cyfarpar penodedig yng nghwrs arferol ei fusnes ddarparu gwasanaeth danfon i gartrefi mewn perthynas â'r cyfarpar hynny ac, yn rhan o'r gwasanaeth hwnnw—

- (a) rhaid i'r fferyllydd GIG gynnig danfon y cyfarpar penodedig i gartref y claf;
- (b) os yw'r claf yn derbyn y cynnig hwnnw, rhaid gwneud y danfoniad yn rhesymol brydlon ac ar yr adeg a gytunir gyda'r claf;
- (c) rhaid danfon y cyfarpar penodedig mewn pecyn nad yw'n arddangos unrhyw ysgrifennu neu farciau eraill a allai ddynodi ei gynnwys; a
- (d) rhaid i'r modd y danfonir y pecyn ac unrhyw eitemau atodol sy'n ofynnol gan is-baragraff (3) beidio â chyfleu'r math o gyfarpar a ddanfonir.

(3) Mewn unrhyw achos pan ddarperir cyfarpar penodedig (drwy ei ddanfon i'r cartref neu fel arall), rhaid i'r fferyllydd GIG ddarparu cyflenwad rhesymol o eitemau atodol priodol (megis clytiau tafladwy a bagiau gwaredu) ac—

- (a) rhaid iddo sicrhau y caiff y claf, os yw'r claf yn dymuno, ymgynghori â pherson i gael cyngor clinigol arbenigol ynglŷn â'r cyfarpar; neu
- (b) os yw'r fferyllydd GIG o'r farn bod hynny'n briodol, rhaid iddo—
 - (i) cyfeirio'r claf at ragnodydd, neu
 - (ii) cynnig gwasanaeth i'r claf ar gyfer adolygu'r defnydd o'r cyfarpar.

- (o) when providing specified appliances, comply with the additional requirements set out in paragraph 11.

(2) Where, on presentation of a prescription form or repeatable prescription in connection with dispensing services under paragraph 4, an NHS pharmacist is unable to provide an appliance, or stoma appliance customisation is required and the NHS pharmacist is unable to provide that, the NHS pharmacist must—

- (a) if the patient consents, refer the prescription form or repeatable prescription to another NHS pharmacist or to an NHS appliance contractor; or
- (b) if the patient does not consent to a referral, provide the patient with contact details of at least two people who are NHS pharmacists or NHS appliance contractors who are able to provide the appliance or stoma appliance customisation (as the case may be), if these details are known to the NHS pharmacist.

Additional requirements in relation to specified appliances

11.—(1) This paragraph sets out the additional requirements referred to in paragraph 10(1)(o) relating to the provision of specified appliances.

(2) An NHS pharmacist who dispenses specified appliances in the normal course of business must provide a home delivery service in respect of those appliances and, as part of that service—

- (a) the NHS pharmacist must offer to deliver the specified appliance to the patient's home;
- (b) if the patient accepts that offer, the delivery must be made with reasonable promptness and at such time as is agreed with the patient;
- (c) the specified appliance must be delivered in a package which displays no writing or other markings which could indicate its content; and
- (d) the manner of delivery of the package and any supplementary items required by subparagraph (3) must not convey the type of appliance being delivered.

(3) In any case where a specified appliance is provided (whether by home delivery or otherwise), the NHS pharmacist must provide a reasonable supply of appropriate supplementary items (such as disposable wipes and disposal bags) and—

- (a) must ensure that the patient may, if the patient wishes, consult a person to obtain expert clinical advice regarding the appliance; or
- (b) if the NHS pharmacist believes it is appropriate to do so, must—
 - (i) refer the patient to a prescriber, or
 - (ii) offer the patient an appliance use review service.

(4) Os na all y fferyllydd GIG ddarparu gwasanaeth ar gyfer adolygu'r defnydd o'r cyfarpar yn unol ag is-baragraff (3)(b)(ii), rhaid i'r fferyllydd GIG roi i'r claf fanylion cyswllt dau, o leiaf, o bobl eraill sy'n fferyllwyr GIG neu'n gontractwyr cyfarpar GIG gyda'r gallu i drefnu ar gyfer darparu'r gwasanaeth hwnnw, os yw'r manylion hynny'n hysbys i'r fferyllydd GIG.

(5) Pan fo fferyllydd GIG yn darparu llinell gofal teleffon mewn perthynas â gweinyddu unrhyw gyfarpar penodedig, rhaid i'r fferyllydd GIG sierhau, yn ystod cyfnodau y tu allan i oriau—

- (a) y bydd cyngor ar gael i gleifion drwy'r llinell gofal teleffon honno; neu
- (b) bod rhif teleffon Galw Iechyd Cymru, neu gyfeiriad gwefan Galw Iechyd Cymru(1), ar gael i gleifion drwy'r llinell gofal teleffon honno.

(6) At ddibenion y paragraff hwn—

ystyr "cyfnodau y tu allan i oriau" ("out of hours periods"), mewn perthynas â fferyllfa, yw'r cyfnodau y tu allan i'r cyfnodau pan fo'r fferyllydd GIG—

- (a) dan rwyamedigaeth i ddarparu gwasanaethau fferyllol yn y fferyllfa yn rhinwedd paragraff 22(1) neu 26(1); neu
- (b) yn darparu gwasanaethau fferyllol yn y fferyllfa yn unol â hysbysiad o dan baragraff 22(2);

ystyr "cyngor clinigol arbenigol" ("expert clinical advice"), mewn perthynas â chyfarpar penodedig yw cyngor a roddir gan berson sydd wedi ei hyfforddi'n briodol ac sydd â phrofiad perthnasol mewn cysylltiad â'r cyfarpar.

Gwasanaeth gwaredu mewn perthynas â chyffuriau diangen

12. Rhaid i fferyllydd GIG, i'r graddau y mae paragraff 13 yn ei gwneud yn ofynol ac yn y modd a ddisgrifir yn y paragraff hwnnw, dderbyn a gwaredu cyffuriau diangen a gyflwynir iddo i'w gwaredu.

Gweithdrefn sylfaenol mewn perthynas â chyffuriau diangen

13.—(1) Yn ddarostyngedig i is-baragraff (2), os yw person yn cyflwyno i fferyllydd GIG, neu i unrhyw un o staff y fferyllydd GIG, unrhyw gyffuriau a ddarparwyd ar gyfer claf sydd—

- (a) ar aelwyd breifat; neu
- (b) mewn cartref gofal preswyl,

a'r cyffuriau wedi eu cadw yn un o'r mannau hynny, rhaid i'r fferyllydd GIG dderbyn y cyffuriau a'u gwaredu yn unol ag is-baragraff (3).

(1) Rhif teleffon Galw Iechyd Cymru yw 0845 46 47 a chyfeiriad ei wefan yw www.nhsdirect.wales.nhs.uk.

(4) If the NHS pharmacist is unable to provide an appliance use review service in accordance with subparagraph (3)(b)(ii), the NHS pharmacist must give the patient the contact details of at least two people who are NHS pharmacists or NHS appliance contractors who are able to arrange for the service to be provided, if these details are known to the NHS pharmacist.

(5) Where an NHS pharmacist provides a telephone care line in respect of the dispensing of any specified appliance, the NHS pharmacist must ensure that during out of hours periods—

- (a) advice is made available to patients through that telephone care line; or
- (b) the telephone number of NHS Direct Wales, or the website address of NHS Direct Wales(1), are made available to patients through that telephone care line.

(6) For the purposes of this paragraph—

"expert clinical advice" ("cyngor clinigol arbenigol"), in relation to a specified appliance, means advice which is given by a person who is suitably trained and who has relevant experience in respect of the appliance;

"out of hours periods" ("cyfnodau y tu allan i oriau"), in relation to a pharmacy, means the periods outside the periods during which the NHS pharmacist—

- (a) is obliged to provide pharmaceutical services at the pharmacy by virtue of paragraph 22(1) or 26(1); or
- (b) does provide pharmaceutical services at the pharmacy in accordance with a notification under paragraph 22(2).

Disposal service in respect of unwanted drugs

12. An NHS pharmacist must, to the extent paragraph 13 requires and in the manner described in that paragraph, accept and dispose of unwanted drugs presented to him or her for disposal.

Basic procedure in respect of unwanted drugs

13.—(1) Subject to sub-paragraph (2), where a person presents to an NHS pharmacist or any of the NHS pharmacist's staff any drugs provided for a patient in, and which have been kept in—

- (a) a private household; or
- (b) a residential care home,

the NHS pharmacist must accept the drugs and dispose of them in accordance with sub-paragraph (3).

(1) NHS Direct Wales telephone number 0845 46 47, website address www.nhsdirect.wales.nhs.uk.

(2) Ni chaniateir ei gwneud yn ofynnol bod fferyllydd GIG yn derbyn unrhyw gyffuriau ar gyfer eu gwaredu oni fydd y Bwrdd Iechyd Lleol y mae'r fferyllydd GIG wedi ei gynnwys yn ei restr fferyllol, wedi gwneud trefniadau gyda'r fferyllydd GIG i gasglu a gwaredu cyffuriau o'r disgrifiad hwnnw.

(3) Ar ôl cael y cyffuriau, rhaid i'r fferyllydd GIG—

- (a) os gofynnir iddo wneud hynny gan y Bwrdd Iechyd Lleol, neu gan gcontractwr gwaredu gwastraff y defnyddir ei wasanaeth gan y Bwrdd Iechyd Lleol, wahau'r cyffuriau solid neu ampylau, yr hylifau a'r aerosolau oddi wrth ei gilydd;
- (b) storio'r cyffuriau mewn cynwysyddion a ddarperir gan y Bwrdd Iechyd Lleol, neu gan gcontractwr gwaredu gwastraff y defnyddir ei wasanaeth gan y Bwrdd Iechyd Lleol at y diben o storio cyffuriau o'r disgrifiad hwnnw; ac
- (c) cydymffurfio ag unrhyw ofynion statudol eraill mewn perthynas â storio neu waredu cyffuriau o'r disgrifiad hwnnw (mae bodloni'r gofynnion hynny, felly, yn wasanaeth hanfodol at ddibenion y Rheoliadau hyn),

a rhaid iddo gydweithredu ag unrhyw drefniadau addas sydd wedi eu sefydlu gan y Bwrdd Iechyd Lleol ar gyfer casglu'r cyffuriau yn rheolaidd o fangre'r fferyllydd GIG, gan neu ar ran y Bwrdd Iechyd Lleol.

Gweithgareddau pellach sydd i'w cyflawni mewn cysylltiad â gwaredu cyffuriau diangen

14. Mewn cysylltiad â'r gwasanaethau a ddarperir o dan baragraff 12, rhaid i fferyllydd GIG—

- (a) sicrhau bod y fferyllydd GIG ac unrhyw aelodau o'i staff yn ymwybodol o'r risgiau sy'n gysylltiedig â thrin cyffuriau gwastraff ac o'r gweithdrefnau cywir sydd i'w dilyn er mwyn lleihau'r risgiau hynny; a
- (b) sicrhau bod cyfarpar diogelu priodol, gan gynnwys menyg, oferôls a deunyddiau i drin â gollyngiadau, ar gael yn hwylus i'r fferyllydd GIG ac i unrhyw aelodau o'i staff, ac wrth law unrhyw fan lle cedwir cyffuriau gwastraff.

Hyrwyddo ffyrdd iach o fyw

15. Rhaid i fferyllydd GIG, i'r graddau y mae paragraffau 16 a 17 yn ei gwneud yn ofynnol, ac yn y modd a bennir yn y paragraffau hynny, hyrwyddo negeseuon iechyd cyhoeddus i aelodau o'r cyhoedd.

Ymyrryd mewn cysylltiad â phresgripsiwn

16.—(1) Pan fo person sy'n defnyddio fferyllfa—

- (a) yn cyflwyno ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy i fferyllydd GIG; ac

(2) An NHS pharmacist must not be required to accept any drugs for disposal unless the Local Health Board in whose pharmaceutical list the NHS pharmacist is included has made arrangements with the NHS pharmacist for the collection and disposal of drugs of that description.

(3) On receipt of the drugs, the NHS pharmacist must—

- (a) where required to do so by the Local Health Board or by a waste disposal contractor retained by the Local Health Board, separate solid drugs or ampoules, liquids and aerosols from each other;
- (b) store the drugs in containers provided by the Local Health Board, or by a waste disposal contractor retained by the Local Health Board for the purpose of storing drugs of that description; and
- (c) comply with any other statutory requirements in respect of storing or the disposal of drugs of that description (meeting those requirements are therefore an essential service for the purposes of these Regulations),

and must co-operate with any suitable arrangements that the Local Health Board has in place for regular collection of the drugs from the NHS pharmacist's premises by or on behalf of the Local Health Board.

Further activities to be carried out in connection with the disposal of unwanted drugs

14. In connection with the services provided under paragraph 12, an NHS pharmacist must—

- (a) ensure that he or she and any of his or her staff, are aware of the risks associated with the handling of waste drugs and the correct procedures to be used to minimise those risks; and
- (b) ensure that he or she and any of his or her staff have readily available and close to any place where waste drugs are stored appropriate protective equipment, including gloves, overalls and materials to deal with spillages.

Promotion of healthy lifestyles

15. An NHS pharmacist must, to the extent paragraphs 16 and 17 require, and in the manner set out in those paragraphs, promote public health messages to members of the public.

Prescription linked intervention

16.—(1) Where a person using a pharmacy—

- (a) presents a prescription form or repeatable prescription to an NHS pharmacist; and

- (b) os yw'n ymddangos i'r fferyllydd GIG fod y person hwnnw yn—
 - (i) dioddef o ddiabetes,
 - (ii) mewn perygl o ddioddef clefyd coronaidd y galon neu bwysedd gwaed uchel, neu
 - (iii) yn ysmygu neu'n pwysgo gormod,

rhaid i'r fferyllydd GIG, fel y bo'n briodol, ddarparu cyngor i'r person hwnnw, gyda'r nod o ychwanegu at ei wybodaeth a'i ddealltwriaeth o'r materion iechyd sy'n berthnasol i amgylchiadau personol y person hwnnw.

(2) Caniateir ategu'r cyngor a roddir o dan is-baragraff (1), fel y bo'n briodol—

- (a) drwy ddarparu deunydd ysgrifenedig (er enghraiftt, taflenni); a
- (b) drwy gyfeirio'r person at ffynonellau eraill o wybodaeth a chyngor.

(3) Rhaid i fferyllydd GIG, mewn achosion priodol, gadw a chynnal cofnod o'r cyngor a roddir yn unol â'r paragraff hwn, a rhaid i'r cofnod hwnnw fod mewn ffurf sy'n hwyluso—

- (a) cynnal archwiliad o'r ddarpariaeth o wasanaethau fferyllol gan y fferyllydd GIG; a
- (b) gofal dilynol i'r person y rhoddwyd y cyngor iddo.

Ymgyrchoedd iechyd cyhoeddus

17. Rhaid i fferyllydd GIG, os gofynnir iddo gan y Bwrdd Iechyd Lleol y mae'r fferyllydd GIG wedi ei gynnwys yn ei restr fferyllol, sicrhau—

- (a) bod y fferyllydd GIG ac unrhyw aelodau o'i staff yn cymryd rhan, yn y modd y gofynnir iddynt yn rhesymol gan y Bwrdd Iechyd Lleol, mewn hyd at chwe ymgyrch ym mhob blwyddyn galendr i hyrwyddo negeseuon iechyd cyhoeddus i ddefnyddwyr fferyllfa'r fferyllydd GIG; a
- (b) os gofynnir iddo wneud hynny gan y Bwrdd Iechyd Lleol, cofnodi'r nifer o bobl y darparwyd gwybodaeth iddynt fel rhan o un o'r ymgyrchoedd hynny.

Cyfeirio defnyddwyr

18. Rhaid i fferyllydd GIG, i'r graddau y mae paragraff 19 yn ei gwneud yn ofynnol, ac yn y modd a bennir yn y paragraff hwnnw, ddarparu gwybodaeth i ddefnyddwyr fferyllfa'r fferyllydd GIG ynghylch darparwyr iechyd a gofal cymdeithasol eraill a sefydliadau cymorth.

Amlinelliad o'r gwasanaeth mewn perthynas â chyfeirio defnyddwyr

19.—(1) Os yw'n ymddangos i fferyllydd GIG neu

- (b) it appears to the NHS pharmacist that the person—
 - (i) has diabetes,
 - (ii) is at risk of coronary heart disease or high blood pressure, or
 - (iii) smokes or is overweight,

the NHS pharmacist must, as appropriate, provide advice to that person with the aim of increasing that person's knowledge and understanding of the health issues which are relevant to that person's personal circumstances.

(2) Advice given under sub-paragraph (1) may be backed up, as appropriate—

- (a) by the provision of written material (for example leaflets); and
- (b) by referring the person to other sources of information or advice.

(3) An NHS pharmacist must, in appropriate cases, keep and maintain a record of advice given pursuant to this paragraph, and that record must be in a form that facilitates—

- (a) auditing of the provision of pharmaceutical services by the NHS pharmacist; and
- (b) follow-up care for the person who has been given the advice.

Public health campaigns

17. An NHS pharmacist must, at the request of the Local Health Board on whose pharmaceutical list the NHS pharmacist is included, ensure that—

- (a) he or she and any of his or her staff participate, in the manner reasonably requested by the Local Health Board, in up to six campaigns in each calendar year to promote public health messages to users of the NHS pharmacist's pharmacy; and
- (b) where requested to do so by the Local Health Board, record the number of people that have been provided information as part of one of those campaigns.

Signposting

18. An NHS pharmacist must, to the extent paragraph 19 requires and in the manner set out in that paragraph, provide information to users of the NHS pharmacist's pharmacy about other health and social care providers and support organisations.

Service outline in respect of signposting

19.—(1) Where it appears to an NHS pharmacist or

aelod o'i staff, gan ystyried yr angen i leihau'r defnydd amhriodol o wasanaethau iechyd a gofal cymdeithasol a'r gwasanaethau cymorth, bod ar berson sy'n defnyddio fferyllfa'r fferyllydd GIG—

- (a) angen cyngor, triniaeth neu gymorth na all y fferyllydd GIG ei ddarparu neu ei darparu; ond
- (b) bod darparwr gwasanaethau iechyd a gofal cymdeithasol neu ddarparwr gwasanaethau cymorth arall, sy'n hysbys i'r fferyllydd GIG, yn debygol o allu darparu'r cyngor, y driniaeth neu'r cymorth hwnnw,

rhaid i'r fferyllydd GIG ddarparu manylion cyswllt y darparwr hwnnw i'r person hwnnw, ac mewn achosion priodol, rhaid iddo gyfeirio'r person hwnnw at y darparwr hwnnw.

(2) Os na all fferyllydd GIG pan gyflwynir ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, ddarparu cyfarpar, neu addasu cyfarpar stoma, oherwydd nad yw darparu'r cyfarpar neu'r addasu yn dod o fewn maes busnes arferol y fferyllydd GIG, rhaid i'r fferyllydd GIG—

- (a) os yw'r claf yn cydsynio, atgyfeirio'r ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy at fferyllydd GIG arall neu at gontactwr cyfarpar GIG; neu
- (b) os nad yw'r claf yn cydsynio ag atgyfeirio, darparu i'r claf fanylion cyswllt dau, o leiaf, o bobl eraill sy'n fferyllwyr GIG neu'n gontactwyr cyfarpar GIG gyda'r gallu i ddarparu'r cyfarpar neu addasu'r cyfarpar stoma (yn ôl fel y digwydd), os yw'r manylion hynny'n hysbys i'r fferyllydd GIG.

(3) Pan fo'n briodol, caniateir defnyddio nodyn atgyfeirio ysgrifenedig i wneud atgyfeiriad o dan y paragraff hwn.

(4) Rhaid i fferyllydd GIG, mewn achosion priodol, gadw a chynnal cofnod o unrhyw wybodaeth a roddir, neu atgyfeiriad a wneir, o dan y paragraff hwn, a rhaid i'r cofnod hwnnw fod mewn ffurf sy'n hwyluso—

- (a) cynnal archwiliad o'r ddarpariaeth o wasanaethau fferyllol gan y fferyllydd GIG; a
- (b) gofal dilynol i'r person y rhoddwyd yr wybodaeth iddo neu y gwnaed yr atgyfeiriad mewn perthynas ag ef.

Cymorth ar gyfer hunanofal

20. Rhaid i fferyllydd GIG, i'r graddau y mae paragraff 21 yn ei gwneud yn ofynnol, ac yn y modd a bennir yn y paragraff hwnnw, ddarparu cyngor a chymorth i bobl sy'n gofalu amdanynt eu hunain neu eu teuluoedd.

his or her staff, having regard to the need to minimise inappropriate use of health and social care services and of support services, that a person using the NHS pharmacist's pharmacy—

- (a) requires advice, treatment or support that the NHS pharmacist cannot provide; but
- (b) another provider, of which the NHS pharmacist is aware, of health or social care services or of support services is likely to be able to provide that advice, treatment or support,

the NHS pharmacist must provide contact details of that provider to that person and must, in appropriate cases, refer that person to that provider.

(2) Where, on presentation of a prescription form or repeatable prescription, an NHS pharmacist is unable to provide an appliance or stoma appliance customisation because the provision of the appliance or customisation is not within the NHS pharmacist's normal course of business, the NHS pharmacist must—

- (a) if the patient consents, refer the prescription form or repeatable prescription to another NHS pharmacist or to an NHS appliance contractor; or
- (b) if the patient does not consent to a referral, provide the patient with contact details of at least two people who are NHS pharmacists or NHS appliance contractors who are able to provide the appliance or stoma appliance customisation (as the case may be), if these details are known to the NHS pharmacist.

(3) Where appropriate, a referral under this paragraph may be made by means of a written referral note.

(4) The NHS pharmacist must, in appropriate cases, keep and maintain a record of any information given or referral made under this paragraph and that record must be in a form that facilitates—

- (a) auditing of the provision of pharmaceutical services by the NHS pharmacist; and
- (b) follow-up care for the person who has been given the information or in respect of whom the referral has been made.

Support for self-care

20. An NHS pharmacist must, to the extent paragraph 21 requires and in the manner set out in that paragraph, provide advice and support to people caring for themselves or their families.

Amlinelliad o'r gwasanaeth mewn perthynas â chymorth ar gyfer hunanofal

21.—(1) Os yw'n ymddangos i fferyllydd GIG neu aelod o'i staff, gan ystyried yr angen i leihau'r defnydd amhriodol o wasanaethau iechyd a gofal cymdeithasol, y byddai person sy'n defnyddio fferyllfa'r fferyllydd GIG yn cael budd o gyngor gan y fferyllydd GIG i helpu'r person hwnnw i reoli cyflwr meddygol (gan gynnwys, yn achos gofalwr, cyngor i helpu'r gofalwr i gynorthwyo i reoli cyflwr meddygol person arall), rhaid i'r fferyllydd GIG ddarparu cyngor i'r person sy'n defnyddio'r fferyllfa ynglŷn â rheoli'r cyflwr meddygol gan gynnwys, fel y bo'n briodol, cyngor—

- (a) ar y dewis o driniaethau, gan gynnwys cyngor ar ddethol a defnyddio cyffuriau priodol nad ydynt yn gyffuriau a roddir ar bresgripsiwn yn unig; a
- (b) newidiadau yn ffordd o fyw y claf.

(2) Rhaid i fferyllydd GIG, mewn achosion priodol, gadw a chynnal cofnod o unrhyw gyngor a roddir o dan is-baragraff (1), a rhaid i'r cofnod hwnnw fod mewn ffurf sy'n hwyluso—

- (a) cynnal archwiliad o'r ddarpariaeth o wasanaethau fferyllol gan y fferyllydd GIG; a
- (b) gofal dilynol i'r person y rhoddwyd y cyngor iddo neu mewn perthynas ag ef.

Service outline in respect of support for self-care

21.—(1) Where it appears to an NHS pharmacist or his or her staff, having regard to the need to minimise the inappropriate use of health and social care services, that a person using the NHS pharmacist's pharmacy would benefit from advice from the NHS pharmacist to help the person manage a medical condition (including, in the case of a carer, to help the carer in assisting in the management of another person's medical condition), the NHS pharmacist must provide advice to the person using the pharmacy as regards managing the medical condition, including as appropriate advice—

- (a) on treatment options, including advice on the selection and use of appropriate drugs which are not prescription only medicines; and
- (b) on changes to the patient's lifestyle.

(2) The NHS pharmacist must, in appropriate cases, keep and maintain a record of any advice given under sub-paragraph (1) and that record must be in a form that facilitates—

- (a) auditing of the provision of pharmaceutical services by the NHS pharmacist; and
- (b) follow-up care for the person to whom or in respect of whom the advice has been given.

RHAN 3

Oriau Agor Fferyllfa

Oriau agor fferyllfa: cyffredinol

22.—(1) Rhaid i fferyllydd GIG sicrhau y darperir gwasanaethau fferyllol ym mhob mangre y mae'r fferyllydd GIG wedi ymrwymo i ddarparu gwasanaethau fferyllol ohoni—

- (a) am ddim llai na 40 awr bob wythnos; neu
- (b) os yw'r Bwrdd Iechyd Lleol y cynhwysir y fferyllydd GIG yn ei restr fferyllol, neu Weinidogion Cymru yn dilyn apêl, wedi cyfarwyddo y caiff y fferyllydd GIG ddarparu gwasanaethau fferyllol yn y fangre am lai na 40 awr yr wythnos ar yr amod bod y fferyllydd GIG yn darparu'r gwasanaethau hynny ar amseroedd penodol ac ar ddiwrnodau penodol, ar yr amseroedd ac ar y diwrnodau a bennwyd felly;
- (c) os yw'r Bwrdd Iechyd Lleol y cynhwysir y fferyllydd GIG yn ei restr fferyllol, neu Weinidogion Cymru yn dilyn apêl, wedi cyfarwyddo bod rhaid i'r fferyllydd GIG ddarparu gwasanaethau fferyllol yn y fangre am fwy na 40 awr yr wythnos ar amseroedd

PART 3

Pharmacy Opening Hours

Pharmacy opening hours: general

22.—(1) An NHS pharmacist must ensure that pharmaceutical services are provided at each of the premises from which the NHS pharmacist has undertaken to provide pharmaceutical services—

- (a) for not less than 40 hours each week; or
- (b) if the Local Health Board in whose pharmaceutical list the NHS pharmacist is included, or on appeal the Welsh Ministers, has directed that the NHS pharmacist may provide pharmaceutical services at the premises for fewer than 40 hours per week, provided that the NHS pharmacist provides those services at set times and on set days, at the times and on the days so set;
- (c) if the Local Health Board in whose pharmaceutical list the NHS pharmacist is included, or on appeal the Welsh Ministers, has directed that the NHS pharmacist must provide pharmaceutical services at the premises for more than 40 hours per week, at set times and

- penodol ac ar ddiwrnodau penodol, ar yr amseroedd ac ar y diwrnodau a bennwyd felly; neu
- (d) os yw'r Bwrdd Iechyd Lleol y cynhwysir y fferyllydd GIG yn ei restr fferyllol, neu Weinidogion Cymru yn dilyn apêl, wedi cyfarwyddo bod rhaid i'r fferyllydd GIG ddarparu gwasanaethau fferyllol yn y fangre am fwy na 40 awr yr wythnos—
- (i) am y cyfanswm oriau bob wythnos sy'n ofynnol yn rhinwedd y cyfarwyddyd hwnnw, a
 - (ii) o ran yr oriau ychwanegol y gwneir yn ofynnol bod y fferyllydd GIG yn darparu gwasanaethau fferyllol yn rhinwedd y cyfarwyddyd hwnnw, ar y diwrnodau ac ar yr amseroedd y mae'n ofynnol bod y fferyllydd GIG yn darparu gwasanaethau fferyllol yn ystod yr oriau ychwanegol hynny, fel a bennir yn y cyfarwyddyd hwnnw,
- ond caiff Bwrdd Iechyd Lleol, mewn amgylchiadau priodol, gytuno i atal gwasanaethau dros dro am gyfnod penodedig, os yw wedi cael 3 mis o rybudd gan y fferyllydd GIG o'r bwriad i atal y gwasanaethau dros dro.
- (2) Rhaid i fferyllydd GIG hysbysu'r Bwrdd Iechyd Lleol y cynhwysir y fferyllydd GIG yn ei restr fferyllol ynghylch oriau eraill y bydd y fangre yr ymrwymodd y fferyllydd GIG i ddarparu gwasanaethau fferyllol ohoni ar agor, sef oriau ychwanegol at yr oriau pan fo'r fferyllfa dan rwymedigaeth i agor yn rhinwedd is-baragraff (1) (ac y cyfeirir atynt fel "oriau agor atodol").
- (3) Ym mhob un o'r mangreoedd y mae fferyllydd GIG wedi ymrwymo i ddarparu gwasanaethau fferyllol ohonynt, rhaid i'r fferyllydd GIG arddangos—
- (a) hysbysiad sy'n nodi'r amseroedd y bydd y fangre ar agor ar gyfer darparu cyffuriau a chyfarpar; a
 - (b) ar yr adegau pan nad yw'r fangre ar agor, hysbysiad sy'n seiliedig ar wybodaeth a ddarperir gan y Bwrdd Iechyd Lleol ac yn ddarllenadwy o'r tu allan i'r fangre, sy'n nodi cyfeiriadau fferyllwyr GIG eraill a gynhwysir yn y rhestr fferyllol a'r amseroedd y gellir cael cyffuriau a chyfarpar o'r cyfeiriadau hynny.
- (4) Rhaid i fferyllydd GIG, os gofynnir iddo, gyflwyno datganiad i'r Bwrdd Iechyd Lleol y mae'r fferyllydd GIG wedi ei gynnwys yn ei restr fferyllol, sy'n nodi—
- (a) yr amseroedd y darperir gwasanaethau fferyllol ym mhob un o'r mangreoedd yr ymrwymodd y fferyllydd GIG i ddarparu gwasanaethau fferyllol ohonynt (gan gynnwys
- on set days, at the times and on the days so set; or
- (d) if the Local Health Board in whose pharmaceutical list the NHS pharmacist is included, or on appeal the Welsh Ministers, has directed that the NHS pharmacist must provide pharmaceutical services at the premises for more than 40 hours per week—
- (i) for the total number of hours each week required by virtue of that direction, and
 - (ii) as regards the additional hours for which the NHS pharmacist is required to provide pharmaceutical services by virtue of that direction, at the days on which and the times at which the NHS pharmacist is required to provide pharmaceutical services during those additional hours, as set out in that direction,
- but a Local Health Board may, in appropriate circumstances, agree a temporary suspension of services for a set period, where it has received 3 months notice of the proposed suspension from the NHS pharmacist.
- (2) An NHS pharmacist must notify the Local Health Board in whose pharmaceutical list the NHS pharmacist is included of other hours during which the premises from which the NHS pharmacist has undertaken to provide pharmaceutical services will be open, which are hours in addition to those during which the pharmacy is obliged to open by virtue of sub-paragraph (1) (and which are referred to as "supplementary opening hours").
- (3) At each of the premises from which an NHS pharmacist has undertaken to provide pharmaceutical services, the NHS pharmacist must exhibit—
- (a) a notice specifying the times at which the premises are open for the provision of drugs and appliances; and
 - (b) at times when the premises are not open, a notice based on information provided by the Local Health Board, legible from outside the premises, specifying the addresses of other NHS pharmacists included in the pharmaceutical list and the times at which drugs and appliances may be obtained from those addresses.
- (4) An NHS pharmacist must, on request, submit a return to the Local Health Board on whose pharmaceutical list the NHS pharmacist is included setting out—
- (a) the times at which pharmaceutical services are provided at each of the premises from which he or she has undertaken to provide pharmaceutical services (including the times at

- yr amseroedd y darperir gwasanaethau fferyllol pan nad yw'r fferyllydd GIG dan rwymedigaeth i wneud hynny yn rhinwedd is-baragraff (1); a
- (b) y gwasanaethau fferyllol y mae'r fferyllydd GIG fel arfer yn eu darparu ym mhob un o'r mangreodd hynny.
- (5) Os yw fferyllydd GIG yn newid—
- (a) y diwrnodau neu'r amseroedd y bydd gwasanaethau fferyllol yn cael eu darparu o fangre yr ymrwymodd y fferyllydd GIG i ddarparu gwasanaethau fferyllol ohoni; neu
 - (b) y gwasanaethau fferyllol y bydd y fferyllydd GIG fel arfer yn eu darparu yn y fangre honno,
- rhaid i'r fferyllydd GIG gyflenwi, i'r Bwrdd Iechyd Lleol y cynhwysir y fferyllydd GIG yn ei restr fferyllol, ddatganiad sy'n rhoi gwybod i'r Bwrdd Iechyd Lleol am y newid.
- (6) Pan fo fferyllydd GIG wedi cyflwyno datganiad o dan is-baragraff (4) neu (5) mewn perthynas ag unrhyw fangre, neu pan fo'r fferyllydd GIG wedi pennu, mewn cais o dan y Rheoliadau hyn am gael ei gynnwys yn y rhestr fferyllol, y diwrnodau a'r amseroedd y darperir gwasanaethau fferyllol yn y fangre y mae'r cais yn ymwneud â hi os caniateir y cais—
- (a) rhaid i'r fferyllydd GIG sicrhau y darperir gwasanaethau fferyllol yn y fangre y mae'r datganiad neu'r cais yn ymwneud â hi ar y diwrnodau ac ar yr amseroedd a bennir yn y datganiad neu'r cais (oni fydd y datganiad neu'r cais wedi ei ddisodli gan ddatganiad, neu ddatganiad pellach, o dan is-baragraff (5)); a
 - (b) rhaid i'r fferyllydd GIG beidio â newid—
 - (i) y diwrnodau na'r amseroedd pan fo gwasanaethau fferyllol i'w darparu yn y fangre honno; neu
 - (ii) y gwasanaethau fferyllol y mae'r fferyllydd GIG i'w darparu fel arfer yn y fangre honno,
- fel y'u pennir yn y datganiad neu'r cais hwnnw, am gyfnod o 3 mis o leiaf ar ôl y dyddiad y cafodd y Bwrdd Iechyd Lleol y datganiad neu'r cais hwnnw.
- (7) Os rhwystrir fferyllydd GIG, gan salwch neu achos rhesymol arall, rhag cydymffurfio â'i rwymedigaethau o dan is-baragraff (1), rhaid iddo, os yw'n ymarferol, wneud trefniadau gydag un neu ragor o fferyllwyr GIG eraill sydd â'u mangreodd wedi'u lleoli yn y gymdogaeth, ar gyfer darparu gwasanaethau fferyllol yn ystod y cyfnod hwnnw.
- (8) Pan fo'r ddarpariaeth o wasanaethau fferyllol wedi ei hatal dros dro am reswm sydd y tu hwnt i reolaeth y fferyllydd GIG, ni fydd y fferyllydd GIG which the NHS pharmacist is providing pharmaceutical services when he or she is not obliged to do so by virtue of sub-paragraph (1); and
- (b) the pharmaceutical services which the NHS pharmacist ordinarily provides at each of those premises.
- (5) Where an NHS pharmacist changes—
- (a) the days on which or the times at which pharmaceutical services are to be provided at premises from which the NHS pharmacist has undertaken to provide pharmaceutical services; or
 - (b) the pharmaceutical services which the NHS pharmacist is ordinarily to provide at those premises,
- the NHS pharmacist must supply the Local Health Board on whose pharmaceutical list the NHS pharmacist is included with a return informing it of the change.
- (6) Where an NHS pharmacist has submitted a return under sub-paragraph (4) or (5) in respect of any premises, or where the NHS pharmacist has set out in an application under these Regulations for inclusion in the pharmaceutical list the days on which and the times at which pharmaceutical services will be provided at the premises to which the application relates if the application is granted—
- (a) the NHS pharmacist must ensure that pharmaceutical services are provided at the premises to which the return or application relates on the days and at the times set out in the return or application (unless the return or application has been superseded by a return, or a further return, under sub-paragraph (5)); and
 - (b) the NHS pharmacist must not change—
 - (i) the days on which or the times at which pharmaceutical services are to be provided at those premises; or
 - (ii) the pharmaceutical services which the NHS pharmacist is ordinarily to provide at those premises,
- as set out in that return or application, for a period of at least 3 months after that return or application was received by the Local Health Board.
- (7) Where an NHS pharmacist is prevented by illness or other reasonable cause from complying with his or her obligations under sub-paragraph (1), he or she must, where practicable, make arrangements with one or more other NHS pharmacists whose premises are situated in the neighbourhood for the provision of pharmaceutical services during that time.
- (8) Where there is a temporary suspension in the provision of pharmaceutical services for a reason beyond the control of the NHS pharmacist, the NHS

wedi torri paragraffau (1), (2) a (3) ar yr amod—

- (a) bod y fferyllydd GIG yn hysbysu'r Bwrdd Iechyd Lleol y cynhwysir y fferyllydd GIG yn ei restr fferyllol yngylch yr ataliad hwnnw cyn gynted ag y bo'n ymarferol; a
- (b) bod y fferyllydd GIG yn gwneud pob ymdrech resymol i ailddechrau darparu gwasanaethau fferyllol cyn gynted ag y bo'n ymarferol.

(9) Nid yw gwaith a gynlluniwyd ymlaen llaw i ailwampio fferyllfa yn "achos rhesymol" at ddibenion is-baragraff (7) nac yn "rheswm sydd y tu hwnt i reolaeth y fferyllydd GIG" at ddibenion is-baragraff (8).

(10) At y dibenion o gyfrifo'r nifer o oriau y mae fferyllfa ar agor yn ystod wythnos sy'n cynnwys Dydd Nadolig, Dydd Gwener y Groglith, Sul y Pasg neu wyl banc, rhaid ystyried bod y fferyllfa ar agor ar y diwrnod hwnnw yn ystod yr amseroedd y byddai wedi bod ar agor fel arfer ar y diwrnod hwnnw o'r wythnos.

(11) Yn y Rhan hon—

ystyr "cyfarwyddyd presennol" ("existing direction") yw cyfarwyddyd a wnaed yn unol â'r Rhan hon neu gyfarwyddyd a oedd yn bodoli ar y dyddiad y daeth y Rheoliadau hyn i rym; ac

yr "oriau ychwanegol" ("additional hours") pan wneir yn ofynnol bod fferyllydd GIG yn darparu gwasanaethau fferyllol yw'r oriau hynny pan na fyddai fferyllydd GIG yn darparu gwasanaethau fferyllol, pe bai'r fferyllydd GIG yn ddarostyngedig i'r amod a bennir yn is-baragraff (1)(a) ac nid yr amod a bennir yn is-baragraff (1)(d).

Materion i'w hystyried wrth ddyroddi cyfarwyddiadau mewn perthynas ag oriau agor fferyllfeydd

23.—(1) Pan fo Bwrdd Iechyd Lleol yn dyroddi cyfarwyddyd sy'n pennu amseroedd neu ddiwrnodau o dan y Rhan hon, rhaid iddo, wrth wneud hynny, geisio sicrhau bod yr oriau pan fydd mangre ar agor i ddarparu gwasanaethau fferyllol yn rhai sy'n sicrhau y darperir y gwasanaethau fferyllol ar y cyfryw ddiwrnodau ac amseroedd sy'n angenrheidiol er mwyn bodloni anghenion pobl y gymdogaeth, neu ddefnyddwyr tebygol eraill y fferyllfa, am wasanaethau fferyllol.

(2) Wrth ystyried y materion a grybwyllir yn is-baragraff (1), caiff y Bwrdd Iechyd Lleol roi sylw i unrhyw wasanaethau fferyllol a ddarperir yn y gymdogaeth honno mewn amgylchiadau pan nad oes rhwymedigaeth ar y fferyllydd GIG i ddarparu'r gwasanaethau hynny.

(3) Ni chaiff y Bwrdd Iechyd Lleol gyfarwyddo y caiff fferyllydd GIG ddarparu gwasanaethau fferyllol

pharmacist will not be in breach of paragraphs (1), (2) and (3) provided that—

- (a) the NHS pharmacist notifies the Local Health Board on whose pharmaceutical list the NHS pharmacist is included of that suspension as soon as practicable; and
- (b) the NHS pharmacist uses all reasonable endeavours to resume provision of pharmaceutical services as soon as practicable.

(9) Planned refurbishment of a pharmacy is neither a "reasonable cause" for the purposes of sub-paragraph (7) nor a "reason beyond the control of the NHS pharmacist" for the purposes of sub-paragraph (8).

(10) For the purposes of calculating the number of hours that a pharmacy is open during a week that includes Christmas Day, Good Friday, Easter Sunday or a bank holiday, it must be deemed that the pharmacy was open on that day at the times at which it would ordinarily have been open on that day of the week.

(11) In this Part—

"additional hours" ("oriau ychwanegol") for which an NHS pharmacist is to be required to provide pharmaceutical services are those hours during which the NHS pharmacist would not be providing pharmaceutical services, were the NHS pharmacist subject to the condition set out in sub-paragraph (1)(a) and not the condition set out in sub-paragraph (1)(d); and

"existing direction" ("cyfarwyddyd presennol") means one that has been made in accordance with this Part or one that was in existence on the date that these Regulations come into force.

Matters to be considered when issuing directions in respect of pharmacy opening hours

23.—(1) Where a Local Health Board issues a direction setting any times or days under this Part, it must in doing so seek to ensure that the hours at which premises are open for the provision of pharmaceutical services are such as to ensure that the pharmaceutical services are provided on such days and at such times as are necessary to meet the needs of people in the neighbourhood, or other likely users of the pharmacy, for pharmaceutical services.

(2) In considering the matters mentioned in sub-paragraph (1) the Local Health Board may have regard to any pharmaceutical services that are being provided in that neighbourhood in circumstances where the NHS pharmacist is not obliged to provide those services.

(3) The Local Health Board may only direct that an NHS pharmacist may provide pharmaceutical services

yn y fangre am lai na 40 awr yn ystod unrhyw wythnos, oni fodlonir y Bwrdd Iechyd Lleol fod y ddarpariaeth o wasanaethau fferyllol yn y gymdogaeth yn debygol o fod yn ddigonol i ddiwallu'r angen am wasanaethau o'r fath ar yr adegau pan na fydd y fferyllydd GIG yn darparu gwasanaethau fferyllol.

(4) Ni chaiff y Bwrdd Iechyd Lleol gyfarwyddo bod rhaid i fferyllydd GIG ddarparu gwasanaethau fferyllol yn y fangre am fwy na 40 awr yn ystod unrhyw wythnos, oni fydd y Bwrdd Iechyd Lleol wedi ei fodloni y bydd y fferyllydd GIG yn cael cydnabyddiaeth ariannol resymol am yr oriau ychwanegol y gofynnir iddo ddarparu gwasanaethau fferyllol (a bydd unrhyw gydnabyddiaeth ariannol ychwanegol sy'n daladwy yn unol â phenderfyniad a wnaed o ganlyniad i reoliad 37 mewn perthynas â'r oriau hynny yn "gydnabyddiaeth ariannol resymol" at y dibenion hyn).

Penderfyniad a ysgogir gan y Bwrdd Iechyd Lleol ynghylch oriau agor fferyllfa

24.—(1) Os yw'n ymddangos i'r Bwrdd Iechyd Lleol sydd â'r fferyllydd GIG yn gynwysedig yn ei restr fferyllol, ar ôl ymgynghori â'r Pwyllgor Fferyllol Lleol neu ar ôl ystyried y mater ar gais y Pwyllgor hwnnw, nad yw, neu na fydd, yr amseroedd pan fo, neu pan fydd, fferyllfa ar agor i ddarparu gwasanaethau fferyllol bellach yn bodloni anghenion—

- (a) y bobl yn y gymdogaeth; neu
- (b) defnyddwyr tebygol eraill fferyllfa'r fferyllydd GIG,

am wasanaethau fferyllol, caiff y Bwrdd Iechyd Lleol asesu a ddylid dyroddi cyfarwyddyd i wneud yn ofynnol bod y fferyllydd GIG sy'n berchen y fferyllfa yn darparu gwasanaethau fferyllol yn y fferyllfa ar amseroedd penodedig ac ar ddiwrnodau penodedig (gan gynnwys, o bosibl, Dydd Nadolig, Dydd Gwener y Groglith, Sul y Pasg a gwyliau banc).

(2) Cyn cwblhau'r asesiad o dan is-baragraff (1) rhaid i'r Bwrdd Iechyd Lleol—

- (a) rhoi hysbysiad i'r fferyllydd GIG o unrhyw newidiadau arfaethedig yn yr amseroedd neu'r diwrnodau y mae'r fferyllfa i fod ar agor; a
- (b) caniatáu cyfnod o 30 diwrnod i'r fferyllydd GIG ar gyfer cyflwyno sylwadau ysgrifenedig i'r Bwrdd Iechyd Lleol ynglŷn â'r newidiadau arfaethedig.

(3) Ar ôl ystyried unrhyw sylwadau a wneir yn unol ag is-baragraff (2)(b), rhaid i'r Bwrdd Iechyd Lleol—

- (a) dyroddi cyfarwyddyd (a fydd yn disodli unrhyw gyfarwyddyd presennol) sy'n bodloni gofynion is-baragraffau (4) a (5);
- (b) cadarnhau unrhyw gyfarwyddyd presennol sy'n pennu ar ba ddiwrnodau ac amseroedd y mae'n rhaid i'r fferyllydd GIG ddarparu

at premises for less than 40 hours in any week if it is satisfied that the provision of pharmaceutical services in the neighbourhood is likely to be adequate to meet the need for such services at times when the NHS pharmacist is not providing pharmaceutical services.

(4) The Local Health Board may only direct that an NHS pharmacist must provide pharmaceutical services at premises for more than 40 hours in any week where it is satisfied that the NHS pharmacist will receive reasonable remuneration in respect of the additional hours for which he or she is required to provide pharmaceutical services (and any additional remuneration payable in accordance with a determination made as a consequence of regulation 37 in respect of those hours is "reasonable remuneration" for these purposes).

Determination of pharmacy opening hours instigated by the Local Health Board

24.—(1) Where it appears to the Local Health Board in whose pharmaceutical list the NHS pharmacist is included, after consultation with or having considered the matter at the request of the Local Pharmaceutical Committee, that the times at which a pharmacy is or will be open for the provision of pharmaceutical services will not, or no longer meet, the needs of—

- (a) people in the neighbourhood; or
- (b) other likely users of his or her pharmacy,

for pharmaceutical services, it may carry out an assessment as to whether to issue a direction requiring the NHS pharmacist whose pharmacy it is to provide pharmaceutical services at the pharmacy at set times and on set days (which may include Christmas Day, Good Friday, Easter Sunday and bank holidays).

(2) Before concluding the assessment under sub-paragraph (1) the Local Health Board must—

- (a) give notice to the NHS pharmacist of any proposed changes to the times at which or the days on which the pharmacy is to be open; and
- (b) allow the NHS pharmacist 30 days within which to make written representations to the Local Health Board about the proposed changes.

(3) After considering any representations made in accordance with sub-paragraph (2)(b), the Local Health Board must—

- (a) issue a direction (which will replace any existing direction) which meets the requirements of sub-paragraphs (4) and (5);
- (b) confirm any existing direction setting the days on which and the times at which the NHS pharmacist must provide pharmaceutical

gwasanaethau fferyllol yn y fferyllfa, ar yr amod y byddai'r cyfarwyddyd presennol yn bodloni gofynion is-baragraffau (4) a (5) pe dyroddid ef o dan y paragraff hwn; neu

(c) naill ai—

- (i) dirymu (heb ei amnewid) unrhyw gyfarwyddyd presennol sy'n pennu ar ba amseroedd neu ddiwrnodau y mae'n rhaid i'r fferyllydd GIG ddarparu gwasanaethau fferyllol yn y fferyllfa, neu
- (ii) mewn achos pan nad oes cyfarwyddyd presennol, peidio â dyroddi unrhyw gyfarwyddyd,

ac mewn achos o'r fath, yn rhinwedd paragraff 22(1)(a), rhaid i'r fferyllfa fod ar agor am ddim llai na 40 o oriau bob wythnos.

(4) Pan fo Bwrdd Iechyd Lleol yn dyroddi cyfarwyddyd o dan is-baragraff (3), mewn perthynas â fferyllfa y mae'n ofynnol iddi fod ar agor—

- (a) am fwy na 40 awr bob wythnos, rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, bennu—
 - (i) cyfanswm nifer yr oriau bob wythnos y bydd rhaid i'r fferyllydd GIG ddarparu gwasanaethau fferyllol yn y fferyllfa, a
 - (ii) ynglŷn â'r oriau ychwanegol y mae'r fferyllydd GIG i ddarparu gwasanaethau fferyllol, ar ba ddiwrnodau ac ar ba amseroedd y bydd yn ofynnol i'r fferyllydd GIG ddarparu'r gwasanaethau hynny yn ystod yr oriau ychwanegol hynny,

ond rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, beidio â phennu ar ba ddiwrnodau neu ar ba amseroedd y mae'r fferyllydd GIG i ddarparu gwasanaethau fferyllol yn ystod oriau nad ydynt yn oriau ychwanegol; neu

- (b) am lai na 40 awr bob wythnos, rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, bennu ar ba ddiwrnodau ac amseroedd y mae gwasanaethau fferyllol i'w darparu yn y fferyllfa honno.

(5) Rhaid i'r Bwrdd Iechyd Lleol beidio â dyroddi cyfarwyddyd o dan is-baragraff (3) os ei effaith, yn symyl, yw ei gwneud yn ofynnol bod fferyllfa ar agor am 40 awr bob wythnos ar ddiwrnodau penodedig ac amseroedd penodedig (hynny yw, rhaid i'r cyfarwyddyd gael yr effaith o wneud yn ofynnol bod y fferyllfa ar agor am naill ai mwy neu lai na 40 awr bob wythnos).

(6) Rhaid i'r Bwrdd Iechyd Lleol hysbysu'r fferyllydd GIG, mewn ysgrifen, o unrhyw gyfarwyddyd a ddyroddir, neu unrhyw gam arall a gymerir, o dan is-baragraff (3), ac os yw'r Bwrdd Iechyd Lleol yn pennu diwrnodau newydd neu amseroedd newydd y mae'r fferyllydd GIG i ddarparu

services at the pharmacy provided that the existing direction would meet the requirements of sub-paragraphs (4) and (5) if it were issued under this paragraph; or

(c) either—

- (i) revoke (without replacing it) any existing direction setting the times at which or the days on which the NHS pharmacist must provide pharmaceutical services at the pharmacy, or
- (ii) in a case where there is no existing direction, issue no direction,

in which case, by virtue of paragraph 22(1)(a), the pharmacy must be open for not less than 40 hours each week.

(4) Where a Local Health Board issues a direction under sub-paragraph (3) in respect of a pharmacy that is required to be open—

- (a) for more than 40 hours each week, it must set out in that direction—
 - (i) the total number of hours each week for which the NHS pharmacist must provide pharmaceutical services at the pharmacy, and
 - (ii) as regards the additional hours for which the NHS pharmacist is to provide pharmaceutical services, the days on which and times at which the NHS pharmacist is required to provide those services during those additional hours,

but it must not set out in that direction the days on which or the times at which the NHS pharmacist is to provide pharmaceutical services during hours which are not additional hours; or

- (b) for less than 40 hours each week, it must set out in that direction the days on which and times at which pharmaceutical services are to be provided at that pharmacy.

(5) The Local Health Board must not issue a direction under sub-paragraph (3) that has the effect simply of requiring a pharmacy to be open for 40 hours each week on set days and at set times (that is, the direction must have the effect of requiring a pharmacy to be open for either more or less than 40 hours each week).

(6) The Local Health Board must notify the NHS pharmacist in writing of any direction issued or any other action taken under sub-paragraph (3), and where it sets new days on which or times at which the NHS pharmacist is to provide pharmaceutical services at the pharmacy, it must include with the notification a

gwasanaethau fferyllol yn y fferyllfa, rhaid i'r Bwrdd Iechyd Lleol gynnwys gyda'r hysbysiad ddatganiad ysgrifenedig o'r canlynol—

- (a) y rhesymau am y newid; a
- (b) hawl y fferyllydd GIG i apelio o dan is-baragraff (7).

(7) Caiff fferyllydd GIG, o fewn 30 diwrnod ar ôl cael hysbysiad o dan is-baragraff (6), apelio mewn ysgrifen i Weinidogion Cymru yn erbyn unrhyw gyfarwyddyd a roddwyd neu unrhyw gam arall a gymerwyd o dan is-baragraff (3), sy'n pennu diwrnodau newydd neu amseroedd newydd y mae'r fferyllydd GIG i ddarparu gwasanaethau fferyllol.

(8) Caiff Gweinidogion Cymru, wrth benderfynu apêl, naill ai gadarnhau'r cam a gymerwyd gan y Bwrdd Iechyd Lleol neu gymryd unrhyw gam y gallai'r Bwrdd Iechyd Lleol fod wedi ei gymryd o dan is-baragraff (3).

(9) Rhaid i Weinidogion Cymru hysbysu'r fferyllydd GIG o'u penderfyniad mewn ysgrifen a rhaid iddynt, ym mhob achos, gynnwys gyda'r hysbysiad ddatganiad ysgrifenedig o'r rhesymau dros y penderfyniad.

(10) Os yw'r amseroedd neu'r diwrnodau y mae'r fferyllydd GIG i ddarparu gwasanaethau fferyllol mewn fferyllfa wedi eu newid yn unol â'r paragraff hwn, rhaid i'r fferyllydd GIG gyflwyno'r newidiadau—

- (a) os nad yw'r fferyllydd GIG wedi apelio o dan is-baragraff (7), ddim hwyrach nag 8 wythnos ar ôl y dyddiad y mae'r fferyllydd GIG yn cael hysbysiad o dan is-baragraff (6); neu
- (b) os yw'r fferyllydd GIG wedi apelio o dan is-baragraff (7), ddim hwyrach nag 8 wythnos ar ôl y dyddiad y mae'r fferyllydd GIG yn cael hysbysiad o dan is-baragraff (9).

Penderfyniad a ysgogir gan y fferyllydd GIG ynghylch oriau agor fferyllfa

25.—(1) Caiff fferyllydd GIG wneud cais i Fwrdd Iechyd Lleol sydd â'r fferyllydd GIG yn gynwysedig yn ei restr fferyllol am i'r Bwrdd newid y diwrnodau neu'r amseroedd y mae'r fferyllydd GIG dan rwymedigaeth i ddarparu gwasanaethau fferyllol yn ei fferyllfa, mewn ffordd sy'n—

- (a) lleihau cyfanswm nifer yr oriau y mae'r fferyllydd GIG dan rwymedigaeth i ddarparu gwasanaethau fferyllol bob wythnos; neu
- (b) yn cadw cyfanswm nifer yr oriau yn ddigynnewid.

(2) Pan fo fferyllydd GIG yn gwneud cais o dan is-baragraff (1), rhaid i'r fferyllydd GIG, yn rhan o'r cais hwnnw, ddarparu i'r Bwrdd Iechyd Lleol pa bynnag wybodaeth y gofynnir amdani yn rhesymol gan y Bwrdd Iechyd Lleol ynglŷn ag unrhyw newidiadau yn anghenion pobl y gymdogaeth, neu ddefnyddwyr

statement in writing of—

- (a) the reasons for the change; and
- (b) the NHS pharmacist's right of appeal under sub-paragraph (7).

(7) An NHS pharmacist may, within 30 days of receiving notification under sub-paragraph (6) appeal in writing to the Welsh Ministers against any direction issued or any other action taken under sub-paragraph (3) which sets new days on which or times at which the NHS pharmacist is to provide pharmaceutical services.

(8) The Welsh Ministers may, when determining an appeal, either confirm the action taken by the Local Health Board or take any action that the Local Health Board could have taken under sub-paragraph (3).

(9) The Welsh Ministers must notify the NHS pharmacist in writing of their determination and must in every case include with the notification a written statement of the reasons for the determination.

(10) If the times at which or the days on which an NHS pharmacist is to provide pharmaceutical services at a pharmacy have been changed in accordance with this paragraph, the NHS pharmacist must introduce the changes—

- (a) if he or she has not appealed under sub-paragraph (7), not later than 8 weeks after the date on which he or she receives notification under sub-paragraph (6); or
- (b) if he or she has appealed under sub-paragraph (7), not later than 8 weeks after the date on which he or she receives notification under sub-paragraph (9).

Determination of pharmacy opening hours instigated by the NHS pharmacist

25.—(1) An NHS pharmacist may apply to a Local Health Board on whose pharmaceutical list the NHS pharmacist is included for it to change the days on which or the times at which the NHS pharmacist is obliged to provide pharmaceutical services at the NHS pharmacist's pharmacy in a way that—

- (a) reduces the total number of hours for which the NHS pharmacist is obliged to provide pharmaceutical services each week; or
- (b) keeps the total number of hours the same.

(2) Where an NHS pharmacist makes an application under sub-paragraph (1), as part of that application the NHS pharmacist must provide the Local Health Board with such information as the Local Health Board may reasonably request in respect of any changes to the needs of the people in the neighbourhood, or other

tebygol eraill y fferyllfa, am wasanaethau fferyllol sy'n berthnasol i'r cais.

(3) Rhaid i'r Bwrdd Iechyd Lleol benderfynu cais o dan is-baragraff (1) o fewn 60 diwrnod ar ôl cael y cais (ynghyd ag unrhyw wybodaeth y mae'n ofynnol i'r ceisydd ei darparu yn unol ag is-baragraff (2)).

(4) Wrth benderfynu'r cais, rhaid i'r Bwrdd Iechyd Lleol—

- (a) dyroddi cyfarwyddyd (a fydd yn disodli unrhyw gyfarwyddyd presennol) sy'n bodloni gofynion is-baragraffau (5) a (6) ac yn cael yr effaith naill ai o ganiatáu'r cais o dan y paragraff hwn neu ei ganiatáu yn rhannol yn unig;
- (b) cadarnhau unrhyw gyfarwyddyd presennol sy'n pennu ar ba ddiwrnodau ac amseroedd y mae'n rhaid i'r fferyllydd GIG ddarparu gwasanaethau fferyllol yn y fferyllfa, ar yr amod y byddai'r cyfarwyddyd presennol yn bodloni gofynion is-baragraffau (5) a (6); neu
- (c) naill ai—
 - (i) dirymu (heb ei amnewid) unrhyw gyfarwyddyd presennol sy'n pennu ar ba amseroedd neu ddiwrnodau y mae'n rhaid i'r fferyllydd GIG ddarparu gwasanaethau fferyllol yn y fferyllfa, pan fo hyn yn cael yr effaith naill ai o ganiatáu'r cais o dan y paragraff hwn neu ei ganiatáu yn rhannol yn unig, neu
 - (ii) mewn achos pan nad oes cyfarwyddyd presennol, peidio â dyroddi unrhyw gyfarwyddyd,

ac mewn achos o'r fath, yn rhinwedd paragraff 22(1)(a), rhaid i'r fferyllfa fod ar agor am ddim llai na 40 o oriau bob wythnos.

(5) Pan fo Bwrdd Iechyd Lleol yn dyroddi cyfarwyddyd o dan is-baragraff (4), mewn perthynas â fferyllfa y mae'n ofynnol iddi fod ar agor—

- (a) am fwy na 40 awr bob wythnos, rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, bennu—
 - (i) cefnswm nifer yr oriau bob wythnos y mae'n ofynnol i'r fferyllydd GIG ddarparu gwasanaethau fferyllol yn y fferyllfa, a
 - (ii) ynglŷn â'r oriau ychwanegol y mae'r fferyllydd GIG i ddarparu gwasanaethau fferyllol, ar ba ddiwrnodau ac ar ba amseroedd y bydd yn ofynnol i'r fferyllydd GIG ddarparu'r gwasanaethau hynny yn ystod yr oriau ychwanegol hynny,

ond rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, beidio â phennu ar ba ddiwrnodau neu ar ba amseroedd y mae'r fferyllydd GIG i ddarparu gwasanaethau fferyllol yn ystod oriau nad ydynt yn oriau ychwanegol; neu

likely users of the pharmacy, for pharmaceutical services that are material to the application.

(3) The Local Health Board must determine an application under sub-paragraph (1) within 60 days of receiving it (including any information required of the applicant in accordance with sub-paragraph (2)).

(4) In determining the application, the Local Health Board must—

- (a) issue a direction (which will replace any existing direction) which meets the requirements of sub-paragraphs (5) and (6) and which has the effect of either granting the application under this paragraph or granting it only in part;
- (b) confirm any existing direction setting the days on which and the times at which the NHS pharmacist must provide pharmaceutical services at the pharmacy provided that the existing direction would meet the requirements of sub-paragraphs (5) and (6); or
- (c) either—
 - (i) revoke (without replacing it) any existing direction in respect of the times at which or the days on which the NHS pharmacist must provide pharmaceutical services at the pharmacy, where this has the effect of granting the application under this paragraph or granting it only in part, or
 - (ii) in a case where there is no existing direction, issue no direction,

in which case, by virtue of paragraph 22(1)(a), the pharmacy must be open for not less than 40 hours each week.

(5) Where a Local Health Board issues a direction under sub-paragraph (4) in respect of a pharmacy that is required to be open—

- (a) for more than 40 hours each week, it must set out in that direction—
 - (i) the total number of hours each week for which the NHS pharmacist is required to provide pharmaceutical services at the pharmacy, and
 - (ii) as regards the additional hours for which the NHS pharmacist is to provide pharmaceutical services, the days on which and the times at which the NHS pharmacist is required to provide those services during those additional hours,

but it must not set out in that direction the days on which or the times at which the NHS pharmacist is to provide pharmaceutical services during hours which are not additional hours; or

(b) am lai na 40 awr bob wythnos, rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, bennu ar ba ddiwrnodau ac amseroedd y mae gwasanaethau fferyllol i'w darparu yn y fferyllfa honno.

(6) Rhaid i'r Bwrdd Iechyd Lleol beidio â dyroddi cyfarwyddyd o dan is-baragraff (4) os ei effaith, yn sym, yw ei gwneud yn ofynnol bod fferyllfa ar agor am 40 awr bob wythnos ar ddiwrnodau penodedig ac amseroedd penodedig (hynny yw, rhaid i'r cyfarwyddyd gael yr effaith o wneud yn ofynnol bod y fferyllfa ar agor am naill ai mwy neu lai na 40 awr bob wythnos).

(7) Pan fo'r Bwrdd Iechyd Lleol yn ystyried gweithredu o dan is-baragraff (4)(a) neu is-baragraff (4)(c)(i), rhaid iddo ymgynghori â'r Pwyllgor Fferyllol Lleol cyn penderfynu'r cais.

(8) Rhaid i'r Bwrdd Iechyd Lleol hysbysu'r fferyllydd GIG, mewn ysgrifen, o unrhyw gyfarwyddyd a ddyroddir, neu unrhyw gam arall a gymerir, o dan is-baragraff (4), ac os effaith hynny yw gwrthod cais a wnaed o dan y paragraff hwn, neu ei ganiatáu yn rhannol, rhaid i'r Bwrdd Iechyd Lleol anfon at y fferyllydd GIG ddatganiad ysgrifenedig sy'n nodi—

- (a) y rhesymau am y gwrthodiad neu, yn ôl fel y digwydd am ganiatáu y cais yn rhannol yn unig; a
- (b) hawl y fferyllydd GIG i apelio o dan is-baragraff (9).

(9) Caiff fferyllydd GIG, o fewn 30 diwrnod ar ôl cael hysbysiad yn unol ag is-baragraff (8), apelio mewn ysgrifen i Weinidogion Cymru yn erbyn unrhyw weithred o dan is-baragraff (4) sy'n cael yr effaith o wrthod cais o dan y paragraff hwn neu ei ganiatáu yn rhannol yn unig.

(10) Caiff Gweinidogion Cymru, wrth benderfynu apêl, naill ai gadarnhau'r cam a gymerwyd gan y Bwrdd Iechyd Lleol neu gymryd unrhyw gam y gallai'r Bwrdd Iechyd Lleol fod wedi ei gymryd o dan is-baragraff (4).

(11) Rhaid i Weinidogion Cymru hysbysu'r fferyllydd GIG o'u penderfyniad mewn ysgrifen a rhaid iddynt, ym mhob achos, gynnwys gyda'r hysbysiad ddatganiad ysgrifenedig o'r rhesymau dros y penderfyniad.

(12) Os yw'r diwrnodau neu'r amseroedd y mae'r fferyllydd GIG i ddarparu gwasanaethau fferyllol mewn fferyllfa wedi eu newid yn unol â'r paragraff hwn, rhaid i'r fferyllydd GIG gyflwyno'r newidiadau—

- (a) os nad yw'r fferyllydd GIG wedi apelio o dan is-baragraff (9), ddim cynharach na 30 diwrnod ar ôl y dyddiad y mae'r fferyllydd GIG yn cael hysbysiad o dan is-baragraff (8); neu

(b) for less than 40 hours each week, it must set out in that direction the days on which and the times at which pharmaceutical services are to be provided at that pharmacy.

(6) The Local Health Board must not issue a direction under sub-paragraph (4) that has the effect simply of requiring a pharmacy to be open for 40 hours each week on set days and at set times (that is, the direction must have the effect of requiring a pharmacy to be open for either more or less than 40 hours each week).

(7) Where the Local Health Board is considering taking action under sub-paragraph (4)(a) or sub-paragraph (4)(c)(i), it must consult the Local Pharmaceutical Committee before determining the application.

(8) A Local Health Board must notify the NHS pharmacist in writing of any direction issued or any other action taken under sub-paragraph (4), and where this has the effect of refusing an application under this paragraph or granting it in part, it must send the NHS pharmacist a statement in writing setting out—

- (a) the reasons for the refusal or, as the case may be, for granting the application only in part; and
- (b) the NHS pharmacist's right of appeal under sub-paragraph (9).

(9) An NHS pharmacist may, within 30 days of receiving a notification pursuant to sub-paragraph (8), appeal in writing to the Welsh Ministers against any action under sub-paragraph (4) which has the effect of refusing an application under this paragraph or granting it only in part.

(10) The Welsh Ministers may, when determining an appeal, either confirm the action taken by the Local Health Board or take any action that the Local Health Board could have taken under sub-paragraph (4).

(11) The Welsh Ministers must notify the NHS pharmacist in writing of their determination and must in every case include with the notification a written statement of the reasons for the determination.

(12) If the days on which or times at which an NHS pharmacist is to provide pharmaceutical services at a pharmacy have been changed in accordance with this paragraph, the NHS pharmacist must introduce the changes—

- (a) if he or she has not appealed under sub-paragraph (9), not earlier than 30 days after the date on which he or she receives notification under sub-paragraph (8); or

- (b) os yw'r fferyllydd GIG wedi apelio o dan is-baragraff (9), ddim cynharach na 30 diwrnod ar ôl y dyddiad y mae'r fferyllydd GIG yn cael hysbysiad o dan is-baragraff (11).

Oriau agor dro a chyfnodau caeedig yn ystod argywng, sy'n galw am ddarparu gwasanaethau fferyllol yn hyblyg

26.—(1) Er gwaethaf darpariaethau'r Atodlen hon, yn ystod argywng pan yw'n ofynnol darparu gwasanaethau fferyllol mewn ffordd hyblyg, caiff y Bwrdd Iechyd Lleol y mae'r fferyllydd GIG yn gynwysedig yn ei restr fferyllol, os gwneir cais gan y fferyllydd GIG, ganiatáu i'r fferyllydd GIG newid dros dro y diwrnodau neu'r amseroedd pan fo'r fferyllydd GIG dan rwymedigaeth i ddarparu gwasanaethau fferyllol yn y fangre yr ymrwymodd i ddarparu gwasanaethau fferyllol ohoni, neu ganiatáu cau'r fangre honno dros dro—

- (a) os rhoddir 24 awr, o leiaf, o rybudd gan y fferyllydd GIG o'r newid neu'r cau; a
- (b) os yw'r rhesymau a roddir gan y fferyllydd GIG dros wneud y cais yn rhesymau digonol ym marn y Bwrdd Iechyd Lleol.

(2) Nid oes angen i'r Bwrdd Iechyd Lleol gymeradwyo'r cais ymlaen llaw cyn y newid neu'r cau, ac os nad yw'r Bwrdd yn cymeradwyo ymlaen llaw, ond yn penderfynu yn ddiweddarach nad yw rhesymau'r fferyllydd GIG, ym marn y Bwrdd, yn rhesymau digonol, yna rhaid i'r diwrnodau neu'r amseroedd y mae'r fferyllydd GIG dan rwymedigaeth i ddarparu gwasanaethau fferyllol yn y fangre ddychwelyd i'r hyn oeddent cyn eu disodli, o'r diwrnod ar ôl y dyddiad yr hysbysir y fferyllydd GIG o'r penderfyniad hwnnw.

- (b) if he or she has appealed under sub-paragraph (9), not earlier than 30 days after the date on which he or she receives notification under sub-paragraph (11).

Temporary opening hours and closures during an emergency requiring the flexible provision of pharmaceutical services

26.—(1) Notwithstanding the provisions of this Schedule, during an emergency requiring the flexible provision of pharmaceutical services, the Local Health Board in whose pharmaceutical list the NHS pharmacist is included may, on application from the NHS pharmacist, permit the NHS pharmacist a temporary change to the days on which or times at which the NHS pharmacist is obliged to provide pharmaceutical services at the premises from which the NHS pharmacist has undertaken to provide pharmaceutical services, or permit temporary closure of those premises, if—

- (a) the NHS pharmacist gives at least 24 hours notice of the change or closure; and
- (b) the reasons given by the NHS pharmacist for the request are, in the opinion of the Local Health Board, adequate reasons.

(2) The Local Health Board need not approve the request in advance of the change or closure, and if it does not do so but decides subsequently that the NHS pharmacist's reasons are not, in its opinion, adequate reasons, then the days on which or times at which the NHS pharmacist is obliged to provide pharmaceutical services at the premises are to revert to the overridden days or times, from the day after the date on which that decision is given to the NHS pharmacist.

RHAN 4

Llywodraethu Clinigol a Chwynion

Llywodraethu clinigol

27.—(1) Rhaid i fferyllydd GIG, mewn cysylltiad â'r holl wasanaethau a ddarperir ganddo, gyfranogi mewn system dderbyniol o lywodraethu clinigol, yn y modd y gofynnir iddo yn rhesymol gan y Bwrdd Iechyd Lleol y mae'r fferyllydd GIG wedi ei gynnwys yn ei restr fferyllol.

(2) Mae system o lywodraethu clinigol yn "dderbyniol" os yw'n darparu ar gyfer—

- (a) cydymffurfiaeth â'r cydrannau llywodraethu clinigol a bennir yn is-baragraff (3), a
- (b) cyflwyno hunanasesiad blynnyddol o'r gydymffurfiaeth (hyd at lefel gymeradwy) â'r

PART 4

Clinical Governance and Complaints

Clinical governance

27.—(1) An NHS pharmacist must, in connection with all the services that the NHS pharmacist provides, participate, in the manner reasonably required by the Local Health Board on whose pharmaceutical list the NHS pharmacist is included, in an acceptable system of clinical governance.

(2) A system of clinical governance is "acceptable" if it provides for—

- (a) compliance with the clinical governance components set out in sub-paragraph (3), and
- (b) submission of an annual self assessment of compliance (to an approved level) with those

cydrannau llywodraethu clinigol hynny, drwy gyfrwng trefniadau cyflwyno data cymeraidwy sy'n caniatáu i'r Bwrdd Iechyd Lleol gael mynediad i'r asesiad hwnnw.

(3) Y cydrannau llywodraethu clinigol yw'r canlynol—

- (a) rhaglen ar gyfer cynnwys y cleifion a'r cyhoedd, sy'n cynnwys—
 - (i) gofyniad bod y fferyllydd GIG yn paratoi, mewn ffordd gymeradwy, taflen ymarfer mewn perthynas â fferyllfa'r fferyllydd GIG ac yn rhoi'r daflen ar gael mewn ffordd briodol,
 - (ii) gofyniad bod y fferyllydd GIG yn rhoi cyhoeddusrwydd i'r gwasanaethau GIG sydd ar gael yn ei fferyllfa neu ohoni,
 - (iii) gofyniad bod y fferyllydd GIG, wrth roi cyhoeddusrwydd i'r gwasanaethau GIG sydd ar gael yn ei fferyllfa neu ohoni (pa un a yw'r fferyllydd GIG yn paratoi ei ddeunyddiau cyhoeddusrwydd ei hunan, ynteu'n hysbysebu'r gwasanaethau mewn deunydd a gyhoeddir gan berson arall), yn gwneud hynny mewn ffordd sy'n dangos yn eglur mai fel rhan o'r gwasanaeth iechyd y cyllidir y gwasanaethau,
 - (iv) gofyniad bod y fferyllydd GIG yn cynnal arolwg cymeradwy o fodhad y cleifion yn flynyddol, gan wneud hynny mewn ffordd a gymeradwyir, a chan gynnwys gofyniad i roi cyhoeddusrwydd i ganlyniadau'r arolwg ac i unrhyw gamau priodol y mae'r fferyllydd GIG yn bwriadu eu cymryd,
 - (v) trefniadau ar gyfer monitro cyffuriau neu gyfarpar sy'n ddyledus i gleifion ond nad ydynt mewn stoc,
 - (vi) system gwynion gymeradwy (sy'n bodloni gofynion y Rhan hon),
 - (vii) gofyniad bod y fferyllydd GIG yn cydweithredu'n briodol gydag ymweliadau'r Cyngor Iechyd Cymuned Lleol ac yn cymryd camau priodol o ganlyniad i ymweliadau o'r fath,
 - (viii) gofyniad bod y fferyllydd GIG yn cydweithredu'n briodol gydag unrhyw arolygiad neu adolygiad rhesymol y mae'r Bwrdd Iechyd Lleol neu unrhyw awdurdod statudol perthnasol yn dymuno'i gynnal, a
 - (ix) trefniadau ar gyfer monitro cydymffurfiaeth â Deddf Cydraddoldeb 2010(1);
- (b) rhaglen o archwiliadau clinigol (pum diwrnod, fel arfer), sy'n cynnwys o leiaf un archwiliad mewn fferyllfa ac un archwiliad amlddisgyblaethol a gytunir gyda'r Bwrdd Iechyd Lleol ym mhob blwyddyn ariannol;

clinical governance components via approved data submission arrangements which allow the Local Health Board to access that assessment.

(3) The clinical governance components comprise of the following—

- (a) a patient and public involvement programme, which includes—
 - (i) a requirement that the NHS pharmacist should produce in an approved manner, and make available in an appropriate manner, a practice leaflet in respect of the NHS pharmacist's pharmacy,
 - (ii) a requirement that the NHS pharmacist publicises the NHS services that are available at or from the NHS pharmacist's pharmacy,
 - (iii) a requirement that where the NHS pharmacist publicises the NHS services that are available at or from the NHS pharmacist's pharmacy (whether the NHS pharmacist is producing their own publicity material or advertising services in material published by another person), the NHS pharmacist does so in a manner which makes clear that the services are funded as part of the health service,
 - (iv) a requirement that the NHS pharmacist should undertake an approved patient satisfaction survey annually, in an approved manner, including a requirement to publicise the results of the survey and any appropriate action the NHS pharmacist intends to take,
 - (v) monitoring arrangements for drugs or appliances owed to patients but which are out of stock,
 - (vi) an approved complaints system (which meets the requirements of this Part),
 - (vii) a requirement that the NHS pharmacist cooperates appropriately with Local Community Health Council visits and takes appropriate action following the outcome of such visits,
 - (viii) a requirement that the NHS pharmacist cooperates appropriately with any reasonable inspection or review that the Local Health Board or any relevant statutory authority wishes to undertake, and
 - (ix) monitoring arrangements for compliance with the Equality Act 2010(1);
- (b) a clinical audit programme (normally of five days), which includes at least one pharmacy-based audit and one multi-disciplinary audit agreed by the Local Health Board in each financial year;

(1) 2010 p.15.

(1) 2010 c.15.

- (c) rhaglen rheoli risg, sy'n cynnwys—
- (i) trefniadau i sicrhau bod yr holl stoc yn cael ei drafod mewn ffordd briodol,
 - (ii) trefniadau i sicrhau bod yr holl gyfarpar a ddefnyddir i ddarparu gwasanaethau fferyllol yn cael ei gynnal yn briodol,
 - (iii) system gymeradwy o adrodd am ddigwyddiadau, ynghyd â threfniadau ar gyfer dadansoddi ac ymateb i ddigwyddiadau critigol, sy'n cynnwys y canlynol—
 - (aa) cofnod o ddigwyddiadau diogelwch cleifion, a
 - (bb) cofnod o ddigwyddiadau croen dannedd,
 - (iv) trefniadau, sy'n cynnwys trefniadau cadw cofnodion, i ymdrin yn brydlon a phriodol â chyfathrebiadau ynglŷn â diogelwch cleifion oddi wrth Weinidogion Cymru, yr Asiantaeth Rheoleiddio Meddyginaethau a Chynhyrchion Gofal Iechyd a Bwrdd Comisiunu'r Gwasanaeth Iechyd Gwladol,
 - (v) trefniadau gweithredu safonol priodol, gan gynnwys trefniadau gweithredu safonol mewn perthynas â phresgripsiynau amlroddadwy a darparu cyngor a chymorth i bobl sy'n gofalu amdanyst eu hunain neu eu teuluoedd,
 - (vi) trefniadau gwaredu gwastraff priodol (yn ychwanegol at yr hyn sy'n ofynnol o dan baragraffau 13 a 14) ar gyfer gwastraff clinigol a chyfrinachol,
 - (vii) arweinydd llywodraethu clinigol ym mhob fferyllfa unigol (sef naill ai person a benodir fel y cyfryw gan y fferyllydd GIG neu'r fferyllydd GIG ei hunan) sy'n wybodus ynglŷn â'r gweithdrefnau fferylliaeth yn y fferyllfa honno a'r gwasanaethau GIG eraill sydd ar gael yn ardal y fferyllfa honno,
 - (viii) gweithdrefnau priodol ar gyfer amddiffyn plant, a
 - (ix) trefniadau ar gyfer monitro cydymffurfiaeth â Deddf Iechyd a Diogelwch etc. 1974(1);
- (d) rhaglen effeithiolrwydd clinigol, sy'n cynnwys trefniadau i sicrhau y rhoddir cyngor priodol gan y fferyllydd GIG—
- (i) mewn perthynas â darparu cyffuriau yn unol â phresgripsiwn amlroddadwy,
 - (ii) mewn perthynas â darparu cyfarpar yn unol â ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, neu
- (c) a risk management programme, which includes—
- (i) arrangements for ensuring that all stock is handled in an appropriate way,
 - (ii) arrangements for ensuring that all equipment used in the provision of pharmaceutical services is maintained appropriately,
 - (iii) an approved incident reporting system, together with arrangements for analysing and responding to critical incidents, which comprises of—
 - (aa) a patient safety incident log, and
 - (bb) a near-miss log,
 - (iv) arrangements, including record keeping arrangements, for dealing appropriately and timeously with communications concerning patient safety from the Welsh Ministers, the Medicines and Healthcare Products Regulatory Agency and the National Health Service Commissioning Board,
 - (v) appropriate standard operating procedures, including standard operating procedures in respect of repeatable prescriptions and providing advice and support to people caring for themselves or their families,
 - (vi) appropriate waste disposal arrangements (in addition to those required under paragraphs 13 and 14) for clinical and confidential waste,
 - (vii) a clinical governance lead person for each pharmacy, appointed as such by the NHS pharmacist (or that is the NHS pharmacist), who is knowledgeable about both the pharmacy procedures of that pharmacy and the other NHS services that are available in the locality of that pharmacy,
 - (viii) appropriate child protection procedures, and
 - (ix) monitoring arrangements for compliance with the Health and Safety etc. Act 1974(1);
- (d) a clinical effectiveness programme, which includes arrangements for ensuring that appropriate advice is given by the NHS pharmacist—
- (i) in respect of the provision of drugs in accordance with a repeatable prescription,
 - (ii) in respect of the provision of appliances in accordance with a prescription form or repeatable prescription, or

(1) 1974 p.37.

(1) 1974 c.37.

- (iii) i bobl sy'n gofalu amdanyst eu hunain neu eu teuluoedd,
- a threfniadau i sicrhau bod y fferyllydd GIG, wrth roi cyngor i unrhyw glaf ar fater a grybwyllir ym mharagraff (d)(ii), yn rhoi sylw i'r manylion a gynhwysir yn y cofnodion a gynhelir o dan baragraff 10(1)(f) mewn perthynas â'r ddarpariaeth o gyfarpar a'r patrwm presgripsiynu ar gyfer y claf dan sylw;
- (e) rhaglen staffio a rheoli staff, sy'n cynnwys—
- (i) trefniadau i ddarparu hyfforddiant ymsefydlu priodol i aelodau o'r staff gan gynnwys unrhyw locwm,
 - (ii) hyfforddiant priodol i'r holl staff ar gyfer pa bynnag rôl y gofynnir iddynt ei chyflawni,
 - (iii) trefniadau i wirio cymwysterau a geirdaon yr holl staff sy'n ymwneud â darparu gwasanaethau GIG,
 - (iv) trefniadau ar gyfer canfod a chefnogi anghenion datblygu pob aelod o'r staff sy'n ymwneud â darparu gwasanaethau fel rhan o'r gwasanaeth iechyd, gan gynnwys datblygiad proffesiynol parhaus i fferyllwyr cofrestredig ac unrhyw achredu sydd ei angen mewn cysylltiad â darparu gwasanaethau cyfeiriedig,
 - (v) trefniadau ar gyfer mynd i'r afael â pherfformiad gwael (ar y cyd â'r Bwrdd Iechyd Lleol fel y bo'n briodol), a
 - (vi) trefniadau (y mae'n rhaid iddynt gynnwys polisi ysgrifenedig) i sicrhau, bod yr holl staff gan gynnwys unrhyw locwm sydd, o ganlyniad i'w cyflogaeth gyda'r fferyllydd GIG—
 - (aa) yn gwneud yr hyn sy'n ddatgeliad gwarchodedig o fewn yr ystyr a roddir i "protected disclosure" yn adran 43A o Ddeddf Hawliau Cyflogaeth 1996⁽¹⁾ (ystyr datgeliad gwarchodedig), yn cael arfer yr hawliau a roddir mewn perthynas â datgeliadau o'r fath gan y Ddeddf honno, a
 - (bb) yn darparu gwybodaeth yn ddiwyll ac nid er eu budd personol, i'r Cyngor Fferyllol Cyffredinol neu i Fwrdd Iechyd Lleol, sy'n cynnwys honiad difrifol ei natur, y credant yn
- (iii) to people caring for themselves or their families,
- and arrangements for ensuring that the NHS pharmacist, when giving advice to any patient on a matter mentioned in paragraph (d)(ii), has regard to the details contained in the records maintained under paragraph 10(1)(f) in respect of the provision of appliances and the prescribing pattern relating to the patient in question;
- (e) a staffing and staff management programme, which includes—
- (i) arrangements for appropriate induction training for staff, including any locum,
 - (ii) appropriate training for all staff in respect of any role they are asked to perform,
 - (iii) arrangements for the checking of qualifications and references of all staff engaged in the provision of NHS services,
 - (iv) arrangements for identifying and supporting the development needs of all staff engaged in the provision of services as part of the health service including continuing professional development for registered pharmacists and any necessary accreditation in respect of the provision of directed services,
 - (v) arrangements for addressing poor performance (in conjunction with the Local Health Board as appropriate), and
 - (vi) arrangements (which must include a written policy) for ensuring that all staff, including any locum, who, arising out of their employment with the NHS pharmacist—
 - (aa) make what is a protected disclosure within the meaning given in section 43A of the Employment Rights Act 1996⁽¹⁾ (meaning of protected disclosure) have the rights afforded in respect of such disclosures by that Act, and
 - (bb) provide information in good faith and not for purposes of personal gain to the General Pharmaceutical Council or to a Local Health Board which includes an allegation of a serious

(1) 1996 p.18; mewnosodwyd adran 43A gan adran 1 o Ddeddf Datgelur Lles y Cyhoedd 1998 (p.23). *Gweler* hefyd adran 43K(1)(c) o Ddeddf Hawliau Cyflogaeth 1996 sy'n ehangu ystyr "worker" ar gyfer y Rhan o'r Ddeddf honno sy'n ymdrin â datgeliadau gwarchodedig, er mwyn iddo gynnwys pob unigolyn sy'n darparu gwasanaethau fferyllol yn unol â threfniadau a wneir gan Fwrdd Iechyd Lleol o dan adran 80 o Ddeddf 2006.

(1) 1996 c.18; section 43A was inserted by section 1 of the Public Interest Disclosure Act 1998 (c.23). See also section 43K(1)(c) of the Employment Rights Act 1996 which extends the meaning of "worker" for the Part of that Act that deals with protected disclosures so that it covers all individuals who provide pharmaceutical services in accordance with arrangements made by a Local Health Board under section 80 of the 2006 Act.

- rhesymol ei fod yn wir o ran ei sylwedd er nad yw datgeliad ohono yn ddatgeliad gwarchodedig o fewn yr ystyr a roddir i "protected disclosure" yn adran 43A, yn cael yr hawl i beidio â dioddef unrhyw anfantais neu ddioddef eu diswyddo o ganlyniad i'r weithred honno;
- (f) rhaglen lywodraethu gwybodaeth, sy'n darparu ar gyfer—
- cydymffurfio â gweithdrefnau cymeradwy ar gyfer rheoli a diogelu gwybodaeth, a
 - cyflwyno hunanasesiad blynnyddol o'r gydymffurfiaeth (hyd at lefel gymeradwy) â'r gweithdrefnau hynny, drwy gyfrwng trefniadau cyflwyno data cymeradwy sy'n caniatáu i'r Bwrdd Iechyd Lleol gael mynediad i'r asesiad hwnnw; ac
- (g) rhaglen safonau mangre sy'n cynnwys—
- system ar gyfer cynnal glanweithdra yn y fferyllfa, sydd wedi ei chynllunio er mwyn sicrhau lleihau, mewn ffordd gymesur, y risg i bobl yn y fferyllfa o'u heintio drwy gael gofal iechyd, a
 - trefniadau ar gyfer gwahanu'n eglur rhwng y mannau mewn fferyllfa sy'n amgylchedd gofal iechyd priodol (lle mae cleifion yn cael gwasanaethau GIG) a'r mannau hynny nad ydynt yn amgylchedd gofal iechyd.
- nature which they reasonably believe to be substantially true, but disclosure of it is not a protected disclosure within the meaning given in section 43A, have the right not to be subjected to any detriment or to dismissal as a consequence of that act;
- (f) an information governance programme, which provides for—
- compliance with approved procedures for information management and security, and
 - submission of an annual self assessment of compliance (to an approved level) with those procedures via approved data submission arrangements which allow the Local Health Board to access that assessment; and
- (g) a premises standards programme, which includes—
- a system for maintaining cleanliness at the pharmacy which is designed to ensure, in a proportionate manner, that the risk to people at the pharmacy of healthcare acquired infection is minimised, and
 - arrangements for there to be a clear separation between the areas of a pharmacy which are an appropriate healthcare environment (where patients receive NHS services) and those areas that are a non-healthcare environment.

Safonau proffesiynol

28. Rhaid i fferyllydd GIG ddarparu gwasanaethau fferyllol, ac arfer unrhyw farn broffesiynol mewn cysylltiad â darparu'r gwasanaethau hynny, gan gydymffurfio a'r safonau a dderbynir yn gyffredinol yn y proffesiwn fferyllol.

Cymhellion

29.—(1) Rhaid i fferyllydd GIG a'i staff beidio â rhoi, addo na chynnig, i unrhyw berson, unrhyw rodd neu wobr (boed ar ffurf cyfran o elw'r busnes, neu ddfidend ar yr elw hwnnw, neu ar ffurf disgownt neu ad-daliad, neu rywfodd arall) fel cymhelliaid i'r person arall gyflwyno archeb am gyffuriau neu gyfarpar ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, neu'n gydnabyddiaeth am i'r person arall wneud hynny.

(2) Nid yw addo, cynnig neu ddarparu cymorth cydymffurfio neu wasanaeth danfon gartref yn "rhodd neu wobr" at ddibenion is-baragraff (1).

(3) Yn achos darparu cyfarpar, ni chaniateir i fferyllydd GIG nac unrhyw berson a gyflogir neu a gymerir ymlaen ganddo dderbyn na chael unrhyw rodd neu wobr mewn perthynas, yn unig, ag—

- (a) darparu manylion cyswllt fferyllwyr GIG neu

Professional standards

28. An NHS pharmacist must provide pharmaceutical services and exercise any professional judgment in connection with the provision of such services in conformity with the standards generally accepted in the pharmaceutical profession.

Inducements

29.—(1) An NHS pharmacist or his or her staff must not give, promise or offer to any person any gift or reward (whether by way of a share of or dividend on the profits of the business or by way of discount or rebate or otherwise) as an inducement to or in consideration of the person presenting an order for drugs or appliances on a prescription form or repeatable prescription.

(2) Promising, offering or providing a compliance aid or a home delivery service is not a "gift or reward" for the purposes of sub-paragraph (1).

(3) In the case of the provision of appliances, neither an NHS pharmacist nor any person employed or engaged by him or her must accept or receive any gift or reward in respect of only—

- (a) providing contact details of alternative NHS

- contractwyr cyfarpar GIG amgen yn unol â pharagraff 10(2)(b), 11(4) neu 19(2)(b); neu
- (b) atgyfeirio ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy at fferyllydd GIG neu gontactwr cyfarpar GIG arall yn unol â pharagraff 10(2)(a) neu 19(2)(a) heb ddarparu unrhyw wasanaeth ychwanegol mewn cysylltiad â'r eitem ar y presgripsiwn hwnnw.

Dyletswydd i ddarparu gwybodaeth am faterion addasrwydd i ymarfer: Fferyllwyr GIG sydd ar restrau fferyllol ar 10 Mai 2013

30. Rhaid i fferyllydd GIG ac, yn ddarostyngedig i baragraff 32, os yw'n gorff corfforaethol, pob cyfarwyddwr ac ucharolgydd y fferyllydd GIG, sydd wedi ei gynnwys ar restr fferyllol a gynhelir gan Fwrdd Iechyd Lleol ar 10 Mai 2013, ddarparu i'r Bwrdd Iechyd Lleol, mewn ysgrifen ar neu cyn 9 Tachwedd 2013, yr wybodaeth am faterion addasrwydd a bennir ym mharagraff 31.

Dyletswydd i ddarparu gwybodaeth am faterion addasrwydd i ymarfer wrth iddynt godi

31.—(1) Yn ddarostyngedig i baragraff 32, rhaid i fferyllydd GIG, ac os yw'r fferyllydd GIG yn rhan o gorff corfforaethol, pob un o'i gyfarwyddwyr, hysbysu'r Bwrdd Iechyd Lleol mewn ysgrifen, o fewn 7 diwrnod ar ôl y digwyddiad, os yw'r fferyllydd GIG neu'r cyfarwyddwr—

- (a) yn cael ei gollfarnu am unrhyw drosedd yn y Deyrnas Unedig;
- (b) yn cael ei rwymo yn dilyn collfarn droseddol yn y Deyrnas Unedig;
- (c) yn derbyn rhybuddiad gan yr heddlu yn y Deyrnas Unedig;
- (d) mewn achos diannod yn yr Alban mewn perthynas â throsedd, wedi bod yn destun gorchymyn i'w ryddhau'n ddiamond (heb fynd ymlaen i'w gollfarnu);
- (e) wedi derbyn a chytuno i dalu naill ai dirwy procuradur ffisgal o dan adran 302 o Ddeddf Gweithdrefn Droseddol (Yr Alban) 1995⁽¹⁾ (cosb benodedig: cynnig amodol gan brocuradur ffisgal) neu gosb o dan adran 115A o Ddeddf Gweinyddu Nawdd Cymdeithasol 1992⁽²⁾ (cosb fel dewis arall yn lle erlyn);
- (f) yn cael ei gollfarnu mewn man arall am drosedd, neu'r hyn a fyddai'n drosedd pe bai wedi ei gyflawni yng Nghymru a Lloegr;
- (g) yn cael ei gyhuddo o drosedd yn y Deyrnas Unedig, neu wedi ei gyhuddo mewn man arall

pharmacists or NHS appliance contractors pursuant to paragraph 10(2)(b), 11(4) or 19(2)(b); or

- (b) referring a prescription form or repeatable prescription to another NHS pharmacist or NHS appliance contractor pursuant to paragraph 10(2)(a) or 19(2)(a) and providing no additional service in connection with the item on that prescription.

Duty to provide information about fitness to practise matters: NHS pharmacists on pharmaceutical lists on 10 May 2013

30. An NHS pharmacist, and subject to paragraph 32 where it is a body corporate every director and superintendent of the NHS pharmacist, who is included in a pharmaceutical list maintained by a Local Health Board on 10 May 2013 must on or before 9 November 2013 provide in writing to the Local Health Board the information about fitness matters set out in paragraph 31.

Duty to provide information about fitness matters as they arise

31.—(1) Subject to paragraph 32, an NHS pharmacist, and where the NHS pharmacist is part of a body corporate each of its directors, must, within 7 days of its occurrence, inform the Local Health Board in writing if the NHS pharmacist or a director—

- (a) is convicted of any criminal offence in the United Kingdom;
- (b) is bound over following a criminal conviction in the United Kingdom;
- (c) accepts a police caution in the United Kingdom;
- (d) has, in summary proceedings in Scotland in respect of an offence, been the subject of an order discharging him or her absolutely (without proceeding to conviction);
- (e) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ (fixed penalty: conditional offer by procurator fiscal) or a penalty under section 115A of the Social Security Administration Act 1992⁽²⁾ (penalty as alternative to prosecution);
- (f) is convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (g) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with

(1) 1995 p.46.

(2) 1992 p.5.

(1) 1995 c.46.

(2) 1992 c.5.

- o drosedd a fyddai wedi bod yn drosedd, pe bai wedi ei chyflawni yng Nghymru a Lloegr;
- (h) yn cael ei hysbysu am ganlyniad unrhyw ymchwiliad i'w ymddygiad proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall, a bod canfyddiad yn ei erbyn;
 - (i) yn mynd yn destun unrhyw ymchwiliad i'w ymddygiad proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall;
 - (j) yn mynd yn destun ymchwiliad i'w ymddygiad proffesiynol mewn cysylltiad ag unrhyw gyflogaeth gyfredol neu flaenorol, neu'n cael ei hysbysu o ganlyniad unrhyw ymchwiliad o'r fath ac unrhyw ganfyddiad yn ei erbyn;
 - (k) yn mynd yn destun unrhyw ymchwiliad gan Awdurdod Gwasanaethau Busnes y GIG mewn perthynas â thwyll;
 - (l) yn mynd yn destun unrhyw ymchwiliad gan Fwrdd Iechyd Lleol arall neu gorff cyfatebol, a allai arwain at dynnu ymaith o restr berthnasol; neu
 - (m) ar sail ei addasrwydd, yn cael ei dynnu ymaith, ei dynnu yn ddigwyddiadol, neu ei atal dros dro o restr berthnasol, neu os gwrthodir mynediad iddo i restr o'r fath, neu os caiff ei gynnwys yn amodol mewn rhestr o'r fath,

ac os felly, rhaid i'r fferyllydd GIG roi manylion am unrhyw ymchwiliad neu achos a gynhaliwyd neu sydd i'w gynnal, gan gynnwys natur yr ymchwiliad neu achos, ym mhle ac oddeutu pa bryd y cynhaliwyd neu y cynhelir yr ymchwiliad hwnnw neu'r achos hwnnw, ac unrhyw ganlyniad.

(2) Yn ddarostyngedig i baragraff 32, os yw person y mae paragraff (1) yn gymwys iddo yn gyfarwyddwr corff corfforaethol, neu os oedd yn gyfarwyddwr corff corfforaethol ar adeg y digwyddiadau cychwynnol, rhaid iddo, yn ychwanegol, hysbysu'r Bwrdd Iechyd Lleol o fewn 7 diwrnod os yw unrhyw gorff corfforaethol o'r fath—

- (a) yn cael ei gollfarnu am unrhyw drosedd yn y Deyrnas Unedig;
- (b) yn cael ei gollfarnu mewn man arall am drosedd, neu'r hyn a fyddai'n drosedd pe bai wedi ei chyflawni yng Nghymru a Lloegr;
- (c) yn cael ei gyhuddo o drosedd yn y Deyrnas Unedig, neu wedi ei gyhuddo mewn man arall o drosedd a fyddai wedi bod yn drosedd, pe bai wedi ei chyflawni yng Nghymru a Lloegr;
- (d) yn cael ei hysbysu gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall am ganlyniad unrhyw ymchwiliad i'w ddarpariaeth o wasanaethau proffesiynol, a bod canfyddiad yn erbyn y corff corfforaethol;
- (e) yn mynd yn destun unrhyw ymchwiliad i'w ddarpariaeth o wasanaethau proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall;

- an offence which, if committed in England and Wales, would constitute a criminal offence;
- (h) is notified by any licensing, regulatory or other body of the outcome of any investigation into his or her professional conduct, and there is a finding against him or her;
- (i) becomes the subject of any investigation into his or her professional conduct by any licensing, regulatory or other body;
- (j) becomes subject to an investigation into his or her professional conduct in respect of any current or previous employment, or is notified of the outcome of any such investigation and any finding against him or her;
- (k) becomes the subject of any investigation by the NHS Business Services Authority in relation to fraud;
- (l) becomes the subject of any investigation by another Local Health Board or equivalent body, which might lead to the removal from a relevant list; or
- (m) is removed, contingently removed or suspended from, refused admission to, or conditionally included in, a relevant list on fitness grounds,

and if so, the NHS pharmacist must give details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.

(2) Subject to paragraph 32, if a person to whom paragraph (1) applies is, or was at the time of the originating events, a director of a body corporate, the person must in addition inform the Local Health Board within 7 days if any such body corporate—

- (a) is convicted of any criminal offence in the United Kingdom;
- (b) is convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (c) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in England and Wales, would constitute a criminal offence;
- (d) is notified by any licensing, regulatory or other body of the outcome of any investigation into its provision of professional services, and there is a finding against the body corporate;
- (e) becomes the subject of any investigation into its provision of professional services by any licensing, regulatory or other body;

- (f) yn mynd yn destun unrhyw ymchwiliad mewn perthynas â thwyll neu wedi ei hysbysu o ganlyniad unrhyw ymchwiliad o'r fath, a'r canlyniad hwnnw yn ei erbyn;
- (g) yn mynd yn destun unrhyw ymchwiliad gan Fwrdd Iechyd Lleol neu gorff cyfatebol, a allai arwain at dynnu ymaith y corff corfforaethol o restr berthnasol; neu
- (h) ar sail ei addasrwydd, wedi ei dynnu ymaith, ei dynnu yn ddigwyddiadol, neu ei atal dros dro o restr berthnasol, neu os gwrthodwyd mynediad iddo i restr o'r fath, neu os yw wedi ei gynnwys yn amodol ar restr o'r fath,

ac os felly, rhaid i'r person hwnnw roi enw'r corff corfforaethol a chyfeiriad ei swyddfa gofrestredig a manylion am unrhyw ymchwiliad neu achos a gynhaliwyd neu sydd i'w gynnal, gan gynnwys natur yr ymchwiliad neu achos, ym mha le ac oddeutu pa bryd y cynhaliwyd neu y cynhelir yr ymchwiliad hwnnw neu'r achos hwnnw, ac unrhyw ganlyniad.

(3) Rhaid i berson y mae is-baragraff (1) neu (2) yn gymwys iddo gydysynio i'r Bwrdd Iechyd Lleol ofyn i unrhyw gyflogwr neu gyngyflogwr neu unrhyw gorff trwyddedu neu reoleiddio, yn y Deyrnas Unedig neu unrhyw le arall, am wybodaeth ynghylch ymchwiliad cyfredol neu ymchwiliad â chanlyniad anffafriol.

Bwrdd Iechyd Lleol cartref cyrff corfforaethol

32. Os yw fferyllydd GIG yn gorff corfforaethol sydd â'i swyddfa gofrestredig yng Nghymru a Lloegr, caniateir i'r wybodaeth sydd i'w darparu o dan baragraffau 30, 31 a 35(3) i (6) gael ei darparu yn hytrach i Fwrdd Iechyd Lleol cartref (fel y'i diffinnir yn rheoliad 46). Pan fo'r fferyllydd GIG yn darparu'r wybodaeth i'w Fwrdd Iechyd Lleol cartref, rhaid iddo hefyd ddarparu i'r Bwrdd Iechyd Lleol cartref fanylion o'r holl Fyrddau Iechyd Lleol eraill y cynhwysir y fferyllydd GIG yn eu rhestrau fferyllol.

Cwynion

33. Rhaid i fferyllydd GIG fod wedi sefydlu trefniadau sy'n cydymffurfio â gofynion Rheoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) 2011(1), ar gyfer trin ac ystyried unrhyw bryderon neu gwynion ynghylch mater sy'n gysylltiedig â'r ddarpariaeth o wasanaethau fferyllol gan y fferyllydd GIG.

- (f) becomes the subject of any investigation in relation to any fraud or is notified of the outcome of such an investigation where it is adverse;
- (g) becomes the subject of any investigation by another Local Health Board or equivalent body, which might lead to its removal from a relevant list; or
- (h) is removed, contingently removed or suspended from, refused admission to, or conditionally included in a relevant list on fitness grounds,

and if so, that person must give the name and registered office of the body corporate and details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.

(3) A person to whom sub-paragraph (1) or (2) applies must consent to a request being made by the Local Health Board to any employer or former employer or licensing or regulatory body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse.

Home Local Health Board of bodies corporate

32. Where an NHS pharmacist is a body corporate with a registered office in England and Wales, the information to be provided under paragraphs 30, 31 and 35(3) to (6) may be provided instead to a home Local Health Board (as defined in regulation 46). When the NHS pharmacist provides the information to its home Local Health Board, it must also provide the home Local Health Board with details of all the other Local Health Boards in whose pharmaceutical lists the NHS pharmacist is included.

Complaints

33. An NHS pharmacist must have in place arrangements which comply with the requirements of the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011(1), for the handling and consideration of any concerns or complaints about a matter connected with the provision of pharmaceutical services by the NHS pharmacist.

(1) O.S. 2011/704 (Cy.108) a ddiwygiwyd gan O.S. 2011/1706 (Cy.192).

(1) S.I. 2011/704 (W.108) amended by S.I. 2011/1706 (W.192).

Gwasanaethau cyfeiriedig

34. Rhaid i fferyllydd GIG, y mae'r Bwrdd Iechyd Lleol sydd â'r fferyllydd GIG hwnnw ar ei restr fferyllol wedi gwneud trefniant gydag ef ar gyfer darparu unrhyw wasanaethau cyfeiriedig, gydymffurfio â thelerau ac amodau'r trefniant hwnnw.

Gwybodaeth sydd i'w chyflenwi

35.—(1) Rhaid i fferyllydd GIG roi hysbysiad o'r canlynol i'r Bwrdd Iechyd Lleol sydd â'r fferyllydd GIG hwnnw ar ei restr fferyllol, o fewn 28 diwrnod (neu os nad yw hynny'n ymarferol, cyn gynted ag y bo'n ymarferol wedyn)—

- (a) unrhyw ddigwyddiad sy'n ei gwneud yn ofynnol newid yr wybodaeth a gofnodwyd am y fferyllydd GIG yn y rhestr fferyllol, na roddodd y fferyllydd GIG hysbysiad ohono rywfodd arall yn unol â'r Rheoliadau hyn;
- (b) yn achos fferyllydd GIG sy'n unigolyn, unrhyw newid yn ei gyfeiriad preifat; ac
- (c) yn achos fferyllydd GIG sy'n gorff corfforaethol, unrhyw newid yng nghyfeiriad ei swyddfa gofrestredig.

(2) Rhaid i fferyllydd GIG, os gofynnir iddo, roi i'r Bwrdd Iechyd Lleol enw unrhyw fferyllydd GIG a gyflogir ganddo sy'n gyfrifol am weinyddu presgripsiwn penodol.

(3) Yn ddarostyngedig i is-baragraff (6), rhaid i fferyllydd GIG sy'n gorff corfforaethol roi hysbysiad ysgrifenedig i'r Bwrdd Iechyd Lleol o fewn 28 diwrnod (neu os nad yw hynny'n ymarferol, cyn gynted ag y bo'n ymarferol wedyn) o unrhyw newidiadau yn enwau a chyfeiriadau pob un o'i gyfarwyddwyr a'i uwcharolygydd.

(4) Yn ddarostyngedig i is-baragraff (6), os yw fferyllydd GIG sy'n gorff corfforaethol yn penodi cyfarwyddwr neu uwcharolygydd nas rhestrwyd yng nghais y fferyllydd GIG am ei gynnwys mewn rhestr fferyllol, rhaid i'r fferyllydd GIG roi hysbysiad ysgrifenedig i'r Bwrdd Iechyd Lleol o fewn 28 diwrnod (neu os nad yw hynny'n ymarferol, cyn gynted ag y bo'n ymarferol wedyn) o'r wybodaeth am addasrwydd y person hwnnw i ymarfer.

(5) Yn ddarostyngedig i is-baragraff (6), rhaid i fferyllydd GIG, neu gyfarwyddwr neu uwcharolygydd fferyllydd GIG sy'n gorff corfforaethol, hysbysu'r Bwrdd Iechyd Lleol—

- (a) os yw'r unigolyn hwnnw, neu'r corff corfforaethol y mae'n gyfarwyddwr neu'n uwcharolygydd ohono, yn gwneud cais am

Directed services

34. An NHS pharmacist with whom a Local Health Board on whose pharmaceutical list the NHS pharmacist is included makes an arrangement for the provision of any directed services must comply with the terms and conditions of the arrangement.

Information to be supplied

35.—(1) An NHS pharmacist must give notice to the Local Health Board on whose pharmaceutical list the NHS pharmacist is included within 28 days (or if this is impracticable, as soon as practicable thereafter) of—

- (a) any occurrence requiring a change in the information recorded about him or her in the pharmaceutical list which he or she has not otherwise notified in accordance with these Regulations;
- (b) in the case of an NHS pharmacist who is an individual, any change of his or her private address; and
- (c) in the case of an NHS pharmacist that is a body corporate, any change to the address of its registered office.

(2) An NHS pharmacist must give the Local Health Board, if it so requests, the name of any pharmacist employed by him or her who is responsible for dispensing a particular prescription.

(3) Subject to sub-paragraph (6), an NHS pharmacist that is a body corporate must give notice in writing to the Local Health Board within 28 days (or if this is impracticable, as soon as practicable thereafter) of any changes to the names and addresses of each of its directors and superintendent.

(4) Subject to sub-paragraph (6), if an NHS pharmacist that is a body corporate appoints a director or superintendent that was not listed on the NHS pharmacist's application for inclusion in a pharmaceutical list, the NHS pharmacist must give notice in writing to the Local Health Board within 28 days (or if this is impracticable, as soon as practicable thereafter) of the fitness to practice information about that person.

(5) Subject to sub-paragraph (6), an NHS pharmacist or the director or superintendent of an NHS pharmacist that is a body corporate must inform the Local Health Board—

- (a) if he or she, or a body corporate of which he or she is a director or superintendent, applies to be included in any of another Local Health

gael ei gynnwys yn unrhyw un o restrau cyflawnwyr neu ddarparwyr GIG Bwrdd Iechyd Lleol arall ac o ganlyniad unrhyw gais o'r fath; a

- (b) os daw'r unigolyn hwnnw yn gyfarwyddwr neu'n uwcharolygydd corff corfforaethol sydd yn unrhyw un o restrau cyflawnwyr neu ddarparwyr GIG Bwrdd Iechyd Lleol arall, neu sy'n gwneud cais am ei gynnwys mewn rhestr o'r fath, ac o ganlyniad unrhyw gais o'r fath.

(6) Os yw'r fferyllydd GIG yn gorff corfforaethol sydd â'i swyddfa gofrestredig yng Nghymru, caiff ddarparu'r wybodaeth sydd i'w darparu o dan is-baragraffau (3) i (5) i'r Bwrdd Iechyd Lleol hwnnw, yn unig, y lleolir y swyddfa gofrestredig yn ei ardal, ar yr amod bod y fferyllydd GIG yn darparu i'r Bwrdd Iechyd Lleol hwnnw fanylion hefyd o'r holl Fyrddau Iechyd Lleol eraill y cynhwysir y fferyllydd GIG yn eu rhestrau fferyllol, ac mewn amgylchiadau o'r fath, rhaid i'r Bwrdd Iechyd Lleol hwnnw drosglwyddo'r wybodaeth ymlaen i unrhyw Fwrdd Iechyd Lleol arall—

- (a) y cynhwysir y fferyllydd GIG yn ei restr fferyllol; neu
(b) y gwneir cais iddo gan y fferyllydd GIG am gael ei gynnwys yn ei restr fferyllol,

ac sy'n gofyn am yr wybodaeth.

(7) Yn y paragraff hwn, ystyr "rhestr cyflawnwyr neu ddarparwyr GIG" ("NHS performers or providers list") yw—

- (a) rhestr fferyllol; neu
(b) rhestr a gynhelir o gyflawnwyr neu ddarparwyr cymeradwy gwasanaethau meddygol sylfaenol, deintyddol neu offthalmig.

Tynnu enwau yn ôl o restrau fferyllol

36. Os yw fferyllydd GIG yn bwriadu tynnu ei enw yn ôl o'r rhestr fferyllol, rhaid iddo hysbysu'r Bwrdd Iechyd Lleol o'i fwriad, dri mis o leiaf cyn y dyddiad hwnnw, oni fydd yn anymarferol iddo wneud hynny, ac os felly, rhaid iddo hysbysu'r Bwrdd Iechyd Lleol cyn gynted ag y bo'n ymarferol iddo wneud hynny.

Codi ffioedd am gyffuriau, ac ad-daliadau

37.—(1) Yn ddarostyngedig i reoliadau a wneir o dan adran 121 o Ddeddf 2006 (codi ffioedd am gyffuriau, meddyginiaethau neu gyfarpar, neu wasanaethau fferyllol) rhaid darparu'r holl gyffuriau, cynwysyddion a chyfarpar a ddarperir o dan y telerau gwasanaethu hyn yn ddi-dâl.

(2) Pan fo fferyllydd GIG, wrth ymateb i archeb am gyffuriau a lofnodwyd gan ragnodydd, yn cyflenwi

Board's NHS performers or providers lists, and of the outcome of any such application; and

- (b) if he or she becomes a director or superintendent of a body corporate which is in any of another Local Health Board's NHS performers or providers lists, or which applies to be included in such a list, and the outcome of any such application.

(6) Where an NHS pharmacist is a body corporate with a registered office in Wales, the information to be provided under sub-paragraphs (3) to (5) may be provided only to the Local Health Board in whose area that registered office is located, if the NHS pharmacist also provides that Local Health Board with details of all the other Local Health Boards in whose pharmaceutical lists it is included, and in these circumstances that Local Health Board must pass the information on to any other Local Health Board—

- (a) in whose pharmaceutical list the NHS pharmacist is included; or
(b) to whom the NHS pharmacist makes an application to be included in its pharmaceutical list,

that requests it.

(7) In this paragraph, "NHS performers or providers list" ("rhestr cyflawnwyr neu ddarparwyr GIG") means—

- (a) a pharmaceutical list; or
(b) a list maintained of approved performers or providers of primary medical, dental or ophthalmic services.

Withdrawal from pharmaceutical lists

36. Where an NHS pharmacist intends to withdraw from the pharmaceutical list, he or she must notify the Local Health Board of this at least three months in advance of that date, unless it is impracticable for him or her to do so in which case he or she must notify the Local Health Board as soon as it is practicable for him or her to do so.

Charges for drugs and refunds

37.—(1) Subject to regulations made under section 121 of the 2006 Act (charges for drugs, medicines or appliances, or pharmaceutical services) all drugs, containers and appliances provided under these terms of service must be provided free of charge.

(2) Where an NHS pharmacist supplies a container in response to an order for drugs signed by a prescriber,

cynhwysydd, neu'n cyflenwi cynhwysydd ocsigen neu gyfarpar ocsigen, ac eithrio cyfarpar a bennir yn y Tariff Cyffuriau fel rhai nad ydynt yn ddychweladwy i'r fferyllydd GIG, bydd y cynhwysydd a'r cyfarpar yn parhau'n eiddo i'r fferyllydd GIG.

(3) Os yw unrhyw berson, sydd â hawl ganddo i ad-daliad o unrhyw ffi a dalwyd o dan y Rheoliadau Ffioedd, yn cyflwyno i fferyllydd GIG hawliad diliys am ad-daliad, rhaid i'r fferyllydd GIG wneud yr ad-daliad.

(4) At ddibenion is-baragraff (3), ni fydd hawliad am ad-daliad yn ddilys oni wneir yr hawliad yn briodol ar Ffurflen WP57 0405 o fewn tri mis o'r dyddiad y talwyd y ffi.

Arolygiadau a mynediad at wybodaeth

38.—(1) Rhaid i fferyllydd GIG ganiatáu i bersonau, a awdurdodwyd mewn ysgrifen gan y Bwrdd Iechyd Lleol sydd â'r fferyllydd GIG yn gynwysedig yn ei restr fferyllol, fynd i mewn i fferylla'r fferyllydd GIG ac i'w harchwilio ar unrhyw adeg resymol, at y dibenion canlynol—

- (a) canfod a yw'r fferyllydd GIG yn cydymffurfio â gofynion yr Atodlen hon ai peidio;
- (b) archwilio, monitro a dadansoddi
 - (i) y ddarpariaeth a wneir gan y fferyllydd GIG ar gyfer gofal a thriniaeth i gleifion, a
 - (ii) y modd y mae'r fferyllydd GIG yn rheoli'r gwasanaethau fferyllol a ddarperir ganddo,

pan fo'r amodau yn is-baragraff (2) wedi eu bodloni.

(2) Yr amodau yw'r canlynol—

- (a) bod rhybudd rhesymol wedi ei roi o'r bwriad i fynd i mewn;
- (b) bod y Pwyllgor Fferyllol Lleol ar gyfer yr ardal y lleolir y fferyllfa ynddi wedi ei wahodd i fod yn bresennol yn yr arolygiad, os gofynnodd y fferyllydd GIG am hynny;
- (c) bod gan y person a awdurdodwyd mewn ysgrifen dystiolaeth ysgrifenedig o'i awdurdodiad yn ei feddiant, a bod y person hwnnw'n dangos y dystiolaeth honno os gofynnir iddo; a
- (d) na fydd y person a awdurdodwyd mewn ysgrifen yn mynd i mewn i unrhyw ran o'r fangre a ddefnyddir yn unig fel llety preswyl heb gydsyniad y preswyllydd.

(3) Rhaid i fferyllydd GIG, ar gais y Bwrdd Iechyd Lleol neu berson a awdurdodwyd mewn ysgrifen a grybwyllir yn is-baragraff (1), ganiatáu i'r Bwrdd Iechyd Lleol neu berson a awdurdodir ganddo gael mynediad at unrhyw wybodaeth y gofynnir amdani yn

or supplies an oxygen container or oxygen equipment, other than equipment specified in the Drug Tariff as not returnable to the NHS pharmacist, the container and equipment remains the property of the NHS pharmacist.

(3) Where any person who is entitled to a repayment of any charge paid under the Charges Regulations presents an NHS pharmacist with a valid claim for repayment, the NHS pharmacist must make the repayment.

(4) For the purposes of sub-paragraph (3), a claim for repayment is only valid if it is duly made on Form WP57 0405 within three months of the date on which the charge was paid.

Inspections and access to information

38.—(1) An NHS pharmacist must allow persons authorised in writing by the Local Health Board in whose pharmaceutical list the NHS pharmacist is included to enter and inspect the NHS pharmacist's pharmacy at any reasonable time, for the purposes of—

- (a) ascertaining whether or not the NHS pharmacist is complying with the requirements of this Schedule;
- (b) auditing, monitoring and analysing
 - (i) the provision made by the NHS pharmacist for patient care and treatment, and
 - (ii) the management by the NHS pharmacist of the pharmaceutical services he or she provides,

where the conditions in sub-paragraph (2) are satisfied.

(2) The conditions are that—

- (a) reasonable notice of the intended entry has been given;
- (b) the Local Pharmaceutical Committee for the area where the pharmacy is situated has been invited to be present at the inspection, where this is requested by the NHS pharmacist;
- (c) the person authorised in writing carries written evidence of his or her authorisation, which he or she produces on request; and
- (d) the person authorised in writing does not enter any part of the premises used solely as residential accommodation without the consent of the resident.

(3) An NHS pharmacist must, at the request of the Local Health Board or of a person authorised in writing mentioned in sub-paragraph (1), allow the Local Health Board or person authorised by it access to any information which the Local Health Board or person

rhesymol gan y Bwrdd Iechyd Lleol neu'r person
hwnnw—

- (a) at y dibenion a grybwyllir yn is-baragraff (1);
neu
- (b) yn achos y Bwrdd Iechyd Lleol, mewn
cysylltiad â'i swyddogaethau sy'n ymwneud â
gwasanaethau fferyllol.

reasonably requires—

- (a) for the purposes mentioned in sub-paragraph
(1); or
- (b) in the case of the Local Health Board, in
connection with its functions that relate to
pharmaceutical services.

Rheoliad 5

Telerau gwasanaethu ar gyfer contractwyr cyfarpar GIG sy'n darparu gwasanaethau fferyllol drwy ddarparu cyfarpar yn unig

Ymgorffori darpariaethau

1. Mae unrhyw ddarpariaethau o'r canlynol sy'n effeithio ar hawliau a rhwymedigaethau contractwyr cyfarpar GIG sy'n darparu gwasanaethau fferyllol yn ffurfio rhan o'r telerau gwasanaethu—

- (a) y Rheoliadau;
- (b) y Tariff Cyffuriau i'r graddau y mae'n rhestru cyfarpar at ddibenion adran 80 o Ddeddf 2006 (trefniadau ar gyfer gwasanaethau fferyllol);
- (c) cymaint o Ran II Reoliadau'r Gwasanaeth Iechyd Gwladol (Pwyllgorau Gwasanaeth a Thribiwnlys) 1992 ag y sy'n ymwneud ag—
 - (i) ymchwiliadau a wneir gan y pwylgor disgyblu fferyllol a'r cyd-bwylgor disgyblu a chamau y caiff y Bwrdd Iechyd Lleol eu cymryd o ganlyniad i ymchwiliadau o'r fath, a
 - (ii) apelau i Weinidogion Cymru yn erbyn penderfyniadau'r Bwrdd Iechyd Lleol; a
- (d) cymaint o reoliad 29 o Reoliadau Cyngorau Iechyd Cymuned (Cyzfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2010(1) (mynd i mewn i fangreodd a'u harchwilio) ag sy'n ymwneud â mynd i mewn i fangreodd sydd naill ai'n eiddo i contractwr cyfarpar GIG neu dan ei reolaeth neu'n fangreodd lle mae contractwr cyfarpar GIG yn darparu gwasanaethau fferyllol, ac archwilio mangreodd o'r fath.

Rhaniad cyfrifoldebau rhwng unigolion a chyrrff corfforaethol

2.—(1) I'r graddau y mae'r Atodlen hon yn gosod ar gontactwr cyfarpar GIG ofyniad na ellid ei gyflawni gan neb ond person naturiol, neu a gyflawnid fel arfer gan berson naturiol—

- (a) os yw'r contractwr cyfarpar GIG yn fferyllydd cofrestredig—
 - (i) rhaid i'r fferyllydd cofrestredig hwnnw gydymffurfio â'r gofyniad hwnnw, neu
 - (ii) os yw'n cyflogi neu wedi cymryd ymlaen fferyllydd cofrestredig mewn cysylltiad â darparu gwasanaethau fferyllol, rhaid i'r fferyllydd cofrestredig hwnnw naill ai gydymffurfio â'r gofyniad hwnnw neu sicrhau cydymffurfiaeth â'r gofyniad hwnnw gan berson y mae'n ei gyflogi neu wedi ei gymryd ymlaen; a

Regulation 5

Terms of service for NHS appliance contractors who provide pharmaceutical services only by the provision of appliances

Incorporation of provisions

1. Any provisions of the following affecting the rights and obligations of NHS appliance contractors who provide pharmaceutical services form part of the terms of service—

- (a) the Regulations;
- (b) the Drug Tariff in so far as it lists appliances for the purposes of section 80 of the 2006 Act (arrangements for pharmaceutical services);
- (c) so much of Part II of the National Health Service (Service Committees and Tribunal) Regulations 1992 as relates to—
 - (i) investigations made by the pharmaceutical discipline committee and the joint discipline committee and action which may be taken by the Local Health Board as a result of such investigations, and
 - (ii) appeals to the Welsh Ministers from decisions of the Local Health Board; and
- (d) so much of regulation 29 of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010(1) (entry and inspection of premises) as relate to the entry and inspection of premises either owned or controlled by the NHS appliance contractor or where pharmaceutical services are provided by him or her.

Division of responsibilities between individuals and corporate bodies

2.—(1) To the extent that this Schedule imposes a requirement on an NHS appliance contractor in respect of an activity which could only, or would normally, be undertaken by a natural person—

- (a) if the NHS appliance contractor is a registered pharmacist—
 - (i) that registered pharmacist must comply with that requirement, or
 - (ii) if he or she employs or engages a registered pharmacist in connection with the provision of pharmaceutical services, that registered pharmacist must either comply with that requirement or secure compliance with that requirement by a person whom he or she employs or engages; and

(1) O.S. 2010/288 (Cy.37).

(1) S.I. 2010/288 (W.37).

- (b) os nad yw'r contractwr cyfarpar GIG yn berson naturiol, rhaid i'r contractwr cyfarpar GIG hwnnw sicrhau cydymffurfiaeth â'r gofyniad hwnnw gan berson y mae'n ei gyflogi neu wedi ei gymryd ymlaen,

a rhaid dehongli cyfeiriadau yn yr Atodlen hon at contractwr cyfarpar GIG yn unol â hynny.

(2) Pan fo'r Atodlen hon yn gosod gofyniad ar gyfarwyddwr corff corfforaethol sydd wedi ei gynnwys mewn rhestr fferylloл, rhaid ystyried toriad o'r gofyniad hwnnw yn doriad gan y corff corfforaethol o'i delerau gwasanaethu.

Gwasanaethau gweinyddu

3. Rhaid i gcontractwr cyfarpar GIG, i'r graddau y mae'n ofynnol gan baragraffau 4 i 8 ac yn y modd a ddisgrifir yn y paragraffau hynny, ddarparu cyfarpar priodol a digonol i bersonau sy'n cyflwyno presgripsiynau am gyfarpar gan broffesiynolion gofal iechyd yn rhinwedd eu swyddogaethau.

Gweinyddu cyfarpar

4.—(1) Yn y paragraff hwn, mae "wedi ei llofnodi" ("signed") yn cynnwys llofnodi gyda llofnod electronig uwch y rhagnodydd.

(2) Yn ddarostyngedig i ddarpariaethau'r Atodlen hon, pan fo—

- (a) unrhyw berson yn cyflwyno ffurflen bresgripsiwn anelectronig sy'n cynnwys—
 - (i) archeb am gyfarpar, nad yw'n gyfarpar argaeledd cyfyngedig, wedi ei llofnodi gan ragnodydd, neu
 - (ii) archeb am gyfarpar argaeledd cyfyngedig wedi ei llofnodi gan ragnodydd ac yn cynnwys y cyfeirnod "SLS", "Selected List Scheme" neu "Drug Tariff"; neu
- (b) contractwr cyfarpar GIG yn cael presgripsiwn amlroddadwy electronig sy'n cydymffurfio â'r gwasanaeth TPE ac yn cynnwys archeb o fath a bennir ym mharagraff (a)(i) a (ii) ac—
 - (i) unrhyw berson yn gofyn am ddarparu cyfarpar yn unol â'r disgrifiad hwnnw, neu
 - (ii) y contractwr cyfarpar GIG wedi trefnu gyda'r claf yn flaenorol, y byddai'n gweinyddu'r presgripsiwn hwnnw pan ddeui i law,

rhaid i'r contractwr cyfarpar GIG, yn rhesymol brydlon, ddarparu'r cyfryw rai o'r cyfarpar a archebir felly a gyflenwir gan y contractwr cyfarpar GIG yng nghwrs arferol ei fusnes.

(3) At ddibenion y paragraff hwn, mae presgripsiwn amlroddadwy anelectronig am gyfarpar i'w ystyried

- (b) if the NHS appliance contractor is not a natural person, that NHS appliance contractor must secure compliance with that requirement by a person whom it employs or engages,

and references in this Schedule to an NHS appliance contractor must be construed accordingly.

(2) Where this Schedule imposes a requirement on the director of a body corporate that is included in a pharmaceutical list, breach of that requirement must be deemed to be a breach by the body corporate of its terms of service.

Dispensing services

3. An NHS appliance contractor must, to the extent that paragraphs 4 to 8 require and in the manner described in those paragraphs, provide proper and sufficient appliances to persons presenting prescriptions for appliances by health care professionals in pursuance of their functions.

Dispensing of appliances

4.—(1) In this paragraph, "signed" ("*wedi ei llofnodi*") includes signature with a prescriber's advanced electronic signature.

(2) Subject to the provisions of this Schedule, where—

- (a) any person presents a non-electronic prescription form which contains—
 - (i) an order for an appliance, not being a restricted availability appliance, signed by a prescriber, or
 - (ii) an order for a restricted availability appliance, signed by a prescriber and including the reference "SLS", "Selected List Scheme" or "Drug Tariff"; or
- (b) an NHS appliance contractor receives an electronic repeatable prescription complying with the ETP service which contains an order of a kind specified in paragraph (a)(i) and (ii) and—
 - (i) any person requests the provision of an appliance in accordance with that prescription, or
 - (ii) the NHS appliance contractor has previously arranged with the patient that he or she will dispense that prescription on receipt,

an NHS appliance contractor must, with reasonable promptness, provide such of the appliances so ordered as he or she supplies in the normal course of business.

(3) For the purposes of this paragraph, a non-electronic repeatable prescription for appliances is to

wedi ei gyflwyno, hyd yn oed os nad yw'r person sy'n dymuno cael y cyfarpar yn cyflwyno'r presgripsiwn hwnnw, os yw—

- (a) y presgripsiwn hwnnw gan y contractwr cyfarpar GIG yn ei feddiant; a
- (b) swp-ddyroddiad cysylltiedig naill ai'n cael ei gyflwyno gan y person hwnnw, neu ym mediant y contractwr cyfarpar GIG.

Cyflenwi ar frys heb bresgripsiwn

5.—(1) Mae'r paragraff hwn yn gymwys pan fo rhagnodydd, mewn achos brys, yn gofyn i gcontractwr cyfarpar GIG ddarparu cyfarpar.

(2) Caiff y contractwr cyfarpar GIG ddarparu'r cyfarpar y gofynnir amdano cyn cael ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy mewn perthynas â'r cyfarpar hwnnw, ar yr amod bod y rhagnodydd yn ymrwymo i—

- (a) rhoi i'r contractwr cyfarpar GIG ffurflen bresgripsiwn anelectronig neu bresgripsiwn amlroddadwy anelectronig mewn perthynas â'r cyfarpar o fewn 72 awr ar ôl gwneud y cais; neu
- (b) rhoi i'r contractwr cyfarpar GIG ffurflen bresgripsiwn electronig sy'n cydymffurfio â'r gwasanaeth TPE o fewn 72 awr ar ôl gwneud y cais.

Materion rhagarweiniol cyn darparu cyfarpar

6.—(1) Os yw'r person a bennir yn is-baragraff (2) yn gofyn i'r contractwr cyfarpar GIG wneud hynny—

- (a) rhaid i'r contractwr cyfarpar GIG roi amcangyfrif o'r amser pan fydd y cyfarpar yn barod; a
- (b) os na fydd y cyfarpar yn barod erbyn yr amser hwnnw, rhaid i'r contractwr cyfarpar GIG roi amcangyfrif diwygiedig o'r amser pan fydd yn barod.

(2) Person a bennir yn yr is-baragraff hwn yw person—

- (a) sy'n cyflwyno ffurflen bresgripsiwn anelectronig neu bresgripsiwn amlroddadwy anelectronig; neu
- (b) sy'n gofyn am ddarparu cyfarpar yn unol â ffurflen bresgripsiwn electronig neu bresgripsiwn amlroddadwy electronig.

(3) Cyn darparu cyfarpar yn unol â ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy—

- (a) rhaid i'r contractwr cyfarpar GIG ofyn i unrhyw berson, sy'n gwneud datganiad nad oes raid i'r person a enwir ar y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy dalu'r ffioedd a bennir yn rheoliad 3 o'r Rheoliadau Ffioedd (cyflenwi cyffuriau a

be taken to be presented even if the person who wishes to obtain the appliances does not present that prescription, where—

- (a) the NHS appliance contractor has that prescription in his or her possession; and
- (b) that person presents, or the NHS appliance contractor has in his or her possession, an associated batch issue.

Urgent supply without a prescription

5.—(1) This paragraph applies where, in a case of urgency, a prescriber requests an NHS appliance contractor to provide an appliance.

(2) The NHS appliance contractor may provide the appliance requested before receiving a prescription form or repeatable prescription in respect of that appliance, provided that the prescriber undertakes to—

- (a) give the NHS appliance contractor a non-electronic prescription form or non-electronic repeatable prescription in respect of the appliance within 72 hours of the request being made; or
- (b) give the NHS appliance contractor an electronic prescription form complying with the ETP service within 72 hours of the request being made.

Preliminary matters before providing appliances

6.—(1) If the person specified in sub-paragraph (2) asks the NHS appliance contractor to do so—

- (a) the NHS appliance contractor must give an estimate of the time when the appliance will be ready; and
- (b) if it is not ready by then, the NHS appliance contractor must give a revised estimate of the time when it will be ready.

(2) A person specified in this sub-paragraph is a person—

- (a) presenting a non-electronic prescription form or non-electronic repeatable prescription; or
- (b) requesting the provision of appliances in accordance with an electronic prescription form or an electronic repeatable prescription.

(3) Before providing an appliance in accordance with a prescription form or repeatable prescription—

- (a) the NHS appliance contractor must ask any person who makes a declaration that the person named on the prescription form or repeatable prescription does not have to pay the charges specified in regulation 3 of the Charges Regulations (supply of drugs and appliances

chyfarpar gan fferyllwyr), yn rhinwedd naill ai—

- (i) hawl i esempiad o dan reoliad 8 (esempiadau) o'r Rheoliadau Ffioedd, neu
- (ii) hawl i beidio â thalu ffioedd o dan reoliad 5 o'r Rheoliadau Peidio â Chodi Tâl (hawl i beidio â thalu ffi o gwbl ac i gael taliad llawn),

ddangos dystiolaeth fodhaol o'r cyfryw hawl, oni wneir y datganiad mewn perthynas â hawl i esempiad yn rhinwedd rheoliad 8 o'r Rheoliadau Ffioedd neu mewn perthynas â hawl i beidio â thalu yn rhinwedd rheoliad 5(1)(d) neu (2) o'r Rheoliadau Peidio â Chodi Tâl, pan fo dystiolaeth o'r fath eisoes ar gael i'r contractwr cyfarpar GIG ar yr adeg y gwneir y datganiad;

- (b) yn achos ffurflen bresgripsiwn anelectronig neu bresgripsiwn amlroddadwy anelectronig, os na ddangosir dystiolaeth fodhaol i'r contractwr cyfarpar GIG fel sy'n ofynnol gan baragraff (a), rhaid i'r contractwr cyfarpar GIG arnodi'r ffurflen y gwneir y datganiad arni, i'r perwyl hwnnw; ac
- (c) yn achos ffurflen bresgripsiwn electronig neu bresgripsiwn amlroddadwy electronig, rhaid i'r contractwr cyfarpar GIG gydymffurfio ag unrhyw ofynion gan y gwasanaeth TPE i ddarparu—
 - (i) cofnod o'r hawl o'r esempiad neu'r hawl i beidio â thalu a hawliwyd, a pha un a ddangoswyd dystiolaeth fodhaol ai peidio, fel y cyfeirir ati ym mharagraff (a), a
 - (ii) mewn unrhyw achos pan fo ffi'n ddyledus, cadarnhad bod y ffi berthnasol wedi ei thalu.

Darparu cyfarpar

7.—(1) Pan gyflwynir ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy i contractwr cyfarpar GIG, rhaid i'r contractwr cyfarpar GIG beidio â darparu'r cyfarpar a archebir felly, ac eithrio—

- (a) pan fo'r ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy wedi eu llofnodi a'u cwblhau yn briodol, fel a ddisgrifir ym mharagraff 4; a
- (b) yn unol â'r archeb sydd ar y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy,

yn ddarostyngedig i unrhyw reoliadau sydd mewn grym o dan Ddeddf Pwysau a Mesurau 1985 a darpariaethau canlynol yr Atodlen hon.

(2) Os yw'r archeb yn archeb am fath o gyfarpar y mae'n ofynnol ei fesur a'i ffitio gan y contractwr cyfarpar GIG, rhaid i'r contractwr cyfarpar GIG wneud yr holl drefniadau angenrheidiol—

by chemists) by virtue of either—

- (i) entitlement to exemption under regulation 8 of the Charges Regulations (exemptions), or
- (ii) entitlement to remission of charges under regulation 5 of the Remission of Charges Regulations (entitlement to full remission and payment),

to produce satisfactory evidence of such entitlement unless the declaration is in respect of entitlement to exemption by virtue of regulation 8 of the Charges Regulations or in respect of entitlement to remission by virtue of regulation 5(1)(e) or (2) of the Remission of Charges Regulations and at the time of the declaration the NHS appliance contractor already has such evidence available to him or her;

- (b) if, in the case of a non-electronic prescription form or a non-electronic repeatable prescription no satisfactory evidence, as required by paragraph (a), is produced to the NHS appliance contractor, the NHS appliance contractor must endorse the form on which the declaration is made to that effect; and
- (c) in the case of an electronic prescription form or an electronic repeatable prescription, the NHS appliance contractor must comply with any requirements of the ETP service to provide—
 - (i) a record of the exemption from or remission of charges claimed and whether satisfactory evidence was produced, as referred to in paragraph (a), and
 - (ii) in any case where a charge is due, confirmation that the relevant charge was paid.

Providing appliances

7.—(1) Where an NHS appliance contractor is presented with a prescription form or a repeatable prescription, the NHS appliance contractor must only provide the appliances so ordered—

- (a) if the prescription form or repeatable prescription is duly signed and completed as described in paragraph 4; and
- (b) in accordance with the order on the prescription form or repeatable prescription,

subject to any regulations in force under the Weights and Measures Act 1985 and the following provisions of this Schedule.

(2) If the order is for an appliance of a type requiring measuring and fitting by the NHS appliance contractor, the NHS appliance contractor must make all necessary arrangements for—

- (a) ar gyfer mesur y person a enwir ar y ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy ar gyfer y cyfarpar; a
- (b) ar gyfer ffitio'r cyfarpar.

(3) Os yw'r archeb yn archeb am gyfarpar sydd wedi ei gynnwys yn y Tariff Cyffuriau, Fformiwlari Cenedlaethol Prydain (gan gynnwys unrhyw Atodiad a hyhoeddwyd yn rhan o'r Fformiwlari hwnnw), Fformiwlari'r Ymarferydd Deintyddol, y Cyffuriad Ewropeaidd neu Godecs Fferyllol Prydain, rhaid i'r cyfarpar a ddarperir gydymffurfio â'r safon neu'r fformiwl a bennir yno.

Gwrthod darparu cyfarpar a archebir

8.—(1) Caiff contractwr cyfarpar GIG wrthod darparu cyfarpar a archebir ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy—

- (a) os yw'r contractwr cyfarpar GIG yn credu, yn rhesymol, nad yw'r archeb yn archeb ddilys ar gyfer y person a enwir ar y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy;
- (b) os yw'n ymddangos i'r contractwr cyfarpar GIG fod camgymeriad yn y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy neu, yn achos presgripsiwn amlroddadwy anelectronig, yn ei swp-ddyroddiad cysylltiedig (gan gynnwys camgymeriad clinigol a wnaed gan y rhagnodydd) neu y byddai darparu'r cyfarpar, yn yr amgylchiadau, yn groes i farn glinigol y contractwr cyfarpar GIG;
- (c) os yw'r contractwr cyfarpar GIG neu bersonau eraill yn dioddef traus neu'n cael eu bygwth â thrais gan y person sy'n cyflwyno'r ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy neu'n gofyn am ddarparu cyfarpar yn unol â ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, neu gan unrhyw berson sydd gyda'r person hwnnw; neu
- (d) os yw'r person sy'n cyflwyno'r ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy neu'n gofyn am ddarparu cyfarpar yn unol â ffurflen bresgripsiwn electronig neu bresgripsiwn amlroddadwy electronig neu unrhyw berson arall sydd gyda'r person hwnnw, yn cyflawni neu'n bygwth cyflawni trosedd.

(2) Rhaid i gcontractwr cyfarpar GIG wrthod darparu cyfarpar a archebir ar bresgripsiwn amlroddadwy—

- (a) os nad oes gan y contractwr cyfarpar GIG gofnod o'r presgripsiwn hwnnw;
- (b) os nad oes gan y contractwr cyfarpar GIG, yn achos presgripsiwn amlroddadwy anelectronig, unrhyw swp-ddyroddiad cysylltiedig ac os na chyflwynir swp-ddyroddiad o'r fath i'r contractwr cyfarpar GIG;

- (a) measuring the person named on the prescription form or repeatable prescription for the appliance; and
- (b) fitting the appliance.

(3) If the order is for an appliance included in the Drug Tariff, the British National Formulary (including any Appendix published as part of that Formulary), the Dental Practitioner's Formulary, the European Pharmacopoeia or the British Pharmaceutical Codex, the appliance provided must comply with the standard or formula specified therein.

Refusal to provide appliances ordered

8.—(1) An NHS appliance contractor may refuse to provide an appliance ordered on a prescription form or repeatable prescription where—

- (a) the NHS appliance contractor reasonably believes that it is not a genuine order for the person named on the prescription form or repeatable prescription;
- (b) it appears to the NHS appliance contractor that there is an error on the prescription form or on the repeatable prescription or, in the case of a non-electronic repeatable prescription, its associated batch issue (including a clinical error made by the prescriber) or that, in the circumstances, providing the appliance would be contrary to the clinical judgement of the NHS appliance contractor;
- (c) the NHS appliance contractor or other persons are subjected to or threatened with violence by the person presenting the prescription form or repeatable prescription or requesting the provision of appliances in accordance with a prescription form or repeatable prescription or by any person accompanying that person; or
- (d) the person presenting the prescription form or repeatable prescription or requesting the provision of appliances in accordance with an electronic prescription form or electronic repeatable prescription or any other person accompanying that person, commits or threatens to commit a criminal offence.

(2) An NHS appliance contractor must refuse to provide appliances ordered on a repeatable prescription where—

- (a) he or she has no record of that prescription;
- (b) he or she does not, in the case of a non-electronic repeatable prescription, have any associated batch issue and such batch issue is not presented to him or her;

- (c) os nad yw wedi ei lofnodi gan ragnodydd amlroddadwy;
- (d) os byddai gwneud hynny yn anghyson ag unrhyw ysbeidiau a bennir yn y presgripsiwn;
- (e) os hwnnw fyddai'r tro cyntaf y darperid cyfarpar yn unol â'r presgripsiwn, ac os llofnodwyd y presgripsiwn (yn electronig neu fel arall) fwy na chwe mis yn gynharach;
- (f) os llofnodwyd y presgripsiwn amlroddadwy (yn electronig neu fel arall) fwy na blwyddyn yn gynharach;
- (g) os yw'r dyddiad dod i ben ar y presgripsiwn amlroddadwy wedi mynd heibio; neu
- (h) os hysbyswyd y contractwr cyfarpar GIG, gan y rhagnodydd amlroddadwy, nad oes angen y presgripsiwn bellach.

(3) Pan fo claf yn gofyn am gyflenwi cyfarpar a archebwyd ar bresgripsiwn amlroddadwy (ac eithrio'r tro cyntaf y gofynnir), rhaid i gcontractwr cyfarpar GIG beidio â darparu'r cyfarpar a archebir oni chaiff ei fodloni—

- (a) bod y claf y mae'r presgripsiwn ar ei gyfer—
 - (i) yn defnyddio'r cyfarpar yn briodol, ac yn debygol o barhau i'w ddefnyddio felly, a
 - (ii) nad yw'n dioddef o unrhyw sgil effeithiau'r driniaeth sy'n dynodi bod angen, neu y byddai'n fuddiol, adolygu triniaeth y claf;
- (b) nad yw'r modd y defnyddir y cyfarpar gan y claf y mae'r presgripsiwn ar ei gyfer wedi newid mewn ffordd sy'n dynodi bod angen, neu y byddai'n fuddiol, adolygu triniaeth y claf; ac
- (c) na ddigwyddodd unrhyw newidiadau yn iechyd y claf y mae'r presgripsiwn ar ei gyfer sy'n dynodi bod angen, neu y byddai'n fuddiol, adolygu triniaeth y claf.

Gweithgareddau pellach sydd i'w cyflawni mewn cysylltiad â darparu gwasanaethau gweinyddu

9.—(1) Mewn cysylltiad â'r gwasanaethau a ddarperir o dan baragraff 3, rhaid i gcontractwr cyfarpar GIG—

- (a) sicrhau y rhoddir cyngor priodol i gleifion yngylch unrhyw gyfarpar a ddarperir iddynt—
 - (i) i'w galluogi i ddefnyddio'r cyfarpar yn briodol, a
 - (ii) bodloni anghenion rhesymol y cleifion am wybodaeth gyffredinol ynglŷn â'r cyfarpar;
- (b) darparu cyngor priodol i gleifion y mae'n cyflenwi cyfarpar iddynt ynglŷn â chadw'r cyfarpar yn ddiogel;
- (c) wrth ddarparu cyfarpar i glaf yn unol â ffurflen

- (c) it is not signed by a repeatable prescriber;
- (d) to do so would not be in accordance with any intervals specified in the prescription;
- (e) it would be the first time an appliance had been provided pursuant to the prescription and the prescription was signed (whether electronically or otherwise) more than six months previously;
- (f) the repeatable prescription was signed (whether electronically or otherwise) more than one year previously;
- (g) the expiry date on the repeatable prescription has passed; or
- (h) he or she has been informed by the repeatable prescriber that the prescription is no longer required.

(3) Where a patient requests the supply of appliances ordered on a repeatable prescription (other than on the first occasion that the request is made), an NHS appliance contractor must only provide the appliance ordered if satisfied that—

- (a) the patient to whom the prescription relates—
 - (i) is using and is likely to continue to use the appliance appropriately, and
 - (ii) is not suffering from any side effects of the treatment which indicate the need or desirability of reviewing the patient's treatment;
- (b) the manner of utilisation of the appliance by the patient to whom the prescription relates has not altered in a way which indicates the need or desirability of reviewing the patient's treatment; and
- (c) there have been no changes to the health of the patient to whom the prescription relates which indicate the need or desirability of reviewing the patient's treatment.

Further activities to be carried out in connection with the provision of dispensing services

9.—(1) In connection with the services provided under paragraph 3, an NHS appliance contractor must—

- (a) ensure that appropriate advice is given to patients about any appliances provided to them—
 - (i) to enable them to utilise the appliances appropriately, and
 - (ii) to meet the patients' reasonable needs for general information about the appliances;
- (b) provide appropriate advice to patients to whom they provide appliances on the safe keeping of the appliances;
- (c) when providing appliances to a patient in

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| <p>bresgripsiwn neu bresgripsiwn
amlroddadwy—</p> <ul style="list-style-type: none"> (i) darparu cyngor priodol, yn benodol, ar y pwysigrwydd o ofyn am yr eitemau hynny, yn unig, sydd arno eu hangen mewn gwirionedd, a (ii) at y dibenion hynny, rhoi sylw i'r manylion a gynhwysir yn y cofnodion a gynhelir o dan baragraff (f) mewn perthynas â darparu cyfarpar a'r patrwm presgripsiynu mewn cysylltiad â'r claf dan sylw; (d) darparu i'r claf nodyn ysgrifenedig o unrhyw gyfarpar sy'n ddyledus iddo, a rhoi gwybod i'r claf pa bryd y disgwylir i'r cyfarpar fod ar gael; (e) darparu i'r claf nodyn ysgrifenedig o enw, cyfeiriad a rhif teleffon y contractwr cyfarpar GIG; (f) cadw a chynnal cofnodion— <ul style="list-style-type: none"> (i) o'r cyfarpar a ddarparwyd, er mwyn hwyluso parhad gofal y claf, (ii) mewn achosion priodol, o'r cyngor a roddir ac unrhyw ymyriadau neu atgyfeiriadau a wneir (gan gynnwys ymyriadau o arwyddocâd clinigol mewn achosion sy'n ymwneud â phresgripsiynau amlroddadwy), a (iii) o nodiadau a ddarperir o dan baragraff (d); (g) dilyn hyfforddiant priodol ynglŷn ag amlweinyddu, gan roi sylw i unrhyw argymhellion ynglŷn ag hyfforddiant o'r fath a bennir yn y Tariff Cyffuriau; (h) os yw'r contractwr cyfarpar GIG yn cymryd mediant o bresgripsiwn amlroddadwy anelectronig neu swp-ddyroddiad cysylltiedig, storio'r presgripsiwn amlroddadwy neu'r swp-ddyroddiad cysylltiedig hwnnw yn ddiogel; (i) os yw'r contractwr cyfarpar GIG yn darparu cyfarpar o dan bresgripsiwn electronig, darparu i'r claf, os yw'r claf yn gofyn amdano, gofnod ysgrifenedig o'r cyfarpar a archebwyd ar y presgripsiwn hwnnw, ac yn achos presgripsiwn amlroddadwy electronig, gofnod o'r nifer o droeon y caniateir ei weinyddu; (j) cynnal cofnodion o bresgripsiynau amlroddadwy mewn ffurf a fydd yn darparu trywydd archwilio eglur o'r cyflenwadau o dan y presgripsiwn amlroddadwy (gan gynnwys dyddiadau a'r meintiau a gyflenwir); (k) dinistrio unrhyw swp-ddyroddiadau dros ben mewn cysylltiad â chyfarpar— <ul style="list-style-type: none"> (i) nad oes eu hangen, neu (ii) y gwrtodwyd i glaf yn unol â pharagraff 8; (l) sicrhau, pan wrthodir cyfarpar i berson yn unol | <p>accordance with a prescription form or repeatable prescription—</p> <ul style="list-style-type: none"> (i) provide appropriate advice in particular on the importance of only requesting those items which they actually need, and (ii) for those purposes, have regard to the details contained in the records maintained under paragraph (f) in respect of the provision of appliances and prescribing pattern relating to the patient in question; (d) provide a patient with a written note of any appliance which is owed, and inform the patient when it is expected that the appliance will become available; (e) provide a patient with a written note of the NHS appliance contractor's name, address and telephone number; (f) keep and maintain records— <ul style="list-style-type: none"> (i) of appliances provided, in order to facilitate the continued care of the patient, (ii) in appropriate cases, of advice given and any interventions or referrals made (including clinically significant interventions in cases involving repeatable prescriptions), and (iii) of notes provided under paragraph (d); (g) undertake appropriate training in respect of repeat dispensing, having regard to any recommendations in respect of such training set out in the Drug Tariff; (h) if the NHS appliance contractor takes possession of a non-electronic repeatable prescription or an associated batch issue, securely store that repeatable prescription or associated batch issue; (i) if the NHS appliance contractor provides an appliance under an electronic prescription, provide the patient, if the patient so requests, with a written record of the appliances ordered on that prescription and, in the case of an electronic repeatable prescription, of the number of occasions on which it may be dispensed; (j) maintain records of repeatable prescriptions in such a form as to provide a clear audit trail of supplies under the repeatable prescription (including dates and quantities supplied); (k) destroy any surplus batch issues relating to appliances— <ul style="list-style-type: none"> (i) which are not required, or (ii) where a patient is refused an appliance pursuant to paragraph 8; (l) ensure that where a person is refused |
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- â pharagraff 8(1)(b), (2) neu (3), y cyfeirir y claf yn ôl at y rhagnodydd am gyngor pellach;
- (m) pan ddarperir cyfarpar i glaf o dan bresgripsiwn amlroddadwy, hysbysu'r rhagnodydd ynghylch unrhyw faterion o arwyddocâd clinigol sy'n codi mewn cysylltiad â'r presgripsiwn a chadw cofnod o'r hysbysiad hwnnw;
 - (n) hysbysu'r rhagnodydd ynghylch unrhyw wrthodiad i ddarparu cyfarpar yn unol â pharagraff 8(3); ac
 - (o) wrth ddarparu cyfarpar penodedig, cydymffurfio â'r gofynion ychwanegol a bennir ym mharagraff 10.
- (2) Pan gyflwynir ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy mewn cysylltiad â gweinyddu cyfarpar o dan baragraff 4, os na all contractwr cyfarpar GIG ddarparu cyfarpar, neu os oes angen addasu cyfarpar stoma ac na all y contractwr cyfarpar GIG ddarparu'r addasiad hwnnw, rhaid i'r contractwr cyfarpar GIG—
- (a) os yw'r claf yn cydsynio, atgyfeirio'r ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy at gontractwr cyfarpar GIG arall neu at fferylliydd GIG; neu
 - (b) os nad yw'r claf yn cydsynio ag atgyfeirio, darparu i'r claf fanylion cyswllt dau, o leiaf, o bobl sy'n fferyllwyr GIG neu'n gontractwyr cyfarpar GIG gyda'r gallu i ddarparu'r cyfarpar neu'r addasiad cyfarpar stoma (yn ôl fel y digwydd), os yw'r manylion hynny'n hysbys i'r contractwr cyfarpar GIG.
- Gofynion ychwanegol mewn perthynas â chyfarpar penodedig**
- 10.—(1) Mae'r paragraff hwn yn pennu'r gofynion ychwanegol y cyfeirir atynt ym mharagraff 9(1)(o) ynglŷn â darparu cyfarpar penodedig.
- (2) Rhaid i gontractwr cyfarpar GIG sy'n gweinyddu cyfarpar penodedig yng nghwrs arferol ei fusnes ddarparu gwasanaeth danfon i gartrefi mewn perthynas â'r cyfarpar hwnnw ac, yn rhan o'r gwasanaeth hwnnw—
- (a) rhaid i'r contractwr cyfarpar GIG gynnig danfon y cyfarpar penodedig i gartref y claf;
 - (b) os yw'r claf yn derbyn y cynnig hwnnw, rhaid gwneud y danfoniad yn rhesymol brydlon ac ar yr adeg a gytunir gyda'r claf;
 - (c) rhaid danfon y cyfarpar penodedig mewn pecyn nad yw'n arddangos unrhyw ysgrifen neu farciau eraill a allai ddynodi ei gynnwys; a
 - (d) rhaid i'r modd y danfonir y pecyn ac unrhyw eitemau atodol sy'n ofynnol gan is-baragraff appliances pursuant to paragraph 8(1)(b), (2) or (3), the patient is referred back to the prescriber for further advice;
 - (m) where a patient is provided with appliances under a repeatable prescription, notify the prescriber of any clinically significant issues arising in connection with the prescription and keep a record of that notification;
 - (n) notify the prescriber of any refusal to provide appliances pursuant to paragraph 8(3); and
 - (o) when providing specified appliances, comply with the additional requirements set out in paragraph 10.
- (2) Where, on presentation of a prescription form or repeatable prescription in connection with the dispensing of appliances under paragraph 4, an NHS appliance contractor is unable to provide an appliance, or stoma appliance customisation is required and the NHS appliance contractor is unable to provide that, the NHS appliance contractor must—
- (a) if the patient consents, refer the prescription form or repeatable prescription to another NHS appliance contractor or to an NHS pharmacist; or
 - (b) if the patient does not consent to a referral, provide the patient with contact details of at least two people who are NHS pharmacists or NHS appliance contractors who are able to provide the appliance or stoma appliance customisation (as the case may be), if these details are known to the NHS appliance contractor.
- Additional requirements in relation to specified appliances**
- 10.—(1) This paragraph sets out the additional requirements referred to in paragraph 9(1)(o) relating to the provision of specified appliances.
- (2) An NHS appliance contractor who dispenses specified appliances in the normal course of business must provide a home delivery service in respect of those appliances and, as part of that service—
- (a) the NHS appliance contractor must offer to deliver the specified appliance to the patient's home;
 - (b) if the patient accepts that offer, the delivery must be made with reasonable promptness and at such time as is agreed with the patient;
 - (c) the specified appliance must be delivered in a package which displays no writing or other markings which could indicate its content; and
 - (d) the manner of delivery of the package and any supplementary items required by sub-

(3) beidio â chyfleu'r math o gyfarpar a ddanfonir.

(3) Mewn unrhyw achos pan ddarperir cyfarpar penodedig (drwy ei ddanfon i'r cartref neu fel arall), rhaid i'r contractwr cyfarpar GIG ddarparu cyflenwad rhesymol o eitemau atodol priodol (megis clytiau tafladwy a bagiau gwaredu) ac—

- (a) rhaid iddo sicrhau y caiff y claf, os yw'r claf yn dymuno, ymgynghori â pherson i gael cyngor clinigol arbenigol ynglŷn â'r cyfarpar; neu
- (b) os yw'r contractwr cyfarpar GIG o'r farn bod hynny'n briodol, rhaid iddo—
 - (i) cyfeirio'r claf at ragnodydd, neu
 - (ii) cynnig gwasanaeth i'r claf ar gyfer adolygu'r defnydd o'r cyfarpar.

(4) Os na all y contractwr cyfarpar GIG ddarparu gwasanaeth ar gyfer adolygu'r defnydd o'r cyfarpar yn unol ag is-baragraff (3)(b)(ii), rhaid i'r contractwr cyfarpar GIG roi i'r claf fanylion cyswllt dau, o leiaf, o bobl sy'n fferyllwyr GIG neu'n gontractwyr cyfarpar GIG gyda'r gallu i drefnu ar gyfer darparu'r gwasanaeth, os yw'r manylion hynny'n hysbys i'r contractwr cyfarpar GIG.

(5) Pan fo contractwr cyfarpar GIG yn darparu llinell gofal teleffon mewn perthynas â gweinyddu unrhyw gyfarpar penodedig, rhaid i'r contractwr cyfarpar GIG sicrhau, yn ystod cyfnodau y tu allan i oriau—

- (a) y bydd cyngor ar gael i gleifion drwy'r llinell gofal teleffon honno; neu
- (b) bod rhif teleffon Galw Iechyd Cymru, neu gyfeiriad gwefan Galw Iechyd Cymru, ar gael i gleifion drwy'r llinell gofal teleffon honno.

(6) At ddibenion y paragraff hwn—

ystyr "cyfnodau y tu allan i oriau" ("out of hours periods"), mewn perthynas â phob un o'r mangroedd y mae contractwr cyfarpar GIG wedi ymrwymo i ddarparu gwasanaethau fferyllol ohonynt, yw'r cyfnodau y tu allan i'r cyfnodau pan fo'r contractwr cyfarpar GIG dan rwymedigaeth i ddarparu gwasanaethau fferyllol yn rhinwedd paragraff 12;

ystyr "cyngor clinigol arbenigol" ("expert clinical advice"), mewn perthynas â chyfarpar penodedig yw cyngor a roddir gan berson sydd wedi ei hyfforddi'n briodol ac sydd â phrofiad perthnasol mewn cysylltiad â'r cyfarpar.

Cyfeirio defnyddwyr

11.—(1) Os na all contractwr cyfarpar GIG, pan gyflwynir ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy ddarparu cyfarpar neu addasu cyfarpar stoma, oherwydd nad yw darparu'r cyfarpar neu addasu yng nghwrs busnes arferol y contractwr cyfarpar GIG,

paragraph (3) must not convey the type of appliance being delivered.

(3) In any case where a specified appliance is provided (whether by home delivery or otherwise), the NHS appliance contractor must provide a reasonable supply of appropriate supplementary items (such as disposable wipes and disposal bags) and—

- (a) must ensure that the patient may, if the patient wishes, consult a person to obtain expert clinical advice regarding the appliance; or
- (b) if the NHS appliance contractor believes it is appropriate to do so, must—
 - (i) refer the patient to a prescriber, or
 - (ii) offer the patient an appliance use review service.

(4) If the NHS appliance contractor is unable to provide an appliance use review service in accordance with sub-paragraph (3)(b)(ii), he or she must give the patient the contact details of at least two people who are NHS pharmacists or NHS appliance contractors who are able to arrange for the service to be provided, if these details are known to him or her.

(5) Where an NHS appliance contractor provides a telephone care line in respect of the dispensing of any specified appliance, he or she must ensure that during out of hours periods—

- (a) advice is made available to patients through that telephone care line; or
- (b) the telephone number of NHS Direct Wales, or the website address of NHS Direct Wales, are made available to patients through the telephone care line.

(6) For the purposes of this paragraph—

"expert clinical advice" ("cyngor clinigol arbenigol"), in relation to a specified appliance, means advice which is given by a person who is suitably trained and who has relevant experience in respect of the appliance;

"out of hours periods" ("cyfnodau y tu allan i oriau"), in relation to each of the premises from which an NHS appliance contractor has undertaken to provide pharmaceutical services, means the periods outside the periods during which the NHS appliance contractor is obliged to provide pharmaceutical services by virtue of paragraph 12.

Signposting

11.—(1) Where, on presentation of a prescription form or repeatable prescription, an NHS appliance contractor is unable to provide an appliance or stoma appliance customisation because the provision of the appliance or customisation is not within his or her

rhaid iddo—

- (a) os yw'r claf yn cydysnio, atgyfeirio'r ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy at gontactwr cyfarpar GIG neu fferyllydd GIG arall; ac
- (b) os nad yw'r claf yn cydysnio ag atgyfeirio, darparu i'r claf fanylion cyswllt dau, o leiaf, o bobl sy'n fferyllwyr GIG neu'n gontactwyr cyfarpar GIG gyda'r gallu i ddarparu'r cyfarpar neu'r addasiad cyfarpar stoma (yn ôl fel y digwydd), os yw'r manylion hynny'n hysbys i'r contractwr cyfarpar GIG.

(2) Rhaid i gontactwr cyfarpar GIG, mewn achosion priodol, gadw a chynnal cofnod o unrhyw wybodaeth a roddir neu atgyfeiriad a wneir o dan is-baragraff (1), a rhaid i'r cofnod hwnnw fod mewn ffurf sy'n hwyluso—

- (a) cynnal archwiliad o'r ddarpariaeth o wasanaethau fferyllol gan y contractwr cyfarpar GIG; a
- (b) gofal dilynol i'r person y rhoddwyd yr wybodaeth iddo neu y gwnaed yr atgyfeiriad mewn perthynas ag ef.

Oriau agor: cyffredinol

12.—(1) Rhaid i gontactwr cyfarpar GIG sicrhau y darperir gwasanaethau fferyllol ym mhob mangre y mae'r contractwr cyfarpar GIG wedi ymrwymo i ddarparu gwasanaethau fferyllol ohoni—

- (a) am ddim llai na 30 awr bob wythnos;
- (b) os yw'r Bwrdd Iechyd Lleol y cynhwysir y contractwr cyfarpar GIG yn ei restr fferyllol, neu Weinidogion Cymru yn dilyn apêl, wedi cyfarwyddo (naill ai o dan yr Atodlen hon neu Atodlen 2A i Reoliadau 1992) y caiff y contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre am lai na 30 awr yr wythnos ar yr amod y darperir y gwasanaethau hynny ar amseroedd penodol ac ar ddiwrnodau penodol, ar yr amseroedd ac ar y diwrnodau a bennwyd felly;
- (c) os yw'r Bwrdd Iechyd Lleol y cynhwysir y contractwr cyfarpar GIG yn ei restr fferyllol, neu Weinidogion Cymru yn dilyn apêl, wedi cyfarwyddo (naill ai o dan yr Atodlen hon neu Ran 3 o Atodlen 1) fod rhaid i'r contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre am fwy na 30 awr yr wythnos ac ar amseroedd penodol ac ar ddiwrnodau penodol, ar yr amseroedd ac ar y diwrnodau a bennwyd felly; neu
- (d) os yw'r Bwrdd Iechyd Lleol y cynhwysir y contractwr cyfarpar GIG yn ei restr fferyllol, neu Weinidogion Cymru yn dilyn apêl, wedi cyfarwyddo o dan yr Atodlen hon fod rhaid i'r

normal course of business, the NHS appliance contractor must—

- (a) if the patient consents, refer the prescription form or repeatable prescription to another NHS appliance contractor or to an NHS pharmacist; and
- (b) if the patient does not consent to a referral, provide the patient with contact details of at least two people who are NHS pharmacists or NHS appliance contractors who are able to provide the appliance or stoma appliance customisation (as the case may be), if these details are known to him or her.

(2) The NHS appliance contractor must, in appropriate cases, keep and maintain a record of any information given or referral made under subparagraph (1) and that record must be in a form that facilitates—

- (a) auditing of the provision of pharmaceutical services by the NHS appliance contractor; and
- (b) follow-up care for the person who has been given the information or in respect of whom the referral has been made.

Opening hours: general

12.—(1) An NHS appliance contractor must ensure that pharmaceutical services are provided at each of the premises from which he or she has undertaken to provide pharmaceutical services—

- (a) for not less than 30 hours each week;
- (b) if the Local Health Board in whose pharmaceutical list the NHS appliance contractor is included, or on appeal the Welsh Ministers, have directed (either under this Schedule or Schedule 2A to the 1992 Regulations), that the NHS appliance contractor may provide pharmaceutical services at the premises for fewer than 30 hours per week, provided that those services are provided at set times and on set days, at the times and on the days so set;
- (c) if the Local Health Board in whose pharmaceutical list the NHS appliance contractor is included, or on appeal the Welsh Ministers, have directed (either under this Schedule or Part 3 of Schedule 1), that the NHS appliance contractor must provide pharmaceutical services at the premises for more than 30 hours per week, and at set times and on set days, at the times and on the days so set; or
- (d) if the Local Health Board in whose pharmaceutical list the NHS appliance contractor is included, or on appeal the Welsh Ministers, have directed under this Schedule

contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre am fwy na 30 awr bob wythnos—

- (i) am y cyfanswm oriau bob wythnos sy'n ofynnol yn rhinwedd y cyfarwyddyd hwnnw, a
- (ii) o ran yr oriau ychwanegol y gwneir yn ofynnol bod y contractwr cyfarpar GIG yn darparu gwasanaethau fferyllol yn rhinwedd y cyfarwyddyd hwnnw, ar y diwrnodau ac ar yr amseroedd y mae'n ofynnol bod y contractwr cyfarpar GIG yn darparu gwasanaethau fferyllol yn ystod yr oriau ychwanegol hynny, fel a bennir yn y cyfarwyddyd hwnnw,

ond caiff Bwrdd Iechyd Lleol, mewn amgylchiadau priodol, gytuno i atal gwasanaethau dros dro am gyfnod penodedig, os yw wedi cael 3 mis o rybudd o'r bwriad i atal y gwasanaeth dros dro.

(2) Ym mhob un o'r mangreodd y mae contractwr cyfarpar GIG wedi ymrwymo i ddarparu gwasanaethau fferyllol ohonynt, rhaid i'r contractwr cyfarpar GIG arddangos hysbysiad sy'n pennu'r diwrnodau a'r amseroedd y bydd y fangre ar agor ar gyfer darparu cyfarpar.

(3) Rhaid i contractwr cyfarpar GIG, os gofynnir iddo, gyflwyno datganiad i'r Bwrdd Iechyd Lleol sy'n nodi—

- (a) y diwrnodau a'r amseroedd y darperir gwasanaethau fferyllol ym mhob un o'r mangreodd yr ymrwymodd y contractwr cyfarpar GIG i ddarparu gwasanaethau fferyllol ohonynt (gan gynnwys yr amseroedd y darperir gwasanaethau fferyllol pan nad yw'r contractwr cyfarpar GIG dan rwymedigaeth i wneud hynny yn rhinwedd is-baragraff (1)); a
- (b) y gwasanaethau fferyllol y mae'r contractwr cyfarpar GIG fel arfer yn eu darparu ym mhob un o'r mangreodd hynny.

(4) Os yw contractwr cyfarpar GIG yn newid—

- (a) y diwrnodau neu'r amseroedd y mae gwasanaethau fferyllol i'w darparu o fangre yr ymrwymodd y contractwr cyfarpar GIG i ddarparu gwasanaethau fferyllol ohoni; neu
- (b) y gwasanaethau fferyllol y mae contractwr cyfarpar GIG fel arfer i'w darparu yn y fangre honno,

rhaid i'r contractwr cyfarpar GIG gyflenwi datganiad i'r Bwrdd Iechyd Lleol, i roi gwybod iddo am y newid.

(5) Yn ddarostyngedig i is-baragraff (6), os rhwystrir contractwr cyfarpar GIG, gan salwch neu achos rhesymol arall, rhag cydymffurfio â'i rwymedigaethau o dan is-baragraff (1), rhaid i'r contractwr cyfarpar GIG, pan fo'n ymarferol, wneud trefniadau gydag un neu ragor o gontactwyr cyfarpar GIG, fferyllwyr GIG

that the NHS appliance contractor must provide pharmaceutical services at the premises for more than 30 hours each week—

- (i) for the total number of hours each week required by virtue of that direction, and
- (ii) as regards the additional hours for which the NHS appliance contractor is required to provide pharmaceutical services by virtue of that direction, at the days on which and times at which the NHS appliance contractor is required to provide pharmaceutical services during those additional hours, as set out in that direction,

but a Local Health Board may, in appropriate circumstances, agree a temporary suspension of services for a set period, where it has received 3 months notice of the proposed suspension.

(2) At each of the premises from which an NHS appliance contractor has undertaken to provide pharmaceutical services, an NHS appliance contractor must exhibit a notice specifying the days on which and times at which the premises are open for the provision of appliances.

(3) An NHS appliance contractor must, on request, submit a return to the Local Health Board setting out—

- (a) the days on which and times at which pharmaceutical services are provided at each of the premises from which the NHS appliance contractor has undertaken to provide pharmaceutical services (including times at which he or she is providing pharmaceutical services when he or she is not obliged to do so by virtue of sub-paragraph (1)); and
- (b) the pharmaceutical services which the NHS appliance contractor ordinarily provides at each of those premises.

(4) Where an NHS appliance contractor changes—

- (a) the days on which or times at which pharmaceutical services are to be provided at premises from which he or she has undertaken to provide pharmaceutical services; or
- (b) the pharmaceutical services which he or she is ordinarily to provide at those premises,

the NHS appliance contractor must supply the Local Health Board with a return informing it of the change.

(5) Subject to sub-paragraph (6), where an NHS appliance contractor is prevented by illness or other reasonable cause from complying with its obligations under sub-paragraph (1) the NHS appliance contractor must, where practicable, make arrangements with one or more NHS appliance contractors, NHS pharmacists

neu ddarparwyr gwasanaethau fferyllol lleol o dan gynllun peilot sydd â'u mangroedd wedi'u lleoli yn y gymdogaeth, ar gyfer darparu gwasanaethau fferyllol neu wasanaethau fferyllol lleol yn ystod y cyfnod hwnnw.

(6) Ni chaiff contractwr cyfarpar GIG wneud trefniant gyda darparwr gwasanaethau fferyllol lleol o dan gynllun peilot o dan is-baragraff (5) ac eithrio pan fo'r darparwr hwnnw yn darparu gwasanaethau fferyllol lleol cyffelyb o ran disgrifiad a maint i'r gwasanaethau fferyllol a ddarperir fel arfer gan y contractwr cyfarpar GIG.

(7) Pan fo'r ddarpariaeth o wasanaethau fferyllol gan contractwr cyfarpar GIG wedi ei hatal dros dro am reswm sydd y tu hwnt i reolaeth y contractwr cyfarpar GIG, ni fydd y contractwr cyfarpar GIG wedi torri is-baragraffau (1) a (2), ar yr amod ei fod—

- (a) yn hysbysu'r Bwrdd Iechyd Lleol o'r ataliad hwnnw cyn gynted ag y bo'n ymarferol; a
- (b) yn gwneud pob ymdrech resymol i ailddechrau darparu gwasanaethau fferyllol cyn gynted ag y bo'n ymarferol.

(8) Nid yw gwaith a gynlluniwyd ymlaen llaw i ailwampio mangre yn "achos rhesymol" at ddibenion is-baragraff (5) nac yn "rheswm sydd y tu hwnt i reolaeth y contractwr cyfarpar GIG" at ddibenion is-baragraff (7).

(9) At y dibenion o gyfrifo'r nifer o oriau y mae mangre ar agor yn ystod wythnos sy'n cynnwys Dydd Nadolig, Dydd Gwener y Groglith, Sul y Pasg neu wyl banc, rhaid ystyried bod y fangre ar agor ar y diwrnod hwnnw yn ystod yr amseroedd y byddai wedi bod ar agor fel arfer ar y diwrnod hwnnw o'r wythnos.

(10) Yn yr Atodlen hon, yr "oriau ychwanegol" ("additional hours") pan wneir yn ofynnol bod contractwr cyfarpar GIG yn darparu gwasanaethau fferyllol yw'r oriau hynny pan na fyddai'r contractwr cyfarpar GIG yn darparu gwasanaethau fferyllol, pe bai'r contractwr cyfarpar GIG yn ddarostyngedig i'r amod a bennir yn is-baragraff (1)(a) ac nid yr amod a bennir yn is-baragraff (1)(d).

(11) Er gwaethaf darpariaethau paragraffau 13 i 16, yn ystod argywng pan yw'n ofynnol darparu gwasanaethau fferyllol mewn ffordd hyblyg, caiff y Bwrdd Iechyd Lleol, os gwneir cais gan contractwr cyfarpar GIG, ganiatáu i'r contractwr cyfarpar GIG newid dros dro y diwrnodau neu'r amseroedd pan fo'r contractwr cyfarpar GIG dan rwymedigaeth i ddarparu gwasanaethau fferyllol yn y fangre yr ymrwymodd i ddarparu gwasanaethau fferyllol ohoni, neu ganiatáu cau'r fangre honno dros dro—

- (a) os rhoddir 24 awr, o leiaf, o rybudd gan y contractwr cyfarpar GIG o'r newid neu'r cau; a
- (b) os yw'r rhesymau a roddir gan y contractwr cyfarpar GIG dros wneud y cais yn rhesymau

or providers of local pharmaceutical services under a pilot scheme whose premises are situated in the neighbourhood for the provision of pharmaceutical services or local pharmaceutical services during that time.

(6) An NHS appliance contractor may make an arrangement with a provider of local pharmaceutical services under a pilot scheme under sub-paragraph (5) only where that provider provides local pharmaceutical services which are of a similar description, and a similar extent to, the pharmaceutical services which the NHS appliance contractor ordinarily provides.

(7) Where there is a temporary suspension in the provision of pharmaceutical services by an NHS appliance contractor for a reason beyond his or her control, the NHS appliance contractor will not be in breach of sub-paragraphs (1) and (2), provided that the NHS appliance contractor—

- (a) notifies the Local Health Board of that suspension as soon as practicable; and
- (b) uses all reasonable endeavours to resume provision of pharmaceutical services as soon as is practicable.

(8) Planned refurbishment of premises is neither a "reasonable cause" for the purposes of sub-paragraph (5) nor a "reason beyond his or her control" for the purposes of sub-paragraph (7).

(9) For the purposes of calculating the number of hours that premises are open during a week that includes Christmas Day, Good Friday, Easter Sunday or a bank holiday, it is deemed that the premises were open on that day at the times at which they would ordinarily have been open on that day of the week.

(10) In this Schedule, the "additional hours" ("oriau ychwanegol") for which an NHS appliance contractor is to be required to provide pharmaceutical services are those hours during which the NHS appliance contractor would not be providing pharmaceutical services, were the NHS appliance contractor subject to the condition set out in sub-paragraph (1)(a) and not the condition set out in sub-paragraph (1)(d).

(11) Notwithstanding the provisions of paragraphs 13 to 16, during an emergency requiring the flexible provision of pharmaceutical services, a Local Health Board may, on application from an NHS appliance contractor, permit him or her a temporary change to the days on which or times at which he or she is obliged to provide pharmaceutical services at the premises from which he or she has undertaken to provide pharmaceutical services, or permit temporary closure of those premises, if—

- (a) the NHS appliance contractor gives at least 24 hours notice of the change or closure; and
- (b) the reasons given by the NHS appliance contractor for the request are, in the opinion of

digonol ym marn y Bwrdd Iechyd Lleol.

(12) Nid oes angen i'r Bwrdd Iechyd Lleol gymeradwyo'r cais y cyfeirir ato yn is-baragraff (11) ymlaen llaw cyn y newid neu'r cau, ac os nad yw'r Bwrdd yn cymeradwyo ymlaen llaw, ond yn penderfynu yn ddiweddarach nad yw rhesymau'r contractwr cyfarpar GIG, ym marn y Bwrdd, yn rhesymau digonol, yna rhaid i'r diwrnodau neu'r amseroedd y mae'r contractwr cyfarpar GIG dan rwymedigaeth i ddarparu gwasanaethau fferyllol yn y fangre ddychwelyd i'r hyn oeddent cyn eu disodli, o'r diwrnod ar ôl y dyddiad yr hysbysir y contractwr cyfarpar GIG o'r penderfyniad hwnnw.

Materion i'w hystyried wrth ddyroddi cyfarwyddiadau mewn perthynas ag oriau agor

13.—(1) Pan fo Bwrdd Iechyd Lleol yn dyroddi cyfarwyddyd sy'n pennu unrhyw ddiwrnodau neu amseroedd o dan yr Atodlen hon, rhaid iddo, wrth wneud hynny, geisio sicrhau bod yr oriau pan fydd mangre ar agor i ddarparu gwasanaethau fferyllol yn rhai sy'n sicrhau y darperir y gwasanaethau fferyllol ar y cyfryw ddiwrnodau ac amseroedd sy'n angenrheidiol er mwyn bodloni anghenion pobl y gymdogaeth, neu ddefnyddwyr tebygol eraill y fangre, am wasanaethau fferyllol.

(2) Wrth ystyried y materion a grybwylkir yn is-baragraff (1)—

- (a) rhaid i'r Bwrdd Iechyd Lleol drin unrhyw wasanaethau fferyllol lleol a ddarperir yn y gymdogaeth honno ar y diwrnodau ac amseroedd dan sylw fel pe baent yn wasanaethau fferyllol a ddarperid felly;
- (b) caiff y Bwrdd Iechyd Lleol roi sylw i unrhyw wasanaethau fferyllol a ddarperir yn y gymdogaeth honno mewn amgylchiadau pan nad oes rhwymedigaeth ar y person sy'n eu darparu i ddarparu'r gwasanaethau hynny.

(3) Ni chaiff y Bwrdd Iechyd Lleol roi cyfarwyddyd y caiff contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre am lai na 30 awr yn ystod unrhyw wythnos, oni fodlonir y Bwrdd Iechyd Lleol fod y trefniadau ar gyfer cyflenwi cyfarpar yn y gymdogaeth yn debygol o fod yn ddigonol i ddiwallu'r angen am wasanaethau o'r fath ar yr adegau pan na fydd y contractwr cyfarpar GIG yn darparu gwasanaethau fferyllol.

(4) Ni chaiff y Bwrdd Iechyd Lleol roi cyfarwyddyd bod rhaid i gontractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre am fwy na 30 awr yn ystod unrhyw wythnos, oni fodlonir y Bwrdd Iechyd Lleol y bydd y contractwr cyfarpar GIG yn cael cydnabyddiaeth ariannol resymol am yr oriau ychwanegol y gofynnir iddo ddarparu gwasanaethau fferyllol (a bydd unrhyw gydnabyddiaeth ariannol ychwanegol sy'n daladwy o dan y Tariff Cyffuriau mewn perthynas â'r oriau hynny yn "gydnabyddiaeth ariannol resymol" at y dibenion hyn).

the Local Health Board, adequate reasons.

(12) The Local Health Board need not approve the request referred to in sub-paragraph (11), in advance of the change or closure, and if it does not do so but decides subsequently that the NHS appliance contractor's reasons are not, in its opinion, adequate reasons, then the days on which or times at which the NHS appliance contractor is obliged to provide pharmaceutical services at the premises are to revert to the overridden days and times, from the day after the date on which that decision is given to the NHS appliance contractor.

Matters to be considered when issuing directions in respect of opening hours

13.—(1) Where a Local Health Board issues a direction setting any days or times under this Schedule, it must in doing so seek to ensure that the hours at which premises are open for the provision of pharmaceutical services are such as to ensure that pharmaceutical services are provided on such days and at such times as are necessary to meet the needs of people in the neighbourhood, or other likely users of the premises, for pharmaceutical services.

(2) In considering the matters mentioned in sub-paragraph (1), the Local Health Board—

- (a) must treat any local pharmaceutical services being provided in that neighbourhood at the days and times in question as if they were pharmaceutical services being so provided; and
- (b) may have regard to any pharmaceutical services that are being provided in that neighbourhood in circumstances where the person providing the services is not obliged to provide those services.

(3) The Local Health Board may only direct that an NHS appliance contractor may provide pharmaceutical services at premises for less than 30 hours in any week if it is satisfied that the arrangements for the supply of appliances in the neighbourhood are likely to be adequate to meet the need for such services at times when the NHS appliance contractor is not providing pharmaceutical services.

(4) A Local Health Board may only direct that an NHS appliance contractor must provide pharmaceutical services at premises for more than 30 hours in any week if a Local Health Board is satisfied that the NHS appliance contractor will receive reasonable remuneration in respect of the additional hours for which he or she is required to provide pharmaceutical services (and any additional remuneration payable under the Drug Tariff in respect of those hours is "reasonable remuneration" for these purposes).

Penderfyniad ynghylch oriau agor a ysgogir gan y Bwrdd Iechyd Lleol

14.—(1) Os yw'n ymddangos i'r Bwrdd Iechyd Lleol, ar ôl ymgynghori â'r Pwyllgor Fferyllol Lleol neu ar ôl ystyried y mater ar gais y Pwyllgor hwnnw, nad yw, neu na fydd, y diwrnodau neu'r amseroedd pan fo, neu pan fydd mangre ar agor i ddarparu cyfarpar bellach yn bodloni anghenion—

- (a) y bobl yn y gymdogaeth; neu
- (b) defnyddwyr tebygol eraill mangre'r contractwr cyfarpar GIG,

ar gyfer cyflenwi cyfarpar, caiff y Bwrdd Iechyd Lleol asesu a ddylid dyroddi cyfarwyddyd sy'n ei gwneud yn ofynnol bod y contractwr cyfarpar GIG yn darparu gwasanaethau fferyllol yn y fangre ar amseroedd penodedig ac ar ddiwrnodau penodedig (gan gynnwys, o bosibl, Dydd Nadolig, Dydd Gwener y Groglith, Sul y Pasg a gwyliau banc).

(2) Cyn cwblhau'r asesiad o dan is-baragraff (1) rhaid i'r Bwrdd Iechyd Lleol—

- (a) rhoi hysbysiad i'r contractwr cyfarpar GIG o unrhyw newidiadau arfaethedig yn y diwrnodau neu'r amseroedd y mae'r fangre i fod ar agor; a
- (b) caniatáu cyfnod o 60 diwrnod i'r contractwr cyfarpar GIG ar gyfer cyflwyno sylwadau ysgrifenedig i'r Bwrdd Iechyd Lleol ynglŷn â'r newidiadau arfaethedig.

(3) Ar ôl ystyried unrhyw sylwadau a wneir yn unol ag is-baragraff (2)(b), rhaid i'r Bwrdd Iechyd Lleol—

- (a) dyroddi cyfarwyddyd (a fydd yn disodli unrhyw gyfarwyddyd presennol) sy'n bodloni gofynion is-baragraffau (4) a (5); neu
- (b) cadarnhau unrhyw gyfarwyddyd presennol mewn perthynas â pha ddiwrnodau ac amseroedd y mae'n rhaid i'r contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre, ar yr amod y byddai'r cyfarwyddyd presennol, boed wedi ei ddyroddi o dan yr Atodlen hon neu Atodlen 2A i Reoliadau 1992, yn bodloni gofynion is-baragraffau (4) a (5) pe bai wedi ei ddyroddi o dan y paragraff hwn; neu
- (c) naill ai—
 - (i) dirymu (heb ei amnewid) unrhyw gyfarwyddyd presennol mewn perthynas â pha ddiwrnodau ac amseroedd y mae'n rhaid i'r contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre, boed wedi ei ddyroddi o dan yr Atodlen hon neu Atodlen 2A i Reoliadau 1992, neu
 - (ii) mewn achos pan nad oes cyfarwyddyd presennol, peidio â dyroddi unrhyw gyfarwyddyd,

Determination of opening hours instigated by the Local Health Board

14.—(1) Where it appears to the Local Health Board, after consultation with or having considered the matter at the request of the Local Pharmaceutical Committee, that the days on which or times at which premises are or will be open for the supplying of appliances will not, or no longer meet, the needs of—

- (a) people in the neighbourhood; or
- (b) other likely users of the NHS appliance contractor's premises,

for the supply of appliances, it may carry out an assessment as to whether to issue a direction requiring the NHS appliance contractor to provide pharmaceutical services at the premises at set times and on set days (which may include Christmas Day, Good Friday, Easter Sunday and bank holidays).

(2) Before concluding the assessment under sub-paragraph (1) the Local Health Board must—

- (a) give notice to the NHS appliance contractor of any proposed changes to the days on which or times at which the premises are to be open; and
- (b) allow him or her 60 days within which to make written representations to the Local Health Board about the proposed changes.

(3) After considering any representations made in accordance with sub-paragraph (2)(b), the Local Health Board must—

- (a) issue a direction (which will replace any existing direction) which meets the requirements of sub-paragraphs (4) and (5); or
- (b) confirm any existing direction in respect of the days on which and the times at which the NHS appliance contractor must provide pharmaceutical services at the premises, provided that the existing direction, whether issued under this Schedule or Schedule 2A to the 1992 Regulations, would meet the requirements of sub-paragraphs (4) and (5) if it were issued under this paragraph; or
- (c) either—
 - (i) revoke (without replacing it) any existing direction in respect of the days on which and the times at which the NHS appliance contractor must provide pharmaceutical services at the premises, whether issued under this Schedule or Schedule 2A to the 1992 Regulations, or
 - (ii) in a case where there is no existing direction, issue no direction,

ac mewn achos o'r fath, yn rhinwedd paragraff 12(1)(a), rhaid i'r fangre fod ar agor am ddim llai na 30 o oriau bob wythnos.

(4) Pan fo Bwrdd Iechyd Lleol yn dyroddi cyfarwyddyd o dan is-baragraff (3), mewn perthynas â mangre y mae'n ofynnol iddi fod ar agor—

- (a) am fwy na 30 awr bob wythnos, rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, bennu—
 - (i) cyfanswm nifer yr oriau bob wythnos y mae'n rhaid i'r contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre, a
 - (ii) ynglyn â'r oriau ychwanegol y mae'n rhaid i'r contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol, ar ba ddiwrnodau ac ar ba amseroedd y bydd yn ofynnol i'r contractwr cyfarpar GIG ddarparu'r gwasanaethau hynny yn ystod yr oriau ychwanegol hynny,

ond rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, beidio â phennu ar ba ddiwrnodau nac ar ba amseroedd y mae'r contractwr cyfarpar GIG i ddarparu gwasanaethau fferyllol yn ystod oriau nad ydynt yn oriau ychwanegol; neu

(b) am lai na 30 awr bob wythnos, rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, bennu ar ba ddiwrnodau ac ar ba amseroedd y mae gwasanaethau fferyllol i'w darparu yn y fangre honno.

(5) Rhaid i'r Bwrdd Iechyd Lleol beidio â dyroddi cyfarwyddyd o dan is-baragraff (3) os ei effaith, yn syml, yw ei gwneud yn ofynnol bod mangre ar agor am 30 awr bob wythnos ar ddiwrnodau penodedig ac ar amseroedd penodedig (hynny yw, rhaid i'r cyfarwyddyd gael yr effaith o wneud yn ofynnol bod y fangre ar agor am naill ai mwy neu lai na 30 awr bob wythnos).

(6) Rhaid i'r Bwrdd Iechyd Lleol hysbysu'r contractwr cyfarpar GIG, mewn ysgrifen, o unrhyw gyfarwyddyd a ddyroddir, neu unrhyw gam arall a gymerir, o dan is-baragraff (3), ac os yw'r cyfarwyddyd yn pennu diwrnodau newydd neu amseroedd newydd y mae contractwr cyfarpar GIG i ddarparu gwasanaethau fferyllol yn y fangre, rhaid i'r Bwrdd Iechyd Lleol gynnwys gyda'r hysbysiad ddatganiad o'r canlynol—

- (a) y rhesymau am y newid; a
- (b) hawl y contractwr cyfarpar GIG i apelio o dan is-baragraff (7).

(7) Caiff contractwr cyfarpar GIG, o fewn 30 diwrnod ar ôl cael hysbysiad o dan is-baragraff (6), apelio mewn ysgrifen i Weinidogion Cymru yn erbyn unrhyw gyfarwyddyd a ddyroddwyd neu unrhyw gam arall a gymerwyd o dan is-baragraff (3), sy'n pennu diwrnodau newydd neu amseroedd newydd y mae contractwr cyfarpar GIG i ddarparu gwasanaethau fferyllol.

in which case, by virtue of paragraph 12(1)(a), the premises must be open for not less than 30 hours each week.

(4) Where a Local Health Board issues a direction under sub-paragraph (3) in respect of premises that are to be required to be open—

- (a) for more than 30 hours each week, it must set out in that direction—
 - (i) the total number of hours each week for which the NHS appliance contractor must provide pharmaceutical services at the premises, and
 - (ii) as regards the additional hours for which the NHS appliance contractor is to provide pharmaceutical services, the days on which and the times at which he or she is required to provide those services during those additional hours,

but it must not set out in that direction the days on which or times at which the NHS appliance contractor is to provide pharmaceutical services during hours which are not additional hours; or

- (b) for less than 30 hours each week, it must set out in that direction the days on which and times at which pharmaceutical services are to be provided at those premises.

(5) The Local Health Board must not issue a direction under sub-paragraph (3) that has the effect simply of requiring premises to be open for 30 hours each week on set days and at set times (that is, the direction must have the effect of requiring premises to be open for either more or less than 30 hours each week).

(6) The Local Health Board must notify the NHS appliance contractor in writing of any direction issued or any other action taken under sub-paragraph (3), and where it sets new days on which or times at which the NHS appliance contractor is to provide pharmaceutical services at the premises, it must include with the notification a statement of—

- (a) the reasons for the change; and
- (b) the right of appeal of the NHS appliance contractor under sub-paragraph (7).

(7) An NHS appliance contractor may, within 30 days of receiving notification under sub-paragraph (6), appeal in writing to the Welsh Ministers against any direction issued or any other action taken under sub-paragraph (3) which sets new days on which or times at which the NHS appliance contractor is to provide pharmaceutical services.

(8) Caiff Gweinidogion Cymru, wrth benderfynu apêl, naill ai gadarnhau'r cam a gymerwyd gan y Bwrdd Iechyd Lleol neu gymryd unrhyw gam y gallai'r Bwrdd Iechyd Lleol fod wedi ei gymryd o dan is-baragraff (3).

(9) Rhaid i Weinidogion Cymru hysbysu'r contractwr cyfarpar GIG o'u penderfyniad o dan is-baragraff (8) a rhaid iddynt, ym mhob achos, gynnwys gyda'r hysbysiad ddatganiad ysgrifenedig o'r rhesymau dros y penderfyniad.

(10) Os yw'r diwrnodau neu'r amseroedd y mae contractwr cyfarpar GIG i ddarparu gwasanaethau fferyllol yn y fangre wedi eu newid yn unol â'r paragraff hwn, rhaid i'r contractwr cyfarpar GIG gyflwyno'r newidiadau—

- (a) os nad yw'r contractwr cyfarpar GIG wedi apelio o dan is-baragraff (7), ddim hwyrach nag 8 wythnos ar ôl y dyddiad y mae'r contractwr cyfarpar GIG yn cael hysbysiad o dan is-baragraff (6); neu
- (b) os yw'r contractwr cyfarpar GIG wedi apelio o dan is-baragraff (7), ddim hwyrach nag 8 wythnos ar ôl y dyddiad y mae'r contractwr cyfarpar GIG yn cael hysbysiad o dan is-baragraff (9).

Penderfyniad ynghylch oriau agor a ysgogir gan y contractwr cyfarpar GIG

15.—(1) Caiff contractwr cyfarpar GIG wneud cais i Fwrdd Iechyd Lleol mewn ysgrifen, gan roi 90 diwrnod o rybudd, am i'r Bwrdd newid y diwrnodau neu'r amseroedd y mae'r contractwr cyfarpar GIG dan rwymedigaeth i ddarparu gwasanaethau fferyllol yn ei fangre, mewn ffordd sy'n—

- (a) lleihau cyfanswm nifer yr oriau y mae'r contractwr cyfarpar GIG dan rwymedigaeth i ddarparu gwasanaethau fferyllol bob wythnos; neu
- (b) yn cadw cyfanswm nifer yr oriau hynny yn ddigyfnewid.

(2) Pan fo contractwr cyfarpar GIG yn gwneud cais o dan is-baragraff (1), rhaid i'r contractwr cyfarpar GIG, yn rhan o'r cais hwnnw, ddarparu i'r Bwrdd Iechyd Lleol pa bynnag wybodaeth y gofynnir amdani yn rhesymol gan y Bwrdd Iechyd Lleol ynghylch unrhyw newidiadau yn anghenion pobl y gymdogaeth, neu ddefnyddwyr tebygol eraill y fangre, am wasanaethau fferyllol sy'n berthnasol i'r cais.

(3) Rhaid i'r Bwrdd Iechyd Lleol benderfynu cais o dan is-baragraff (1) o fewn 60 diwrnod ar ôl cael y cais (gan gynnwys unrhyw wybodaeth sy'n ofynnol gan y ceisydd yn unol ag is-baragraff (2)).

(4) Wrth benderfynu'r cais, rhaid i'r Bwrdd Iechyd Lleol—

- (a) dyroddi cyfarwyddyd (a fydd yn disodli

(8) The Welsh Ministers may, when determining an appeal, either confirm the action taken by the Local Health Board or take any action that the Local Health Board could have taken under sub-paragraph (3).

(9) The Welsh Ministers must notify the NHS appliance contractor of a determination under sub-paragraph (8) and must in every case include with the notification a written statement of the reasons for the determination.

(10) If the days on which or times at which an NHS appliance contractor is to provide pharmaceutical services at the premises have been changed in accordance with this paragraph, the NHS appliance contractor must introduce the changes—

- (a) if he or she has not appealed under sub-paragraph (7), not later than 8 weeks after the date on which he or she receives his or her notification under sub-paragraph (6); or
- (b) if he or she has appealed under sub-paragraph (7), not later than 8 weeks after the date on which he or she receives his or her notification under sub-paragraph (9).

Determination of opening hours instigated by the NHS appliance contractor

15.—(1) An NHS appliance contractor may apply to a Local Health Board in writing with 90 days' notice for it to change the days on which or times at which he or she is obliged to provide pharmaceutical services at his or her premises, in a way that—

- (a) reduces the total number of hours for which the NHS appliance contractor is obliged to provide pharmaceutical services each week; or
- (b) keeps that total number of hours the same.

(2) Where an NHS appliance contractor makes an application under sub-paragraph (1), as part of that application he or she must provide the Local Health Board with such information as the Local Health Board may reasonably request in respect of any changes to the needs of the people in the neighbourhood, or other likely users of the premises, for pharmaceutical services that are material to the application.

(3) The Local Health Board must determine an application under sub-paragraph (1) within 60 days of receiving it (including any information required of the applicant in accordance with sub-paragraph (2)).

(4) In determining the application, the Local Health Board must—

- (a) issue a direction (which will replace any

- unrhyw gyfarwyddyd presennol) sy'n bodloni gofynion is-baragraffau (5) a (6) ac yn cael yr effaith naill ai o ganiatáu'r cais o dan y paragraff hwn neu ei ganiatáu yn rhannol yn unig;
- (b) cadarnhau unrhyw gyfarwyddyd presennol mewn perthynas â pha ddiwrnodau ac amseroedd y mae'n rhaid i'r contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre, ar yr amod y byddai'r cyfarwyddyd presennol, boed wedi ei ddyroddi o dan yr Atodlen hon neu o dan Reoliadau 1992, yn bodloni gofynion is-baragraffau (5) a (6); neu
- (c) naill ai—
- (i) dirymu (heb ei amnewid) unrhyw gyfarwyddyd presennol mewn perthynas â pha ddiwrnodau ac amseroedd y mae'n rhaid i'r contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre, boed y cyfarwyddyd wedi ei ddyroddi o dan yr Atodlen hon neu o dan Reoliadau 1992, pan fo hyn yn cael yr effaith naill ai o ganiatáu'r cais o dan y paragraff hwn neu ei ganiatáu yn rhannol yn unig, neu
 - (ii) mewn achos pan nad oes cyfarwyddyd presennol, peidio â dyroddi unrhyw gyfarwyddyd,

ac mewn achos o'r fath, yn rhinwedd paragraff 12(1)(a), rhaid i'r fangre fod ar agor am ddim llai na 30 o oriau bob wythnos.

(5) Pan fo Bwrdd Iechyd Lleol yn dyroddi cyfarwyddyd o dan is-baragraff (4), mewn perthynas â mangre y mae'n ofynnol iddi fod ar agor—

- (a) am fwy na 30 awr bob wythnos, rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, bennu—
 - (i) cyfanswm nifer yr oriau bob wythnos y mae'n rhaid i'r contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol yn y fangre, a
 - (ii) ynglŷn â'r oriau ychwanegol y mae'r contractwr cyfarpar GIG i ddarparu gwasanaethau fferyllol, ar ba ddiwrnodau ac ar ba amseroedd y mae'n ofynnol i'r contractwr cyfarpar GIG ddarparu'r gwasanaethau hynny yn ystod yr oriau ychwanegol hynny,

ond rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, beidio â phennu ar ba ddiwrnodau ac ar ba amseroedd y mae'r contractwr cyfarpar GIG i ddarparu gwasanaethau fferyllol yn ystod oriau nad ydynt yn oriau ychwanegol; neu

- (b) am lai na 30 awr bob wythnos, rhaid i'r Bwrdd Iechyd Lleol, yn y cyfarwyddyd hwnnw, bennu ar ba ddiwrnodau ac amseroedd y mae gwasanaethau fferyllol i'w darparu yn y fangre honno.

existing direction) which meets the requirements of sub-paragraphs (5) and (6) and which has the effect of either granting the application under this paragraph or granting it only in part;

- (b) confirm any existing direction in respect of the days on which and the times at which the NHS appliance contractor must provide pharmaceutical services at the premises, provided that the existing direction, whether issued under this Schedule or the 1992 Regulations, would meet the requirements of sub-paragraphs (5) and (6); or
- (c) either—
 - (i) revoke (without replacing it) any existing direction in respect of the days on which and the times at which the NHS appliance contractor must provide pharmaceutical services at the premises, whether issued under this Schedule or the 1992 Regulations, where this has the effect of granting the application under this paragraph or granting it only in part, or
 - (ii) in a case where there is no existing direction, issue no direction,

in which case, by virtue of paragraph 12(1)(a), the premises must be open for not less than 30 hours each week.

(5) Where a Local Health Board issues a direction under sub-paragraph (4) in respect of premises that are to be required to be open—

- (a) for more than 30 hours each week, it must set out in that direction—
 - (i) the total number of hours each week for which the NHS appliance contractor must provide pharmaceutical services at the premises, and
 - (ii) as regards the additional hours for which the NHS appliance contractor is to provide pharmaceutical services, the days on which and the times at which he or she is required to provide those services during those additional hours,

but it must not set out in that direction the days on which or times at which the NHS appliance contractor is to provide pharmaceutical services during hours which are not additional hours; or

- (b) for less than 30 hours each week, it must set out in that direction the days on which and times at which pharmaceutical services are to be provided at those premises.

(6) Rhaid i'r Bwrdd Iechyd Lleol beidio â dyroddi cyfarwyddyd o dan is-baragraff (4) os ei effaith, yn syml, yw ei gwneud yn ofynnol bod mangre ar agor am 30 awr bob wythnos ar ddiwrnodau penodedig ac ar amseroedd penodedig (hynny yw, rhaid i'r cyfarwyddyd gael yr effaith o wneud yn ofynnol bod y fangre ar agor am naill ai mwy neu lai na 30 awr bob wythnos).

(7) Pan fo'r Bwrdd Iechyd Lleol yn ystyried gweithredu o dan is-baragraff (4)(a) neu (c)(i), rhaid iddo ymgynghori â'r Pwyllgor Fferyllol Lleol cyn penderfynu'r cais.

(8) Rhaid i'r Bwrdd Iechyd Lleol hysbysu'r contractwr cyfarpar GIG o unrhyw gyfarwyddyd a ddyroddir, neu unrhyw gam arall a gymerir, o dan is-baragraff (4), ac os effaith hynny yw wrthod cais a wnaed o dan y paragraff hwn, neu ei ganiatáu yn rhannol, rhaid i'r Bwrdd Iechyd Lleol anfon datganiad at y contractwr cyfarpar GIG, sy'n nodi—

- (a) y rhesymau am y wrthodiad neu, yn ôl fel y digwydd, am ganiatáu y cais yn rhannol yn unig; a
- (b) hawl y contractwr cyfarpar GIG i apelio o dan is-baragraff (9).

(9) Caiff contractwr cyfarpar GIG, o fewn 30 diwrnod ar ôl cael hysbysiad yn unol ag is-baragraff (8), apelio i Weinidogion Cymru yn erbyn unrhyw weithred o dan is-baragraff (4) sy'n cael yr effaith o wrthod cais o dan y paragraff hwn neu ei ganiatáu yn rhannol yn unig.

(10) Caiff Gweinidogion Cymru, wrth benderfynu apêl, naill ai gadarnhau'r cam a gymerwyd gan y Bwrdd Iechyd Lleol neu gymryd unrhyw gam y gallai'r Bwrdd Iechyd Lleol fod wedi ei gymryd o dan is-baragraff (4).

(11) Rhaid i Weinidogion Cymru hysbysu'r contractwr cyfarpar GIG o'u penderfyniad mewn ysgrifen a rhaid iddynt, ym mhob achos, gynnwys gyda'r hysbysiad ddatganiad ysgrifenedig o'r rhesymau dros y penderfyniad.

(12) Os yw'r diwrnodau neu'r amseroedd y mae'r contractwr cyfarpar GIG i ddarparu gwasanaethau fferyllol yn y fangre wedi eu newid yn unol â'r paragraff hwn, rhaid i'r contractwr cyfarpar GIG gyflwyno'r newidiadau—

- (a) os nad yw'r contractwr cyfarpar GIG wedi apelio o dan is-baragraff (9), ddim cynharach nag 30 diwrnod ar ôl y dyddiad y mae'r contractwr cyfarpar GIG yn cael hysbysiad o dan is-baragraff (4); neu
- (b) os yw'r contractwr cyfarpar GIG wedi apelio o dan is-baragraff (9), ddim cynharach nag 30 diwrnod ar ôl y dyddiad y mae'r contractwr cyfarpar GIG yn cael hysbysiad o dan is-baragraff (11).

(6) The Local Health Board must not issue a direction under sub-paragraph (4) that has the effect simply of requiring premises to be open for 30 hours each week on set days and at set times (that is, the direction must have the effect of requiring premises to be open for either more or less than 30 hours each week).

(7) Where the Local Health Board is considering taking action under sub-paragraph (4)(a) or (c)(i), it must consult the Local Pharmaceutical Committee before determining the application.

(8) A Local Health Board must notify the NHS appliance contractor of any direction issued or any other action taken under sub-paragraph (4), and where this has the effect of refusing an application under this paragraph or granting it in part, it must send the NHS appliance contractor a statement setting out—

- (a) the reasons for the refusal or, as the case may be, for granting the application only in part; and
- (b) the right of appeal of the NHS appliance contractor under sub-paragraph (9).

(9) An NHS appliance contractor may, within 30 days of receiving a notification pursuant to sub-paragraph (8), appeal to the Welsh Ministers against any action under sub-paragraph (4) which has the effect of refusing an application under this paragraph or granting it only in part.

(10) The Welsh Ministers may, when determining an appeal, either confirm the action taken by the Local Health Board or take any action that the Local Health Board could have taken under sub-paragraph (4).

(11) The Welsh Ministers must notify the NHS appliance contractor in writing of its determination and must in every case include with the notification a written statement of the reasons for the determination.

(12) If the days on which or times at which the NHS appliance contractor is to provide pharmaceutical services at the premises have been changed in accordance with this paragraph, the NHS appliance contractor must introduce the changes—

- (a) if he or she has not appealed under sub-paragraph (9), not earlier than 30 days after the date on which he or she receives a notification under sub-paragraph (4); or
- (b) if he or she has appealed under sub-paragraph (9), not earlier than 30 days after the date on which he or she receives his or her notification under sub-paragraph (11).

Llywodraethu clinigol

16.—(1) Rhaid i gcontractwr cyfarpar GIG, mewn cysylltiad â'r holl wasanaethau a ddarperir ganddo, gyfranogi mewn system dderbyniol o lywodraethu clinigol, yn y modd y gofynnir iddo yn rhesymol gan y Bwrdd Iechyd Lleol y mae'r contractwr cyfarpar GIG wedi ei gynnwys ar ei restr fferyllol.

(2) Mae system o lywodraethu clinigol yn "dderbyniol" os yw'n darparu ar gyfer—

- (a) cydymffurfiaeth â'r cydrannau llywodraethu clinigol a bennir yn is-baragraff (3), a
- (b) cyflwyno hunanasesiad blynnyddol o'r gydymffurfiaeth (hyd at lefel gymeradwy) â'r cydrannau llywodraethu clinigol hynny, drwy gyfrwng trefniadau cyflwyno data cymeraidwy sy'n caniatáu i'r Bwrdd Iechyd Lleol gael mynediad i'r asesiad hwnnw.

(3) Y cydrannau llywodraethu clinigol yw'r canlynol—

- (a) rhaglen ar gyfer cynnwys y cleifion a'r cyhoedd, sy'n cynnwys—
 - (i) gofyniad bod y contractwr cyfarpar GIG yn paratoi, mewn ffordd gymeradwy, ac yn rhoi ar gael, mewn ffordd briodol, taflen ymarfer mewn perthynas â phob mangre y mae'r contractwr cyfarpar GIG yn darparu gwasanaethau fferyllol ohoni,
 - (ii) gofyniad bod y contractwr cyfarpar GIG yn rhoi cyhoeddusrwydd i'r gwasanaethau GIG sydd ar gael yn, neu o'r, fangre y mae'r contractwr cyfarpar GIG yn darparu gwasanaethau ohoni,
 - (iii) gofyniad bod y contractwr cyfarpar GIG, wrth roi cyhoeddusrwydd i'r gwasanaethau GIG sydd ar gael yn, neu o'r, fangre y mae'r contractwr cyfarpar GIG yn darparu gwasanaethau ohoni (pa un a yw'r contractwr cyfarpar GIG yn paratoi ei ddeunyddiau cyhoeddusrwydd ei hunan, ynteu'n hysbysebu'r gwasanaethau mewn deunydd a gyoedd gan berson arall), yn gwneud hynny mewn ffordd sy'n dangos yn eglur mai fel rhan o'r gwasanaeth iechyd y cyllidir y gwasanaethau,
 - (iv) gofyniad bod y contractwr cyfarpar GIG yn cynnal arolwg cymeraidwy o fododd y cleifion yn flynyddol, gan wneud hynny mewn ffordd a gymeradwyir, a chan gynnwys gofyniad i roi cyhoeddusrwydd i ganlyniadau'r arolwg ac i unrhyw gamau priodol y mae'r contractwr cyfarpar GIG yn bwriadu eu cymryd,
 - (v) trefniadau ar gyfer monitro cyfarpar sy'n ddyledus i gleifion ond nad ydynt mewn stoc,
 - (vi) system gwynion gymeradwy (sy'n bodloni

Clinical governance

16.—(1) An NHS appliance contractor must, in connection with all the services that he or she provides, participate, in the manner reasonably required by the Local Health Board on whose pharmaceutical list he or she is included, in an acceptable system of clinical governance.

(2) A system of clinical governance is "acceptable" if it provides for—

- (a) compliance with the clinical governance components set out in sub-paragraph (3), and
- (b) submission of an annual self assessment of compliance (to an approved level) with those clinical governance components via approved data submission arrangements which allow the Local Health Board to access that assessment.

(3) The clinical governance components comprise of the following—

- (a) a patient and public involvement programme, which includes—
 - (i) a requirement that the NHS appliance contractor should produce in an approved manner, and make available in an appropriate manner, a practice leaflet in respect of each of the premises from which he or she provides pharmaceutical services,
 - (ii) a requirement that the NHS appliance contractor publicises the NHS services that are available at or from the premises from which the NHS appliance contractor provides services,
 - (iii) a requirement that where the NHS appliance contractor publicises the NHS services that are available at or from premises from which the NHS appliance contractor provides services (whether he or she is producing his or her own publicity material or advertising services in material published by another person), the NHS appliance contractor does so in a manner which makes clear that the services are funded as part of the health service,
 - (iv) a requirement that the NHS appliance contractor should undertake an approved patient satisfaction survey annually, in an approved manner, including a requirement to publicise the results of the survey and any appropriate action the NHS appliance contractor intends to take,
 - (v) monitoring arrangements for appliances owed to patients but which are out of stock,
 - (vi) an approved complaints system (which

gofynion y Rhan hon),

- (vii) gofyniad bod y contractwr cyfarpar GIG yn cydweithredu'n briodol gydag ymweliadau'r Cyngor Iechyd Cymuned lleol ac yn cymryd camau priodol o ganlyniad i ymweliadau o'r fath,
 - (viii) gofyniad bod y contractwr cyfarpar GIG yn cydweithredu'n briodol gydag unrhyw arolygiad neu adolygiad rhesymol y mae'r Bwrdd Iechyd Lleol neu unrhyw awdurdod statudol perthnasol yn dymuno'i gynnal, a
 - (ix) trefniadau ar gyfer monitro cydymffurfiaeth â Deddf Cydraddoldeb 2010(1);
- (b) rhaglen o archwiliadau clinigol (pum diwrnod, fel arfer), sy'n cynnwys o leiaf un archwiliad mewn mangre ac un archwiliad amlddisgyblaethol a gytunir gyda'r Bwrdd Iechyd Lleol ym mhob blwyddyn ariannol;
- (c) rhaglen rheoli risg, sy'n cynnwys—
- (i) trefniadau i sicrhau bod yr holl stoc yn cael ei draffod mewn ffordd briodol,
 - (ii) trefniadau i sicrhau bod yr holl gyfarpar a ddefnyddir i ddarparu gwasanaethau fferyllol yn cael ei gynnal yn briodol,
 - (iii) system gymeradwy o adrodd am ddigwyddiadau, ynghyd â threfniadau ar gyfer dadansoddi ac ymateb i ddigwyddiadau critigol, sy'n cynnwys y canlynol—
 - (aa) cofnod o ddigwyddiadau diogelwch cleifion, a
 - (bb) cofnod o ddigwyddiadau 'croen dannedd',
 - (iv) trefniadau, sy'n cynnwys trefniadau cadw cofnodion, i ymdrin yn briodol ac yn brydlon â chyfathrebiadau ynglŷn â diogelwch cleifion oddi wrth Weinidogion Cymru, yr Asiantaeth Rheoleiddio Meddyginaethau a Chynhyrchion Gofal Iechyd a Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol,
 - (v) trefniadau gweithredu safonol priodol, gan gynnwys trefniadau gweithredu safonol mewn perthynas â phresgripsiynau amlroddadwy a darparu cyngor a chymorth i bobl sy'n gofalu amdanynt eu hunain neu eu teuluoedd,
 - (vi) trefniadau gwaredu priodol ar gyfer gwastraaff clinigol a chyfrinachol,
 - (vii) arweinydd llywodraethu clinigol ar gyfer pob mangre y mae'r contractwr cyfarpar GIG yn darparu gwasanaethau ohoni, sy'n wybodus ynglŷn â'r naill a'r llall o

meets the requirements of this Part),

- (vii) a requirement that the NHS appliance contractor co-operates appropriately with Local Community Health Council visits and takes appropriate action following the outcome of such visits,
 - (viii) a requirement that the NHS appliance contractor co-operates appropriately with any reasonable inspection or review that the Local Health Board or any relevant statutory authority wishes to undertake, and
 - (ix) monitoring arrangements for compliance with the Equality Act 2010(1);
- (b) a clinical audit programme (normally of five days), which includes at least one premises-based audit and one multi-disciplinary audit agreed by the Local Health Board in each financial year;
- (c) a risk management programme, which includes—
- (i) arrangements for ensuring that all stock is handled in an appropriate way,
 - (ii) arrangements for ensuring that all equipment used in the provision of pharmaceutical services is maintained appropriately,
 - (iii) an approved incident reporting system, together with arrangements for analysing and responding to critical incidents, which comprises of—
 - (aa) a patient safety incident log, and
 - (bb) a near-miss log,
 - (iv) arrangements, including record keeping arrangements, for dealing appropriately and timeously with communications concerning patient safety from the Welsh Ministers, the Medicines and Healthcare Products Regulatory Agency and the National Health Service Commissioning Board,
 - (v) appropriate standard operating procedures, including standard operating procedures in respect of repeatable prescriptions and providing advice and support to people caring for themselves or their families,
 - (vi) appropriate waste disposal arrangements for clinical and confidential waste,
 - (vii) a clinical governance lead person for each of the premises from which the NHS appliance contractor provides services, who is knowledgeable about both the

(1) 2010 p.15.

(1) 2010 c.15.

- weithdrefnau'r contractwr cyfarpar GIG a'r gwasanaethau GIG eraill sydd ar gael yn yr ardal,
- (viii) gweithdrefnau priodol ar gyfer amddiffyn plant, a
- (ix) trefniadau ar gyfer monitro cydymffurfiaeth â Deddf Iechyd a Diogelwch etc. 1974(1);
- (d) rhaglen effeithiolrwydd clinigol, sy'n cynnwys trefniadau i sicrhau y rhoddir cyngor priodol gan y contractwr cyfarpar GIG—

- (i) mewn perthynas â darparu cyfarpar yn unol â ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, neu
- (ii) i bobl sy'n gofalu amdanyst eu hunain neu eu teuluoedd,

a threfniadau i sicrhau bod y contractwr cyfarpar GIG, wrth roi cyngor i unrhyw glaf ar fater a grybwylir ym mharagraff (d)(i), yn rhoi sylw i'r manylion a gynhwysir yn y cofnodion a gynhelir o dan baragraff 9(1)(f) mewn perthynas â'r ddarpariaeth o gyfarpar a'r patrwm presgripsiynu ar gyfer y claf dan sylw;

- (e) rhaglen staffio a rheoli staff, sy'n cynnwys—
- (i) trefniadau i ddarparu hyfforddiant ymsefydlu priodol i aelodau o'r staff gan gynnwys unrhyw locwm,
- (ii) hyfforddiant priodol i'r holl staff ar gyfer pa bynnag rôl y gofynnir iddynt ei chyflawni,
- (iii) trefniadau i wirio cymwysterau a geirdaon yr holl staff sy'n ymwneud â darparu gwasanaethau GIG,
- (iv) trefniadau ar gyfer canfod a chefnogi anghenion datblygu pob aelod o'r staff sy'n ymwneud â darparu gwasanaethau yn rhan o'r gwasanaeth iechyd, gan gynnwys datblygiad proffesiynol parhaus i fferyllwyr cofrestredig ac unrhyw achredu sydd ei angen mewn cysylltiad â darparu gwasanaethau cyfeiriedig,
- (v) trefniadau ar gyfer mynd i'r afael â pherfformiad gwael (ar y cyd â'r Bwrdd Iechyd Lleol fel y bo'n briodol), a
- (vi) trefniadau (y mae'n rhaid iddynt gynnwys polisi ysgrifenedig) i sicrhau bod yr holl staff gan gynnwys unrhyw locwm sydd, o ganlyniad i'w cyflogaeth gyda'r contractwr cyfarpar GIG—

procedures of the NHS appliance contractor and the other NHS services that are available in the locality,

- (viii) appropriate child protection procedures, and
- (ix) monitoring arrangements for compliance with the Health and Safety etc. Act 1974(1);
- (d) a clinical effectiveness programme, which includes arrangements for ensuring that appropriate advice is given by the NHS appliance contractor—
- (i) in respect of the provision of appliances in accordance with a prescription form or repeatable prescription, or
- (ii) to people caring for themselves or their families,

and arrangements for ensuring that the NHS appliance contractor, when giving advice to any patient on a matter mentioned in paragraph (d)(i), has regard to the details contained in the records maintained under paragraph 9(1)(f) in respect of the provision of appliances and the prescribing pattern relating to the patient in question;

- (e) a staffing and staff management programme, which includes—
- (i) arrangements for appropriate induction training for staff, including any locum,
- (ii) appropriate training for all staff in respect of any role they are asked to perform,
- (iii) arrangements for the checking of qualifications and references of all staff engaged in the provision of NHS services,
- (iv) arrangements for identifying and supporting the development needs of all staff engaged in the provision of services as part of the health service including continuing professional development for registered pharmacists and any necessary accreditation in respect of the provision of directed services,
- (v) arrangements for addressing poor performance (in conjunction with the Local Health Board as appropriate), and
- (vi) arrangements (which must include a written policy) for ensuring that all staff, including any locum who, arising out of their employment with the NHS appliance contractor—

(1) 1974 p.37.

(1) 1974 c.37.

- (aa) yn gwneud yr hyn sy'n ddatgeliad gwarchodedig o fewn yr ystyr a roddir i "protected disclosure" yn adran 43A o Ddeddf Hawliau Cyflogaeth 1996(1) (ystyr datgeliad gwarchodedig), yn cael yr hawliau a roddir mewn perthynas â datgeliadau o'r fath gan y Ddeddf honno, a
- (bb) yn darparu gwybodaeth yn ddidwyll ac nid er eu budd personol, i'r Cyngor Fferyllol Cyffredinol neu i Fwrdd Iechyd Lleol, sy'n cynnwys honiad difrifol ei natur, y credant yn rhesymol ei fod yn wir o ran ei sylwedd er nad yw datgeliad ohono yn ddatgeliad gwarchodedig o fewn yr ystyr a roddir i "protected disclosure" yn adran 43A, yn cael yr hawl i beidio â dioddef unrhyw anfantais neu ddioddef eu diswyddo o ganlyniad i'r weithred honno;
- (f) rhaglen lywodraethu gwybodaeth, sy'n darparu ar gyfer—
 - (i) cydymffurfio â gweithdrefnau cymeradwy ar gyfer rheoli a diogelu gwybodaeth, a
 - (ii) cyflwyno hunanasesiad blynnyddol o'r gydymffurfiaeth (hyd at lefel gymeradwy) â'r gweithdrefnau hynny, drwy gyfrwng trefniadau cyflwyno data cymeradwy sy'n caniatáu i'r Bwrdd Iechyd Lleol gael mynediad i'r asesiad hwnnw; ac
- (g) rhaglen safonau mangre sy'n cynnwys—
 - (i) system ar gyfer cynnal glanweithdra yn y fangre y mae'r contractwr cyfarpar GIG yn darparu gwasanaethau ohoni, sydd wedi ei chynllunio er mwyn sicrhau lleihau, mewn ffordd gymesur, y risg i bobl yn y fangre o'u heintio drwy gael gofal iechyd, a
 - (ii) trefniadau ar gyfer gwahanu'n eglur rhwng y mannau hynny yn y fangre sy'n amgylchedd gofal iechyd priodol (lle mae cleifion yn cael gwasanaethau GIG) a'r mannau hynny nad ydynt yn amgylchedd gofal iechyd.

Safonau proffesiynol

17. Rhaid i contractwr cyfarpar GIG ddarparu gwasanaethau fferyllol, ac arfer unrhyw farn broffesiynol mewn cysylltiad â darparu'r gwasanaethau hynny, mewn cydymffurfiaeth â'r safonau a dderbynir yn gyffredinol yn y proffesiwn fferyllol.

(1) 1996 p.18; mewnosodwyd adran 43A gan adran 1 o Ddeddf Datgelu er Lles y Cyhoedd 1998 (p.23). *Gweler* hefyd adran 43K(1)(c) o Ddeddf Hawliau Cyflogaeth 1996 sy'n ehangu ystyr "worker" ar gyfer y Rhan o'r Ddeddf honno sy'n ymdrin â datgeliadau gwarchodedig, er mwyn iddo gynnwys pob unigolyn sy'n darparu gwasanaethau fferyllol yn unol â trefniadau a wneir gan Fwrdd Iechyd Lleol o dan adran 80 o Ddeddf 2006.

(aa) make what is a protected disclosure within the meaning given in section 43A of the Employment Rights Act 1996(1) (meaning of protected disclosure) have the rights afforded in respect of such disclosures by that Act, and

(bb) provide information in good faith and not for purposes of personal gain to the General Pharmaceutical Council or to a Local Health Board which includes an allegation of a serious nature which they reasonably believe to be substantially true, but disclosure of it is not a protected disclosure within the meaning given in section 43A, have the right not to be subjected to any detriment or to dismissal as a consequence of that act;

- (f) an information governance programme, which provides for—
 - (i) compliance with approved procedures for information management and security, and
 - (ii) submission of an annual self assessment of compliance (to an approved level) with those procedures via approved data submission arrangements which allow the Local Health Board to access that assessment; and
- (g) a premises standards programme, which includes—
 - (i) a system for maintaining cleanliness at the premises from which the NHS appliance contractor provides services which is designed to ensure, in a proportionate manner, that the risk to people at the premises of healthcare acquired infection is minimised, and
 - (ii) arrangements for there to be a clear separation between the areas of the premises which are an appropriate healthcare environment (where patients receive NHS services) and those areas that are a non-healthcare environment.

Professional Standards

17. An NHS appliance contractor must provide pharmaceutical services and exercise any professional judgment in connection with the provision of such services in conformity with the standards generally accepted in the pharmaceutical profession.

(1) 1996 c.18; section 43A was inserted by section 1 of the Public Interest Disclosure Act 1998 (c.23). See also section 43K(1)(c) of the Employment Rights Act 1996 which extends the meaning of "worker" for the Part of that Act that deals with protected disclosures so that it covers all individuals who provide pharmaceutical services in accordance with arrangements made by a Local Health Board under section 80 of the 2006 Act.

Cymhellion

18.—(1) Rhaid i gcontractwr cyfarpar GIG ac unrhyw berson a gyflogir, neu a gymerwyd ymlaen, gan gcontractwr cyfarpar GIG, beidio â rhoi, addo na chynnig, i unrhyw berson, unrhyw rodd neu wobr (boed ar ffurf cyfran o elw'r busnes, neu ddifidend ar yr elw hwnnw, neu ar ffurf disgownt neu ad-daliad, neu rywfodd arall) fel cymhelliad neu gydnabyddiaeth i'r person arall gyflwyno archeb am gyfarpar ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy.

(2) Nid yw addo, cynnig neu ddarparu gwasanaeth danfon gartref yn "rhodd neu wobr" at ddibenion is-baragraff (1).

(3) Ni chaiff contractwr cyfarpar GIG, nac unrhyw berson a gyflogir neu a gymerwyd ymlaen gan gcontractwr cyfarpar GIG, dderbyn na chael unrhyw rodd neu wobr mewn perthynas, yn unig, ag—

- (a) darparu manylion cyswllt fferyllwyr GIG neu gcontractwyr cyfarpar GIG amgen yn unol â pharagraff 9(2)(b), 10(4) neu 11(1)(b); neu
- (b) atgyfeirio ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy at gcontractwr cyfarpar GIG neu fferyllydd GIG arall yn unol â pharagraff 9(2)(a) neu 11(1)(a) heb ddarparu unrhyw wasanaeth ychwanegol mewn cysylltiad â'r eitem ar y presgripsiwn hwnnw.

Dyletswydd i ddarparu gwybodaeth am faterion addasrwydd i ymarfer wrth i'r materion godi

19.—(1) Yn ddarostyngedig i baragraff 20, rhaid i gcontractwr cyfarpar GIG, ac os yw'r gcontractwr cyfarpar GIG yn gorff corfforaethol, pob cyfarwyddwr y corff corfforaethol, hysbysu'r Bwrdd Iechyd Lleol mewn ysgrifen, o fewn 7 diwrnod ar ôl y digwyddiad, os yw'r gcontractwr cyfarpar GIG neu gyfarwyddwr—

- (a) yn cael ei gollfarnu am unrhyw drosedd yn y Deyrnas Unedig;
- (b) yn cael ei rwymo yn dilyn collfarn droseddol yn y Deyrnas Unedig;
- (c) yn derbyn rhybuddiad gan yr heddlu yn y Deyrnas Unedig;
- (d) mewn achos diannod yn yr Alban mewn perthynas â throsedd, wedi bod yn destun gorchymyn i'w ryddhau'n ddiamond (heb fynd ymlaen i'w gollfarnu);
- (e) wedi derbyn a chytuno i dalu naill ai dirwy procuradur ffisgal o dan adran 302 o Ddeddf Gweithdrefn Droseddol (Yr Alban) 1995⁽¹⁾ (cosb benodedig: cynnig amodol gan procuradur ffisgal) neu gosb o dan adran 115A o Ddeddf Gweinyddu Nawdd Cymdeithasol 1992⁽²⁾ (cosb fel dewis arall yn lle erlyn);

Inducements

18.—(1) Neither an NHS appliance contractor nor any person employed or engaged by an NHS appliance contractor must give, promise or offer to any person any gift or reward (whether by way of a share of or dividend on the profits of the business or by way of discount or rebate or otherwise) as an inducement to or in consideration of his or her presenting an order for appliances on a prescription form or repeatable prescription.

(2) Promising, offering or providing a home delivery service is not a "gift or reward" for the purposes of sub-paragraph (1).

(3) Neither an NHS appliance contractor nor any person employed or engaged by an NHS appliance contractor may accept or receive any gift or reward in respect of only—

- (a) providing contact details of alternative NHS pharmacists or NHS appliance contractors pursuant to paragraph 9(2)(b), 10(4) or 11(1)(b); or
- (b) referring a prescription form or repeatable prescription to another NHS appliance contractor or NHS pharmacist pursuant to paragraph 9(2)(a) or 11(1)(a) and providing no additional service in connection with the item on that prescription.

Duty to provide information about fitness to practise matters as they arise

19.—(1) Subject to paragraph 20, an NHS appliance contractor, and where the NHS appliance contractor is a body corporate every director of the body corporate, must, within 7 days of its occurrence, inform the Local Health Board in writing if the NHS appliance contractor or a director—

- (a) is convicted of any criminal offence in the United Kingdom;
- (b) is bound over following a criminal conviction in the United Kingdom;
- (c) accepts a police caution in the United Kingdom;
- (d) has, in summary proceedings in Scotland in respect of an offence, been the subject of an order discharging him or her absolutely (without proceeding to conviction);
- (e) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ (fixed penalty: conditional offer by procurator fiscal) or a penalty under section 115A of the Social Security Administration Act 1992⁽²⁾ (penalty as alternative to prosecution);

(1) 1995 p.46.

(2) 1992 p.5.

(1) 1995 c.46.

(2) 1992 c.5.

- (f) yn cael ei gollfarnu mewn man arall am drosedd, neu'r hyn a fyddai'n drosedd pe bai wedi ei gyflawni yng Nghymru a Lloegr;
 - (g) yn cael ei gyhuddo o drosedd yn y Deyrnas Unedig, neu wedi ei gyhuddo mewn man arall o drosedd a fyddai wedi bod yn drosedd, pe bai wedi ei chyflawni yng Nghymru a Lloegr;
 - (h) yn cael ei hysbysu am ganlyniad unrhyw ymchwiliad i'w ymddygiad proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall, a bod canfyddiad yn ei erbyn;
 - (i) yn mynd yn destun unrhyw ymchwiliad i'w ymddygiad proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall;
 - (j) yn mynd yn destun ymchwiliad i'w ymddygiad proffesiynol mewn cysylltiad ag unrhyw gyflogaeth gyfredol neu flaenorol, neu'n cael ei hysbysu o ganlyniad unrhyw ymchwiliad o'r fath ac unrhyw ganfyddiad yn ei erbyn;
 - (k) yn mynd yn destun unrhyw ymchwiliad gan Awdurdod Gwasanaethau Busnes y GIG mewn perthynas â thwyll;
 - (l) yn mynd yn destun unrhyw ymchwiliad gan Fwrdd Iechyd Lleol arall neu gorff cyfatebol, a allai arwain at dynnu ymaith o restr berthnasol; neu
 - (m) ar sail ei addasrwydd i ymarfer, yn cael ei dynnu ymaith, ei dynnu yn ddigwyddiadol, neu ei atal dros dro o restr berthnasol, neu os gwrrthodir mynediad iddo i restr o'r fath, neu os caiff ei gynnwys yn amodol mewn rhestr o'r fath,
- ac os felly, rhaid i'r contractwr cyfarpar GIG roi manylion am unrhyw ymchwiliad neu achos a gynhaliwyd neu sydd i'w gynnal, gan gynnwys natur yr ymchwiliad neu achos, ym mha le ac oddeutu pa bryd y cynhaliwyd neu y cynhelir yr ymchwiliad hwnnw neu'r achos hwnnw, ac unrhyw ganlyniad.

(2) Yn ddarostyngedig i baragraff 20, os yw person y mae paragraff (1) yn gymwys iddo yn gyfarwyddwr corff corfforaethol, neu os oedd yn gyfarwyddwr corff corfforaethol ar adeg y digwyddiadau cychwynnol, rhaid iddo, yn ychwanegol, hysbysu'r Bwrdd Iechyd Lleol o fewn 7 diwrnod os yw unrhyw gorff corfforaethol o'r fath—

- (a) yn cael ei gollfarnu am unrhyw drosedd yn y Deyrnas Unedig;
- (b) yn cael ei gollfarnu mewn man arall am drosedd, neu'r hyn a fyddai'n drosedd pe bai wedi ei gyflawni yng Nghymru a Lloegr;
- (c) yn cael ei gyhuddo o drosedd yn y Deyrnas Unedig, neu wedi ei gyhuddo mewn man arall o drosedd a fyddai wedi bod yn drosedd, pe bai wedi ei chyflawni yng Nghymru a Lloegr;
- (d) yn cael ei hysbysu gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall am

- (f) is convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (g) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in England and Wales, would constitute a criminal offence;
- (h) is notified by any licensing, regulatory or other body of the outcome of any investigation into his or her professional conduct, and there is a finding against him or her;
- (i) becomes the subject of any investigation into his or her professional conduct by any licensing, regulatory or other body;
- (j) becomes subject to an investigation into his or her professional conduct in respect of any current or previous employment, or is notified of the outcome of any such investigation and any finding against him or her;
- (k) becomes the subject of any investigation by the NHS Business Services Authority in relation to fraud;
- (l) becomes the subject of any investigation by another Local Health Board or equivalent body, which might lead to the removal from a relevant list; or
- (m) is removed, contingently removed or suspended from, refused admission to, or conditionally included in, a relevant list on fitness to practise grounds,

and if so, the NHS appliance contractor must give details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.

(2) Subject to paragraph 20, if a person to whom paragraph (1) applies is, or was at the time of the originating events, a director of a body corporate, the person must in addition inform the Local Health Board within 7 days if any such body corporate—

- (a) is convicted of any criminal offence in the United Kingdom;
- (b) is convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (c) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in England and Wales, would constitute a criminal offence;
- (d) is notified by any licensing, regulatory or other body of the outcome of any investigation into

- ganlyniad unrhyw ymchwiliad i'w ddarpariaeth o wasanaethau proffesiynol, a bod canfyddiad yn erbyn y corff corfforaethol;
- (e) yn mynd yn destun unrhyw ymchwiliad i'w ddarpariaeth o wasanaethau proffesiynol gan unrhyw gorff trwyddedu, corff rheoleiddio neu gorff arall;
 - (f) yn mynd yn destun unrhyw ymchwiliad mewn perthynas â thwyll neu wedi ei hysbysu o ganlyniad unrhyw ymchwiliad o'r fath, a'r canlyniad hwnnw yn ei erbyn;
 - (g) yn mynd yn destun unrhyw ymchwiliad gan Fwrdd Iechyd Lleol arall neu gorff cyfatebol, a llai arwain at dynnu ymaith y corff corfforaethol o restr berthnasol; neu
 - (h) ar sail ei addasrwydd i ymarfer, wedi ei dynnu ymaith, ei dynnu yn ddigwyddiadol, neu ei atal dros dro o restr berthnasol, neu os gwrtodwyd mynediad iddo i restr o'r fath, neu os yw wedi ei gynnwys yn amodol mewn rhestr o'r fath,

ac os felly, rhaid i'r person hwnnw roi enw'r corff corfforaethol a chyfeiriad ei swyddfa gofrestredig a manylion am unrhyw ymchwiliad neu achos a gynhaliwyd neu sydd i'w gynnal, gan gynnwys natur yr ymchwiliad neu achos, ym mha le ac oddeutu pa bryd y cynhaliwyd neu y cynhelir yr ymchwiliad hwnnw neu'r achos hwnnw, ac unrhyw ganlyniad.

(3) Rhaid i berson y mae is-baragraff (1) neu (2) yn gymwys iddo gydsynio i'r Bwrdd Iechyd Lleol ofyn i unrhyw gyflogwr neu gyngyflogwr neu unrhyw gorff trwyddedu neu reoleiddio, yn y Deyrnas Unedig neu unrhyw le arall, am wybodaeth ynghylch ymchwiliad cyfredol neu ymchwiliad â chanlyniad anffafriol.

Bwrdd Iechyd Lleol cartref cyrff corfforaethol

20. Os yw contractwr cyfarpar GIG yn gorff corfforaethol sydd â'i swyddfa gofrestredig yng Nghymru a Lloegr, caiff ddarparu'r wybodaeth, sydd i'w darparu o dan baragraffau 19 a 23(3) i (6), yn hytrach i Fwrdd Iechyd Lleol cartref (fel y'i diffinnir yn rheoliad 46). Pan fo'r contractwr cyfarpar GIG yn darparu'r wybodaeth i'w Fwrdd Iechyd Lleol cartref, rhaid iddo ddarparu, i'r Bwrdd Iechyd Lleol cartref, fanylion hefyd o'r holl Fyrddau Iechyd Lleol eraill y cynhwysir y contractwr cyfarpar GIG yn eu rhestrau fferyllol.

Cwynion

21. Rhaid i gcontractwr cyfarpar GIG fod wedi sefydlu trefniadau sy'n cydymffurfio â gofynion Rheoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) 2011, ar gyfer trin ac ystyried unrhyw bryderon neu gwynion ynghylch mater sy'n gysylltiedig â'r ddarpariaeth o wasanaethau fferyllol gan y contractwr cyfarpar GIG.

its provision of professional services, and there is a finding against the body corporate;

- (e) becomes the subject of any investigation into its provision of professional services by any licensing, regulatory or other body;
- (f) becomes the subject of any investigation in relation to any fraud or is notified of the outcome of such an investigation where it is adverse;
- (g) becomes the subject of any investigation by another Local Health Board or equivalent body, which might lead to its removal from a relevant list; or
- (h) is removed, contingently removed or suspended from, refused admission to, or conditionally included in a relevant list on fitness to practise grounds,

and if so, that person must give the name and registered office of the body corporate and details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.

(3) A person to whom sub-paragraph (1) or (2) applies must consent to a request being made by the Local Health Board to any employer or former employer or licensing or regulatory body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse.

Home Local Health Board of bodies corporate

20. Where an NHS appliance contractor is a body corporate with a registered office in England and Wales, the information to be provided under paragraphs 19 and 23(3) to (6) may be provided instead to a home Local Health Board (as defined in regulation 46). When the NHS appliance contractor provides the information to its home Local Health Board, it must also provide the home Local Health Board with details of all the other Local Health Boards in whose pharmaceutical lists the NHS appliance contractor is included.

Complaints

21. An NHS appliance contractor must have in place arrangements which comply with the requirements of the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011, for the handling and consideration of any concerns or complaints about a matter connected with the provision of pharmaceutical services by the NHS appliance contractor.

Gwasanaethau cyfeiriedig

22. Rhaid i gcontractwr cyfarpar GIG, y mae'r Bwrdd Iechyd Lleol wedi gwneud trefniant gydag ef ar gyfer darparu unrhyw wasanaethau cyfeiriedig, gydymffurfio â thelerau ac amodau'r trefniant hwnnw.

Gwybodaeth sydd i'w chyflenwi

23.—(1) Rhaid i gcontractwr cyfarpar GIG roi i'r Bwrdd Iechyd Lleol sydd â'r contractwr cyfarpar GIG hwnnw ar ei restr fferyllol hysbysiad ysgrifenedig o'r canlynol, o fewn 28 diwrnod (neu os nad yw hynny'n ymarferol, cyn gynted ag y bo'n ymarferol wedyn)—

- (a) unrhyw ddigwyddiad sy'n ei gwneud yn ofynnol newid yr wybodaeth a gofnodwyd am y contractwr cyfarpar GIG yn y rhestr fferyllol, nad oedd y contractwr cyfarpar GIG wedi hysbysu'r Bwrdd Iechyd Lleol ohono rywfodd arall yn unol â'r Rheoliadau hyn;
- (b) yn achos contractwr cyfarpar GIG sy'n unigolyn, unrhyw newid yn ei gyfeiriad preifat; ac
- (c) yn achos contractwr cyfarpar GIG sy'n gorff corfforaethol, unrhyw newid yng nghyfeiriad ei swyddfa gofrestredig.

(2) Rhaid i gcontractwr cyfarpar GIG, os gofynnir iddo, roi i'r Bwrdd Iechyd Lleol enw unrhyw fferyllydd cofrestredig a gyflogir ganddo sy'n gyfrifol am weinyddu presgripsiwn penodol.

(3) Yn ddarostyngedig i is-baragraff (6), rhaid i gcontractwr cyfarpar GIG sy'n gorff corfforaethol roi hysbysiad ysgrifenedig i'r Bwrdd Iechyd Lleol o fewn 28 diwrnod (neu os nad yw hynny'n ymarferol, cyn gynted ag y bo'n ymarferol wedyn) o unrhyw newidiadau yn enwau a chyfeiriadau ei gyfarwyddwyr.

(4) Yn ddarostyngedig i is-baragraff (6), os yw contractwr cyfarpar GIG sy'n gorff corfforaethol yn penodi cyfarwyddwr neu uwcharolygydd nas rhestrwyd yng nghais y contractwr cyfarpar GIG am ei gynnwys mewn rhestr fferyllol, rhaid i'r contractwr cyfarpar GIG roi hysbysiad ysgrifenedig i'r Bwrdd Iechyd Lleol o fewn 28 diwrnod (neu os nad yw hynny'n ymarferol, cyn gynted ag y bo'n ymarferol wedyn) o'r wybodaeth am addasrwydd y person hwnnw i ymarfer.

(5) Yn ddarostyngedig i is-baragraff (6), rhaid i gcontractwr cyfarpar GIG, neu gyfarwyddwr neu uwcharolygydd contractwr cyfarpar GIG sy'n gorff corfforaethol, hysbysu'r Bwrdd Iechyd Lleol—

- (a) os yw'r unigolyn hwnnw, neu'r corff corfforaethol y mae'n gyfarwyddwr neu'n uwcharolygydd ohono, yn gwneud cais am gael ei gynnwys mewn unrhyw un o restrau cyflawnwyr neu ddarparwyr GIG Bwrdd Iechyd Lleol arall, ac o ganlyniad unrhyw gais o'r fath; a

Directed Services

22. An NHS appliance contractor with whom a Local Health Board makes an arrangement for the provision of any directed services must comply with the terms and conditions of the arrangement.

Information to be supplied

23.—(1) An NHS appliance contractor must give written notice to the Local Health Board on whose pharmaceutical list he or she is included within 28 days (or if this is impracticable, as soon as practicable thereafter) of—

- (a) any occurrence requiring a change in the information recorded about the NHS appliance contractor in the pharmaceutical list which the NHS appliance contractor has not otherwise notified to the Local Health Board in accordance with these Regulations;
- (b) in the case of an NHS appliance contractor who is an individual, any change of his or her private address; and
- (c) in the case of an NHS appliance contractor that is a body corporate, any change to the address of its registered office.

(2) An NHS appliance contractor must give the Local Health Board, if it so requests, the name of any registered pharmacist employed by the NHS appliance contractor who is responsible for dispensing a particular prescription.

(3) Subject to sub-paragraph (6), an NHS appliance contractor that is a body corporate must give notice in writing to the Local Health Board within 28 days (or if this is impractical, as soon as practicable thereafter) of any changes to the names and addresses of its directors.

(4) Subject to sub-paragraph (6), if an NHS appliance contractor that is a body corporate appoints a director or superintendent that was not listed on the NHS appliance contractor's application for inclusion in a pharmaceutical list, the NHS appliance contractor must give notice in writing to the Local Health Board within 28 days (or if this is impractical, as soon as practicable thereafter) of the fitness to practice information about that person.

(5) Subject to sub-paragraph (6), an NHS appliance contractor or the director or superintendent of an NHS appliance contractor that is a body corporate must inform the Local Health Board—

- (a) if he or she, or a body corporate of which he or she is a director or superintendent, applies to be included in any of another Local Health Board's NHS performers or providers lists, and of the outcome of any such application; and

(b) os daw'r unigolyn hwnnw yn gyfarwyddwr neu'n uwcharolygydd corff corfforaethol sydd ar unrhyw un o restrau cyflawnwyr neu ddarparwyr GIG Bwrdd Iechyd Lleol arall, neu sy'n gwneud cais am ei gynnwys mewn rhestr o'r fath, ac o ganlyniad unrhyw gais o'r fath.

(6) Os yw'r contractwr cyfarpas GIG yn gorff corfforaethol sydd â'i swyddfa gofrestredig yng Nghymru, caiff ddarparu'r wybodaeth sydd i'w darparu o dan is-baragraffau (3) i (5) i'r Bwrdd Iechyd Lleol hwnnw, yn unig, y lleolir y swyddfa gofrestredig yn ei ardal, ar yr amod bod y contractwr cyfarpas GIG yn darparu i'r Bwrdd Iechyd Lleol hwnnw fanylion hefyd o'r holl Fyrddau Iechyd Lleol eraill y cynhwysir y contractwr cyfarpas GIG yn eu rhestrau fferyllol, ac mewn amgylchiadau o'r fath, rhaid i'r Bwrdd Iechyd Lleol hwnnw drosglwyddo'r wybodaeth ymlaen i unrhyw Fwrdd Iechyd Lleol arall—

- (a) y cynhwysir y contractwr cyfarpas GIG yn ei restr fferyllol; neu
- (b) y gwneir cais iddo gan y contractwr cyfarpas GIG am gael ei gynnwys yn ei restr fferyllol, ac sy'n gofyn am yr wybodaeth.

(7) Yn y paragraff hwn, ystyr "rhestr cyflawnwyr neu ddarparwyr GIG" ("NHS performers or providers list") yw—

- (a) rhestr fferyllol; neu
- (b) rhestr a gynhelir o gyflawnwyr neu ddarparwyr gwasanaethau meddygol sylfaenol, deintyddol neu offthalmig.

Tynnu enwau yn ôl o restrau fferyllol

24. Os yw contractwr cyfarpas GIG yn bwriadu tynnu ei enw yn ôl o'r rhestr fferyllol mewn perthynas â mangre benodol, rhaid iddo hysbysu'r Bwrdd Iechyd Lleol o'i fwriad, dri mis o leiaf cyn y dyddiad hwnnw, onid yw'n anymarferol i'r contractwr cyfarpas GIG wneud hynny, ac os felly, rhaid i'r contractwr cyfarpas GIG hysbysu'r Bwrdd Iechyd Lleol cyn gynted ag y bo'n ymarferol gwneud hynny.

Codi ffioedd am gyfarpas

25. Yn ddarostyngedig i reoliadau a wneir o dan adran 121 o Ddeddf 2006, rhaid darparu'r holl gyfarpas a ddarperir o dan y telerau gwasanaethu hyn yn ddi-dâl.

Arolygiadau a mynediad at wybodaeth

26.—(1) Rhaid i gcontractwr cyfarpas GIG ganiatáu i bersonau, a awdurdodwyd mewn ysgrifenn gan y Bwrdd Iechyd Lleol fynd i mewn i unrhyw fangre a ddefnyddir gan y contractwr cyfarpas GIG i ddarparu gwasanaethau fferyllol ac i'w harchwilio, ar unrhyw adeg resymol, at y dibenion canlynol—

- (a) canfod a yw'r contractwr cyfarpas GIG yn

(b) if he or she becomes a director or superintendent of a body corporate which is on any of another Local Health Board's NHS performers or providers list, or which applies to be included in such a list, and the outcome of any such application.

(6) Where an NHS appliance contractor is a body corporate with a registered office in Wales, the information to be provided under sub-paragraphs (3) to (5) may be provided only to the Local Health Board in whose area that registered office is located, if the NHS appliance contractor also provides that Local Health Board with details of all the other Local Health Boards in whose pharmaceutical lists it is included, and in these circumstances that Local Health Board must pass the information on to any other Local Health Board—

- (a) in whose pharmaceutical list the NHS appliance contractor is included; or
- (b) to whom the NHS appliance contractor makes an application to be included in its pharmaceutical list, that requests it.

(7) In this paragraph, "NHS performers or providers list" ("rhestr cyflawnwyr neu ddarparwyr GIG") means—

- (a) a pharmaceutical list; or
- (b) a list maintained of approved performers or providers of primary medical, dental or ophthalmic services.

Withdrawal from pharmaceutical lists

24. Where an NHS appliance contractor intends to withdraw from the pharmaceutical list in respect of particular premises, the NHS appliance contractor must notify the Local Health Board of this at least three months in advance of that date unless it is impracticable for the NHS appliance contractor to do so in which case the NHS appliance contractor must notify the Local Health Board as soon as it is practicable to do so.

Charges for appliances

25. Subject to regulations made under section 121 of the 2006 Act, all appliances provided under these terms of service must be provided free of charge.

Inspections and access to information

26.—(1) An NHS appliance contractor must allow persons authorised in writing by the Local Health Board to enter and inspect any premises he or she uses for the provision of pharmaceutical services at any reasonable time, for the purposes of—

- (a) ascertaining whether or not the NHS appliance

cydymffurfio â gofynion yr Atodlen hon ai peidio;

(b) archwilio, monitro a dadansoddi—

- (i) y ddarpariaeth a wneir gan y contractwr cyfarpar GIG wrth ddarparu gwasanaethau fferyllol, o ran gofal a thriniaeth i gleifion gan gynnwys unrhyw drefniant a wneir gyda pherson ynglŷn â darparu cyfarpar, a
- (ii) y modd y mae'r contractwr cyfarpar GIG yn rheoli'r gwasanaethau fferyllol a ddarperir ganddo,

pan fo'r amodau yn is-baragraff (2) wedi eu bodloni.

(2) Yr amodau yw'r canlynol—

- (a) bod rhybudd rhesymol wedi ei roi o'r bwriad i fynd i mewn;
- (b) bod y Pwyllgor Fferyllol Lleol ar gyfer yr ardal y lleolir y fangre ynddi wedi ei wahodd i fod yn bresennol yn yr arolygiad, os gofynnodd y contractwr cyfarpar GIG am hynny;
- (c) bod gan y person a awdurdodwyd mewn ysgrifen dystiolaeth ysgrifenedig o'i awdurdodiad yn ei feddiant, a bod y person hwnnw'n dangos y dystiolaeth honno os gofynnir iddo; a
- (d) na fydd y person a awdurdodwyd mewn ysgrifen yn mynd i mewn i unrhyw ran o'r fangre a ddefnyddir fel llety preswyl yn unig, heb gydsyniad y preswylydd.

(3) Rhaid i gcontractwr cyfarpar GIG, ar gais y Bwrdd Iechyd Lleol neu berson a awdurdodwyd mewn ysgrifen fel a grybwyllir yn is-baragraff (1), ganiatâu i'r Bwrdd neu'r person hwnnw gael mynediad at unrhyw wybodaeth y gofynnant amdani yn rhesymol—

- (a) at y dibenion a grybwyllir yn is-baragraff (1); neu
- (b) yn achos y Bwrdd Iechyd Lleol, mewn cysylltiad â'i swyddogaethau sy'n ymwneud â gwasanaethau fferyllol.

contractor is complying with the requirements of this Schedule;

(b) auditing, monitoring and analysing—

- (i) the provision made by the NHS appliance contractor, in the course of providing pharmaceutical services, for patient care and treatment including any arrangement made with a person in respect of provision of appliances, and
- (ii) the management by the NHS appliance contractor of the pharmaceutical services he or she provides,

where the conditions in sub-paragraph (2) are satisfied.

(2) The conditions are that—

- (a) reasonable notice of the intended entry has been given;
 - (b) the Local Pharmaceutical Committee for the area where the premises are situated have been invited to be present at the inspection, where this is requested by the NHS appliance contractor;
 - (c) the person authorised in writing carries written evidence of his or her authorisation, which he or she produces on request; and
-
- (d) he or she does not enter any part of the premises used solely as residential accommodation without the consent of the resident.

(3) An NHS appliance contractor must, at the request of the Local Health Board or of a person authorised in writing mentioned in sub-paragraph (1), allow it or him or her access to any information which it or he or she reasonably requires—

- (a) for the purposes mentioned in sub-paragraph (1); or
- (b) in the case of the Local Health Board, in connection with its functions that relate to pharmaceutical services.

ATODLEN 6

Rheoliad 5

Telerau gwasanaethu ar gyfer meddygon sy'n darparu gwasanaethau fferyllol

Dehongli

1. Yn yr Atodlen hon, rhaid ystyried bod cyffuriau neu gyfarpar wedi eu harchebu neu eu darparu yn unol â phresgripsiwn amlroddadwy, hyd yn oed os nad yw'r person sy'n dymuno cael y gwasanaethau fferyllol yn cyflwyno'r presgripsiwn hwnnw, cyhyd ag—

- (a) bod y presgripsiwn hwnnw gan y meddyg yn ei feddiant; a
- (b) bod y person hwnnw'n cyflwyno swp-ddyroddiad cysylltiedig, neu fod gan y meddyg swp-ddyroddiad cysylltiedig yn ei feddiant.

Ymgorffori darpariaethau

2. Mae unrhyw ddarpariaethau o'r canlynol sy'n effeithio ar hawliau a rhwymedigaethau meddygon sy'n darparu gwasanaethau fferyllol yn ffurfio rhan o'r telerau gwasanaethu—

- (a) y Rheoliadau;
- (b) y Tariff Cyffuriau i'r graddau y mae'n rhestru cyffuriau a chyfarpar at ddibenion adran 80 o Ddeddf 2006 (trefniadau ar gyfer gwasanaethau fferyllol);
- (c) cymaint o Ran II o Reoliadau'r Gwasanaeth Iechyd Gwladol (Pwyllgorau Gwasanaeth a Thribiwnlys) 1992 ag y sy'n ymwneud ag
 - (i) ymchwiliadau a wneir gan y pwylgor disgryblu fferyllol a'r cyd-bwylgor disgryblu a chamau y caiff y Bwrdd Iechyd Lleol eu cymryd o ganlyniad i ymchwiliadau o'r fath, a
 - (ii) apelau i Weinidogion Cymru yn erbyn penderfyniadau'r Bwrdd Iechyd Lleol; a
- (d) cymaint o reoliad 29 o Reoliadau Cynghorau Iechyd Cymuned (Cyzfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2010(1) (mynd i mewn i fangreodd a'u harchwilio) ag sy'n ymwneud â mynd i mewn i fangreodd sydd naill ai'n eiddo i'r meddyg fferyllol neu'n fangreodd lle y darperir gwasanaethau fferyllol ganddo, ac archwilio mangreodd o'r fath

Personau a awdurdodir yn briodol i weinyddu ar ran meddygon fferyllol

3. Pan fo'r Atodlen hon yn gosod gofyniad ar feddyg fferyllol mewn perthynas â gweithgaredd y mae'r meddyg hwnnw wedi awdurdodi person arall i

SCHEDULE 6

Regulation 5

Terms of service for doctors providing pharmaceutical services

Interpretation

1. In this Schedule, drugs or appliances are to be taken to be requested or provided in accordance with a repeatable prescription even if the person who wishes to obtain pharmaceutical services does not present that prescription, as long as—

- (a) the doctor has that prescription in his or her possession; and
- (b) that person presents, or the doctor has in his or her possession, an associated batch issue.

Incorporation of provisions

2. Any provisions of the following affecting the rights and obligations of doctors who provide pharmaceutical services form part of the terms of service—

- (a) the Regulations;
- (b) the Drug Tariff in so far as it lists drugs and appliances for the purposes of section 80 of the 2006 Act (arrangements for pharmaceutical services);
- (c) so much of Part II of the National Health Service (Service Committees and Tribunal) Regulations 1992 as relates to—
 - (i) investigations made by the pharmaceutical discipline committee and the joint discipline committee and action which may be taken by the Local Health Board as a result of such investigations, and,
 - (ii) appeals to the Welsh Ministers from decisions of the Local Health Board; and
- (d) so much of regulation 29 of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010(1) (entry and inspection of premises) as relate to the entry and inspection of premises either owned by the dispensing doctor or where pharmaceutical services are provided by him or her.

Persons duly authorised to dispense on behalf of dispensing doctors

3. Where this Schedule imposes a requirement on a dispensing doctor in respect of an activity which he or she has duly authorised another person to undertake, if

(1) O.S. 2010/288 (Cy.37).

(1) S.I. 2010/288 (W.37).

ymgymryd ag ef, os yw'r person arall hwnnw'n ymgymryd â'r gweithgaredd hwnnw yn lle'r meddyg fferyllol—

- (a) rhaid i'r person arall hwnnw gydymffurfio â'r gofyniad hwnnw; a
- (b) rhaid i'r meddyg fferyllol hwnnw sicrhau cydymffurfiaeth â'r gofyniad gan y person arall hwnnw,

ac mae cyfeiriadau at feddyg fferyllol yn yr Atodlen hon i'w dehongli'n unol â hynny.

Gweinyddu cyffuriau a chyfarpar a archebwyd gan ragnodydd arall

4.—(1) Yn ddarostyngedig i ddarpariaethau canlynol yr Atodlen hon, pan fo unrhyw berson yn cyflwyno i feddyg fferyllol ffurflen bresgripsiwn sy'n cynnwys—

- (a) archeb am gyffuriau, nad ydynt yn gyffuriau Atodlen, neu am gyfarpar, nad ydynt yn gyfarpar argaeedd cyfyngedig, a lofnodwyd gan ragnodydd ac eithrio'r meddyg fferyllol;
- (b) archeb am gyffur a bennir yn Atodlen 2 i'r Rheoliadau Rhagnodi Cyffuriau (cyffuriau neu feddyginaethau sydd i'w harchebu mewn amgylchiadau penodol yn unig), a lofnodwyd gan ragnodydd ac eithrio'r meddyg fferyllol ac yn cynnwys y cyfeirnod "SLS"; neu
- (c) archeb am gyfarpar argaeedd cyfyngedig, a lofnodwyd gan ragnodydd ac eithrio'r meddyg fferyllol ac yn cynnwys y cyfeirnod "SLS",

a'r meddyg fferyllol wedi ei awdurdodi neu dan ofyniad yn rhinwedd rheoliad 20 (trefniadau ar gyfer darparu gwasanaethau fferyllol gan feddygon) o'r Rheoliadau hyn i ddarparu'r cyffuriau neu'r cyfarpar a archebwyd felly, rhaid i'r meddyg fferyllol, yn rhesymol brydlon, ddarparu'r cyffuriau a archebwyd felly a'r cyfryw rai o'r cyfarpar a archebwyd felly a gyflenwir gan y meddyg fferyllol yng nghwrs arferol ei bractis neu ei fusnes.

(2) Yn ddarostyngedig i ddarpariaethau canlynol yr Atodlen hon, pan fo—

- (a) unrhyw berson yn cyflwyno i feddyg fferyllol bresgripsiwn amlroddadwy anelectronig sy'n cynnwys—
 - (i) archeb am gyffuriau nad ydynt yn gyffuriau Atodlen, nac yn gyffuriau rheoledig yn yr ystyr a roddir i "controlled drug" yn Neddf Camddefnyddio Cyffuriau 1971, ac eithrio cyffur a bennir am y tro yn Atodlen 4 neu 5 i Reoliadau Camddefnyddio Cyffuriau 2001 (sy'n ymwneud â chyffuriau rheoledig a eithriwyd rhag gwaharddiadau penodol o dan y Rheoliadau), wedi ei llofnodi gan ragnodydd ac eithrio'r meddyg fferyllol, sy'n rhagnodydd amlroddadwy;

that other person undertakes that activity instead of the dispensing doctor—

- (a) that other person must comply with that requirement; and
- (b) that dispensing doctor must secure compliance with that requirement by that other person,

and references in this Schedule to a dispensing doctor are to be construed accordingly.

Dispensing of drugs and appliances ordered by another prescriber

4.—(1) Subject to the following provisions of this Schedule, where any person presents to a dispensing doctor a prescription form which contains—

- (a) an order for drugs, not being Scheduled drugs, or for appliances, not being restricted availability appliances, signed by a prescriber other than the dispensing doctor;
- (b) an order for a drug specified in Schedule 2 to the Prescription of Drugs Regulations (drugs or medicines to be ordered only in certain circumstances), signed by a prescriber other than the dispensing doctor, and including the reference "SLS"; or
- (c) an order for a restricted availability appliance, signed by a prescriber other than the dispensing doctor and including the reference "SLS",

and the dispensing doctor is authorised or required by virtue of regulation 20 (arrangements for the provision of pharmaceutical services by doctors) of these Regulations to provide the drugs or appliances so ordered, he or she must, with reasonable promptness, provide the drugs so ordered, and such of the appliances so ordered as he or she supplies in the normal course of his or her practice or business.

(2) Subject to the following provisions of this Schedule, where—

- (a) any person presents to a dispensing doctor a non-electronic repeatable prescription which contains—
 - (i) an order for drugs, not being Scheduled drugs or controlled drugs within the meaning of the Misuse of Drugs Act 1971, other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 2001 (which relate to controlled drugs excepted from certain prohibitions under the Regulations), signed by a prescriber other than the dispensing doctor who is a repeatable prescriber;

- (ii) archeb am gyffur a bennir yn Atodlen 2 i'r Rheoliadau Rhagnodi Cyffuriau, nad yw'n gyffur rheoledig yn yr ystyr a roddir i "controlled drug" yn Nedd Camddefnyddio Cyffuriau 1971, ac eithrio cyffur a bennir am y tro yn Atodlen 4 neu 5 i Reoliadau Camddefnyddio Cyffuriau 2001, wedi ei llofnodi gan ragnodydd ac eithrio'r meddyg fferyllol sy'n rhagnodydd amlroddadwy, ac yn cynnwys y cyfeirnod "SLS";
- (iii) archeb am gyfarpar, nad ydynt yn gyfarpar argaeledd cyfyngedig, wedi ei llofnodi gan ragnodydd ac eithrio'r meddyg fferyllol sy'n rhagnodydd amlroddadwy; neu
- (iv) archeb am gyfarpar argaeledd cyfyngedig a lofnodwyd gan ragnodydd ac eithrio'r meddyg fferyllol sy'n rhagnodydd amlroddadwy, ac yn cynnwys y cyfeirnod "SLS",

a hefyd yn cyflwyno swp-ddyroddiad cysylltiedig; neu

- (b) y meddyg fferyllol yn cael presgripsiwn amlroddadwy electronig sy'n cynnwys archeb o fath a bennir ym mharagraff (a)(i) i (iv), ac—
 - (i) unrhyw berson yn gofyn am ddarparu cyffuriau neu gyfarpar yn unol â'r presgripsiwn amlroddadwy hwnnw, neu
 - (ii) y meddyg fferyllol wedi trefnu gyda'r claf yn flaenorol, y byddai'n gweinyddu'r presgripsiwn amlroddadwy hwnnw pan ddeuai i law,

a'r meddyg fferyllol wedi ei awdurdodi neu dan ofyniad yn rhinwedd rheoliad 20 i ddarparu'r cyffuriau neu'r cyfarpar a archebwyd felly, rhaid i'r meddyg fferyllol, yn rhesymol brydlon, ddarparu'r cyffuriau a archebwyd felly a'r cyfryw rai o'r cyfarpar a archebwyd felly a gyflenwir gan y meddyg fferyllol yng nghwrs arferol ei bractis neu ei fusnes.

(3) At ddibenion y paragraff hwn, mae presgripsiwn amlroddadwy anelectronig am gyffuriau neu gyfarpar i'w ystyried wedi ei gyflwyno, hyd yn oed os nad yw'r person sy'n dymuno cael y cyffuriau neu gyfarpar yn cyflwyno'r presgripsiwn hwnnw, os yw—

- (a) y presgripsiwn hwnnw gan y meddyg fferyllol yn ei feddiant;
- (b) swp-ddyroddiad cysylltiedig naill ai'n cael ei gyflwyno gan y person hwnnw, neu ym meddiant y meddyg fferyllol.

(4) Rhaid i'r cyffuriau a'r cyfarpar rhestedig a ddarperir o dan y paragraff hwn gael eu darparu mewn cynhwysyddion addas.

(ii) an order for a drug specified in Schedule 2 to the Prescription of Drugs Regulations, not being a controlled drug within the meaning of the Misuse of Drugs Act 1971, other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 2001, signed by a prescriber other than the dispensing doctor who is a repeatable prescriber and including the reference "SLS";

- (iii) an order for appliances, not being restricted availability appliances, signed by a prescriber other than the dispensing doctor who is a repeatable prescriber; or
- (iv) an order for a restricted availability appliance, signed by a prescriber other than the dispensing doctor who is a repeatable prescriber, and including the reference "SLS",

and also presents an associated batch issue; or

- (b) the dispensing doctor receives an electronic repeatable prescription which contains an order of a kind specified in paragraph (a)(i) to (iv) and—
 - (i) any person requests the provision of drugs or appliances in accordance with that repeatable prescription, or
 - (ii) the dispensing doctor has previously arranged with the patient that he or she will dispense that repeatable prescription on receipt,

and the dispensing doctor is authorised or required by regulation 20 to provide the drugs or appliances so ordered, the dispensing doctor must, with reasonable promptness, provide the drugs so ordered, and such of the appliances so ordered as he or she supplies in the normal course of his or her practice or business.

(3) For the purposes of this paragraph, a non-electronic repeatable prescription for drugs or appliances will be taken to be presented even if the person who wishes to obtain the drugs or appliances does not present that prescription, where—

- (a) the dispensing doctor has that prescription in his or her possession; and
- (b) that person presents, or the dispensing doctor has in his or her possession, an associated batch issue.

(4) Drugs and listed appliances provided under this paragraph must be provided in a suitable container.

Gweinyddu cyffuriau a chyfarpar a archebir gan y meddyg fferyllol

5. Mewn amgylchiadau pan nad yw paragraff 4 yn gymwys, ac yn ddarostyngedig i ddarpariaethau canlynol yr Atodlen hon, pan fo meddyg fferyllol wedi ei awdurdodi neu dan ofyniad yn rhinwedd Rhan 5 o'r Rheoliadau hyn i ddarparu cyffuriau neu gyfarpar i berson, rhaid i'r meddyg fferyllol—

- (a) cofnodi archeb am ddarparu unrhyw gyffuriau neu gyfarpar sydd eu hangen ar gyfer trin y claf ar ffurflen bresgripsiwn a gwblheir yn unol â chontract GMC sy'n rhoi effaith i baragraff 39 o Atodlen 6 i'r Rheoliadau GMC (telerau contract eraill: rhagnodi);
- (b) darparu'r cyffuriau neu'r cyfarpar hynny mewn cynhwysydd addas;
- (c) peidio â darparu i'r claf unrhyw gyffur a bennir yn Atodlen 2 i'r Rheoliadau Rhagnodi Cyffuriau ac eithrio pan fo'r amodau ym mharagraff 42(2) o Atodlen 6 i'r Rheoliadau GMC (cyfyngiadau ar ragnodi gan ymarferwyr meddygol) wedi eu bodloni; a
- (d) peidio â darparu i'r claf unrhyw gyfarpar argaeledd cyfyngedig ac eithrio ar gyfer claf sy'n berson, neu at ddiben, a bennir yn y Tariff Cyffuriau.

Materion rhagarweiniol cyn darparu cyffuriau neu gyfarpar a archebwyd

6. Cyn darparu cyffuriau neu gyfarpar rhestredig a gofnodwyd ar ffurflen bresgripsiwn yn unol â pharagraff 4, neu yn yr amgylchiadau a bennir ym mharagraff 7—

- (a) rhaid i'r meddyg fferyllol ofyn i unrhyw berson, sy'n gwneud datganiad nad oes raid i'r claf dalu'r ffioedd a bennir yn rheoliad 4(1) o'r Rheoliadau Ffioedd (cyflenwi cyffuriau a chyfarpar gan feddygon), yn rhinwedd naill ai—
 - (i) hawl i esempiad o dan reoliad 8(1) (esempiadau) o'r Rheoliadau Ffioedd, neu
 - (ii) hawl i beidio â thalu ffi o dan reoliad 5 o'r Rheoliadau Peidio â Chodi Tâl (hawl i beidio â thalu ffi o gwbl ac i gael taliad llawn),

ddangos dystiolaeth fodhaol o'r cyfryw hawl, oni wneir y datganiad mewn perthynas â hawl i esempiad yn rhinwedd rheoliad 8 o'r Rheoliadau Ffioedd neu mewn perthynas â hawl i beidio â thalu yn rhinwedd rheoliad 5(1)(d) neu 5(2)(d) neu (dd) o'r Rheoliadau Peidio â Chodi Tâl, pan fo dystiolaeth o'r fath eisoes ar gael i'r meddyg fferyllol ar yr adeg y gwneir y datganiad; a

- (b) os na ddangosir dystiolaeth fodhaol i'r

Dispensing of drugs and appliances ordered by the dispensing doctor

5. In circumstances where paragraph 4 does not apply and subject to the following provisions of this Schedule, where a dispensing doctor is authorised or required by virtue of Part 5 of these Regulations to provide drugs or appliances to a person, the dispensing doctor must—

- (a) record an order for the provision of any drugs or appliances which are needed for the treatment of the patient on a prescription form completed in accordance with a GMS contract which gives effect to paragraph 39 of Schedule 6 to the GMS Regulations (other contract terms: prescribing);
- (b) provide those drugs or appliances in a suitable container;
- (c) provide for the patient a drug specified in Schedule 2 to the Prescription of Drugs Regulations only where the conditions in paragraph 42(2) of Schedule 6 to the GMS Regulations (restrictions on prescribing by medical practitioners) are satisfied; and
- (d) provide for the patient a restricted availability appliance only if the patient is a person, or it is for a purpose, specified in the Drug Tariff.

Preliminary matters before providing ordered drugs or appliances

6. Before providing drugs or listed appliances recorded on a prescription form in accordance with paragraph 4, or in the circumstances set out in paragraph 7—

- (a) the dispensing doctor must ask any person who makes a declaration that the patient does not have to pay the charges specified in regulation 4(1) of the Charges Regulations (supply of drugs and appliances by doctors) by virtue of either—
 - (i) entitlement to an exemption under regulation 8(1) of the Charges Regulations (exemptions), or
 - (ii) entitlement to remission of charges under regulation 5 of the Remission of Charges Regulations (entitlement to full remission and payment),

to produce satisfactory evidence of such entitlement, unless the declaration is in respect of entitlement to exemption by virtue of regulation 8 of the Charges Regulations or in respect of remission by virtue of regulation 5(1)(e) or 5(2)(e) or (f) of the Remission of Charges Regulations, and at the time of the declaration the dispensing doctor already has such evidence available to him or her; and

- (b) if no satisfactory evidence, as required by sub-

meddyg fferyllol fel sy'n ofynnol gan is-baragraff (a), rhaid i'r meddyg fferyllol arnodi'r ffurflen y gwnaed y datganiad arni i'r perwyl hwnnw.

Darparu cyffuriau Atodlen

7.—(1) Yn ddarostyngedig i is-baragraff (2), rhaid i feddyg fferyllol beidio â darparu unrhyw gyffur Atodlen ar gyfer claf, ac eithrio, pan fo'r meddyg fferyllol neu ragnodydd annibynnol wedi archebu cyffur sydd ganddo enw amherchnogol priodol, naill ai wrth yr enw hwnnw neu wrth ei fformiwla, caiff meddyg fferyllol ddarparu cyffur sydd â'r un fanyleb, hyd yn oed os yw'r cyffur hwnnw yn gyffur Atodlen (ond, yn achos cyffur sy'n gyfuniad o fwy nag un cyffur, ni chaniateir gwneud hynny ac eithrio pan fo gan y cyfuniad enw amherchnogol priodol).

(2) Nid oes dim yn yr Atodlen hon sy'n atal meddyg fferyllol rhag darparu cyffur Atodlen neu gyfarpar argaeledd cyfyngedig ar gyfer claf, rywfodd heblaw o dan y gwasanaethau fferyllol.

Gwrthod darparu cyffuriau neu gyfarpar a archebir

8.—(1) Caiff meddyg fferyllol wrthod darparu cyffuriau neu gyfarpar a archebir ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy—

- (a) os yw'r meddyg fferyllol yn credu, yn rhesymol, nad yw'r archeb yn archeb ddilys ar gyfer y person a enwir ar y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy (er engraifft, oherwydd bod y meddyg fferyllol yn credu, yn rhesymol, fod y ffurflen wedi ei lladrata neu'i ffugio); neu
- (b) os yw'n ymddangos i'r meddyg fferyllol fod camgymeriad yn y ffurflen bresgripsiwn neu'r presgripsiwn amlroddadwy neu'i swpdyyroddiad cysylltiedig (gan gynnwys camgymeriad clinigol a wnaed gan y rhagnodydd) neu y byddai darparu'r cyffuriau neu'r cyfarpar, yn yr amgylchiadau, yn groes i farn glinigol y meddyg fferyllol.

(2) Caiff meddyg fferyllol wrthod darparu cyffuriau neu gyfarpar a archebir ar ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, neu y byddai'r meddyg fferyllol, fel arall, wedi ei awdurdodi neu dan ofyniad i'w darparu yn rhinwedd rheoliad 20—

- (a) os yw'r meddyg fferyllol neu bersonau eraill yn y fangre yn dioddef trais neu'n cael eu bygwth â thrais gan y person sy'n cyflwyno'r ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, neu gan unrhyw berson sydd gyda'r person hwnnw; neu
- (b) os yw'r person sy'n cyflwyno'r ffurflen bresgripsiwn neu bresgripsiwn amlroddadwy, neu unrhyw berson arall sydd gyda'r person hwnnw, yn cyflawni neu'n bygwth cyflawni trosedd.

paragraph (a) is produced to the dispensing doctor, the dispensing doctor must endorse the form on which the declaration is made to that effect.

Provision of Scheduled drugs

7.—(1) Subject to sub-paragraph (2), a dispensing doctor must not provide for a patient any Scheduled drug, except that, where the dispensing doctor or an independent prescriber has ordered a drug which has an appropriate non-proprietary name either by the name or by its formula, he or she may provide a drug which has the same specification notwithstanding that it is a Scheduled drug (but, in the case of a drug which combines more than one drug, only if the combination has an appropriate non-proprietary name).

(2) Nothing in this Schedule prevents a dispensing doctor providing, otherwise than under pharmaceutical services, a Scheduled drug or a restricted availability appliance for a patient.

Refusal to provide drugs or appliances ordered

8.—(1) A dispensing doctor may refuse to provide the drugs or appliances ordered on a prescription form or repeatable prescription where—

- (a) the dispensing doctor reasonably believes that it is not a genuine order for the person named on the prescription form or the repeatable prescription (for example, because the dispensing doctor reasonably believes that it has been stolen or forged); or
- (b) it appears to the dispensing doctor that there is an error on the prescription form or on the repeatable prescription or its associated batch issue (including a clinical error made by the prescriber), or that, in the circumstances, providing the drugs or appliances would be contrary to the dispensing doctor's clinical judgement.

(2) A dispensing doctor may refuse to provide the drugs or appliances ordered on a prescription form or repeatable prescription, or which he or she is otherwise authorised or required to provide by virtue of regulation 20, where—

- (a) the dispensing doctor or other persons on the premises are subjected to or threatened with violence by the person presenting the prescription or repeatable prescription, or by any person accompanying that person; or
- (b) the person presenting the prescription form or repeatable prescription, or any other person accompanying that person, commits or threatens to commit a criminal offence.

(3) Rhaid i feddyg fferyllol wrthod darparu cyffuriau neu gyfarpar a archebir ar bresgripsiwn amlroddadwy—

- (a) os nad oes gan y meddyg fferyllol gofnod o'r presgripsiwn hwnnw;
- (b) os nad yw'r presgripsiwn wedi ei lofnodi gan ragnodydd amlroddadwy;
- (c) os byddai gwneud hynny yn anghyson ag unrhyw ysbeidiau a bennir yn y presgripsiwn;
- (d) os hwnnw fyddai'r tro cyntaf y darperid cyffur neu gyfarpar yn unol â'r presgripsiwn, ac os llofnodwyd y presgripsiwn fwy na chwe mis yn gynharach;
- (e) os aeth mwy na blwyddyn heibio er pan lofnodwyd y presgripsiwn amlroddadwy;
- (f) os yw'r dyddiad dod i ben ar y presgripsiwn amlroddadwy wedi mynd heibio; neu
- (g) os hysbyswyd y meddyg fferyllol, gan y ragnodydd amlroddadwy, nad oes angen y presgripsiwn bellach.

(4) Pan fo claf yn gofyn am gyflenwi cyffuriau neu gyfarpar a archebwyd ar bresgripsiwn amlroddadwy (ac eithrio'r tro cyntaf y mae'r claf yn gwneud cais o'r fath), rhaid i feddyg fferyllol beidio â darparu cyffuriau neu gyfarpar a archebir felly oni fydd wedi ei fodloni—

- (a) bod y claf y mae'r presgripsiwn ar ei gyfer—
 - (i) yn cymryd neu'n defnyddio'r cyffur neu'r cyfarpar yn briodol, ac yn debygol o barhau i'w gymryd neu ei ddefnyddio felly, a
 - (ii) nad yw'n dioddef o unrhyw sgil effeithiau'r driniaeth sy'n dynodi bod angen, neu y byddai'n fuddiol, adolygu triniaeth y claf;
- (b) nad yw trefn feddyginaethol y claf y mae'r presgripsiwn ar ei gyfer, wedi newid mewn ffordd sy'n dynodi bod angen, neu y byddai'n fuddiol, adolygu triniaeth y claf; ac
- (c) na ddigwyddodd unrhyw newidiadau yn iechyd y claf mae'r presgripsiwn ar ei gyfer sy'n dynodi bod angen, neu y byddai'n fuddiol, adolygu triniaeth y claf.

Ffioedd a chodi tâl

9.—(1) Mae'r telerau mewn contract GMC sy'n rhoi effaith i reoliad 24 (ffioedd a chodi tâl) o'r Rheoliadau GMC ac Atodlen 5 i'r Rheoliadau hynny yn gymwys mewn perthynas â darparu unrhyw gyffuriau neu gyfarpar gan feddyg fferyllol fel y maent yn gymwys mewn perthynas â phresgripsiynau am gyffuriau a chyfarpar.

(2) Os yw meddyg fferyllol yn darparu cyffur neu gyfarpar o dan wasanaethau fferyllol neu'n darparu

(3) A dispensing doctor must refuse to provide drugs or appliances ordered on a repeatable prescription where—

- (a) the dispensing doctor has no record of that prescription;
- (b) it is not signed by a repeatable prescriber;
- (c) to do so would not be in accordance with any intervals specified in the prescription;
- (d) it would be the first time a drug or appliance had been provided pursuant to the prescription and the prescription was signed more than 6 months previously;
- (e) if the repeatable prescription was signed more than one year previously;
- (f) the expiry date on the repeatable prescription has passed; or
- (g) where the dispensing doctor has been informed by the repeatable prescriber that the prescription is no longer required.

(4) Where the patient requests the supply of drugs or appliances ordered on a repeatable prescription (other than on the first occasion that the patient makes such a request), a dispensing doctor may only provide the drugs or appliances ordered if he or she is satisfied—

- (a) that the patient to whom the prescription relates—
 - (i) is taking or using, and is likely to continue to take or use, the drug or appliance appropriately, and
 - (ii) is not suffering from any side effects of the treatment which indicates the need or desirability of reviewing the patient's treatment;
- (b) that the medication regimen of the patient to whom the prescription relates has not altered in a way that indicates the need or desirability of reviewing the patient's treatment; and
- (c) that there have been no changes to the health of the patient to whom the prescription relates which indicate the need or desirability of reviewing the patient's treatment.

Fees and charges

9.—(1) The terms of a GMS contract giving effect to regulation 24 of, and Schedule 5 to, the GMS Regulations (fees and charges) apply in respect of the provision of any drugs or appliances by a dispensing doctor as they apply in relation to prescriptions for drugs and appliances.

(2) Where a dispensing doctor provides a drug or appliance under pharmaceutical services or provides

unrhyw wasanaeth ychwanegol mewn cysylltiad â gweinyddu cyffuriau a chyfarpar o'r fath—

- (a) yn unol â'r Atodlen hon neu gytundeb â'r Bwrdd Iechyd Lleol; a
- (b) pe bai'r cyffur, y cyfarpar neu'r gwasanaeth ychwanegol wedi ei ddarparu gan gontactwr sy'n darparu gwasanaethau gweinyddu o dan gontact GMC byddai hawl gan y contractwr, yn rhinwedd cyfarwyddiadau a roddwyd gan Weinidogion Cymru o dan adran 45 o Ddeddf 2006 (contractau GMC: taliadau), i gael taliad—
 - (i) mewn perthynas â'r cyffur neu gyfarpar; neu
 - (ii) mewn perthynas â darparu'r gwasanaeth ychwanegol,

bydd y Bwrdd Iechyd Lleol yn credydu'r meddyg fferyllol â'r taliad.

Cwynion a phryderon

10.—(1) Os yw meddyg fferyllol—

- (a) yn gontactwr GMC, neu wedi ei gymryd ymlaen neu'n gyflogedig gan gontactwr GMC, y weithdrefn gwynion a sefydlwyd yn unol â thelerau contract GMC sy'n rhoi effaith i baragraffau 89A a 90 o Atodlen 6 i'r Rheoliadau GMC (pryderon a chwynion);
- (b) yn gontactwr GMDdA, neu wedi ei gymryd ymlaen neu'n gyflogedig gan gontactwr GMDdA, y weithdrefn gwynion a sefydlwyd gan y contract GMDdA perthnasol i ymdrin â chwynion mewn perthynas â darparu gwasanaethau meddygol sylfaenol;
- (c) wedi ei gyflogi neu'i gymryd ymlaen gan Fwrdd Iechyd Lleol at y diben o ddarparu gwasanaethau o fewn practis GMBILL, y weithdrefn gwynion a sefydlwyd gan y practis GMBILL hwnnw i ymdrin â chwynion mewn perthynas â darparu gwasanaethau meddygol sylfaenol,

sy'n gymwys mewn perthynas ag unrhyw fater a gysylltir yn rhesymol â darparu gwasanaethau fferyllol, fel y mae'n gymwys mewn perthynas â gwasanaethau a ddarperir o dan y contract neu'r cytundeb hwnnw, neu o fewn y practis hwnnw.

(2) Gan hynny, mae contract GMC sy'n rhoi effaith i baragraff 95 o Atodlen 6 i'r Rheoliadau GMC (cydweithredu gydag ymchwiliadau) yn gymwys hefyd mewn perthynas â chwynion neu bryderon a hysbysir ynghylch materion o'r fath.

Arolygiadau a mynediad at wybodaeth

11.—(1) Rhaid i feddyg fferyllol ganiatáu i bersonau a awdurdodwyd gan y Bwrdd Iechyd Lleol fynd i mewn i unrhyw fangre a ddefnyddir gan y meddyg

any additional service associated with the dispensing of such drugs and appliances—

- (a) in accordance with this Schedule or an agreement with the Local Health Board; and
- (b) had the drug, appliance or additional service been provided by a contractor providing dispensing services under a GMS contract, the contractor would have been entitled by, by virtue of directions given by the Welsh Ministers under section 45 of the 2006 Act (GMS contracts: payments), to a payment—

- (i) in respect of the drug or appliance; or
- (ii) in respect of the additional service provision,

the Local Health Board will credit the dispensing doctor with the payment.

Complaints and concerns

10.—(1) Where a dispensing doctor—

- (a) is a GMS contractor, or is engaged or employed by a GMS contractor, the complaints procedure established in accordance with the terms of a GMS contract which give effect to paragraphs 89A and 90 of Schedule 6 to the GMS Regulations (concerns and complaints);
- (b) is an APMS contractor, or is engaged or employed by an APMS contractor, the complaints procedure established by the relevant APMS contract to deal with complaints in relation to the provision of primary medical services;
- (c) is employed or engaged by a Local Health Board for the purposes of providing services within an LHBMS practice, the complaints procedure established by that LHBMS practice to deal with complaints in relation to the provision of primary medical services,

applies in relation to any matter reasonably connected with the provision of pharmaceutical services as it applies as respects to services provided under that contract or agreement, or within that practice.

(2) Accordingly, a GMS contract which gives effect to paragraph 95 of Schedule 6 to the GMS Regulations (co-operation with investigations) also applies in relation to complaints or concerns notified about such matters.

Inspections and access to information

11.—(1) A dispensing doctor must allow persons authorised by the Local Health Board to enter and inspect any premises that he or she uses for the

fferyllol i ddarparu gwasanaethau fferyllol ac i'w harchwilio, ar unrhyw adeg resymol, at y dibenion canlynol—

- (a) canfod a yw'r meddyg fferyllol yn cydymffurfio â gofynion yr Atodlen hon ai peidio;
- (b) archwilio, monitro a dadansoddi—
 - (i) y ddarpariaeth a wneir gan y meddyg fferyllol wrth ddarparu gwasanaethau fferyllol, o ran gofal a thriniaeth i gleifion gan gynnwys unrhyw drefniant a wneir gyda pherson ynglŷn â darparu cyfarpar, a
 - (ii) y modd y mae'r meddyg fferyllol yn rheoli'r gwasanaethau fferyllol a ddarperir ganddo,

pan fo'r amodau yn is-baragraff (2) wedi eu bodloni.

(2) Yr amodau yw'r canlynol—

- (a) bod rhybudd rhesymol wedi ei roi o'r bwriad i fynd i mewn;
- (b) bod y Pwyllgor Fferyllol Lleol ar gyfer yr ardal y lleolir y fangre ynddi wedi ei wahodd i fod yn bresennol yn yr arolygiad, os gofynnodd y meddyg fferyllol am hynny;
- (c) bod gan y person a awdurdodwyd mewn ysgrifen dystiolaeth ysgrifenedig o'i awdurdodiad yn ei feddiant, a rhaid iddo ddangos y dystiolaeth honno os gofynnir iddo; a
- (d) na fydd y person a awdurdodwyd mewn ysgrifen yn mynd i mewn i unrhyw ran o'r fangre a ddefnyddir fel llety preswyl yn unig, heb gydsyniad y preswylydd.

(3) Rhaid i feddyg fferyllol, ar gais y Bwrdd Iechyd Lleol neu berson a awdurdodwyd mewn ysgrifen fel a grybwyllir yn is-baragraff (1), ganiatâu i'r Bwrdd neu'r person hwnnw gael mynediad at unrhyw wybodaeth y gofynnant amdani yn rhesymol—

- (a) at y dibenion a grybwyllir yn is-baragraff (1); neu
- (b) yn achos y Bwrdd Iechyd Lleol, mewn cysylltiad â'i swyddogaethau sy'n ymwneud â gwasanaethau fferyllol.

provision of pharmaceutical services at any reasonable time, for the purposes of—

- (a) ascertaining whether or not the dispensing doctor is complying with the requirements of this Schedule;
- (b) auditing, monitoring and analysing—
 - (i) the provision made by the dispensing doctor, in the course of providing pharmaceutical services, for patient care and treatment, including any arrangement made with a person in respect of provision of appliances, and
 - (ii) the management by the dispensing doctor of the pharmaceutical services he or she provides,

where the conditions in sub-paragraph (2) are satisfied.

(2) The conditions are that—

- (a) reasonable notice of the intended entry has been given;
- (b) the Local Medical Committee for the area in which the premises are situated has been invited to be present at the inspection, where this is requested by the dispensing doctor;
- (c) the person authorised in writing carries written evidence of his or her authorisation, which must be produced on request; and
- (d) he or she does not enter any part of the premises used solely as residential accommodation without the consent of the resident.

(3) A dispensing doctor must, at the request of the Local Health Board or of a person authorised in writing mentioned in sub-paragraph (1), allow it or that person access to any information which it or that person reasonably requires—

- (a) for the purposes mentioned in sub-paragraph (1); or
- (b) in the case of the Local Health Board, in connection with its functions that relate to pharmaceutical services.

Rheoliad 50

Mân ddiwygiadau a diwygiadau canlyniadol

**Rheoliadau'r Gwasanaeth Iechyd Gwladol
(Pwyllgorau Gwasanaeth a Thribiwnlys) 1992**

1. Yn rheoliad 2 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Pwyllgorau Gwasanaeth a Thribiwnlys) 1992(1) (dehongli)—

- (a) ym mharagraff (1), yn y diffiniad o "chemist", ar ôl y geiriau "has the same meaning as" mewnosoder, "NHS appliance contractor and NHS pharmacist";
- (b) ym mharagraff (1), yn y diffiniad o "Pharmaceutical Regulations", yn lle'r geiriau "National Health Service (Pharmaceutical Services) Regulations 1992" rhodder "National Health Service (Pharmaceutical Services) (Wales) Regulations 2013"; ac
- (c) ym mharagraff (4)(c)(2), yn lle'r geiriau "paragraphs 10A and 10B of Schedule 2 to the National Health Service (Pharmaceutical Services) Regulations 1992" rhodder "paragraph 33 of Schedule 4 to, or paragraph 21 of Schedule 5 to, the Pharmaceutical Regulations".

**Rheoliadau'r Gwasanaeth Iechyd Gwladol
(Symiau Dangosol) 1997**

2. Yn rheoliad 1(2) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Symiau Dangosol) 1997 (enwi, cychwyn a dehongli)(3), yn y diffiniad o "Drug Tariff" yn lle'r geiriau "regulation 18(e) of the National Health Service (Pharmaceutical Services) Regulations 1992 (provisions relating to determinations)" rhodder "regulation 41 (the Drug Tariff and remuneration of NHS pharmacists and NHS appliance contractors) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013".

**Rheoliadau'r Gwasanaeth Iechyd Gwladol
(Taliadau gan Awdurdodau Lleol i Awdurdodau
Iechyd) (Swyddogaethau Rhagnodedig) (Cymru)
2001**

3. Yn rheoliad 2(2) (swyddogaethau rhagnodedig yr Awdurdodau Iechyd yng Nghymru) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Taliadau gan Awdurdodau Lleol i Awdurdodau Iechyd) (Swyddogaethau Rhagnodedig) (Cymru) 2001(4), yn lle is-baragraff (ch), rhodder—

(1) O.S. 1992/664.

(2) Mewnosodwyd paragraff (4) gan O.S. 1996/703.

(3) O.S. 1997/980 fel y'i diwygiwyd gan O.S. 2007/1112 (Cy.117).

(4) O.S. 2001/1543 (Cy.108), a ddiwygiwyd gan O.S. 2007/1112 (Cy.117).

Regulation 50

Minor and consequential amendments

**The National Health Service (Service Committees
and Tribunal) Regulations 1992**

1. In regulation 2 of the National Health Service (Service Committees and Tribunal) Regulations 1992(1) (interpretation)—

- (a) in paragraph (1), in the definition of "chemist", after the words "has the same meaning as" insert, "NHS appliance contractor and NHS pharmacist";
- (b) in paragraph (1), in the definition of "Pharmaceutical Regulations", for the words "National Health Service (Pharmaceutical Services) Regulations 1992" substitute "National Health Service (Pharmaceutical Services) (Wales) Regulations 2013"; and
- (c) in paragraph (4)(c)(2), for the words "paragraphs 10A and 10B of Schedule 2 to the National Health Service (Pharmaceutical Services) Regulations 1992" substitute "paragraph 33 of Schedule 4 to, or paragraph 21 of Schedule 5 to, the Pharmaceutical Regulations".

**The National Health Service (Indicative Amounts)
Regulations 1997**

2. In regulation 1(2) of the National Health Service (Indicative Amounts) Regulations 1997 (citation, commencement and interpretation)(3), in the definition of "Drug Tariff", for the words "regulation 18(e) of the National Health Service (Pharmaceutical Services) Regulations 1992 (provisions relating to determinations)", substitute "regulation 41 (the Drug Tariff and remuneration of NHS pharmacists and NHS appliance contractors) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013".

**The National Health Service (Payments by Local
Authorities to Health Authorities) (Prescribed
Functions) (Wales) Regulations 2001**

3. In regulation 2(2) (prescribed functions of Health Authorities in Wales) of the National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001(4), for sub-paragraph (d) substitute—

(1) S.I. 1992/664.

(2) Paragraph (4) was inserted by S.I. 1996/703.

(3) S.I. 1997/980, as amended by S.I. 2007/1112 (W.117).

(4) S.I. 2001/1543 (W.108), amended by S.I. 2007/1112 (W.117).

"(ch) darparu cyfarpar nad yw wedi'i restru yn Rhan IX o'r Tariff Cyffuriau a gyhoeddir yn unol â rheoliad 41 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013 (y Tariff Cyffuriau a chydubyddiaeth ariannol i fferyllwyr GIG a chontractwyr cyfarpar GIG)"

**Rheoliadau'r Gwasanaeth Iechyd Gwladol
(Contractau Gwasanaethau Meddygol Cyffredinol)
(Cymru) 2004**

4.—(1) Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004⁽¹⁾ wedi eu diwygio yn unol â'r paragraff hwn.

(2) Yn rheoliad 2(1) (dehongli)—

- (a) yn y diffiniad o "Drug Tariff", yn lle "regulation 18" rhodder "regulation 41"; ac
- (b) yn y diffiniad o "Pharmaceutical Regulations", yn lle "National Health Service (Pharmaceutical Services) Regulations 1992" rhodder "National Health Service (Pharmaceutical Services) (Wales) Regulations 2013".

(3) Yn Atodlen 6 (telerau contractol eraill)—

- (a) ym mharagraff 47 (darparu gwasanaethau gweinyddu)
 - (i) yn is-baragraffau (4)(b) a (9)(a), yn y ddu achos, yn lle "regulation 12(15) or 13(13)(b) of" rhodder "paragraph 6 of Schedule 2, paragraph 13 of Schedule 2 or paragraph 8(3) of Schedule 3 to", a
 - (ii) yn is-baragraff (9)(b)(ii), yn lle "regulation 9(10) of" rhodder "Part 2 of Schedule 3 to" ac yn lle "(determination of whether an area is a controlled locality)" rhodder "(appeals against decisions determining controlled localities);
- (b) ym mharagraff 48 (cydsyniad i weinyddu)
 - (i) yn is-baragraff (2)
 - (aa) yn lle "regulations 12 and 13 of" rhodder "regulation 24 of and Part 3 of Schedule 2 to", a
 - (bb) yn lle "regulation 21" rhodder "regulation 24",
 - (ii) yn is-baragraff (4), yn lle "regulation 12(16)" rhodder "regulation 24(9)",
 - (iii) yn lle is-baragraff (5) rhodder—
 - "(5) Regulation 24 of the Pharmaceutical Regulations will apply as if modified as follows: in paragraph (1) for "to provide pharmaceutical services to patients under regulation 20(1)(b) or (c)

"(d) the provision of appliances which are not listed in Part IX of the Drug Tariff which is published in accordance with regulation 41 of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013 (the Drug Tariff and remuneration of NHS pharmacists and NHS appliance contractors)".

The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004

4.—(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004⁽¹⁾ are amended in accordance with this paragraph.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of "Drug Tariff", for "regulation 18" substitute "regulation 41"; and
- (b) in the definition of "Pharmaceutical Regulations", for "National Health Service (Pharmaceutical Services) Regulations 1992" substitute "National Health Service (Pharmaceutical Services) (Wales) Regulations 2013".

(3) In Schedule 6 (other contractual terms)—

- (a) in paragraph 47 (provision of dispensing services)
 - (i) in sub-paragraphs (4)(b) and (9)(a), in each case for "regulation 12(15) or 13(13)(b) of" substitute "paragraph 6 of Schedule 2, paragraph 13 of Schedule 2 or paragraph 8(3) of Schedule 3 to", and
 - (ii) in sub-paragraph (9)(b)(ii), for "regulation 9(10) of" substitute "Part 2 of Schedule 3 to" and for "(determination of whether an area is a controlled locality)" substitute "(appeals against decisions determining controlled localities);
- (b) in paragraph 48 (consent to dispense)
 - (i) in sub-paragraph (2)
 - (aa) for "regulations 12 and 13 of" substitute "regulation 24 of and Part 3 of Schedule 2 to", and
 - (bb) for "regulation 21" substitute "regulation 24",
 - (ii) in sub-paragraph (4), for "regulation 12(16)" substitute "regulation 24(9)",
 - (iii) for sub-paragraph (5) substitute—
 - "(5) Regulation 24 of the Pharmaceutical Regulations will apply as if modified as follows: in paragraph (1) for "to provide pharmaceutical services to patients under regulation 20(1)(b) or (c)

(1) O.S. 2004/478 (Cy.48).

(1) S.I. 2004/478 (W.48).

(arrangements for the provision of pharmaceutical services by doctors)" there were substituted a reference to the provision of dispensing services to patients under paragraph 47."

(iv) yn lle is-baragraff (6) rhodder—

"(6) Part 3 of Schedule 2 will apply as if modified as follows: in paragraph 8(1)(a) (ii) for "dispensing doctor list made under Part 5 of these Regulations" there were substituted a reference to an application under sub-paragraph (1) of this paragraph."

(c) Yn lle paragraff 49(8)(1) (telerau sy'n ymwneud â darparu gwasanaethau gweinyddu) rhodder—

"(8) A contractor providing dispensing services must comply with paragraph 6 of Schedule 6 to the Pharmaceutical Regulations, as if modified as follows—

(a) for "paragraph 4", substitute "paragraph 49(4) of Schedule 6 to the GMS Regulations";

(b) for "dispensing doctor" in sub-paragraph (a) and (b), substitute "the contractor providing dispensing services."

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007

5. Yn rheoliad 2(1) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007⁽²⁾, yn y diffiniad o "Tariff Cyffuriau", yn lle "rheoliad 18(e) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992 (darpariaethau yn ymwneud â phenderfyniadau)" rhodder "rheoliad 41 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013 (y Tariff Cyffuriau a chydabyddiaeth ariannol i fferyllwyr GIG a chontractwyr cyfarpar GIG)".

Rheoliadau Codi Tâl am Fagiau Siopa Untro (Cymru) 2010

6. Ym mharagraff 1(3) o Atodlen 1 i Reoliadau Codi Tâl am Fagiau Siopa Untro (Cymru) 2010⁽³⁾, yn y diffiniad o "nyrs sy'n rhagnodi'n annibynnol", yn lle "Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992" rhodder "Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013".

(arrangements for the provision of pharmaceutical services by doctors)" there were substituted a reference to the provision of dispensing services to patients under paragraph 47."

(iv) for sub-paragraph (6) substitute—

"(6) Part 3 of Schedule 2 will apply as if modified as follows: in paragraph 8(1)(a) (ii) for "dispensing doctor list made under Part 5 of these Regulations" there were substituted a reference to an application under sub-paragraph (1) of this paragraph."

(c) For paragraph 49(8)(1) (terms relating to the provision of dispensing services) substitute—

"(8) A contractor providing dispensing services must comply with paragraph 6 of Schedule 6 to the Pharmaceutical Regulations, as if modified as follows—

(a) for "paragraph 4", substitute "paragraph 49(4) of Schedule 6 to the GMS Regulations";

(b) for "dispensing doctor" in sub-paragraph (a) and (b), substitute "the contractor providing dispensing services.".

The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007

5. In regulation 2(1) of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007⁽²⁾, in the definition of "Drug Tariff" for "regulation 18(e) of the National Health Service (Pharmaceutical Services) Regulations 1992 (provisions relating to determinations)" substitute "regulation 41 of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013 (the Drug Tariff and remuneration of NHS pharmacists and NHS appliance contractors)".

The Single Use Carrier Bags Charge (Wales) Regulations 2010

6. In paragraph 1(3) of Schedule 1 to the Single Use Carrier Bags Charge (Wales) Regulations 2010⁽³⁾, in the definition of "independent nurse prescriber" for "National Health Service (Pharmaceutical Services) Regulations 1992" substitute "National Health Service (Pharmaceutical Services) (Wales) Regulations 2013".

(1) Amnewidiwyd is-baragraff 8 gan O.S. 2006/358 (Cy.46).

(2) O.S. 2007/121 (Cy.11). Amnewidiwyd y diffiniad o "Drug Tariff" gan O.S. 2007/1112 (Cy. 117).

(3) O.S. 2010/2880 (Cy.238).

(1) Sub-paragraph 8 was substituted by S.I. 2006/358 (W.46).

(2) S.I. 2007/121 (W.11). The definition of "Drug Tariff" was substituted by S.I. 2007/1112 (W.117).

(3) S.I. 2010/2880 (W.238).

Rheoliad 50

Regulation 50

Dirymiadau

1. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(1).
2. Rheoliadau Diwygio'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1993(2).
3. Rheoliadau Diwygio'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol a Ffioedd am Gyffuriau a Chyfarpar) 1994(3).
4. Rheoliadau Diwygio'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1995(4).
5. Rheoliadau Diwygio'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1996(5).
6. Rheoliadau Diwygio'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1998(6).
7. Rheoliadau Diwygio'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1999(7).
8. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) a (Gwasanaethau Meddygol Cyffredinol) (Diwygio) (Cymru) 2002(8).
9. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) a (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2003(9).
10. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2003(10).
11. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau yngylch Rhagnodi gan Nyrsys Atodol ac Annibynnol) (Cymru) 2003(11).
12. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Rhif 2) (Cymru) 2003(12).

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- (1) O.S. 1992/662.
 (2) O.S. 1993/2451.
 (3) O.S. 1994/2402.
 (4) O.S. 1995/644.
 (5) O.S. 1996/698.
 (6) O.S. 1998/681.
 (7) O.S. 1999/696.
 (8) O.S. 2002/3189 (Cy.305).
 (9) O.S. 2003/139 (Cy.11).
 (10) O.S. 2003/783 (Cy.94).
 (11) O.S. 2003/2624 (Cy.252).
 (12) O.S. 2003/3236 (Cy.316).

Revocations

1. The National Health Service (Pharmaceutical Services) Regulations 1992(1).
 2. The National Health Service (Pharmaceutical Services) Amendment Regulations 1993(2).
 3. The National Health Service (Pharmaceutical Services and Charges for Drugs and Appliances) Amendment Regulations 1994(3).
 4. The National Health Service (Pharmaceutical Services) Amendment Regulations 1995(4).
 5. The National Health Service (Pharmaceutical Services) Amendment Regulations 1996(5).
 6. The National Health Service (Pharmaceutical Services) Amendment Regulations 1998(6).
 7. The National Health Service (Pharmaceutical Services) Amendment Regulations 1999(7).
 8. The National Health Service (Pharmaceutical Services) and (General Medical Services) (Amendment) (Wales) Regulations 2002(8).
 9. The National Health Service (General Medical Services) and (Pharmaceutical Services) (Amendment) (Wales) Regulations 2003(9).
 10. The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2003(10).
 11. The National Health Service (Amendments concerning Supplementary and Independent Nurse Prescribing) (Wales) Regulations 2003(11).
 12. The National Health Service (Pharmaceutical Services) (Amendment) (No.2) (Wales) Regulations 2003(12).
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- (1) S.I. 1992/662.
 (2) S.I. 1993/2451.
 (3) S.I. 1994/2402.
 (4) S.I. 1995/644.
 (5) S.I. 1996/698.
 (6) S.I. 1998/681.
 (7) S.I. 1999/696.
 (8) S.I. 2002/3189 (W.305).
 (9) S.I. 2003/139 (W.11).
 (10) S.I. 2003/783 (W.94).
 (11) S.I. 2003/2624 (W.252).
 (12) S.I. 2003/3236 (W.316).

- 13.** Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol etc) (Presgripsiynau Amlroddadwy) (Diwygio) (Cymru) 2004(1).
- 14.** Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2004(2).
- 15.** Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2005(3).
- 16.** Paragraff 6 o Atodlen 1 i Orchymyn Darpariaethau Trosiannol a Chanlyniadol Gwasanaethau Deintyddol Cyffredinol a Gwasanaethau Deintyddol Personol (Cymru) 2006(4).
- 17.** Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2006(5).
- 18.** Paragraff 1 o Atodlen 2 i Reoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007(6).
- 19.** Rheoliad 3 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau Amrywiol Ynghylch Nyrssy'n Rhagnodi'n Annibynnol, Rhagnodwyr Atodol, Nyrssy'ragnodwyr Annibynnol a Fferyllwyr-ragnodwyr Annibynnol) (Cymru) 2007(7).
- 20.** Rheoliadau 3, 4, 5, 6, 7 ac 8 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Taliadau i bersonau sy'n darparu Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2007(8).
- 21.** Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2009(9).
- 22.** Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2010(10).
- 23.** Rheoliad 2 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau Amrywiol ynghylch Rhagnodi Annibynnol) (Cymru) 2010(11).
- 24.** Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) (Rhif 2) 2010(12).
- 13.** The National Health Service (Pharmaceutical Services etc) (Repeatable Prescriptions) (Amendment) (Wales) Regulations 2004(1).
- 14.** The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2004(2).
- 15.** The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2005(3).
- 16.** Paragraph 6 of Schedule 1 to the General Dental Services and Personal Dental Services Transitional and Consequential Provisions (Wales) Order 2006(4).
- 17.** The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2006(5).
- 18.** Paragraph 1 of Schedule 2 to the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(6).
- 19.** Regulation 3 of the National Health Service (Miscellaneous Amendments Concerning Independent Nurse Prescribers, Supplementary Prescribers, Nurse Independent Prescribers and Pharmacist Independent Prescribers) (Wales) Regulations 2007(7).
- 20.** Regulations 3, 4, 5, 6, 7 and 8 of the National Health Service (Pharmaceutical Services) (Remuneration for Persons providing Pharmaceutical Services) (Amendment) (Wales) Regulations 2007(8).
- 21.** The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2009(9).
- 22.** The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010(10).
- 23.** Regulation 2 of the National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) (Wales) Regulations 2010(11).
- 24.** The National Health Service (Pharmaceutical Services) (Amendment) (Wales) (No.2) Regulations 2010(12).

(1) O.S. 2004/1018 (Cy.115).
 (2) O.S. 2004/1021 (Cy.118).
 (3) O.S. 2005/1013 (Cy.67).
 (4) O.S. 2006/946 (Cy.95).
 (5) O.S. 2006/2985 (Cy.275).
 (6) O.S. 2007/121 (Cy.11).
 (7) O.S. 2007/205 (Cy.19).
 (8) O.S. 2007/1112 (Cy.117).
 (9) O.S. 2009/1491 (Cy.144).
 (10) O.S. 2010/868 (Cy.90).
 (11) O.S. 2010/1647 (Cy.155).
 (12) O.S. 2010/1648 (Cy.156).

(1) S.I. 2004/1018 (W.115).
 (2) S.I. 2004/1021 (W.118).
 (3) S.I. 2005/1013 (W.67).
 (4) S.I. 2006/946 (W.95).
 (5) S.I. 2006/2985 (W.275).
 (6) S.I. 2007/121 (W.11).
 (7) S.I. 2007/205 (W.19).
 (8) S.I. 2007/1112 (W.117).
 (9) S.I. 2009/1491 (W.144).
 (10) S.I. 2010/868 (W.90).
 (11) S.I. 2010/1647 (W.155).
 (12) S.I. 2010/1648 (W.156).

25. Paragraff 2 o Atodlen 2 i Reoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) 2011(1).

26. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2011(2).

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25. Paragraph 2 of Schedule 2 to the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011(1).

26. The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2011(2).

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(1) O.S. 2011/704 (Cy.108).

(2) O.S. 2011/2907 (Cy.311).

(1) S.I. 2011/704 (W.108).

(2) S.I. 2011/2907 (W.311).

