



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

1999 Rhif 2841 (Cy.21)

1999 No. 2841(W.21)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd a Thaliadau
Optegol) a (Gwasanaethau
Offthalmig Cyffredinol) Diwygio
(Cymru) 1999

The National Health Service
(Optical Charges and Payments)
and (General Ophthalmic
Services) Amendment (Wales)
Regulations 1999

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Effaith y Rheoliadau hyn yw diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997 ("Rheoliadau 1997") sy'n darparu i daliadau gael eu gwneud drwy gyfrwng system dalebau ar gyfer costau a dynnwyd gan gategoriâu penodol o bersonau mewn cysylltiad â darparu, amnewid a thrwsio offer optegol. Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986 ("Rheoliadau 1986") sy'n darparu ar gyfer y trefniadau y mae ymarferwyr meddygol offthalmig ac optegwyr offthalmig yn darparu gwasanaethau offthalmig odanynt.

These Regulations have effect to amend the National Health Service (Optical Charges and Payments) Regulations 1997 ("the 1997 Regulations") which provide for payments to be made by means of a voucher system in respect of costs incurred by certain categories of persons in connection with the supply, replacement and repair of optical appliances. These Regulations also amend the National Health Service (General Ophthalmic Services) Regulations 1986 ("the 1986 Regulations") which provide for the arrangements under which ophthalmic medical practitioners and ophthalmic opticians provide ophthalmic services.

Mae'r Rheoliadau hyn yn gwneud i'r diwygiadau testunol i Reoliadau 1997 a Rheoliadau 1986, sy'n cael eu gwneud gan Reoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Offthalmig) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) 1999 a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) 1999 ac sy'n gymwys i Loegr, gael effaith yng Nghymru.

The textual amendments of the 1997 Regulations and the 1986 Regulations which are made by the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) Regulations 1999 and the National Health Service (General Ophthalmic Services) (Amendment) Regulations 1999 and which extend to England are made to have effect in Wales.

Mewn perthynas â Rheoliadau 1997 a Rheoliadau 1986 mae'r diwygiadau yn mewnosod diffiniad o "amount withdrawn" ac yn rhoi diffiniad o "disabled person's tax credit" yn lle'r diffiniad o "disability working allowance" a hefyd yn rhoi diffiniad o "working families' tax credit" yn lle'r diffiniad o "family credit".

In relation to both the 1997 Regulations and the 1986 Regulations the amendments insert a definition of "amount withdrawn" and substitute the definition of "disability working allowance" with a definition of "disabled person's tax credit" and also substitute the definition of "family credit" with a definition of "working families' tax credit".

Mae Rheoliad 8 o Reoliadau 1997 yn diffinio'r personau sy'n gymwys i gael taliadau i dalu costau

Regulation 8 of the 1997 Regulations defines the persons who are eligible for payments to meet, or to

sbechol ac offer optegol arall a ddarparwyd iddynt, neu i gyfrannu at y costau hynny. Mae'r diwygiadau i'r rheoliad hwn yn cymryd i ystyriaeth y newidiadau sy'n digwydd ar 5 Hydref 1999 yn y systemau treth incwm a nawdd cymdeithasol pan ddisodlir credyd teulu a lwfans gweithio i'r anabl gan greddyd treth teuluoedd mewn gwaith a chredyd treth person anabl.

Yn yr un modd mae'r diwygiadau yn newid rheoliad 13 o Reoliadau 1986 sy'n diffinio pwy sy'n gymwys i gael profion golwg rhad ac am ddim.

Mae'r rheoliadau'n cynnwys darpariaeth drosiannol sy'n darparu bod yr hawl i gael profion golwg rhad ac am ddim neu daliadau at gostau sbectol ac offer optegol arall yn parhau tra bod credyd teulu neu lwfans gweithio i'r anabl yn parhau i gael ei dalu.

contribute towards the cost of being supplied with glasses and other optical appliances. The amendments to this regulation take account of the changes occurring on 5th October 1999 in the income tax and social security systems when family credit and disability working allowance are replaced by working families' tax credit and disabled person's tax credit.

The amendments similarly alter regulation 13 of the 1986 Regulations which defines eligibility for free sight tests.

The regulations contain a transitional provision that provides that the entitlement to free sight tests or payments towards the cost of glasses and other optical appliances shall continue whilst payment of family credit or disability working allowance continues.

1999 Rhif 2841 (Cy.21)

1999 No. 2841 (W.21)

Y GWASANAETH IECHYD
GWLADOL, CYMRUNATIONAL HEALTH
SERVICE, WALESRheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd a Thaliadau
Optegol) a (Gwasanaethau
Offthalmig Cyffredinol) Diwygio
(Cymru) 1999The National Health Service
(Optical Charges and Payments)
and (General Ophthalmic
Services) Amendment (Wales)
Regulations 1999*Wedi'u gwneud* 5 Hydref 1999*Made* 5th October 1999*Yn dod i rym* 5 Hydref 1999*Coming into force* 5th October 1999

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i Ysgrifennydd Gwladol Cymru gan adrannau 38(1), (3), (4) a (6), 39, 78, 126(4) a 128(1) a pharagraffau 2 a 2A o Atodlen 12 i Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(b):

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State for Wales by sections 38(1), (3), (4) and (6), 39, 78, 126(4) and 128(1) and paragraphs 2 and 2A of Schedule 12 to the National Health Service Act 1977(a) and of all other powers enabling him in that behalf and now vested in the National Assembly for Wales(b):

Enwi, cychwyn, dehongli a hyd a lled

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Cymru) 1999 a deuant i rym ar 5 Hydref 1999.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) Amendment (Wales) Regulations 1999 and shall come into force on 5th October 1999.

(a) 1997 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), am y diffiniadau o "prescribed" a "regulations". Diwygiwyd adran 38 gan Ddeddf y Gwasanaethau Iechyd 1980 (p.53) ("Deddf 1980"), adran 1 ac Atodlen 1, paragraff 51; gan Ddeddf Iechyd a Nawdd Cymdeithasol 1984 (p.53) ("Deddf 1984"), adran 1(3); gan O.S.1985/39, erthygl 7(11); gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49) ("Deddf 1988"), adran 13(1); a chan Ddeddf Awdurdodau Iechyd 1995 (p.17) ("Deddf 1995"), Atodlen 1, paragraff 27. Estynwyd adran 39 gan Ddeddf 1988, adran 17; a'i diwygio gan Ddeddf 1980, adran 1 ac Atodlen 1, paragraff 52; gan Ddeddf 1984, adran 1(4), Atodlen 1, Rhan I, paragraff 1 ac Atodlen 8, rhan I; gan O.S. 1985/39, erthygl 7(12); a chan Ddeddf 1995, Atodlen 1, paragraff 28. Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2); ac (ynghlyn â Lloegr) gan Ddeddf Iechyd 1999 (p.8), Atodlen 4, paragraff 37(6). Disodlwyd paragraff 2(1) o Atodlen 12 gan Ddeddf 1988, Atodlen 2, paragraff 8(1); mewnosodwyd paragraff 2A o Atodlen 12 gan Ddeddf 1984, Atodlen 1, Rhan I paragraff 3 ac fe'i diwygiwyd gan Ddeddf 1988, adran 13(2) and (3).

(b) Trosglwyddwyd swyddogaethau yr Ysgrifennydd Gwladol o dan adrannau 38(1), (3), (4) a (6), 39, 78, 126(4) a 128(1) a pharagraffau 2 a 2A o Atodlen 12 i Ddeddf 1977 i Gynulliad Cenedlaethol Cymru ("y Cynulliad") gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(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), for the definitions of "prescribed" and "regulations". Section 38 was amended by the Health Services Act 1980 (c.53) ("the 1980 Act"), section 1 and Schedule 1, paragraph 51; by the Health and Social Security Act 1984 (c.53) ("the 1984 Act"), section 1(3); by S.I.1985/39, article 7(11); by the Health and Medicines Act 1988 (c.49) ("the 1988 Act"), section 13(1); and by the Health Authorities Act 1995 (c.17) ("the 1995 Act"), Schedule 1, paragraph 27. Section 39 was extended by the 1988 Act, section 17; and amended by the 1980 Act, section 1 and Schedule 1, paragraph 52; by the 1984 Act, section 1(4), Schedule 1, Part I, paragraph 1 and Schedule 8, part I; by S.I. 1985/39, article 7(12); and by the 1995 Act, Schedule 1, paragraph 28. Section 126(4) was amended by the 1990 Act, section 65(2); and (in relation to England) the Health Act 1999 (c.8), Schedule 4, paragraph 37(6). Paragraph 2(1) of Schedule 12 was substituted by the 1988 Act, Schedule 2, paragraph 8(1); paragraph 2A of Schedule 12 was inserted by the 1984 Act, Schedule 1, Part I paragraph 3 and amended by the 1988 Act, section 13(2) and (3).

(b) The functions of the Secretary of State under sections 38(1), (3), (4) and (6), 39, 78, 126(4) and 128(1) and paragraphs 2 and 2A of Schedule 12 to the 1977 Act were transferred to the National Assembly for Wales ("the Assembly") by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) Yn y Rheoliadau hyn —

ystyr “Rheoliadau 1997” yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997(a);

ystyr “Rheoliadau 1986” yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986(b);

ystyr “Rheoliadau 1999” yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) 1999(c) a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) 1999(ch).

(3) Bydd y Rheoliadau hyn yn gymwys i Gymru'n unig.

Diwygio Rheoliadau 1997

2.—Ar ddiwedd rheoliad 1 o Reoliadau 1997 mewnosoder y paragraff canlynol —

“(5) In respect of paragraph (2) of this regulation and regulation 8 the amendments made by the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) Regulations 1999(d)(e) shall also have effect in Wales.”.

Diwygio Rheoliadau 1986

3.—Ar ddiwedd rheoliad 2 o Reoliadau 1986 mewnosoder y paragraff canlynol —

“(3) In respect of paragraph (1) of this regulation and regulation 13 the amendments made by the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) Regulations 1999(d)(e) and the National Health Service (General Ophthalmic Services) (Amendment) Regulations 1999(e)(f) shall also have effect in Wales.”.

Darpariaeth drosiannol

4.—(1) Lle'r oedd person, neu aelod o'i deulu, yn union cyn 5 Hydref 1999 yn cael lwfans gweithio i'r anabl neu gredyd teulu, fel y bo'r achos, ni fydd y diwygiadau a wneir gan Reoliadau 1999, fel y maent yn cael effaith yng Nghymru yn rhinwedd y Rheoliadau hyn, yn cael effaith yn ei achos ef cyhyd a'i fod ef, neu aelod o'i deulu, fel y bo'r achos, yn parhau i gael lwfans gweithio i'r anabl neu gredyd teulu.

(2) Yn y rheoliad hwn, bydd “lwfans gweithio i'r anabl” a “chredyd teulu” yn parhau gyda'r ystyr a roddir i “disability working allowance” a “family credit” yn Rheoliadau 1997 neu Reoliadau 1986, fel y bo'r achos, yn union cyn i'r Rheoliadau hyn ddod i rym.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o

(a) O.S. 1997/818; yr offeryn diwygio perthnasol yw O.S. 1999/609.

(b) O.S. 1986/975; yr offerynnau diwygio perthnasol yw O.S. 1989/395, 1995/558 and 1996/2320.

(c) O.S. 1999/2562.

(ch) O.S. 1999/2714

(d) O.S. 1999/2562.

(e) O.S. 1999/2714

(2) In these Regulations —

“the 1997 Regulations” means the National Health Service (Optical Charges and Payments) Regulations 1997(a);

“the 1986 Regulations” means the National Health Service (General Ophthalmic Services) Regulations 1986(b);

“the 1999 Regulations” means the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) Regulations 1999(c) and the National Health Service (General Ophthalmic Services) (Amendment) Regulations 1999(d).

(3) These Regulations shall apply to Wales only.

Amendment of the 1997 Regulations

2.—At the end of regulation 1 of the 1997 Regulations there shall be inserted the following paragraph —

Amendment of the 1986 Regulations

3.—At the end of regulation 2 of the 1986 Regulations there shall be inserted the following paragraph —

Transitional Provision

4.—(1) Where immediately before 5th October 1999 a person, or a member of his family was in receipt of disability working allowance or family credit, as the case may be, the amendments made by the 1999 Regulations, as they have effect in Wales by virtue of these Regulations, shall not have effect in his case for so long as he, or a member of his family, as the case may be, continues to be in receipt of disability working allowance or family credit.

(2) In this regulation, “disability working allowance” and “family credit” shall continue to have the meaning given to them in the 1997 Regulations or the 1986 Regulations, as the case may be, immediately before the coming into force of these Regulations.

(a) S.I. 1997/818; the relevant amending instrument is S.I. 1999/609.

(b) S.I. 1986/975; the relevant amending instruments are S.I. 1989/395, 1995/558 and 1996/2320.

(c) S.I. 1999/2562.

(d) S.I. 1999/2714

(e) S.I. 1999/2562.

(f) S.I. 1999/2714

dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

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

5 Hydref 1999

5th October 1999

D. Elis Thomas

Llywydd y Cynulliad Cenedlaethol

*The Presiding Officer
of the National Assembly of Wales*

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SERVICE, WALES**

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