



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

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**OFFERYNNAU STATUDOL**

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**STATUTORY INSTRUMENTS**

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**2003 Rhif 816 (Cy.101)**

**2003 No. 816 (W.101)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

**Rheoliadau'r Byrddau Iechyd Lleol  
(Swyddogaethau)  
(Diwygio) 2003**

**The Local Health Boards  
(Functions) (Amendment)  
Regulations 2003**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) 2003 ("y prif Reoliadau"). Pennodd y prif Reoliadau y swyddogaethau sydd i'w harfer gan y Byrddau Iechyd Lleol fel y swyddogaethau yr oedd yr Awdurdod Iechyd perthnasol wedi ymgymryd â hwy gynt, fel y maent ar ganol nos, 31 Mawrth 2003. Cafodd swyddogaethau penodol, sef y rhai a bennwyd yn yr Atodlen i'r prif Reoliadau, eu heithrio o'r swyddogaethau a roddwyd i'r Byrddau Iechyd Lleol. Mae'r Rheoliadau hyn yn diwygio'r prif Reoliadau drwy roi Atodlen newydd o swyddogaethau eithriedig yn lle'r hen un.

These Regulations amend the Local Health Boards (Functions) Regulations 2003 ("the principal Regulations"). The principal Regulations specified the functions to be exercised by Local Health Boards as those functions previously undertaken by the relevant Health Authority as at midnight 31st March 2003. Certain functions, being those set out in the Schedule to the principal Regulations, were excepted from the functions conferred on Local Health Boards. These Regulations amend the principal Regulations by substituting a new Schedule of excepted functions.

**2003 Rhif 816 (Cy.101)****Y GWASANAETH IECHYD  
GWLADOL, CYMRU****Rheoliadau'r Byrddau Iechyd Lleol  
(Swyddogaethau)  
(Diwygio) 2003***Wedi'u gwneud**20 Mawrth 2003**Yn dod i rym**yn unol â rheoliad 1*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 16BB(1), (3) a (5) a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) drwy hyn yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn a chymhwyso**

1. Enw'r Rheoliadau hyn yw Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) (Diwygio) 2003 a deuant i rym ar 1 Ebrill 2003 yn union ar ôl i Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) 2003(b) ddod i rym ac maent yn gymwys i Gymru yn unig.

**Dehongli**

2. Yn y Rheoliadau hyn, os nad yw'r cyd-destun yn mynnu fel arall-

ystyr "y prif Reoliadau" yw Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau) 2003(c).

(a) 1977 p.49; gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p. 19) ("Deddf 1990"), adran 26(2)(g) ac (i) a chan Ddeddf Iechyd 1999 (p.8) ("Deddf 1999"), Atodlen 4, paragraff 38(2)(b), ar gyfer y diffiniad o "prescribed" a "regulations".

Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a Deddf 1999, Atodlen 4, a paragraff 37(6).

Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 126(4) o Ddeddf 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 OS 1999/672, erthygl 2 ac Atodlen 1, fel y'i diwygiwyd gan Ddeddf 1999, adran 66(5).

Mewnosodwyd adran 16BB gan adran 6 o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17).

(b) O.S. 2003/150.

(c) O.S. 2003/150 (Cy.20).

**2003 No. 816 (W.101)****NATIONAL HEALTH  
SERVICE, WALES****The Local Health Boards  
(Functions) (Amendment)  
Regulations 2003***Made**20th March 2003*

*Coming into force in accordance with  
regulation 1*

The National Assembly for Wales, in exercise of powers conferred upon it by sections 16BB(1), (3) and (5) and 126(4) of the National Health Service Act 1977(a) hereby makes the following Regulations:

**Citation, commencement and application**

1. These Regulations may be cited as the Local Health Boards (Functions) (Amendment) Regulations 2003 and come into force on 1st April 2003 immediately after the coming into force of the Local Health Boards (Functions) Regulations 2003(b) and apply to Wales only.

**Interpretation**

2. In these Regulations, unless the context otherwise requires -

"the principal Regulations" ("y prif Rheoliadau") means the Local Health Board (Functions) Regulations 2003(c).

(a) 1977 c.49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), section 26(2)(g) and (i) and by the Health Act 1999 (c.8) ("the 1999 Act"), Schedule 4, paragraph 38(2)(b), for the definition of "prescribed" and "regulations".

Section 126(4) was amended by the 1990 Act, section 65(2) and the 1999 Act, Schedule 4, and paragraph 37(6).

The functions of the Secretary of State under sections 126(4) of the 1977 Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 SI 1999/672, article 2 and Schedule 1, as amended by the 1999 Act, section 66(5).

Section 16BB was inserted by section 6 of the National Health Service Reform and Health Care Professions Act 2002 (c.17).

(b) S.I. 2003/150.

(c) S.I. 2003/150 (W.20).

### **Diwygio'r prif Reoliadau**

3. Caiff y prif Reoliadau eu diwygio yn unol â rheoliad 4.

4. Dileir yr Atodlen i'r prif Reoliadau (swyddogaethau eithriedig Awdurdod Iechyd perthnasol) a rhoi yn ei lle yr Atodlen isod.

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

20 Mawrth 2003

Dirprwy Lywydd y Cynulliad Cenedlaethol

### **Amendment of the principal Regulations**

3. The principal Regulations shall be amended in accordance with regulation 4.

4. Delete the Schedule to the principal Regulations (excepted functions of a relevant Health Authority) and substitute the Schedule hereto.

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

20th March 2003

*John Marek*

The Deputy Presiding Officer of the National Assembly

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(a) 1998 p.38.

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(a) 1998 c.38.

## ATODLEN

Swyddogaethau eithriedig Awdurdod Iechyd  
perthnasol

## SCHEDULE

Excepted functions of a relevant Health Authority

<b>Commissioning of Specialised Services for adults and children in respect of:-</b>	<b>Description</b>
Blood and bone marrow transplantation	Autografts and Allografts, all phases.
Assessment and provision of equipment for people with complex physical disability	Prosthetics and complex orthotics; Wheelchair provision including complex postural seating and powered wheelchair controls; Communication aids (excluding all forms of hearing aids and cochlear implants); Environmental controls and other electronic assistive technology; Telecare. All services provided by the Artificial Limbs and Appliances Service.
Haemophilia and other bleeding disorders	All activity including genetic support.
Spinal services	Spinal injuries (with damage or threat to spinal cord function) -all activity in designated centres; Complex spinal deformity surgery and reconstructive spinal surgery (without threat to spinal cord function).
Burns services	The treatment of complex burns including acute surgical care, intensive care, rehabilitation and multiple in-patient and out-patient interventions for reconstructive surgery.
Cystic fibrosis	All services including outreach and shared care.
Cleft lip and palate services	Services provided by all relevant specialites
Allergy	Treatment of allergic disease requiring special facilities for investigation and management normally

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Cystic fibrosis	All services including outreach and shared care.
Cleft lip and palate services	Services provided by all relevant specialites
Allergy	Treatment of allergic disease requiring special facilities for investigation and management normally

	available only in national specialist centres.
Medical genetics	Clinical genetics; Laboratory genetics; Cytogenetics; Molecular genetics; Metabolic biochemistry; Planning for population screening
Clinical Immunology	Laboratory investigation for the diagnosis, clinical assessment and treatment of patients with suspected and established primary and humoral immunodeficiencies and the monitoring of complex therapies.
<b>Commissioning of Specialised Services for Adults in respect of:-</b>	
Cancer Services	Specialised services including Continuous Hyperfractionated Accelerated Radiotherapy (for lung cancer), Stereotactic radiosurgery, total skin electron beam radiotherapy cutaneous lymphoma only, micrographic surgery for skin cancer, thoracic surgery for the treatment of cancer, exenterative surgery for gynaecological cancer, brachytherapy, hyperthermia, radionuclide therapy, specialised palliative care services for common cancers: stents, laser and cryotherapy, photodynamic therapy, conformal radiotherapy, photopheresis, Position Emission Tomography scanning, testing people for cancers that have genetic or familial associations including familial polyposis, hereditary non-polyposis, colon, breast. Specialised conditions including brain/central nervous system/spinal cancers, endocrine, sarcoma (soft tissue and bone), skin cancer (melanoma (any site)), cutaneous

	available only in national specialist centres.
Medical genetics	Clinical genetics; Laboratory genetics; Cytogenetics; Molecular genetics; Metabolic biochemistry; Planning for population screening
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	lymphoma, Human Immunodeficiency Virus related malignancies, mesothelioma, specialised gynaecological cancers - vulval, vaginal and germ cell cancers, head & neck cancers, haematological malignancies such as leukaemia, lymphoma and myeloma, urological cancers -complex bladder, retro-peritoneal surgery, testes, lymphnode section, complex penile; pituitary tumours and teenage & young adult cancer (up to age 25).		lymphoma, Human Immunodeficiency Virus related malignancies, mesothelioma, specialised gynaecological cancers - vulval, vaginal and germ cell cancers, head & neck cancers, haematological malignancies such as leukaemia, lymphoma and myeloma, urological cancers -complex bladder, retro-peritoneal surgery, testes, lymphnode section, complex penile; pituitary tumours and teenage & young adult cancer (up to age 25).
Complex rehabilitation for brain injury and complex disability	Centres providing a significant proportion of complex rehabilitation - excluding local aftercare and rehabilitation.	Complex rehabilitation for brain injury and complex disability	Centres providing a significant proportion of complex rehabilitation - excluding local aftercare and rehabilitation.
Neurosciences	Neurosurgery; Neurology (excluding in-patient stroke and cerebral haemorrhage); Neurorehabilitation; Neuropathology; Neurophysiology; Neuroradiology; Neuroophthalmology; Neurootology.	Neurosciences	Neurosurgery; Neurology (excluding in-patient stroke and cerebral haemorrhage); Neurorehabilitation; Neuropathology; Neurophysiology; Neuroradiology; Neuroophthalmology; Neurootology.
Renal services	Treatment for End Stage Renal Failure; Treatment for acute renal failure; General nephrology (provided in a main nephrology unit); Renal related surgery including dialysis.	Renal services	Treatment for End Stage Renal Failure; Treatment for acute renal failure; General nephrology (provided in a main nephrology unit); Renal related surgery including dialysis.
Home parental nutrition	Home care packages and support provided by hospital team.	Home parental nutrition	Home care packages and support provided by hospital team.
Cardiology and cardiac surgery	Cardiothoracic transplantation (including implantable ventricular assist devices); Pulmonary hypertension; Cardiac electrophysiology; Congenital heart disease; Invasive cardiology; Angiography and cardiac surgery.	Cardiology and cardiac surgery	Cardiothoracic transplantation (including implantable ventricular assist devices); Pulmonary hypertension; Cardiac electrophysiology; Congenital heart disease; Invasive cardiology; Angiography and cardiac surgery.
Infectious diseases	Inpatient infectious disease activity.	Infectious diseases	Inpatient infectious disease activity.

Hepatology, hepatobiliary and pancreatic surgery	Services for the treatment of patients with viral hepatitis; Services for patients with acute liver failure and advanced complications of cirrhosis; Services for patients with benign and malignant liver tumours and cancer of the intra and extrahepatic biliary tree (including pancreas); Hepatobiliary and pancreatic surgery.	Hepatology, hepatobiliary and pancreatic surgery	Services for the treatment of patients with viral hepatitis; Services for patients with acute liver failure and advanced complications of cirrhosis; Services for patients with benign and malignant liver tumours and cancer of the intra and extrahepatic biliary tree (including pancreas); Hepatobiliary and pancreatic surgery.
Mental Health	Tertiary Eating Disorder services; Neuropsychiatry; Forensic Services excluding low secure; Mental health services for deaf people; Gender Identity disorder; Perinatal psychiatric services (Mother and Baby) units;Complex and/or treatment resistant disorders.	Mental Health	Tertiary Eating Disorder services; Neuropsychiatry; Forensic Services excluding low secure; Mental health services for deaf people; Gender Identity disorder; Perinatal psychiatric services (Mother and Baby) units;Complex and/or treatment resistant disorders.
Plastic Surgery	Surgery on the skin and/or appendages including microsurgery.	Plastic Surgery	Surgery on the skin and/or appendages including microsurgery.
Thoracic surgery	Surgery on the lungs and thoracic cavity and walls excluding cardiac surgery	Thoracic surgery	Surgery on the lungs and thoracic cavity and walls excluding cardiac surgery
Women's health	Foetal medicine including prenatal diagnosis and foetal therapy; Congenital abnormalities of the genital tract.Infertility Services involving in-vitro techniques	Women's health	Foetal medicine including prenatal diagnosis and foetal therapy; Congenital abnormalities of the genital tract.Infertility Services involving in-vitro techniques
Pathology		Pathology	
Dermatology		Dermatology	
Cochlear Implants		Cochlear Implants	
<b>Commissioning of Specialised Services for Children in respect of:-</b>		<b>Commissioning of Specialised Services for Children in respect of:-</b>	
	Cardiology and cardiothoracic surgery; Nephrology, including renal replacement therapy; Gastroenterology/ Hepatology/		Cardiology and cardiothoracic surgery; Nephrology, including renal replacement therapy; Gastroenterology/ Hepatology/

	<p>Nutritional support; Respiratory; Oncology; Malignant haematology; Non-malignant haematology; Neonatal intensive care; Paediatric intensive care; Immunological disorder/infectious disease/allergy; Paediatric pathology; Paediatric Neurosciences (Including complex disability and rehabilitation); Metabolic disorders; Paediatric endocrinology and diabetes; Rheumatology; Specialised child and adolescent mental health services; Specialised dermatology; Paediatric surgery; Paediatric orthopaedic surgery; Paediatric ophthalmology; Paediatric ear, nose and throat surgery; Paediatric oral and maxillofacial surgery; Paediatric plastic surgery; Paediatric urology; Complex child and adolescent gynaecology, congenital anomalies and intersex.</p>
<b>Other Services</b>	<p>Rheumatology; Endocrinology; Hyperbaric treatment; Respiratory services; Vascular services; Pain management services; Bone Anchored Hearing Aids; Colorectal services; Orthopaedic services; Morbid obesity services.</p>
Highly specialised services which are commissioned on a UK basis by the National Specialist Commissioning Advisory Group	
National Poisons Information Service	Advisory service for the identification, treatment and management of poisoning.

	<p>Nutritional support; Respiratory; Oncology; Malignant haematology; Non-malignant haematology; Neonatal intensive care; Paediatric intensive care; Immunological disorder/infectious disease/allergy; Paediatric pathology; Paediatric Neurosciences (Including complex disability and rehabilitation); Metabolic disorders; Paediatric endocrinology and diabetes; Rheumatology; Specialised child and adolescent mental health services; Specialised dermatology; Paediatric surgery; Paediatric orthopaedic surgery; Paediatric ophthalmology; Paediatric ear, nose and throat surgery; Paediatric oral and maxillofacial surgery; Paediatric plastic surgery; Paediatric urology; Complex child and adolescent gynaecology, congenital anomalies and intersex.</p>
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NHS Direct	
National Population Screening Programmes	Programmes of population screening including NHS Breast Screening Programme, Cervical Screening Wales and New Born Hearing Screening Wales.
Emergency Ambulance Services	Emergency transport services for the sick and injured.
Blood Transfusion and Tissue Typing Services	The collection, testing and distribution of blood and blood products in Wales, including autologous transfusion, storage and distribution of blood products, tertiary reference service for transfusion serology, a medical advisory service and support to the transfusion medicine teaching curriculum; Maintaining the Welsh Bone Marrow Donor Registry and a tissue typing service for transplantation.
Regional Pharmaceutical Services	Clinical Support Services; Quality and Technical Services;Surgical Materials Testing Service.
Dental Service Increment Training	Service Increment for Training
Functions under section 87 of the Water Industry Act 1991(a)	
Emergency Planning services.	
Medical SIFT	Service Increment for Training
Diabetic Retinopathy Screening	
Functions of a local supervising authority (LSA) pursuant to article 42(1)(b) and article 43 of the Nursing and Midwifery Order 2001.(b)	

(a) 1991 c.56.

(b) S.I. 2002/253.

NHS Direct	
National Population Screening Programmes	Programmes of population screening including NHS Breast Screening Programme, Cervical Screening Wales and New Born Hearing Screening Wales.
Emergency Ambulance Services	Emergency transport services for the sick and injured.
Blood Transfusion and Tissue Typing Services	The collection, testing and distribution of blood and blood products in Wales, including autologous transfusion, storage and distribution of blood products, tertiary reference service for transfusion serology, a medical advisory service and support to the transfusion medicine teaching curriculum; Maintaining the Welsh Bone Marrow Donor Registry and a tissue typing service for transplantation.
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(a) 1991 c.56.

(b) S.I. 2002/253.





**2003 Rhif 816 (Cy.101)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**Rheoliadau'r Byrddau Iechyd Lleol  
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**2003 No. 816 (W.101)**

**NATIONAL HEALTH  
SERVICE, WALES**

**The Local Health Boards  
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