OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 1247 (Cy. 207)

2024 No. 1247 (W. 207)

IECHYD Y CYHOEDD, CYMRU

PUBLIC HEALTH, WALES

Rheoliadau Unigolion sydd wedi eu Hesemptio o ran Triniaethau Arbennig (Cymru) 2024

The Special Procedures Exempted Individuals (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae Rhan 4 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 ("y Ddeddf") yn sefydlu cynllun trwyddedu mandadol i unigolion sy'n dymuno rhoi triniaethau arbennig (fel y'u rhestrir yn adran 57 o'r Ddeddf) yng Nghymru.

Rhaid i unigolyn sy'n rhoi triniaeth arbennig i rywun arall, yng nghwrs busnes, gael ei drwyddedu, oni bai ei fod wedi ei eseptio (adran 58(2) o'r Ddeddf).

Mae adran 60(1) a (2) o'r Ddeddf yn manylu ar yr amgylchiadau pan fo unigolyn wedi ei esemptio rhag y gofyniad i gael trwydded triniaeth arbennig. Mae aelodau o broffesiynau penodol yn cael eu trin fel unigolion sydd wedi eu hesemptio at ddibenion adran 60 o'r Ddeddf, oni bai bod rheoliadau yn cyfyngu ar hyd a lled y triniaethau arbennig y caiff aelodau o'r proffesiynau hynny eu rhoi.

Caiff rheoliadau ddarparu i unigolion sy'n aelodau o broffesiynau eraill, neu sy'n weithwyr penodedig eraill, gael eu hesemptio rhag y gofyniad i gael trwydded triniaeth arbennig (adran 60(3) o'r Ddeddf).

Mae rheoliadau 3 a 4 o'r Rheoliadau hyn yn gwneud darpariaethau ar gyfer aelodau o broffesiynau penodol a gwmpesir gan adran 60(1) a (2) o'r Ddeddf. Mae rheoliad 3 yn darparu nad yw aelodau o broffesiynau penodol i'w trin fel pe baent wedi eu hesemptio rhag y gofyniad i gael trwydded i roi triniaethau arbennig penodedig. Mae rheoliad 4 yn darparu bod aelodau o

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 4 of the Public Health (Wales) Act 2017 ("the Act") establishes a mandatory licensing scheme for individuals wishing to perform special procedures (as listed in section 57 of the Act) in Wales.

An individual who performs a special procedure on someone else, in the course of a business, must be licensed, unless they are exempt (section 58(2) of the Act).

Section 60(1) and (2) of the Act details the circumstances in which an individual is exempt from the requirement to obtain a special procedure licence. Members of certain professions are treated as exempted individuals for the purposes of section 60 of the Act, unless regulations limit the extent of the special procedures that members of those professions may perform.

Regulations may provide for individuals who are members of other professions, or who are other specified workers, to be exempt from the requirement to obtain a special procedure licence (section 60(3) of the Act).

Regulations 3 and 4 of these Regulations make provisions for members of certain professions covered by section 60(1) and (2) of the Act. Regulation 3 provides for members of certain professions to not be treated as exempt from the requirement to be licensed to perform specified special procedures. Regulation 4 provides that members of certain professions are to be

broffesiynau penodol i'w trin fel pe baent wedi eu hesemptio rhag y gofyniad i gael trwydded i roi triniaethau arbennig penodedig os yw amodau penodol wedi eu bodloni.

Mae rheoliad 5 o'r Rheoliadau hyn yn gwneud darpariaeth i aelodau o broffesiynau penodol gael eu trin fel pe baent wedi eu hesemptio rhag y gofyniad i gael trwydded triniaeth arbennig mewn perthynas â thriniaeth arbennig benodol. Mae'r esemptiad hwn yn gymwys os yw amodau penodol wedi eu bodloni.

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: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

treated as exempt from the requirement to be licensed to perform specified special procedures if certain conditions are met.

Regulation 5 of these Regulations makes provision for members of certain professions to be treated as exempt from the requirement to obtain a special procedure licence in relation to a specific special procedure. This exemption applies if certain conditions are met.

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 Welsh Government, Cathays Park, Cardiff CF10 3NQ and is published on www.gov.wales.

OFFERYNNAU STATUDOL CYMRU

2024 Rhif 1247 (Cy. 207)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Unigolion sydd wedi eu Hesemptio o ran Triniaethau Arbennig (Cymru) 2024

Gwnaed	*27 Tachwedd 2024*
Yn dod i rym	*29 Tachwedd 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 60(1), (3) a (5) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017(**1**), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 123(2)(b) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(**2**).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Unigolion sydd wedi eu Hesemptio o ran Triniaethau Arbennig (Cymru) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 29 Tachwedd 2024.

(**1**) 2017 dccc 2 ("y Ddeddf"). *Gweler* adran 124(1) o'r Ddeddf am y diffiniad o "rheoliadau".

(**2**) Mae'r cyfeiriad yn adran 123 o'r Ddeddf at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32). *Gweler* hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.

WELSH STATUTORY INSTRUMENTS

2024 No. 1247 (W. 207)

PUBLIC HEALTH, WALES

The Special Procedures Exempted Individuals (Wales) Regulations 2024

Made	*27 November 2024*
Coming into force	*29 November 2024*

The Welsh Ministers, in exercise of the powers conferred by section 60(1), (3) and (5) of the Public Health (Wales) Act 2017(**1**), make the following Regulations.

In accordance with section 123(2)(b) of the Public Health (Wales) Act 2017, a draft of these Regulations has been laid before, and approved by, resolution of Senedd Cymru(**2**).

Title and coming into force

1.—(1) The title of these Regulations is the Special Procedures Exempted Individuals (Wales) Regulations 2024.

(2) These Regulations come into force on 29 November 2024.

(**1**) 2017 anaw 2 ("the Act"). *See* section 124(1) of the Act for the definition of "regulations".

(**2**) The reference in section 123 of the Act to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "bydwraig gofrestredig" ("*registered midwife*") yw person sydd wedi ei gofrestru yn y Rhan i'r Bydwragedd o'r Gofrestr Nyrsio a Bydwreigiaeth ac sy'n cael ei reoleiddio gan y Cyngor Nyrsio a Bydwreigiaeth;

ystyr "ciropodydd" ("*chiropodist*") yw person sydd wedi ei gofrestru yn Rhan 2 o gofrestr yr HCPC ac sy'n cael ei reoleiddio gan y Cyngor Proffesiynau Iechyd a Gofal;

ystyr "ciropractydd" ("*chiropractor*") yw ciropractydd cofrestredig o fewn ystyr y term "registered chiropractor", fel y'i nodir yn adran 43 o Ddeddf Ciropractyddion 1994(**1**), ac sy'n cael ei reoleiddio gan y Cyngor Ciropractig Cyffredinol;

ystyr "cofrestr yr HCPC" ("*HCPC register*") yw'r gofrestr a sefydlwyd ac a gynhelir o dan erthygl 5 o Orchymyn 2001 gan y Cyngor Proffesiynau Iechyd a Gofal(**2**) a sefydlwyd o dan erthygl 3 o'r Gorchymyn hwnnw, ac y mae darpariaeth bellach wedi ei gwneud yn ei chylch yng Ngorchymyn y Cyfrin Gyngor Proffesiynau Iechyd (Rhannau o'r Gofrestr a Chofnodion ynddi) 2003(**3**);

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(**4**);

ystyr "cydymaith nyrsio cofrestredig" ("*registered nursing associate*") yw person sydd wedi ei gofrestru yn y Rhan i'r Cymdeithion Nyrsio o'r Gofrestr Nyrsio a Bydwreigiaeth ac sy'n cael ei reoleiddio gan y Cyngor Nyrsio a Bydwreigiaeth;

ystyr "Deddf 1983" ("*the 1983 Act*") yw Deddf Meddygaeth 1983(**5**);

ystyr "Deddf 1984" ("*the 1984 Act*") yw Deddf Deintyddion 1984(**6**);

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Optegwyr 1989(**7**);

(**1**) 1994 p. 17.
(**2**) Mae'r Cyngor Proffesiynau Iechyd a Gofal ("*the Health and Care Professions Council*") wedi ei enwi felly gan adran 214(1)(b) o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p. 7) a chyfeirir ato yn y Rheoliadau hyn fel "yr HCPC". Cyn i'r ddarpariaeth honno ddod i rym, enw'r corff oedd y Cyngor Proffesiynau Iechyd ("*the Health Professions Council*").
(**3**) O.S. 2003/1571, a ddiwygiwyd gan O.S. 2006/1996; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.
(**4**) O.S. 2002/253, a ddiwygiwyd gan O.S. 2009/1182 ac O.S. 2018/838.
(**5**) 1983 p. 54.
(**6**) 1984 p. 24.
(**7**) 1989 p. 44.

Interpretation

2.—(1) In these Regulations—

"the 1976 Order" ("*Gorchymyn 1976*") means the Pharmacy (Northern Ireland) Order 1976(**1**);

"the 1983 Act" ("*Deddf 1983*") means the Medical Act 1983(**2**);

"the 1984 Act" ("*Deddf 1984*") means the Dentists Act 1984(**3**);

"the 1989 Act" ("*Deddf 1989*") means the Opticians Act 1989(**4**);

"the 2000 Act" ("*Deddf 2000*") means the Care Standards Act 2000(**5**);

"the 2001 Order" ("*Gorchymyn 2001*") means the Health Professions Order 2001(**6**);

"the 2010 Order" ("*Gorchymyn 2010*") means the Pharmacy Order 2010(**7**);

"the 2011 Regulations" ("*Rheoliadau 2011*") means the Independent Health Care (Wales) Regulations 2011(**8**);

"the Act" ("*y Ddeddf*") means the Public Health (Wales) Act 2017;

"chiropodist" ("*ciropodydd*") means a person registered in Part 2 of the HCPC register and who is regulated by the Health and Care Professions Council;

"chiropractor" ("*ciropractydd*") means a "registered chiropractor" within the meaning of that term, as set out in section 43 of the Chiropractors Act 1994(**9**), and who is regulated by the General Chiropractic Council;

"dental care professional" ("*proffesiynolyn gofal deintyddol*") means a person registered in the dental care professionals register established and maintained under section 36B of the 1984 Act(**10**) and who is regulated by the General Dental Council;

(**1**) S.I. 1976/1213 (N.I. 22); relevant amendments are the Coronavirus Act 2020 (c. 7), section 87(1), S.R. 2008/192, regulation 5 (which is now revoked), S.I. 2019/585, regulation 1(2), Schedule paragraph 6(a) (as amended by S.I. 2020/1394, regulation. 20(7)), S.I. 2022/849, articles 1(3), 10, and S.I. 2022/1023, article 2.
(**2**) 1983 c. 54.
(**3**) 1984 c. 24.
(**4**) 1989 c. 44.
(**5**) 2000 c. 14.
(**6**) S.I. 2002/254, amended by S.I. 2009/1182; there are other amending instruments but none is relevant.
(**7**) S.I. 2010/231, amended by S.I. 2019/593, Schedule 2(1) paragraph 9; there are other amending instruments but none is relevant.
(**8**) S.I. 2011/734 (W. 112), amended by S.I. 2017/202 (W. 57); there are other amending instruments but none is relevant.
(**9**) 1994 c. 17.
(**10**) Section 36B was inserted by S.I. 2005/2011, articles 2(1) and 29.

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Safonau Gofal 2000(**1**);

ystyr "deintydd" ("*dentist*") yw person sydd wedi ei gofrestru yn y gofrestr o ddeintyddion a gedwir yn unol ag adran 14 o Ddeddf 1984 ac sy'n cael ei reoleiddio gan y Cyngor Deintyddol Cyffredinol;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd y Cyhoedd (Cymru) 2017;

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

(a) mewn perthynas â Phrydain Fawr, person sydd wedi ei gofrestru yn Rhan 1 o'r gofrestr o fferyllwyr a thechnegwyr fferyllfa a gynhelir o dan erthygl 19(2) o Orchymyn 2010 ac sy'n cael ei reoleiddio gan y Cyngor Fferyllol Cyffredinol, a

(b) mewn perthynas â Gogledd Iwerddon, person sydd wedi ei gofrestru yn y gofrestr o gemegwyr fferyllol ar gyfer Gogledd Iwerddon a gynhelir yn unol ag Erthyglau 6(a) a 9 o Orchymyn 1976 ac sy'n cael ei reoleiddio gan Gymdeithas Fferyllol Gogledd Iwerddon;

ystyr "ffisiotherapydd" ("*physiotherapist*") yw person sydd wedi ei gofrestru yn Rhan 9 o gofrestr yr HCPC ac sy'n cael ei reoleiddio gan y Cyngor Proffesiynau Iechyd a Gofal;

ystyr "Gorchymyn 1976" ("*the 1976 Order*") yw Gorchymyn Fferylliaeth (Gogledd Iwerddon) 1976(**2**);

ystyr "Gorchymyn 2001" ("*the 2001 Order*") yw Gorchymyn Proffesiynau Iechyd 2001(**3**);

ystyr "Gorchymyn 2010" ("*the 2010 Order*") yw Gorchymyn Fferylliaeth 2010(**4**);

ystyr "myfyriwr-fferyllydd" ("*student pharmacist*"), mewn perthynas â Gogledd Iwerddon, yw person sydd wedi ei gofrestru yn y gofrestr o fyfyrwyr ar gyfer Gogledd Iwerddon a gynhelir yn unol ag Erthyglau 6(c) a 9 o Orchymyn 1976, ac sy'n cael ei reoleiddio gan Gymdeithas Fferyllol Gogledd Iwerddon;

"dentist" ("*deintydd*") means a person registered in the dentists register kept in accordance with section 14 of the 1984 Act and who is regulated by the General Dental Council;

"dispensing optician" ("*optegydd cyflenwi*") means a person registered in the register of dispensing opticians maintained under section 7(b) of the 1989 Act(**1**) and who is regulated by the General Optical Council;

"HCPC register" ("*cofrestr yr HCPC*") means the register established and maintained under article 5 of the 2001 Order by the Health and Care Professions Council(**2**) established under article 3 of that Order, and of which further provision is made in the Health Professions (Parts of and Entries in the Register) Order of Council 2003(**3**);

"licensed medical practitioner" ("*ymarferydd meddygol trwyddedig*") means a person registered in the register of medical practitioners as defined by section 2(2) of the 1983 Act, who holds a licence to practise under section 29A(1) of that Act and who is regulated by the General Medical Council;

"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(**4**);

"optometrist" ("*optometrydd*") means a person registered in the register of optometrists maintained under section 7(a) of the 1989 Act and who is regulated by the General Optical Council;

"osteopath" ("*osteopath*") means a "registered osteopath" within the meaning of that term, as set out in section 41 of the Osteopaths Act 1993(**5**), and who is regulated by the General Osteopathic Council;

"pharmacist" ("*fferyllydd*") means—

(a) in relation to Great Britain, a person registered in Part 1 of the register of pharmacists and pharmacy technicians maintained under article 19(2) of the 2010 Order and who is regulated by the General Pharmaceutical Council, and

(**1**) 2000 p. 14.
(**2**) O.S. 1976/1213 (G.I. 22); y diwygiadau perthnasol yw Deddf y Coronafeirws 2020 (p. 7), adran 87(1), Rh.St. 2008/192, rheoliad 5 (sydd bellach wedi ei ddirymu), O.S. 2019/585, rheoliad 1(2), a pharagraff 6(a) o'r Atodlen iddo (fel y'i diwygiwyd gan O.S. 2020/1394, rheoliad 20(7)), O.S. 2022/849, erthyglau 1(3), 10, ac O.S. 2022/1023, erthygl 2.
(**3**) O.S. 2002/254, a ddiwygiwyd gan O.S. 2009/1182; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.
(**4**) O.S. 2010/231, a ddiwygiwyd gan O.S. 2019/593, Atodlen 2(1), paragraff 9; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(**1**) Section 7 was amended by S.I. 2005/848, article 7.
(**2**) The Health and Care Professions Council is so named by section 214(1)(b) of the Health and Social Care Act 2012 (c. 7) and is referred to in these Regulations as "the HCPC". Before the coming into force of that provision, the body was known as the Health Professions Council.
(**3**) S.I. 2003/1571, amended by S.I. 2006/1996; there are other amending instruments but none is relevant.
(**4**) S.I. 2002/253, amended by S.I. 2009/1182 and S.I. 2018/838.
(**5**) 1993 c. 21.

ystyr "myfyriwr-optegydd cyflenwi" ("*student dispensing optician*") yw person sydd wedi ei gofrestru yn y cofrestrau o fyfyrwyr a gynhelir o dan adran 8A o Ddeddf 1989(**1**) fel person sy'n ymgymryd â hyfforddiant i fod yn optegydd cyflenwi, ac sy'n cael ei reoleiddio gan y Cyngor Optegol Cyffredinol;

ystyr "myfyriwr-optometrydd" ("*student optometrist*") yw person sydd wedi ei gofrestru yn y cofrestrau o fyfyrwyr a gynhelir o dan adran 8A o Ddeddf 1989 fel person sy'n ymgymryd â hyfforddiant i fod yn optometrydd, ac sy'n cael ei reoleiddio gan y Cyngor Optegol Cyffredinol;

ystyr "nyrs gofrestredig" ("*registered nurse*") yw person sydd wedi ei gofrestru yn y Rhan i'r Nyrsys o'r Gofrestr Nyrsio a Bydwreigiaeth ac sy'n cael ei reoleiddio gan y Cyngor Nyrsio a Bydwreigiaeth;

ystyr "optegydd cyflenwi" ("*dispensing optician*") yw person sydd wedi ei gofrestru yn y gofrestr o optegwyr cyflenwi a gynhelir o dan adran 7(b) o Ddeddf 1989(**2**) ac sy'n cael ei reoleiddio gan y Cyngor Optegol Cyffredinol;

ystyr "optometrydd" ("*optometrist*") yw person sydd wedi ei gofrestru yn y gofrestr o optometryddion a gynhelir o dan adran 7(a) o Ddeddf 1989 ac sy'n cael ei reoleiddio gan y Cyngor Optegol Cyffredinol;

ystyr "osteopath" ("*osteopath*") yw osteopath cofrestredig o fewn ystyr y term "registered osteopath", fel y'i nodir yn adran 41 o Ddeddf Osteopathiaid 1993(**3**), ac sy'n cael ei reoleiddio gan y Cyngor Osteopathig Cyffredinol;

ystyr "podiatrydd" ("*podiatrist*") yw person sydd wedi ei gofrestru yn Rhan 2 o gofrestr yr HCPC ac sy'n cael ei reoleiddio gan y Cyngor Proffesiynau Iechyd a Gofal;

ystyr "proffesiynolyn gofal deintyddol" ("*dental care professional*") yw person sydd wedi ei gofrestru yn y gofrestr o broffesiynolion gofal deintyddol a sefydlwyd ac a gynhelir o dan adran 36B o Ddeddf 1984(**4**) ac sy'n cael ei reoleiddio gan y Cyngor Deintyddol Cyffredinol;

ystyr "Rheoliadau 2011" ("*the 2011 Regulations*") yw Rheoliadau Gofal Iechyd Annibynnol (Cymru) 2011(**5**);

(b) in relation to Northern Ireland, a person registered in the register of pharmaceutical chemists for Northern Ireland, maintained in pursuance of Articles 6(a) and 9 of the 1976 Order and who is regulated by the Pharmaceutical Society of Northern Ireland;

"pharmacy technician" ("*technegydd fferyllfa*") means a person registered in Part 2 of the register of pharmacists and pharmacy technicians established and maintained under article 19(2) of the 2010 Order and who is regulated by the General Pharmaceutical Council;

"physiotherapist" ("*ffisiotherapydd*") means a person registered in Part 9 of the HCPC register and who is regulated by the Health and Care Professions Council;

"podiatrist" ("*podiatrydd*") means a person registered in Part 2 of the HCPC register and who is regulated by the Health and Care Professions Council;

"registered midwife" ("*bydwraig gofrestredig*") means a person registered in the Midwives Part of the Nursing and Midwifery Register and who is regulated by the Nursing and Midwifery Council;

"registered nurse" ("*nyrs gofrestredig*") means a person registered in the Nurses Part of the Nursing and Midwifery Register and who is regulated by the Nursing and Midwifery Council;

"registered nursing associate" ("*cydymaith nyrsio cofrestredig*") means a person registered in the Nursing Associates Part of the Nursing and Midwifery Register and who is regulated by the Nursing and Midwifery Council;

"regulated independent healthcare establishment" ("*sefydliad gofal iechyd annibynnol a reoleiddir*") means—

(a) an independent clinic as defined by section 2(4) of the 2000 Act and as prescribed by regulation 4 of the 2011 Regulations;

(b) an independent hospital as defined by section 2(2) and (3) of the 2000 Act and as prescribed by regulation 3 of the 2011 Regulations;

(c) a private dental practice as defined by regulation 3(1) of the Private Dentistry (Wales) Regulations 2017(**1**);

(**1**) Ychwanegwyd adran 8A gan O.S. 2005/848, erthygl 9.
(**2**) Diwygiwyd adran 7 gan O.S. 2005/848, erthygl 7.
(**3**) 1993 p. 21.
(**4**) Mewnosodwyd adran 36B gan O.S. 2005/2011, erthyglau 2(1) a 29.
(**5**) O.S. 2011/734 (Cy. 112), a ddiwygiwyd gan O.S. 2017/202 (Cy. 57); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(**1**) S.I. 2017/202 (W. 57). *See* regulation 4 of those Regulations for undertakings which are not private dental practices.

ystyr "sefydliad gofal iechyd annibynnol a reoleiddir" ("*regulated independent healthcare establishment*") yw—

(a) clinig annibynnol fel y diffinnir "independent clinic" gan adran 2(4) o Ddeddf 2000 ac fel y'i rhagnodir gan reoliad 4 o Reoliadau 2011;

(b) ysbyty annibynnol fel y diffinnir "independent hospital" gan adran 2(2) a (3) o Ddeddf 2000 ac fel y'i rhagnodir gan reoliad 3 o Reoliadau 2011;

(c) practis deintyddol preifat fel y'i diffinnir gan reoliad 3(1) o Reoliadau Deintyddiaeth Breifat (Cymru) 2017(**1**);

ystyr "technegydd fferyllfa" ("*pharmacy technician*") yw person sydd wedi ei gofrestru yn Rhan 2 o'r gofrestr o fferyllwyr a thechnegwyr fferyllfa a sefydlwyd ac a gynhelir o dan erthygl 19(2) o Orchymyn 2010 ac sy'n cael ei reoleiddio gan y Cyngor Fferyllol Cyffredinol;

mae i "triniaeth arbennig" ("*special procedure*") yr ystyr a roddir yn adran 57 o'r Ddeddf;

mae i "trwydded triniaeth arbennig" ("*special procedure licence*") yr ystyr a roddir yn adran 59 o'r Ddeddf;

ystyr "ymarferydd meddygol didrwydded" ("*unlicensed medical practitioner*") yw person sydd wedi ei gofrestru yn y gofrestr o ymarferwyr meddygol fel y'i diffinnir gan adran 2(2) o Ddeddf 1983, nad yw'n dal trwydded i ymarfer o dan adran 29A(1) o'r Ddeddf honno ac sy'n cael ei reoleiddio gan y Cyngor Meddygol Cyffredinol;

ystyr "ymarferydd meddygol trwyddedig" ("*licensed medical practitioner*") yw person sydd wedi ei gofrestru yn y gofrestr o ymarferwyr meddygol fel y'i diffinnir gan adran 2(2) o Ddeddf 1983, sy'n dal trwydded i ymarfer o dan adran 29A(1) o'r Ddeddf honno ac sy'n cael ei reoleiddio gan y Cyngor Meddygol Cyffredinol.

"special procedure" ("*triniaeth arbennig*") has the meaning given in section 57 of the Act;

"special procedure licence" ("*trwydded triniaeth arbennig*") has the meaning given in section 59 of the Act;

"student dispensing optician" ("*myfyriwr-optegydd cyflenwi*") means a person registered as a person undertaking training as a dispensing optician in the registers of students maintained under section 8A of the 1989 Act(**1**) and who is regulated by the General Optical Council;

"student optometrist" ("*myfyriwr-optometrydd*") means a person registered as a person undertaking training as an optometrist in the registers of students maintained under section 8A of the 1989 Act and who is regulated by the General Optical Council;

"student pharmacist" ("*myfyriwr-fferyllydd*"), in relation to Northern Ireland, means a person registered in the register of students for Northern Ireland maintained in pursuance of Articles 6(c) and 9 of the 1976 Order and who is regulated by the Pharmaceutical Society of Northern Ireland;

"unlicensed medical practitioner" ("*ymarferydd meddygol didrwydded*") means a person registered in the register of medical practitioners as defined by section 2(2) of the 1983 Act, who does not hold a licence to practise under section 29A(1) of that Act and who is regulated by the General Medical Council.

Triniaethau arbennig penodedig at ddibenion adran 60(1) o'r Ddeddf ar gyfer aelodau o broffesiynau penodol

3. Nid yw unigolyn sy'n aelod o broffesiwn a restrir yng ngholofn 1 o Atodlen 1 wedi ei esemptio rhag y gofyniad i gael ei drwyddedu, os yw'r unigolyn yn dymuno rhoi pob triniaeth arbennig a bennir yng ngholofn 2 o'r Atodlen honno.

Specified special procedures for the purposes of section 60(1) of the Act for members of certain professions

3. An individual who is a member of a profession listed in column 1 of Schedule 1 is not exempt from the requirement to be licensed, if the individual wishes to perform each special procedure specified in column 2 of that Schedule.

(**1**) O.S. 2017/202 (Cy. 57). *Gweler* rheoliad 4 ar gyfer ymgymeriadau nad ydynt yn bractisau deintyddol preifat.

(**1**) Section 8A was added by S.I. 2005/848, article 9.

Triniaethau arbennig penodedig at ddibenion adran 60(1) o'r Ddeddf ar gyfer aelodau o broffesiynau penodol oni bai bod amodau penodol wedi eu bodloni

4.—(1) Nid yw unigolyn sy'n aelod o broffesiwn a restrir yng ngholofn 1 o Atodlen 2 wedi ei eseptio rhag y gofyniad i gael ei drwyddedu mewn cysylltiad â thriniaeth arbennig a bennir yng ngholofn 2 o'r Atodlen honno, oni bai bod paragraff (3) yn gymwys.

(2) Nid yw unigolyn sy'n aelod o broffesiwn a restrir yng ngholofn 1 o Atodlen 3 wedi ei eseptio rhag y gofyniad i gael ei drwyddedu mewn cysylltiad â thriniaeth arbennig a bennir yng ngholofn 2 o'r Atodlen honno, oni bai bod paragraff (3) yn gymwys.

(3) Mae'r paragraff hwn yn gymwys—

(a) pan fo unigolyn yn rhoi'r driniaeth arbennig mewn sefydliad gofal iechyd annibynnol a reoleiddir, a

(b) pan na fo unigolyn yn ddarostyngedig i unrhyw amodau, unrhyw gyfyngiadau nac unrhyw sancsiynau ar ei gofrestriad proffesiynol, mewn perthynas â'i addasrwydd i ymarfer.

Esemptiad ar gyfer aelodau o broffesiynau penodedig at ddibenion adran 60(3) o'r Ddeddf

5. Mae unigolyn—

(a) sy'n aelod o broffesiwn a restrir yng ngholofn 1 o Atodlen 4,

(b) sy'n rhoi triniaeth arbennig a restrir yng ngholofn 2 o'r Atodlen honno mewn sefydliad gofal iechyd annibynnol a reoleiddir, ac

(c) nad yw'n ddarostyngedig i unrhyw amodau, unrhyw gyfyngiadau nac unrhyw sancsiynau ar ei gofrestriad proffesiynol, mewn perthynas â'i addasrwydd i ymarfer,

i'w drin fel pe bai wedi ei esemptio rhag y gofyniad i gael ei drwyddedu i roi'r driniaeth arbennig honno.

Specified special procedures for the purposes of section 60(1) of the Act for members of certain professions unless certain conditions are met

4.—(1) An individual who is a member of a profession listed in column 1 of Schedule 2 is not exempt from the requirement to be licensed in respect of a special procedure specified in column 2 of that Schedule, unless paragraph (3) applies.

(2) An individual who is a member of a profession listed in column 1 of Schedule 3 is not exempt from the requirement to be licensed in respect of a special procedure specified in column 2 of that Schedule, unless paragraph (3) applies.

(3) This paragraph applies where an individual is—

(a) performing the special procedure in a regulated independent healthcare establishment, and

(b) not subject to any conditions, restrictions or sanctions on their professional registration, in relation to their fitness to practise.

Exemption for members of specified professions for the purposes of section 60(3) of the Act

5. An individual who is—

(a) a member of a profession listed in column 1 of Schedule 4,

(b) performing a special procedure listed in column 2 of that Schedule in a regulated independent healthcare establishment, and

(c) not subject to any conditions, restrictions or sanctions on their professional registration, in relation to their fitness to practise,

is to be treated as exempt from the requirement to be licensed to perform that special procedure.

Jeremy Miles

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol, un o Weinidogion Cymru
27 Tachwedd 2024

Cabinet Secretary for Health and Social Care, one of the Welsh Ministers
27 November 2024

Atodlen 1 Rheoliad 3

Triniaethau arbennig penodedig ar gyfer proffesiynau penodol at ddibenion adran 60(1) o'r Ddeddf

Colofn 1	*Colofn 2*
Y Proffesiwn	**Y Driniaeth arbennig**
Fferyllydd	Aciwbigo
Myfyriwr-fferyllydd	Electrolysis
Myfyriwr-optegydd cyflenwi	Tatŵio
Myfyriwr-optometrydd	Tyllu'r Corff
Optegydd cyflenwi	
Optometrydd	
Technegydd fferyllfa	
Ymarferydd meddygol didrwydded	

SCHEDULE 1 Regulation 3

Specified special procedures for certain professions for the purposes of section 60(1) of the Act

Column 1	*Column 2*
Profession	**Special procedure**
A dispensing optician	Acupuncture
An optometrist	Body Piercing
A pharmacist	Electrolysis
A pharmacy technician	Tattooing
A student dispensing optician	
A student optometrist	
A student pharmacist	
An unlicensed medical practitioner	

Atodlen 2 Rheoliad 4

Triniaethau arbennig penodedig ar gyfer proffesiynau penodol at ddibenion adran 60(1) o'r Ddeddf oni bai bod amodau penodol wedi eu bodloni

Colofn 1	*Colofn 2*
Y Proffesiwn	**Y Driniaeth arbennig**
Bydwraig gofrestredig	Aciwbigo
Cydymaith nyrsio cofrestredig	Electrolysis
Deintydd	Tatŵio
Nyrs gofrestredig	Tyllu'r Corff
Proffesiynolyn gofal deintyddol	
Ymarferydd meddygol trwyddedig	

SCHEDULE 2 Regulation 4

Specified special procedures for certain professions for the purposes of section 60(1) of the Act unless certain conditions are met

Column 1	*Column 2*
Profession	**Special procedure**
A dental care professional	Acupuncture
A dentist	Body Piercing
A licensed medical practitioner	Electrolysis
A registered midwife	Tattooing
A registered nurse	
A registered nursing associate	

Atodlen 3 Rheoliad 4

Triniaethau arbennig penodedig ar gyfer proffesiynau penodol at ddibenion adran 60(1) o'r Ddeddf oni bai bod amodau penodol wedi eu bodloni

Colofn 1	*Colofn 2*
Y Proffesiwn	**Y Driniaeth arbennig**
Ciropractydd	Aciwbigo
Osteopath	

SCHEDULE 3 Regulation 4

Specified special procedures for certain professions for the purposes of section 60(1) of the Act unless certain conditions are met

Column 1	*Column 2*
Profession	**Special procedure**
A chiropractor	Acupuncture
An osteopath	

Atodlen 4 Rheoliad 5

Esemptiad ar gyfer aelodau o broffesiynau penodedig at ddibenion adran 60(3) o'r Ddeddf

Colofn 1	*Colofn 2*
Y Proffesiwn	**Y Driniaeth arbennig**
Ciropodydd	Aciwbigo
Ffisiotherapydd	
Podiatrydd	

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

SCHEDULE 4 Regulation 5

Exemption for members of specified professions for the purposes of section 60(3) of the Act

Column 1	*Column 2*
Profession	**Special procedure**
A chiropodist	Acupuncture
A physiotherapist	
A podiatrist	

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