OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 1308 (Cy. 219)

2024 No. 1308 (W. 219)

Y GWASANAETH IECHYD GWLADOL, CYMRU

NATIONAL HEALTH SERVICE, WALES

Rheoliadau Byrddau Iechyd Lleol, Ymddiriedolaethau'r GIG ac Awdurdodau Iechyd Arbennig (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Diwygiadau Amrywiol) (Cymru) 2024

The Local Health Boards, NHS Trusts and Special Health Authorities (Constitution, Membership and Procedures) (Miscellaneous Amendments) (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau i'r ddeddfwriaeth sy'n ymwneud ag aelodaeth a gweithdrefnau Byrddau Iechyd Lleol, ymddiriedolaethau'r GIG ac Awdurdodau Iechyd Arbennig yng Nghymru.

Mae Rhan 2 o'r Rheoliadau hyn yn diwygio Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2009 (O.S. 2009/779 (Cy. 67)), sy'n gwneud darpariaeth ynghylch aelodaeth a gweithdrefnau Byrddau Iechyd Lleol yng Nghymru. Mae rheoliad 3(a) ac (c) yn diwygio'r darpariaethau ynghylch penodi swyddog-aelodau i'r bwrdd ac mae rheoliad 3(b) yn mewnosod darpariaeth i ganiatáu i undebau llafur a gydnabyddir gan y Bwrdd Iechyd Lleol mewn perthynas â materion cyflogaeth wneud enwebiadau ar gyfer swydd aelod undeb llafur. Mae rheoliad 4 yn diwygio'r gofynion cymhwystra ar gyfer aelodau a gyflogir, neu sydd wedi eu cyflogi'n ddiweddar, gan gyrff y GIG yng Nghymru gyda diffiniadau diwygiedig o Fyrddau Iechyd Lleol ac ymddiriedolaethau'r GIG. Mae hefyd yn mewnosod darpariaeth ar gyfer y rhai a gyflogir gan Awdurdodau Iechyd Arbennig. Mae rheoliad 5 yn diwygio nifer y diwrnodau sy'n ofynnol ar gyfer hysbysiadau o gyfarfodydd bwrdd.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the legislation concerning the membership and procedures of Local Health Boards, NHS trusts and Special Health Authorities in Wales.

Part 2 of these Regulations amends the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (S.I. 2009/779 (W. 67)), which make provision concerning the membership and procedures of Local Health Boards in Wales. Regulation 3(a) and (c) amends the provisions concerning the appointment of officer members to the board and regulation 3(b) inserts a provision to allow trade unions recognised by the Local Health Board in relation to employment matters to make nominations for the position of trade union member. Regulation 4 amends the eligibility requirements for members who are, or have recently been, employed by NHS bodies in Wales with amended definitions of Local Health Boards and NHS trusts, whilst also inserting provision for those employed by Special Health Authorities. Regulation 5 amends the number of days required for notice of board meetings.

Mae Rhan 3 o'r Rheoliadau hyn yn diwygio Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) 1990 (O.S. 1990/2024), sy'n gwneud darpariaeth ynghylch aelodaeth a gweithdrefnau ymddiriedolaethau'r GIG yng Nghymru a Lloegr. Mae rheoliad 7 yn mewnosod diffiniad ar gyfer Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ac yn diwygio'r diffiniad o gorff gwasanaeth iechyd i gynnwys Byrddau Iechyd Lleol. Mae rheoliad 8(a) i (c) yn diwygio'r gofynion cymhwystra presennol fel na fyddant ond yn gymwys i Loegr ac mae (d) i (f) yn diwygio'r gofynion cymhwystra ar gyfer ymddiriedolaethau'r GIG yng Nghymru i anghymhwyso'r rhai sydd wedi eu cyflogi gan gyrff y GIG yng Nghymru o fewn y 12 mis diwethaf rhag dal swydd cadeirydd, is-gadeirydd neu gyfarwyddwr anweithredol.

Part 3 of these Regulations amends the National Health Service Trusts (Membership and Procedure) Regulations 1990 (S.I. 1990/2024), which make provision concerning the membership and procedures of NHS trusts in England and Wales. Regulation 7 inserts a definition for the National Health Service (Wales) Act 2006 and amends the definition of health service body to include Local Health Boards. Regulation 8(a) to (c) amends the existing eligibility requirements so that they will only apply to England and (d) to (f) amends the eligibility requirements for NHS trusts in Wales to disqualify those who have been employed by NHS bodies in Wales within the last 12 months from the positions of chair, vice-chair or non-executive director.

Mae Rhan 4 o'r Rheoliadau hyn yn diwygio Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009 (O.S. 2009/1385 (Cy. 141)), sy'n gwneud darpariaeth ynghylch aelodaeth a gweithdrefnau Iechyd Cyhoeddus Cymru fel un o ymddiriedolaethau'r GIG. Mae rheoliad 10 yn diwygio'r gofynion cymhwystra i anghymhwyso'r rhai sydd wedi eu cyflogi gan gyrff y GIG yng Nghymru o fewn y 12 mis diwethaf rhag dal swydd cadeirydd, is-gadeirydd neu gyfarwyddwr anweithredol. Mae rheoliad 11 yn diwygio nifer y diwrnodau sy'n ofynnol ar gyfer hysbysiadau o gyfarfodydd bwrdd.

Part 4 of these Regulations amends the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (S.I. 2009/1385 (W. 141)), which make provision concerning the membership and procedures of Public Health Wales as an NHS trust. Regulation 10 amends the eligibility requirements to disqualify those who have been employed by NHS bodies in Wales within the last 12 months from the positions of chair, vice-chair or non-executive director. Regulation 11 amends the number of days required for notice of board meetings.

Mae Rhan 5 o'r Rheoliadau hyn yn diwygio Rheoliadau Addysg a Gwella Iechyd Cymru 2017 (O.S. 2017/909 (Cy. 221)), sy'n gwneud darpariaeth ynghylch aelodaeth a gweithdrefnau Addysg a Gwella Iechyd Cymru fel Awdurdod Iechyd Arbennig. Mae rheoliad 13 yn diwygio'r diffiniad o gorff gwasanaeth iechyd i gynnwys Awdurdodau Iechyd Arbennig. Mae rheoliad 14 yn diwygio'r gofynion cymhwystra ar gyfer aelodau nad ydynt yn swyddogion i anghymhwyso'r rhai a gyflogir, neu sydd wedi eu cyflogi o fewn y 12 mis blaenorol, gan Awdurdod Iechyd Arbennig. Mae rheoliad 15 yn diwygio nifer y diwrnodau sy'n ofynnol ar gyfer hysbysiadau o gyfarfodydd bwrdd.

Part 5 of these Regulations amends the Health Education and Improvement Wales Regulations 2017 (S.I. 2017/909 (W. 221)), which make provision concerning the membership and procedures of Health Education and Improvement Wales as a Special Health Authority. Regulation 13 amends the definition of health service body to include Special Health Authorities. Regulation 14 amends the eligibility requirements for non-officer members to disqualify those who are, or have been within the previous 12 months, employed by a Special Health Authority. Regulation 15 amends the number of days required for notice of board meetings.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac fe'i cyhoeddir ar www.gov.wales.

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 the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

2024 Rhif 1308 (Cy. 219)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau Byrddau Iechyd Lleol, Ymddiriedolaethau'r GIG ac Awdurdodau Iechyd Arbennig (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Diwygiadau Amrywiol) (Cymru) 2024

Gwnaed	*9 Rhagfyr 2024*
Gosodwyd gerbron Senedd Cymru	*11 Rhagfyr 2024*
Yn dod i rym	*20 Ionawr 2025*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 11(6), 18(4), 22(8), 203(9)(a) a (b) a (10)(a) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**) a pharagraff 4(1)(a), (b) ac (f) o Atodlen 2 iddi, paragraff 4(1)(a) ac (e) o Atodlen 3 iddi a pharagraff 5(a) ac (f) o Atodlen 5 iddi.

RHAN 1

Cyffredinol

Enwi, dod i rym a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Byrddau Iechyd Lleol, Ymddiriedolaethau'r GIG ac Awdurdodau Iechyd Arbennig (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Diwygiadau Amrywiol) (Cymru) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 20 Ionawr 2025.

(**1**) 2006 p. 42; diwygiwyd paragraff 4(1)(a) o Atodlen 3 gan adran 24 o Ddeddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020 (dsc 1).

2024 No. 1308 (W. 219)

NATIONAL HEALTH SERVICE, WALES

The Local Health Boards, NHS Trusts and Special Health Authorities (Constitution, Membership and Procedures) (Miscellaneous Amendments) (Wales) Regulations 2024

Made	*9 December 2024*
Laid before Senedd Cymru	*11 December 2024*
Coming into force	*20 January 2025*

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 11(6), 18(4), 22(8), 203(9)(a) and (b) and (10)(a) of, and paragraph 4(1)(a), (b) and (f) of Schedule 2, paragraph 4(1)(a) and (e) of Schedule 3 and paragraph 5(a) and (f) of Schedule 5 to the National Health Service (Wales) Act 2006(**1**).

PART 1

General

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Local Health Boards, NHS Trusts and Special Health Authorities (Constitution, Membership and Procedures) (Miscellaneous Amendments) (Wales) Regulations 2024.

(2) These Regulations come into force on 20 January 2025.

(**1**) 2006 c. 42; paragraph 4(1)(a) of Schedule 3 was amended by section 24 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1).

RHAN 2

Diwygio Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2009

Diwygio Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2009

2. Mae Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2009(**1**) wedi eu diwygio fel a ganlyn.

Diwygio rheoliad 4

3. Yn rheoliad 4 (penodi aelodau Bwrdd Iechyd Lleol)—

(a) yn lle paragraff (2) rhodder—

"(2) Mae'r swyddog-aelodau yn cael eu penodi fel a ganlyn—

(a) mae'r prif swyddog yn cael ei benodi gan y cadeirydd, yr is-gadeirydd a'r aelodau nad ydynt yn swyddogion;

(b) mae'r swyddog-aelodau sy'n weddill yn cael eu penodi gan y cadeirydd, yr is-gadeirydd, yr aelodau nad ydynt yn swyddogion a'r prif swyddog.";

(b) ar ôl paragraff (9) mewnosoder—

"(9A) Caiff pob undeb llafur sy'n cael ei gydnabod gan y Bwrdd mewn perthynas â materion cyflogi enwebu dau berson a chaiff Gweinidogion Cymru ddewis person o blith y personau hynny a enwebir i fod yr aelod undeb llafur o dan reoliad 3(4)(c).";

(c) ar ôl paragraff (10) mewnosoder—

"(11) Ni fydd unrhyw swydd wag ymhlith yr aelodau hynny sy'n gwneud y penodiad yn effeithio ar ddilysrwydd penodiadau a wneir o dan baragraff 2."

(**1**) O.S. 2009/779 (Cy. 67); mae offerynnau diwygio, ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

PART 2

Amendments to the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009

Amendments to the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009

2. The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(**1**) are amended as follows.

Amendments to regulation 4

3. In regulation 4 (appointment of Local Health Board members)—

(a) for paragraph (2) substitute—

"(2) The officer members are appointed as follows—

(a) the chief officer is appointed by the chair, vice-chair and non-officer members;

(b) the remaining officer members are appointed by the chair, vice-chair, non-officer members and the chief officer.";

(b) after paragraph (9) insert—

"(9A) Each trade union recognised by the Board in relation to employment matters may nominate two persons and the Welsh Ministers may choose a person from those persons nominated to be the trade union member under regulation 3(4)(c).";

(c) after paragraph (10) insert—

"(11) The validity of appointments made under paragraph 2 is not affected by any vacancy among those members making the appointment."

(**1**) S.I. 2009/779 (W. 67); there are amending instruments, but none are relevant to these Regulations.

Diwygio paragraff 2 o Atodlen 2

4. Yn is-baragraff (1)—

(a) yn lle "gan unrhyw un o'r Byrddau Iechyd Lleol neu'r Ymddiriedolaethau GIG a ganlyn." rhodder "gan—";

(b) yn lle paragraffau (a) i (c) rhodder—

"(a) Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o'r Ddeddf,

(b) Ymddiriedolaeth GIG a sefydlwyd o dan adran 18 o'r Ddeddf, neu

(c) Awdurdod Iechyd Arbennig o ran Cymru a sefydlwyd gan Weinidogion Cymru o dan adran 22 o'r Ddeddf.";

(c) hepgorer paragraff (ch).

Diwygio paragraff 2 o Atodlen 3

5. Ym mharagraff 2(3) o Atodlen 3 (rheolau ynghylch cyfarfodydd a thrafodion byrddau), yn lle "deg diwrnod" rhodder "bum niwrnod".

Amendment to paragraph 2 of Schedule 2

4. In sub-paragraph (1)—

(a) omit "any of the following Local Health Boards or NHS Trusts";

(b) for paragraphs (a) to (c) substitute—

"(a) a Local Health Board established under section 11 of the Act,

(b) an NHS Trust established under section 18 of the Act, or

(c) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Act.";

(c) omit paragraph (d).

Amendment to paragraph 2 of Schedule 3

5. In paragraph 2(3) of Schedule 3 (rules as to meetings and proceedings of boards), for "ten" substitute "five".

RHAN 3

Diwygio Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) 1990

Diwygio Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) 1990

6. Mae Rheoliadau Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol (Aelodaeth a Gweithdrefn) 1990(**1**) wedi eu diwygio fel a ganlyn.

Diwygio rheoliad 1

7. Yn rheoliad 1(2) (enwi, cychwyn a dehongli)—

(a) ar ôl y diffiniad o "the Act" mewnosoder—

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

(**1**) O.S. 1990/2024, a ddiwygiwyd gan O.S. 1990/2160, O.S. 1996/1755, O.S. 1997/2990, O.S. 1998/1975, O.S. 1999/945, O.S. 2004/696, O.S. 2004/1016, O.S. 2005/2529, O.S. 2005/2532, O.S. 2006/635, O.S. 2006/946 (Cy. 95), O.S. 2006/1722, O.S. 2008/1269, O.S. 2010/425, O.S. 2012/1641, O.S. 2012/2404, O.S. 2013/235, O.S. 2014/784, O.S. 2014/3090 ac O.S. 2022/251 (Cy. 77); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

PART 3

Amendments to the National Health Service Trusts (Membership and Procedure) Regulations 1990

Amendments to the National Health Service Trusts (Membership and Procedure) Regulations 1990

6. The National Health Service Trusts (Membership and Procedure) Regulations 1990(**1**) are amended as follows.

Amendment to regulation 1

7. In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of "the Act" insert—

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

(**1**) S.I. 1990/2024, amended by S.I. 1990/2160, S.I. 1996/1755, S.I. 1997/2990, S.I. 1998/1975, S.I. 1999/945, S.I. 2004/696, S.I. 2004/1016, S.I. 2005/2529, S.I. 2005/2532, S.I. 2006/635, S.I. 2006/946 (W. 95), S.I. 2006/1722, S.I. 2008/1269, S.I. 2010/425, S.I. 2012/1641, S.I. 2012/2404, S.I. 2013/235, S.I. 2014/784, S.I. 2014/3090 and S.I. 2022/251 (W. 77); there are other amending instruments but none are relevant to these Regulations.

(b) yn y diffiniad o "health service body", ar ôl is-baragraff (ba) mewnosoder—

"(bb) a Local Health Board established under section 11 of the Wales 2006 Act;".

Diwygio rheoliad 11

8. Yn rheoliad 11 (anghymhwyso rhag penodi'n gadeirydd, yn is-gadeirydd ac yn gyfarwyddwyr anweithredol)—

(a) ym mharagraff (1)(e), ar y dechrau mewnosoder "in relation to England,";

(b) ym mharagraff (1)(ee), ar y dechrau mewnosoder "in relation to England,";

(c) ym mharagraff (1)(f), ar y dechrau mewnosoder "in relation to England,";

(d) ar ôl paragraff (1)(h) mewnosoder—

"(j) in relation to Wales, that person is, or has been within the 12 months prior to appointment, in the paid employment of—

(i) a Local Health Board established under section 11 of the Wales 2006 Act,

(ii) an NHS trust established under section 18 of the Wales 2006 Act, or

(iii) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Wales 2006 Act.";

(e) hepgorer paragraff (6A);

(f) ar ôl paragraff (6) mewnosoder—

"(8) For the purposes of paragraph (1)(j)—

(a) a person is not to be treated as having been in paid employment by reason of having held the position of chair, vice-chair or non-officer member of a Local Health Board; chair, vice-chair or non-executive director of an NHS trust; or chair, vice-chair or non-officer member of a Special Health Authority, and

(b) a person is disqualified from being a chair, vice-chair or non-executive director if following that person's appointment as a chair, vice-chair or non-executive director they take up paid employment with any of the bodies listed in paragraph (1)(j) other than in the circumstances specified in this paragraph."

(b) in the definition of "health service body", after sub-paragraph (ba) insert—

"(bb) a Local Health Board established under section 11 of the Wales 2006 Act;".

Amendments to regulation 11

8. In regulation 11 (disqualification for appointment of chairman, vice-chair and non-executive directors)—

(a) in paragraph (1)(e), at the beginning insert "in relation to England,";

(b) in paragraph (1)(ee), at the beginning insert "in relation to England,";

(c) in paragraph (1)(f), at the beginning insert "in relation to England,";

(d) after paragraph (1)(h) insert—

"(j) in relation to Wales, that person is, or has been within the 12 months prior to appointment, in the paid employment of—

(i) a Local Health Board established under section 11 of the Wales 2006 Act,

(ii) an NHS trust established under section 18 of the Wales 2006 Act, or

(iii) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Wales 2006 Act.";

(e) omit paragraph (6A);

(f) after paragraph (6) insert—

"(8) For the purposes of paragraph (1)(j)—

(a) a person is not to be treated as having been in paid employment by reason of having held the position of chair, vice-chair or non-officer member of a Local Health Board; chair, vice-chair or non-executive director of an NHS trust; or chair, vice-chair or non-officer member of a Special Health Authority, and

(b) a person is disqualified from being a chair, vice-chair or non-executive director if following that person's appointment as a chair, vice-chair or non-executive director they take up paid employment with any of the bodies listed in paragraph (1)(j) other than in the circumstances specified in this paragraph."

RHAN 4

Diwygio Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009

Diwygio Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009

9. Mae Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009(**1**) wedi eu diwygio fel a ganlyn.

Diwygio rheoliad 15

10. Yn rheoliad 15 (datgymhwyso rhag penodi cadeirydd, is-gadeirydd a chyfarwyddwyr anweithredol)—

(a) yn lle paragraff (1)(d) rhodder—

"(d) os yw'r person hwnnw mewn cyflogaeth am dâl, neu wedi bod mewn cyflogaeth am dâl o fewn y 12 mis cyn y penodiad, gydag—

(i) Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o'r Ddeddf,

(ii) ymddiriedolaeth GIG a sefydlwyd o dan adran 18 o'r Ddeddf, neu

(iii) Awdurdod Iechyd Arbennig o ran Cymru a sefydlwyd gan Weinidogion Cymru o dan adran 22 o'r Ddeddf.";

(b) hepgorer paragraff (1)(dd);

(c) yn lle paragraff (4) rhodder—

"(4) At ddibenion paragraff (1)(d)—

(a) nid yw person i'w drin fel pe bai wedi bod mewn cyflogaeth am dâl oherwydd ei fod wedi dal swydd cadeirydd neu is-gadeirydd Bwrdd Iechyd Lleol, neu aelod nad yw'n swyddog ohono; cadeirydd neu is-gadeirydd ymddiriedolaeth GIG, neu gyfarwyddwr anweithredol iddi; neu gadeirydd neu is-gadeirydd Awdurdod Iechyd Arbennig, neu aelod nad yw'n swyddog ohono;

(**1**) O.S. 2009/1385 (Cy. 141), a ddiwygiwyd gan O.S. 2011/990 (Cy. 144), O.S. 2012/1641, O.S. 2013/235, O.S. 2016/100 (Cy. 48), O.S. 2022/251 (Cy. 77) ac O.S. 2022/634; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

PART 4

Amendments to the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009

Amendments to the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009

9. The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(**1**) are amended as follows.

Amendments to regulation 15

10. In regulation 15 (disqualification for appointment of chair, vice-chair and non-executive directors)—

(a) for paragraph (1)(e) substitute—

"(e) that person is, or has been within the 12 months prior to appointment, in the paid employment of—

(i) a Local Health Board established under section 11 of the Act,

(ii) an NHS trust established under section 18 of the Act, or

(iii) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Act.";

(b) omit paragraph (1)(f);

(c) for paragraph (4) substitute—

"(4) For the purposes of paragraph (1)(e)—

(a) a person is not to be treated as having been in paid employment by reason of having held the position of chair, vice-chair or non-officer member of a Local Health Board; chair, vice-chair or non-executive director of an NHS trust; or chair, vice-chair or non-officer member of a Special Health Authority;

(**1**) S.I. 2009/1385 (W. 141), amended by S.I. 2011/990 (W. 144), S.I. 2012/1641, S.I. 2013/235, S.I. 2016/100 (W. 48), S.I. 2022/251 (W. 77) and S.I. 2022/634; there are other amending instruments but none are relevant to these Regulations.

(b) mae person yn cael ei ddatgymhwyso rhag bod yn cadeirydd, is-gadeirydd neu gyfarwyddwr anweithredol os yw'r person hwnnw, yn dilyn ei benodi'n cadeirydd, is-gadeirydd neu gyfarwyddwr anweithredol, yn ymgymryd â chyflogaeth am dâl gydag unrhyw un neu ragor o'r cyrff a restrir ym mharagraff (1)(d) ac eithrio o dan yr amgylchiadau a bennir yn y paragraff hwn."

Diwygio paragraff 2 o Atodlen 2

11. Ym mharagraff 2(3) o Atodlen 2 (rheolau ynghylch cyfarfodydd a thrafodion yr Ymddiriedolaeth), yn lle "ddeng" rhodder "bum".

(b) a person is disqualified from being a chair, vice-chair or non-executive director if following that person's appointment as a chair, vice-chair or non-executive director they take up paid employment with any of the bodies listed in paragraph (1)(e) other than in the circumstances specified in this paragraph."

Amendment to paragraph 2 of Schedule 2

11. In paragraph 2(3) of Schedule 2 (rules as to meetings and proceedings of the Trust), for "ten" substitute "five".

RHAN 5

Diwygio Rheoliadau Addysg a Gwella Iechyd Cymru 2017

Diwygio Rheoliadau Addysg a Gwella Iechyd Cymru 2017

12. Mae Rheoliadau Addysg a Gwella Iechyd Cymru 2017(**1**) wedi eu diwygio fel a ganlyn.

Diwygio rheoliad 2

13. Yn rheoliad 2 (dehongli), yn y diffiniad o "corff gwasanaeth iechyd", ar ôl is-baragraff (k) mewnosoder—

"(l) Awdurdod Iechyd Arbennig a sefydlir o dan adran 22 o'r Ddeddf;"

Diwygio rheoliad 5

14. Yn rheoliad 5 (aelodau nad ydynt yn swyddogion – cymhwystra)—

(a) ym mharagraff (1) (aelodau nad ydynt yn swyddogion – cymhwystra)—

(i) hepgorer y "neu" ar ôl is-baragraff (a);

(ii) ar ôl "Ddeddf" yn is-baragraff (b) mewnosoder—

";

(c) Awdurdod Iechyd Arbennig o ran Cymru a sefydlir gan Weinidogion Cymru o dan adran 22 o'r Ddeddf";

PART 5

Amendments to the Health Education and Improvement Wales Regulations 2017

Amendments to the Health Education and Improvement Wales Regulations 2017

12. The Health Education and Improvement Wales Regulations 2017(**1**) are amended as follows.

Amendment to regulation 2

13. In regulation 2 (interpretation), in the definition of "health service body", after sub-paragraph (k) insert—

"(l) a Special Health Authority established under section 22 of the Act;"

Amendment to regulation 5

14. In regulation 5 (non-officer members – eligibility)—

(a) in paragraph (1) (non-officer members – eligibility)—

(i) omit the "or" after sub-paragraph (a);

(ii) after "Act" in sub-paragraph (b) insert—

";

(c) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Act";

(**1**) O.S. 2017/909 (Cy. 221).

(**1**) S.I. 2017/909 (W. 221).

(b) ym mharagraff (2) ar ôl “Fwrdd Iechyd Lleol” mewnosoder “neu Awdurdod Iechyd Arbennig,”.

(b) in paragraph (2) after “Local Health Board” insert “or a Special Health Authority,”.

Diwygio paragraff 3 o Atodlen 2

15. Ym mharagraff 3(1) o Atodlen 2 (rheolau ar gyfer cyfarfodydd a thrafodion AaGIC) yn lle “10” rhodder “5”.

Amendment to paragraph 3 of Schedule 2

15. In paragraph 3(1) of Schedule 2 (rules for the meetings and proceedings of HEIW) for “10” substitute “5”.

Jeremy Miles

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol, un o Weinidogion Cymru
9 Rhagfyr 2024

Cabinet Secretary for Health and Social Care, one of the Welsh Ministers
9 December 2024

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