



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1703 (Cy.165)

2006 No. 1703 (W.165)

**IECHYD Y CYHOEDD,
CYMRU**

**PUBLIC HEALTH,
WALES**

**Rheoliadau Gofal Iechyd Preifat a
Gwirfoddol ac Amrywiol (Cymru)
(Diwygio) 2006**

**The Private and Voluntary Health
Care and Miscellaneous (Wales)
(Amendment) Regulations 2006**

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 cael eu gwneud o dan Ddeddf Safonau Gofal 2000 ac maent yn estyn Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002 er mwyn iddynt fod yn gymwys i asiantaethau meddygol annibynnol yng Nghymru. Mae diwygiadau canlyniadol hefyd yn cael eu gwneud i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002

These Regulations are made under the Care Standards Act 2000 and extend the Private and Voluntary Health Care (Wales) Regulations 2002 so that they apply to independent medical agencies in Wales. Consequential amendments are also made to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002.

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(Diwygio) 2006****The Private and Voluntary Health
Care and Miscellaneous (Wales)
(Amendment) Regulations 2006***Wedi'u gwneud* 27 Mehefin 2006*Made* 27 June 2006*Yn dod i rym* 6 Gorffennaf 2006*Coming into force* 6 July 2006

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

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5. Diwygio Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002.

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4. Transitional Arrangements.
5. Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002.

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 2(4), (7)(f) ac (8), 12(2), 14(1)(d), 15(3), 16(1), 16(3), 22(1), (2)(a) i (d), (f) - (j), (5)(a) a (7)(a) i (h), (j) a (k), 25(1), 34(1), 35 a 118(5) i (7) o Ddeddf Safonau Gofal 2000(1) ac ar ôl iddo ymgynghori â'r personau hynny y mae'n eu hystyried yn briodol(2), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred on it by sections 2(4), (7)(f) and (8), 12(2), 14(1)(d), 15(3), 16(1), 16(3), 22(1), (2)(a) to (d), (f) - (j), (5)(a) and (7)(a) to (h), (j) and (k), 25(1), 34(1), 35 and 118(5) to (7) of the Care Standards Act 2000(1) and having consulted such persons as it considers appropriate(2), hereby makes the following Regulations:

Enwi, cychwyn a chymhwyso**Title, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal Iechyd Preifat a Gwirfoddol ac Amrywiol (Diwygio) (Cymru) 2006 a deuant i rym ar 6 Gorffennaf 2006.

1.-(1) The title of these Regulations is the Private and Voluntary Health Care and Miscellaneous (Wales) (Amendment) Regulations 2006 and they come into force on 6 July 2006.

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

(2) These Regulations apply in relation to Wales.

(1) 2000 p.14. Mae'r pwerau'n arferadwy gan y Gweinidog priodol a ddiffinnir yn adran 121(1) o ran Cymru fel Cynulliad Cenedlaethol Cymru.

(2) *Gweler* adran 22(9) o Ddeddf Safonau Gofal 2000 am y gofyniad i ymgynghori.

(1) 2000 c.14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1) in relation to Wales as the National Assembly for Wales.

(2) *See* section 22(9) of the Care Standards Act 2000 for the requirement to consult.

Dehongli

2. Yn y Rheoliadau hyn-

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

Diwygio Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002

3.-(1) Yn rheoliad 2(1) (Dehongli) o Reoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002(1) ("Rheoliadau 2002") yn y diffiniad o "sefydliad" ("*establishment*") yn lle'r geiriau "neu glinig annibynnol" rhodder y canlynol-

"clinig annibynnol neu asiantaeth feddygol annibynnol;

(2) Ar ôl rheoliad 4 o Reoliadau 2002, rhodder y canlynol-

"Eithrio ymgymeriad rhag ei gynnwys yn y diffiniad o asiantaeth feddygol annibynnol

3A. At ddibenion y Ddeddf, eithrir unrhyw ymgymeriad sy'n darparu gwasanaethau meddygol gan ymarferydd meddygol yn unig o dan drefniadau a wneir ar ran y cleifion gan eu cyflogwr neu berson arall rhag bod yn asiantaeth feddygol annibynnol."

(3) Yn rheoliad 8(1) (Polisïau a gweithdrefnau) yn lle'r geiriau "mewn neu at ddibenion sefydliad mewn perthynas ag" rhodder y canlynol:-

"mewn ysbyty annibynnol neu glinig annibynnol, neu at eu dibenion, o ran pob un o'r materion a bennir isod, ac at ddibenion asiantaeth feddygol annibynnol o ran pob un o'r materion a bennir yn is-baragraffau (a), (b), (dd), (e) ac (f)".

(4) Yn rheoliad 10(3) rhodder "sefydliad" yn lle'r gair "cartref".

Trefniadau trosiannol

3.-(1) Mae'r rheoliad hwn yn gymwys i bersonau y mae'n ofynnol iddynt yn rhinwedd darpariaethau'r Ddeddf a'r Rheoliadau hyn gael eu cofrestru o dan y Ddeddf ond nad oedd yn ofynnol iddynt gael eu cofrestru felly yn union cyn 6 Gorffennaf 2006.

(2) Er gwaethaf unrhyw un o'r darpariaethau hynny, caiff person a oedd yn union cyn 6 Gorffennaf 2006 yn rhedeg neu'n rheoli asiantaeth feddygol annibynnol barhau i redeg neu reoli'r asiantaeth heb iddo gael ei gofrestru o dan y Ddeddf-

(a) yn ystod y 3 mis sy'n dechrau ar y dyddiad hwnnw; a

(1) O.S. 2002/325 (Cy.38).

Interpretation

2. In these Regulations-

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

Amendment of the Private and Voluntary Health Care (Wales) Regulations 2002

3.-(1) In regulation 2(1) (Interpretation) of the Private and Voluntary Health Care (Wales) Regulations 2002(1) ("the 2002 Regulations") in the definition of "establishment" ("*sefydliad*") the words "or an independent clinic" are replaced by the following-

"an independent clinic or an independent medical agency;"

(2) After regulation 4 of the 2002 Regulations the following is added-

"Exception of undertaking from the definition of independent medical agency

3A. For the purposes of the Act, any undertaking which consists of the provision of medical services by a medical practitioner solely under arrangements made on behalf of the patients by their employer or another person shall be excepted from being an independent medical agency."

(3) In regulation 8(1) (Policies and Procedures) the words "in or for the purposes of an establishment in relation to-" are replaced by the following-

"in or for the purposes of an independent hospital or independent clinic in relation to each of the matters specified below and for the purposes of an independent medical agency each of the matters specified in sub-paragraphs (a), (b), (f), (g) and (h)."

(4) "In regulation 10(3) the word "home" is replaced by "establishment".

Transitional Arrangements

4.-(1) This regulation applies to persons who by virtue of the provisions of the Act and these Regulations are required to be registered under the Act but who immediately before 6 July 2006 were not required to be so registered.

(2) Notwithstanding any such provision, a person who immediately before was carrying on or managing an independent medical agency may continue to carry on or manage the agency without being registered under the Act-

(a) during the period of 3 months beginning with that date; and

(1) S.I. 2002/325 (W.38).

(b) os gwneir cais am gael cofrestru o fewn y cyfnod hwnnw, hyd nes y gwaredir y cais hwnnw yn derfynol neu y'i tynnir yn ôl.

(3) Yn y rheoliad hwn ystyr "gwaredir yn derfynol" yw'r dyddiad 28 o ddiwrnodau ar ôl caniatáu neu wrthod cofrestrriad ac, os apelir, y dyddiad pan benderfynir ar yr apêl yn derfynol neu'r dyddiad pan roddir y gorau iddo.

Diwygio Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002

5.-(1) Diwygir Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(1) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1)-

(a) yn y diffiniad o "appropriate office of the National Assembly", ar ôl paragraff (j) rhodder-

"(k) in relation to an independent medical agency-

(i) if an office has been specified under regulation 2(2) of the Private and Voluntary Health Care (Wales) Regulations 2002 for the area in which the independent medical agency is situated, that office;

(ii) in any other case, any office of the National Assembly.";

(b) yn y diffiniad o "statement of purpose" ym mharagraff (c) mewnosoder y geiriau "or independent medical agency" ar ôl "independent clinic".

(b) if within that period application is made for registration, until that application is finally disposed of or withdrawn.

(3) In this regulation "finally disposed of" means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

5.-(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(1) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)-

(a) in the definition of "appropriate office of the National Assembly", after paragraph (j) insert-

"(k) in relation to an independent medical agency-

(i) if an office has been specified under regulation 2(2) of the Private and Voluntary Health Care (Wales) Regulations 2002 for the area in which the independent medical agency is situated, that office;

(ii) in any other case, any office of the National Assembly.";

(b) in the definition of "statement of purpose" in paragraph (c) insert the words "or independent medical agency" after "independent clinic".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2).

27 Mehefin 2006

Llywydd y Cynulliad Cenedlaethol

(1) O.S. 2002/919 (Cy.107), fel y'i diwygiwyd gan O.S. 2003/237 (Cy.35), O.S. 2003/710 (Cy.86), 2003/2517 (Cy.242), O.S. 2003/2527 (Cy.242), O.S. 2003/2709 (Cy.260) ac O.S. 2004/219 (Cy.23).

(2) 1998 p.38.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

27 June 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

(1) S.I. 2002/919 (W.107) as amended by S.I. 2003/237 (W.35) S.I. 2003/710 (W.86), 2003/2517 (W.242), S.I. 2003/2527 (W.242) S.I. 2003/2709 (W.260) and S.I. 2004/219 (W.23).

(2) 1998 c.38.

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