



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 603 (Cy.51)

2005 No. 603 (W.51)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**Rheoliadau Cynghorau Iechyd
Cymuned (Diwygio) 2005**

**Community Health Councils
(Amendment) Regulations 2005**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of these Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynghorau Iechyd Cymuned 2004 (O.S. 2004/905) (Cy.89) ("y Prif Reoliadau").

These Regulations amend the Community Health Councils Regulations 2004 (S.I. 2004/905) (W.89) ("the Principal Regulations").

Mae rheoliad 2 o'r Rheoliadau hyn yn mewnosod diffiniad, sef "aelod o'r Bwrdd" ac yn diwygio'r diffiniad o "aelod" yn rheoliad 1(2) o'r Prif Reoliadau.

Regulation 2 of these Regulations inserts a definition of "Board member" and amends the definition of "member" in regulation 1(2) of the Principal Regulations.

Mae rheoliad 3 o'r Rheoliadau hyn yn rhoi fersiwn ddiwygiedig o reoliad 3 o'r Prif Reoliadau yn lle'r hen un. Mae'r prif newid yn newid tymor gwasanaethu aelodau o Gyngor Iechyd Cymuned i gyfnod rhwng un a phum mlynedd, fel a bennir adeg eu penodi.

Regulation 3 of these Regulations substitutes an amended version of regulation 3 of the Principal Regulations. The principal change is to the term of office of Community Health Council members which will be between one and five years, as specified on appointment.

Mae rheoliad 4 o'r Rheoliadau hyn yn mewnosod rheoliad 3A newydd yn y Prif Reoliadau. Mae hwn yn darparu mai'r cyfnod sydd heb ddirwyn i ben o dymor cyfredol penodiad aelodau o Gyngor Iechyd Cymuned a benodwyd ar 31 Mawrth 2005 neu cyn hynny yw eu tymor gwasanaethu.

Regulation 4 of these Regulations inserts a new regulation 3A into the Principal Regulations. This provides that the term of office of members of a Community Health Council who were appointed on or before 31 March 2005 is the unexpired period of their current term of appointment.

Mae rheoliad 5 o'r Rheoliadau hyn yn diwygio rheoliad 8(1), yn disodli rheoliad 8(2) ac yn ychwanegu paragraff (3) newydd at reoliad 8 o'r Prif Reoliadau. Effaith y newidiadau yw darparu mai deg yw uchafswm nifer y blynyddoedd y caiff person wasanaethu fel aelod o Gyngor Iechyd Cymuned. Caiff pob gwasanaeth fel aelod o Gyngor neu Gynghorau Iechyd Cymuned, heb ystyried unrhyw ad-drefniadau, ei agregu wrth gyfrifo'r cyfnod hwyaf o ddeng mlynedd.

Regulation 5 of these Regulations amends regulation 8(1), replaces regulation 8(2) and adds a new paragraph (3) to regulation 8 of the Principal Regulations. The effect of the changes is to provide that the maximum number of years that a person may serve as a member of a Community Health Council is ten. All service as a member of a Community Health Council or Councils regardless of any reorganisations will be aggregated when calculating the ten year maximum period.

Mae rheoliad 6 o'r Rheoliadau hyn yn mewnosod rheoliad 8A newydd yn y Prif Reoliadau. Mae rheoliad 8A newydd yn darparu bod aelodau o Gyngor Iechyd Cymuned a oedd wedi'u penodi cyn 1 Ebrill 2005 yn cael treulio gweddill eu tymor gwasanaethu cyfredol hyd yn oed os byddai hynny'n golygu y byddent yn treulio mwy na'r uchafswm rhagnodedig o ddeng mlynedd.

Mae rheoliad 7 o'r Rheoliadau hyn yn diwygio rheoliad 12(3) o'r Prif Reoliadau i'w gwneud yn glir y byddai swyddogion i Gyngor Iechyd Cymuned yn ogystal ag aelodau yn cael eistedd ar gydbwyllgor.

Mae rheoliad 8 o'r Rheoliadau hyn yn diwygio rheoliad 23 o'r Prif Reoliadau i wneud sefydlu gweithdrefn gwynion yn un o swyddogaethau Bwrdd Cynghorau Iechyd Cymuned Cymru.

Mae rheoliad 9 o'r Rheoliadau hyn yn mewnosod yn y Prif Reoliadau rheoliad 23A newydd sy'n ymdrin â sefydlu gweithdrefn gwynion sydd i'w dilyn mewn perthynas â chwynion am Gynghorau, aelodau unigol a Bwrdd Cynghorau Iechyd Cymuned Cymru.

Mae rheoliad 10 o'r Rheoliadau hyn yn diwygio rheoliad 24 o'r Prif Reoliadau. Y prif newidiadau yw darparu mai dim ond aelodau a swyddogion Cyngor Iechyd Cymuned y caniateir eu penodi i Fwrdd Cynghorau Iechyd Cymuned Cymru, ac y bydd tymor penodiad aelodau o'r Bwrdd yn gyfnod hyd at dair blynedd.

Mae rheoliad 11 o'r Rheoliadau hyn yn diwygio rheoliad 26 o'r Prif Reoliadau i'w gwneud yn glir mai aelodau o Fwrdd Cynghorau Iechyd Cymuned Cymru yw'r "aelodau" y cyfeirir atynt.

Mae arfarniad rheoliadol wedi'i baratoi a'i roi yn llyfrgell Cynulliad Cenedlaethol Cymru.

Regulation 6 of these Regulations inserts a new regulation 8A into the Principal Regulations. The new regulation 8A provides that members of a Community Health Council who were appointed before 1 April 2005 may serve the remainder of their current term of office even if this would result in them serving more than the prescribed ten year maximum.

Regulation 7 of these Regulations amends regulation 12(3) of the Principal Regulations to make it clear those officers of a Community Health Council as well as members may sit on a joint committee.

Regulation 8 of these Regulations amends regulation 23 of the Principal Regulations to make it a function of the Board of Community Health Councils in Wales to establish a complaints procedure.

Regulation 9 of these Regulations inserts a new regulation 23A into the Principal Regulations which deals with the establishment of a complaints procedure to be followed in respect of complaints about Councils, individual members and the Board of Community Health Councils in Wales.

Regulation 10 of these Regulations amends regulation 24 of the Principal Regulations. The principal changes are to provide that only Community Health Council members and officers can be appointed to the Board of Community Health Councils in Wales, and that the term of appointment of Board members will be for up to three years.

Regulation 11 of these Regulations amends regulation 26 of the Principal Regulations to make it clear that the "members" referred to are members of the Board of Community Health Councils in Wales.

A regulatory appraisal has been prepared and placed in the library of the National Assembly for Wales.

2005 Rhif 603 (Cy.51)**2005 No. 603 (W.51)****Y GWASANAETH IECHYD
GWLADOL, CYMRU****NATIONAL HEALTH
SERVICE, WALES****Rheoliadau Cyngorau Iechyd
Cymuned (Diwygio) 2005****Community Health Councils
(Amendment) Regulations 2005***Wedi'u gwneud*

8 Mawrth 2005

Made

8 March 2005

Yn dod i rym

1 Ebrill 2005

Coming into force

1 April 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16BB(4), 17 a 126(4) a pharagraffau 2, 3 a 4 o Atodlen 7A i Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1) drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales in exercise of powers conferred by sections 16BB(4), 17 and 126(4) and paragraphs 2, 3 and 4 of Schedule 7A to the National Health Service Act 1977(1) hereby makes the following Regulations:

Enwi, cychwyn a dehongli

1-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyngorau Iechyd Cymuned (Diwygio) 2005 a deuant i rym ar 1 Ebrill 2005.

Citation, commencement and interpretation.

1-(1) These Regulations may be cited as the Community Health Councils (Amendment) Regulations 2005 and will come into force on 1 April 2005.

(2) Yn y Rheoliadau hyn ystyr "y Prif Reoliadau" (*"the Principal Regulations"*) yw Rheoliadau Cyngorau Iechyd Cymuned 2004(2).

(2) In these Regulations "the Principal Regulations" (*"y Prif Reoliadau"*) means the Community Health Councils Regulations 2004(2).

Diwygio rheoliad 1(2) o'r Prif Reoliadau

2-(1) Yn rheoliad 1(2) o'r Prif Reoliadau mewnosodir y diffiniad canlynol yn y man priodol yn ôl trefn yr wyddor

Amendment of regulation 1(2) of the Principal Regulations

2-(1) In regulation 1(2) of the Principal Regulations, the following definition is inserted at the appropriate point in alphabetical order

"ystyr "aelod o'r Bwrdd" (*"Board member"*) yw aelod o Fwrdd Cyngorau Iechyd Cymuned Cymru a sefydlwyd yn unol â rheoliad 23 o'r Rheoliadau hyn".

"Board member" (*"aelod o'r Bwrdd"*) means a member of the Board of Community Health Councils in Wales established pursuant to regulation 23 of these Regulations".

(1) 1977 p.49. Diwygiwyd adran 126(4) gan adran 65(2) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) a chan baragraff 37(6) o Ddeddf Iechyd 1999 (p.8) a chan adran 1 o Ddeddf Iechyd (Cymru) 2003 (p.4) (*"Deddf 2003"*). Mewnosodwyd Adran 16BB(4) gan adran 6 o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17). Mewnosodwyd Atodlen 7A gan adran 1 o Ddeddf 2003. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 17 a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(2) O.S. 2004/905 (Cy.89).

(1) 1977 c.49. Section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c.19) and by paragraph 37(6) of the Health Act 1999 (c.8) and by section 1 of the Health (Wales) Act 2003 (c.4) (*"the 2003 Act"*). Section 16BB(4) was inserted by section 6 of the National Health Service Reform and Health Care Professions Act 2002 (c.17). Schedule 7A was inserted by section 1 of the 2003 Act. The functions of the Secretary of State under sections 17 and 126(4) of the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. 1999/672.

(2) S.I. 2004/905 (W.89).

(2) Hepgorir y geiriau canlynol o'r diffiniad o "aelod" ("*member*"): "neu aelod o Fwrdd CIC yn ôl y digwydd".

Dirymu rheoliad 3 o'r Prif Reoliadau a'i ailddeddfu gyda newidiadau

3. Dirymir rheoliad 3 o'r Prif Reoliadau a rhoddir y canlynol yn ei le:

" 3 Tymor gwasanaethu'r aelodau

(1) Yn ddarostyngedig i reoliad 8 (aelodau sy'n gymwys i'w haillethol), tymor gwasanaethu unrhyw aelod, a benodwyd neu a ailbenodwyd ar 1 Ebrill 2005 neu ar ôl hynny, yw rhwng un a phum mlynedd yn ôl yr hyn a bennwyd gan y corff penodi adeg penodi'r aelod hwnnw.

(2) Pan fydd Cyngor newydd i'w sefydlu o dan adran 20A(2)(b) o'r Ddeddf ar gyfer ardal neu ran o ardal Cyngor sy'n bodoli eisoes, caiff y Cynulliad benderfynu y bydd swydd unrhyw aelod o'r Cyngor sy'n bodoli eisoes yn dod i ben yn union cyn sefydlu'r Cyngor newydd.

(3) Pan fydd Cyngor yn cael ei ddiddymu o dan adran 20(A)(2)(b) o'r Ddeddf, caiff y Cynulliad benderfynu y bydd swydd yrhyw aelod o'r Cyngor a ddiddymwyd yn dod i ben yn union."

Ychwanegu rheoliad 3A at y Prif Reoliadau

4. Yn dilyn rheoliad 3 o'r Prif Reoliadau, mewnosdir y rheoliad 3A newydd canlynol:

"3A Tymor gwasanaethu'r aelodau - trefniadau trosiannol ar gyfer aelodau a benodwyd eisoes gan y corff sy'n penodi ar 31 Mawrth 2005

Gweddill ei dymor gwasanaethu cyfredol fydd tymor gwasanaethu unrhyw aelod sydd eisoes wedi'i benodi gan y corff sy'n penodi ar 31 Mawrth 2005."

Diwygio rheoliad 8 o'r Prif Reoliadau

5.-(1) Dileir y geiriau "baragraff (2) ac i reoliad 9" yn rheoliad 8(1) o'r Prif Reoliadau a rhoddir y geiriau "baragraffau (2) a (3)" yn eu lle.

(2) Dirymir rheoliad 8(2) o'r Prif Reoliadau a rhoddir y canlynol yn ei le:

"(2) Caiff person wasanaethu fel aelod o Gyngor am gyfnod o ddeng mlynedd ar y mwyaf."

(3) Yn dilyn y rheoliad 8(2) newydd mewnosdir

(2) The following words are omitted from the definition of "member" ("*aelod*"): "or a member of the CHC Board as the case may be".

Revocation and re-enactment with changes of regulation 3 of the Principal Regulations

3. Regulation 3 of the Principal Regulations is revoked and replaced by the following:

" 3 Term of office of members

(1) Subject to regulation 8 (eligibility of members for re-appointment), the term of office of any member appointed or re-appointed on or after 1 April 2005 is between one and five years as specified by the appointing body on appointment.

(2) Where a new Council is to be established under section 20A(2)(b) of the Act for the district or part of a district of an existing Council, the Assembly may determine that the office of any member of the existing Council will cease immediately before the establishment of the new Council.

(3) Where a Council is abolished under section 20A(2)(b) of the Act, the Assembly may determine that the office of any member of the abolished Council will cease immediately."

Addition of regulation 3A to the Principal Regulations

4. Following regulation 3 of the Principal Regulations, there is inserted the following new regulation 3A:

"3A Term of office of members - transitional arrangements for members already appointed by the appointing body as at 31 March 2005

The term of office of any member already appointed by the appointing body as at 31 March 2005 will be the remainder of that member's current term of office."

Amendment of regulation 8 of the Principal Regulations.

5.-(1) The words "paragraph (2) and to regulation 9" in regulation 8(1) of the Principal Regulations are removed and the words "paragraphs (2) and (3)" inserted in their place.

(2) Regulation 8(2) of the Principal Regulations is revoked and replaced with the following:

"(2) A person may serve a maximum of ten years as a member of a Council."

(3) Following the new regulation 8(2) there is inserted

"(3) Wrth gyfrifo'r cyfnod o ddeng mlynedd y cyfeirir ato ym mharagraff (2) uchod, caiff pob cyfnod o wasanaeth fel aelod mewn unrhyw Gyngor ei agregu, gan gynnwys gwasanaeth mewn Cyngor y cafodd ei ardal ei newid ac mewn Cyngor sydd wedi'i ddi-ddymu ond heb fod yn gyfyngedig i'r cyfnod gwasanaeth hwnnw."

Ychwanegu rheoliad 8A at y Prif Reoliadau.

6. Yn dilyn rheoliad 8 o'r Prif Reoliadau, mewnosodir y canlynol:

"8A Aelodau sy'n gymwys i'w haillethol - darpariaethau trosiannol

(1) Caiff yr aelodau hynny a benodwyd cyn 1 Ebrill 2005, yn unol â rheoliad 3A, fwrw gweddill eu tymor gwasanaethu cyfredol, er y gall hynny olygu y byddant yn treulio mwy na'r uchafswm o ddeng mlynedd a ragnodir yn rheoliad 8 uchod.

(2) Pan fydd yr aelodau hynny y cyfeirir atynt ym mharagraff (1) uchod wedi treulio eu tymor gwasanaethu cyfredol, byddant, er mwyn osgoi unrhyw amheuaeth, yn ddarostyngedig i ddarpariaethau rheoliad 8."

Diwygio rheoliad 12 o'r Prif Reoliadau

7. Yn dilyn y geiriau "i gyd yn aelodau o'r Cynghorau hynny" yn ail linell rheoliad 12(3) o'r Prif Reoliadau mewnosodir y geiriau canlynol, "ac, os bydd angen, yn swyddogion i'r Cynghorau hynny".

Diwygio rheoliad 23 o'r Prif Reoliadau

8. Yn dilyn rheoliad 23(ch) o'r Prif Reoliadau, ychwanegir y canlynol:

"(d) sefydlu gweithdrefn gwynion yn unol â rheoliad 23A."

Ychwanegu rheoliad 23A at y Prif Reoliadau

9. Yn dilyn rheoliad 23 o'r Prif Reoliadau, ychwanegir y canlynol:

"23A Gweithdrefn Gwynion

(1) Rhaid i'r Bwrdd wneud darpariaeth ynglyn â thrin ac ystyried cwynion a wneir am y ffordd y mae unrhyw swyddogaeth sydd gan Gyngor neu'r Bwrdd yn cael ei harfer.

(2) Cyn bod y weithdrefn gwynion a lunnir gan y Bwrdd yn unol â pharagraff (1) uchod yn cael ei

"(3) When calculating the ten year period referred to in paragraph (2) above, all periods of service as a member in any Council will be aggregated, including, but not limited to, service in a Council that has had its district altered and in a Council that has been abolished."

Addition of regulation 8A to the Principal Regulations.

6. Following regulation 8 of the Principal Regulations the following is inserted:

"8A Eligibility of members for re-appointment - transitional provisions

(1) Those members who were appointed prior to 1 April 2005 may, in accordance with regulation 3A, serve out the remainder of their current term of office, notwithstanding that this may result in them serving more than the ten year maximum prescribed in regulation 8 above.

(2) Once those members referred to in paragraph (1) above have served their current term of office they will, for the avoidance of doubt, be subject to the provisions of regulation 8."

Amendment of regulation 12 of the Principal Regulations

7. Following the words "wholly of members" in the second line of regulation 12(3) of the Principal Regulations there are inserted the following words, "and, if required, officers".

Amendment of regulation 23 of the Principal Regulations

8. Following regulation 23(d) of the Principal Regulations, the following will be added:

"(e) establishing a complaints procedure in accordance with regulation 23A."

Addition of regulation 23A to the Principal Regulations

9. Following regulation 23 of the Principal Regulations, the following will be added:

"23A Complaints Procedure

(1) The Board must make provision about the handling and consideration of complaints made about the exercise of any of the functions of a Council or the Board.

(2) Before the complaints procedure devised by the Board in accordance with paragraph (1) above

gweithredu, rhaid i'r Bwrdd sicrhau bod y weithdrefn yn cael ei chymeradwyo'n gyntaf gan y Cynulliad."

Diwygio rheoliad 24 o'r Prif Reoliadau

10.-(1) Rhoddir "(1)" o flaen y geiriau "Bydd ar Fwrdd CIC" a rhoddir y geiriau "aelodau o'r Bwrdd" yn lle'r gair "aelodau" yn rheoliad 24 o'r Prif Reoliadau.

(2) Yn dilyn rheoliad 24(1) o'r Prif Reoliadau mewnosodir y paragraffau newydd canlynol:

"(2) Dim ond aelodau a swyddogion Cynghorau sy'n gymwys i'w penodi yn aelodau o'r Bwrdd.

(3) Bydd tymor gwasanaethu aelod o'r Bwrdd yn gyfnod hyd at dair blynedd, fel a bennir adeg ei benodi."

Diwygio Rheoliad 26 o'r Prif Reoliadau

11. Ar ôl y gair "aelodau" yn seithfed linell rheoliad 26(1) o'r Prif Reoliadau rhodder y geiriau "o'r Bwrdd".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru yn unol ag adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

8 Mawrth 2005

Llywydd y Cynulliad Cenedlaethol

is implemented, the Board must first obtain the Assembly's approval of the procedure."

Amendment of regulation 24 of the Principal Regulations

10.-(1) A "(1)" is inserted in front of the words "The CHC Board" and the word "Board" is inserted in front of the word "members" in regulation 24 of the Principal Regulations.

(2) Following regulation 24(1) of the Principal Regulations there are inserted the following new paragraphs:

"(2) Only members and officers of Councils are eligible for appointment as a Board member.

(3) The term of office of a Board member will be up to three years, as specified on appointment."

Amendment of Regulation 26 of the Principal Regulations

11. Before the word "members" in the ninth line of regulation 26(1) of the Principal Regulations insert the word "Board".

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

8 March 2005

The Presiding Officer of the National Assembly

D. Elis-Thomas

(1) 1998 p.38.

(1) 1998 c.38

OFFERYNNAU STATUDOL

2005 Rhif 603 (Cy.51)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau Cyngorau Iechyd
Cymuned (Diwygio) 2005

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2005 No. 603 (W.51)

**NATIONAL HEALTH
SERVICE, WALES**

Community Health Councils
(Amendment) Regulations 2005

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