



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 551 (Cy.55)

2004 No. 551 (W.55)

**PROFFESIYNAU GOFAL
IECHYD A PHROFFESIYNAU
CYSYLLTIEDIG, CYMRU**

**HEALTH CARE AND
ASSOCIATED PROFESSIONS,
WALES**

Gorchymyn Proffesiynau Iechyd
Cymru (Sefydlu, Aelodaeth,
Cyfansoddiad a Swyddogaethau)
2004

The Health Professions Wales
(Establishment, Membership,
Constitution and Functions) Order
2004

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn sefydlu corff corfforaethol a elwir Proffesiynau Iechyd Cymru neu Health Professions Wales ("PIC") (erthygl 2).

This Order establishes a body corporate to be known as Health Professions Wales or Proffesiynau Iechyd Cymru ("HPW") (article 2).

Sefydlir PIC at ddibenion ymgymryd â swyddogaethau mewn perthynas â phroffesiynau gofal iechyd a gweithwyr cymorth gofal iechyd

HPW is established for the purpose of undertaking functions in relation to health care professions and health care support workers.

Bydd PIC yn ymgymryd â rhai swyddogaethau ar ran y Cynulliad mewn perthynas â hybu'r canlynol a chynghori arnynt, sef ansawdd a darpariaeth addysg, hyfforddiant ac ymarfer y proffesiynau gofal iechyd, awdurdod goruchwyllo lleol ar gyfer bydwagedd a swyddogaethau o dan adran 63 o Ddeddf Gwasanaethau Iechyd a Iechyd Cyhoeddus 1963 (erthygl 3(2)(a)). Bydd PIC hefyd yn ymgymryd â rhai swyddogaethau yng Nghymru ar ran cyrff megis y Cyngor Proffesiynau Iechyd a'r Cyngor Nyrso a Bydwreigiaeth (erthygl 3(2)(b),(c) ac (ch)).

HPW will undertake certain functions on behalf of the Assembly in respect of promoting and advising on the quality and provision of education, training and practice of health care professions, local supervising authority for midwives and functions under section 63 of the Health Services and Public Health Act 1963 (article 3(2)(a)). HPW will also undertake certain functions in Wales on behalf of bodies such as the Health Professions Council, the Nursing and Midwifery Council (article 3(2)(b),(c) and (d)).

Mae'r Gorchymyn hwn hefyd yn darparu ar gyfer cyfansoddiad ac aelodaeth PIC gan gynnwys trefniadau gweithdrefnol a gweinyddol (erthyglau 6 i 12).

This Order also makes provisions for the constitution and membership of HPW including procedural and administrative arrangements (articles 6 to 12).

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The Health Professions Wales
(Establishment, Membership,
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2004

Wedi'i wneud 2 Mawrth 2004
Yn dod i rym 5 Mawrth 2004

Made 2nd March 2004
Coming into force 5th March 2004

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 4(1), (3), (4) a (7), 5 ac 8 o Ddeddf Iechyd (Cymru) 2003(a) yn gwneud y Gorchymyn canlynol: -

The National Assembly for Wales, in exercise of powers conferred by sections 4(1), (3), (4) and (7), 5 and 8 of the Health (Wales) Act 2003(a), makes the following Order: -

Enwi, cychwyn, a dehongli.

1.-(1) Enw'r gorchymyn hwn yw Gorchymyn Proffesiynau Iechyd Cymru (Sefydlu, Aelodaeth, Cyfansoddiad a Swyddogaethau) 2004 a daw i rym ar 5 Mawrth 2004.

Citation, commencement and interpretation

1.-(1) This order may be cited as the Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004 and comes into force on 5th March 2004.

(2) Yn y Gorchymyn hwn -

(2) In this Order -

ystyr "y Cynulliad" ("*the Assembly*") yw Cynulliad Cenedlaethol Cymru;

"the Assembly" ("*y Cynulliad*") means the National Assembly for Wales;

ystyr "dyddiad sefydlu" ("*establishment date*") yw 1 Mawrth 2004;

"establishment date" ("*dyddiad sefydlu*") means 1st March 2004

ystyr "dyddiad gweithredol" ("*operational date*") yw 1 Ebrill 2004;

"operational date" ("*dyddiad gweithredol*") nmeans 1st April 2004

ystyr "PIC" ("*HPW*") yw Proffesiynau Iechyd Cymru neu Health Professions Wales a sefydlir gan erthygl 2 o'r Gorchymyn hwn.

"HPW" ("*PIC*") means Health Professions Wales or Proffesiynau Iechyd Cymru established by article 2 of this Order.

Sefydlu Proffesiynau Iechyd Cymru

2. Sefydlir drwy hyn, a bydd yn effeithiol o'r dyddiad sefydlu, gorff corfforaethol a elwir Proffesiynau Iechyd Cymru neu Health Professions Wales.

Establishment of Health Professions Wales

2. There is hereby established, with effect from the establishment date, a body corporate which shall be known as Health Professions Wales or Proffesiynau Iechyd Cymru.

Diben a swyddogaethau PIC

3.-(1) Sefydlir PIC at ddibenion ymgymryd â swyddogaethau mewn perthynas â phroffesiynau gofal iechyd a gweithwyr cymorth gofal iechyd.

(2) Dyma swyddogaethau PIC a fydd yn ei alluogi i wneud y canlynol -

- (a) ar ran y Cynulliad-
 - (i) hybu a chynghori ar ansawdd a darpariaeth addysg, hyfforddiant ac ymarfer,
 - (ii) ymgymryd â swyddogaethau awdurdod goruchwyllo lleol yn unol ag erthygl 42(1)(b) ac erthygl 43 o Orchymyn Nyrsio a Bydwreigiaeth 2001(a),
 - (iii) ymgymryd â swyddogaethau (ac eithrio'r rhai sy'n ymwneud â gwneud deddfwriaeth sylfaenol) o dan adran 63 o Ddeddf Gwasanaethau Iechyd a Iechyd Cyhoeddus 1968(b);
- (b) gwneud trefniadau â Chyngor Proffesiynau Iechyd Cymru(c) i gyflawni swyddogaethau ar ran y Cyngor hwnnw mewn perthynas â Chymru;
- (c) gwneud trefniadau â Chyngor Nyrsio a Bydwreigiaeth(ch) i gyflawni swyddogaethau ar ran y Cyngor hwnnw mewn perthynas â Chymru;
- (ch) gwneud trefniadau ag unrhyw gorff arall i gyflawni swyddogaethau ar ran y corff hwnnw mewn perthynas â Chymru; a
- (d) cyflawni'r trefniadau hynny.

(3) Rhaid i PIC yn ymgymryd â'i swyddogaethau o'r dyddiad gweithredol ymlaen.

(4) Caiff unrhyw aelod neu aelod o staff PIC, neu unrhyw bwyllgor neu is-bwyllgor PIC, wneud unrhyw

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- (a) O.S. 2002/253; offerynnau diwygio perthnasol yw O.S. 2002/881 ac O.S. 2002/1125. Trosglwyddwyd swyddogaethau awdurdodau goruchwyllo lleol oddi wrth yr awdurdodau iechyd i Gynulliad Cenedlaethol Cymru gan Orchymyn Awdurdodau Iechyd (Trosglwyddo Swyddogaethau, Staff, Eiddo, Hawliau a Rhwymedigaethau a Diddymu) (Cymru) 2003 O.S. 2003/813 (Cy.98).
 - (b) 1968 p.46. Trosglwyddwyd swyddogaethau'r Gweinidog Iechyd i'r Ysgrifennydd Gwladol dros Iechyd gan Orchymyn yr Ysgrifennydd Gwladol dros y Gwasanaethau Cymdeithasol 1968, O.S. 1968/1699 a Gorchymyn Trosglwyddo Swyddogaethau (Iechyd a Nawdd Cymdeithasol) 1988, O.S. 1988/1843.
Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol dros Iechyd, i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, erth 2, Atodlen 1.
 - (c) Sefydlwyd gan O.S. 2002/254 fel y'i diwygiwyd gan O.S. 2003/1571 ac O.S. 2003/1572.
 - (ch) Sefydlwyd gan O.S. 2002/253; yr offerynnau diwygio perthnasol yw O.S. 2002/881 ac O.S. 2002/1125.

Purpose and functions of HPW

3.-(1) HPW is established for the purpose of undertaking functions in relation to health care professions and health care support workers.

(2) The functions of HPW shall be such as to enable it to-

- (a) on behalf of the Assembly-
 - (i) promote and advise on the quality and provision of education, training and practice,
 - (ii) undertake the functions of a local supervising authority pursuant to article 42(1)(b) and article 43 of the Nursing and Midwifery Order 2001(a),
 - (iii) undertake functions under section 63 (except those relating to the making of subordinate legislation) of the Health Services and Public Health Act 1968(b);
- (b) enter into arrangements with the Health Professions Council(c) for carrying out functions on behalf of that Council in relation to Wales;
- (c) enter into arrangements with the Nursing and Midwifery Council(d) for carrying out functions on behalf of that Council in relation to Wales;
- (d) enter into arrangements with any other body for carrying out functions on behalf of that body in relation to Wales; and
- (e) carry out such arrangements.

(3) HPW shall undertake its functions with effect from the operational date

(4) Anything authorised or required to be done by HPW may be done by any member or member of staff

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- (a) S.I. 2002/253; relevant amending instruments are S.I. 2002/881 and S.I. 2002/1125. Functions of local supervising authorities were transferred from health Authorities to the National Assembly for Wales by the Health Authorities (Transfer of Functions, Staff, property, Rights and Liabilities and Abolition) (Wales) Order 2003 S.I. 2003/813 (W.98).
 - (b) 1968 c.46. Functions of the Minister of Health transferred to the Secretary of State for Health by the Secretary of State for Social Services Order 1968, S.I. 1968/1699 and the Transfer of Functions (Health and Social Security) Order 1988, S.I. 1988/1843.
Functions of the Secretary of State for Health, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, art 2, Sch 1.
 - (c) Established by S.I. 2002/254 as amended by S.I. 2003/1571 and S.I. 2003/1572.
 - (d) Established by S.I. 2002/253; relevant amending instruments are S.I. 2002/881 and S.I. 2002/1125.

beth a awdurdodwyd at y diben gan PIC (boed yn gyffredinol neu'n benodol) yr awdurdodwyd PIC i'w wneud neu sy'n ofynnol i PIC ei wneud.

(5) Caiff PIC godi'r ffioedd hynny y mae o'r farn eu bod yn briodol am unrhyw wasanaethau y mae'n eu darparu wrth gyflawni unrhyw swyddogaeth.

(6) Caiff PIC wneud unrhyw beth y mae'n ystyried sy'n angenrheidiol neu'n hwylus at ddibenion arfer ei swyddogaethau neu mewn cysylltiad â hwy.

(7) Ni chaiff dilysrwydd unrhyw drafodion PIC eu heffeithio gan-

- (a) unrhyw le gwag yn swydd y cadeirydd neu swydd aelod arall,
- (b) unrhyw ddiffyg ym mhenodiad person fel cadeirydd neu aelod arall, neu
- (c) cyfansoddiad aelodaeth PIC ar y pryd.

Swyddogaethau cyfyngedig cyn y dyddiad gweithredol

4. Rhwng y dyddiad sefydlu a'r dyddiad gweithredol bydd gan PIC y swyddogaethau canlynol -

- (a) ymrwymo mewn contractau gan gynnwys contractau gwaith; a
- (b) gwneud y pethau eraill hynny sy'n rhesymol angenrheidiol i'w alluogi i ddechrau gweithredu'n foddhaol o'r dyddiad gweithredol ymlaen.

Dyddiad cyfrifyddu PIC

5. Dyddiad cyfrifyddu PIC fydd 31 Mawrth.

Aelodau PIC

6.-(1) Bydd PIC yn cynnwys y canlynol-

- (a) cadeirydd (a fydd yn aelod o PIC) a benodwyd gan y Cynulliad;
- (b) aelodau eraill a benodwyd gan y Cynulliad a chaiff y Cynulliad, os gwêl yn dda, benodi un o'r aelodau eraill yn is-gadeirydd.

(2) Mwyafswm nifer aelodau PIC fydd 24.

(3) Os na chafodd is-gadeirydd ei benodi gan y Cynulliad, yna caiff yr aelodau benodi un o'u plith yn is-gadeirydd am y cyfnod hwnnw, nad yw'n fwy na gweddill cyfnod yr aelod hwnnw fel aelod o PIC, y caiff yr aelodau ei bennu.

(4) Os digwydd y canlynol -

- (a) bod aelod a benodwyd naill ai gan y Cynulliad o dan erthygl 6(1)(b) neu gan aelodau o dan erthygl 6(3) yn is-gadeirydd, a
- (b) bod y cadeirydd wedi marw neu wedi peidio â

of HPW who, or any committee or sub-committee of HPW which, is authorised for the purpose by HPW (whether generally or specially).

(5) HPW may charge such fees as it considers appropriate for any services which it provides in discharging any function.

(6) HPW may do anything which it considers necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(7) The validity of any proceedings of HPW shall not be affected by-

- (a) any vacancy in the office of chair or other member,
- (b) any defect in a person's appointment as chair or other member, or
- (c) the composition for the time being of the membership of HPW.

Limited functions before operational date

4. Between its establishment date and its operational date HPW shall have the functions -

- (a) of entering into contracts including contracts of employment; and
- (b) of doing such other things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from its operational date.

Accounting date of HPW

5. The accounting date of HPW shall be 31st March.

Members of HPW

6.-(1) HPW shall consist of-

- (a) a chair (who shall be a member of HPW) appointed by the Assembly;
- (b) other members appointed by the Assembly and the Assembly may, if it thinks fit, appoint one of the other members as vice-chair.

(2) The maximum number of members of HPW shall be 24.

(3) If no vice-chair has been appointed by the Assembly, then the members may appoint one of their number to be vice-chair for such period, not exceeding the remainder of that member's term as a member of HPW, as the members may specify.

(4) Where -

- (a) a member is appointed either by the Assembly under article 6(1)(b) or the members under article 6(3) to be vice-chair, and
- (b) the chair has died or has ceased to hold office,

dal y swydd, neu os na all gyflawni dyletswyddau'r cadeirydd oherwydd salwch, absenoldeb o'r Deyrnas Unedig neu unrhyw achos arall,

rhaid i'r is-gadeirydd weithredu fel cadeirydd hyd nes y penodir cadeirydd newydd neu nes bod y cadeirydd yn ailafael yn nyletswyddau cadeirydd yn ôl y digwydd, a bernir y bydd cyfeiriadau at y cadeirydd, am ba hyd bynnag nad oes cadeirydd sy'n gallu cyflawni dyletswyddau cadeirydd, yn cynnwys cyfeiriadau at yr is-gadeirydd.

(5) Aelodau PIC fydd-

- (a)(i) personau o'r proffesiynau a gynrychiolir gan Bwyllgor Ymgynghorol Therapiau Cymru, Pwyllgor Gwyddoniaeth Ymgynghorol Cymru a Phwyllgor Nyrsio a Bydwreigiaeth Cymru(a),
- (ii) pobl broffesiynol sy'n meddu ar y cymwysterau, diddordebau neu brofiad a fyddai'n werthfawr wrth iddo arfer ei swyddogaethau,
- (iii) personau sy'n cynrychioli gweithwyr cymorth gofal iechyd; a
- (b) personau sydd â'r cyfryw gymwysterau, diddordebau neu brofiad a fydd yn werthfawr i PIC wrth iddo arfer ei swyddogaethau ond nad ydynt yn aelodau o'r Cyngor Nyrsio a Bydwreigiaeth, Cyngor Proffesiynau Iechyd Cymru, neu nad ydynt ar eu cofrestrau, neu unrhyw gorff rheoleiddio arall sy'n ymwneud â'r proffesiynau gofal iechyd a gweithwyr cymorth gofal iechyd.

(6) Rhaid i'r Cynulliad yn arfer ei bwerau i benodi aelodau PIC i sicrhau ar bob adeg na fydd llai na 45% o'r aelodau yn bersonau a benodir yn unol â pharagraff (5)(b) uchod.

(7) Bydd y cadeirydd ac aelodau eraill PIC yn dal swydd ac yn ymadael â'r swydd yn unol â thelerau eu penodiad perthnasol.

(8) Bydd cyfnod swydd y cadeirydd, yr is-gadeirydd aelodau eraill PIC am y cyfnod y caiff y Cynulliad ei benderfynu ond ni fydd -

- (i) yn achos y cadeirydd, am gyfnod hirach na chyfnod o bum mlynedd,
- (ii) yn achos yr is-gadeirydd, am gyfnod hirach na chyfnod o bum mlynedd, a
- (iii) yn achos aelodau eraill, am gyfnod hirach

(a) Mae'r Cynulliad yn cydnabod Pwyllgor Ymgynghorol Therapiau Cymru, Pwyllgor Gwyddoniaeth Ymgynghorol Cymru a Phwyllgor Nyrsio a Bydwreigiaeth Cymru o dan baragraff 1(1) o Atodlen 6 o Ddeddf 1977 fel cynrychiolwyr categori neu gategoriâu y personau sy'n darparu gwasanaethau sy'n ffurfio rhan o'r gwasanaeth iechyd.

or is unable to perform the duties of the chair owing to illness, absence from United Kingdom or any other cause,

the vice-chair shall act as chair until a new chair is appointed or the existing chair resumes the duties of chair as the case may be, and references to the chair shall, so long as there is no chair able to perform the duties of chair, be taken to include references to the vice-chair.

(5) The members of HPW shall be-

- (a)(i) persons from professions represented by the Welsh Therapies Advisory Committee, the Welsh Scientific Advisory Committee and the Welsh Nursing and Midwifery Committee(a);
- (ii) professionals having such qualifications, interests or experience as would be valuable in the exercise of its functions; and
- (iii) from persons representing health care support workers; and
- (b) persons having such qualifications, interests or experience as will be valuable to HPW in the exercise of its functions but who are not members of, or are not on the registers of, the Nursing and Midwifery Council, the Health Professions Council, or other regulatory body relating to health care professions and health care support workers.

(6) The Assembly shall exercise its powers to appoint members of HPW to secure that at all times not less than 45% of the members are persons appointed in accordance with paragraph (5)(b) above.

(7) The chair and other members of HPW shall hold office and vacate office in accordance with the terms of their respective appointments.

(8) The terms of appointment of the chair, vice-chair and other members of HPW shall be such as the Assembly may determine but shall not exceed-

- (i) in the case of the chair, a maximum term of five years,
- (ii) in the case of the vice-chair, a maximum term of five years, and
- (iii) in the case of other members, a maximum

(a) The Welsh Therapies Advisory Committee, the Welsh Scientific Advisory Committee and the Welsh Nursing and Midwifery Committee are recognised by the Assembly under paragraph 1(1) of Schedule 6 of the 1977 Act as being representative of a category or categories persons providing services forming part of the health service.

na phum mlynedd;

(9) (i) Yn ddarostyngedig i (ii) isod, ni fydd gwasanaeth blaenorol fel cadeirydd neu aelod arall o PIC yn effeithio ar gymhwyster person i gael ei benodi fel cadeirydd, is-gadeirydd neu aelod arall.

(ii) Ni fydd person a fu'n aelod am ddeng mlynedd yn olynol yn gymwys i gael ei ailbenodi.

(10) Caiff person sy'n dal swydd fel cadeirydd, is-gadeirydd neu aelod arall o PIC ymddiswyddo drwy roi hysbysiad ysgrifenedig i'r person sy'n gyfrifol am y penodiad.

(11) Rhaid i PIC, os bydd y Cynulliad yn gofyn iddo wneud hynny, dalu i'r cadeirydd, is-gadeirydd ac aelodau eraill o PIC ac unrhyw aelod o bwyllgor neu is-bwyllgor nad yw'n aelod o PIC y tâl, a lwfansau teithio a lwfansau eraill, y caiff y Cynulliad benderfynu arnynt.

Symud rhywun o'i swydd

7. Symudir person o'i swydd fel cadeirydd, is-gadeirydd neu aelod arall o PIC -

- (a) os oes newid yng nghymwysterau, diddordebau neu brofiad y person hwnnw sy'n ymddangos i'r Cynulliad na fydd y person o dan sylw yn cyfrannu bellach at arfer swyddogaethau PIC mewn modd sy'n cyfiawnhau parhad y person hwnnw fel aelod;
- (b) os yw'r Cynulliad wedi'i fodloni bod y person wedi bod yn absennol o ddau gyfarfod olynol PIC heb esgus rhesymol neu ganiatâd PIC neu nad yw fel arall yn ffit neu'n alluog i gyflawni swyddogaethau cadeirydd, is-gadeirydd neu aelod arall;
- (c) mewn amgylchiadau eraill y gall fod PIC wedi darparu ar eu cyfer mewn rheolau sefydlog.

Prif Weithredwr

8.-(1) Rhaid i PIC benodi person yn Brif Weithredwr.

(2) Y person cyntaf a benodir o dan baragraff (1) fydd y person a enwir gan y Cynulliad i ddal y swydd honno ar y dyddiad y daw'r Gorchymyn hwn i rym.

(3) O ran yr ail Brif Weithredwr ac unrhyw Brif Weithredwr wedyn a benodir o dan baragraff (1)-

- (a) dim ond gyda chydysyniad y Cynulliad y penodir ef; a
- (b) caiff ei benodi ar y telerau a'r amodau y caiff y Cynulliad benderfynu arnynt.

(4) Rhaid i PIC, os bydd y Cynulliad yn gofyn iddo wneud hynny-

- (a) talu pensiwn, lwfansau neu arian rhodd y caiff

term of five years;

(9) (i) Subject to paragraph (ii) below, previous service as chair or other member of HPW does not affect a person's eligibility for appointment to as chair, vice-chair or other member.

(ii) A person who has been a member for ten consecutive years shall not be eligible for reappointment.

(10) A person holding office as chair, vice-chair or other member of HPW may resign that office by giving notice in writing to the person responsible for making the appointment.

(11) HPW must, if required to do so by the Assembly, pay the chair, vice-chair and other members of HPW and any member of a committee or sub-committee who is not a member of HPW such remuneration, and such other travelling and other allowances, as the Assembly may determine.

Removal from office

7. A person shall be removed from office as chair, vice-chair or other member of HPW if-

- (a) there is a change in that person's qualifications, interests or experience such that it appears to the Assembly that the person concerned will no longer contribute to the exercise of the functions of HPW in such a manner as justifies that person's continued membership;
- (b) if the Assembly is satisfied that the person has been absent from 2 consecutive meetings of HPW without reasonable excuse or the permission of HPW or is otherwise unfit or unable to carry out the functions of chair, vice-chair or other member;
- (c) in such other circumstances as may be provided for by HPW in standing orders.

Chief Executive

8.-(1) HPW must appoint a person as Chief Executive.

(2) The first person appointed under paragraph (1) shall be the person identified by the Assembly to hold such office at the date when this Order comes into force.

(3) The second and any subsequent Chief Executive appointed under paragraph (1)-

- (a) may be appointed only with the consent of the Assembly; and
- (b) is to be appointed on such terms and conditions as the Assembly may determine.

(4) HPW must, if required to do so by the Assembly-

- (a) pay to or in respect of any person who is or has

y Cynulliad benderfynu arnynt i unrhyw berson sydd neu sydd wedi bod yn Brif Weithredwr PIC neu mewn perthynas ag ef; neu

- (b) gwneud y taliadau hynny y caiff y Cynulliad benderfynu arnynt tuag at ddarparu taliad pensiwn, lwfans neu arian rhodd i berson o'r fath neu mewn perthynas ag ef.

Staff

9. Yn ddarostyngedig i unrhyw gyfarwyddyd a roddir gan y Cynulliad mewn perthynas â'r canlynol-

- (a) unrhyw amodau y mae'n rhaid eu cyflawni ar gyfer y swydd; a
- (b) o ran telerau ac amodau cyflogaeth y staff (gan gynnwys darpariaeth ynghylch talu pensiynau, lwfansau neu arian rhodd a thalu iawndal am golli cyflogaeth),

caiff PIC benodi'r cyflogaeth hynny fel y gwêl orau.

Trafodion

10-(1) Rhaid i PIC fabwysiadu rheolau sefydlog neu reolau eraill sy'n ymwneud â thrafodion PIC fel y gwêl orau.

(2) Gellir amrywio neu ddirymu'r rheolau mewn unrhyw gyfarfod PIC ar ôl hynny.

(3) Caiff PIC benodi pwyllgorau ac is-bwyllgorau a all gynnwys personau nad ydynt yn aelodau o PIC.

Cyfrifon ac archwiliadau

11.-(1) Rhaid i PIC gadw cyfrifon priodol a chofnodion priodol wrth iddo arfer ei swyddogaethau.

(2) Rhaid i PIC baratoi cyfrifon ar gyfer pob blwyddyn ariannol yn y ffurf y caiff y Cynulliad benderfynu arni.

(3) Rhaid cyflwyno'r cyfrifon a baratoir gan PIC ar gyfer unrhyw flwyddyn ariannol i Archwilydd Cyffredinol Cymru cyn diwedd y cyfnod hwnnw ar ôl diwedd y flwyddyn ariannol yn ôl cyfarwyddyd y Cynulliad.

(4) Rhaid i Archwilydd Cyffredinol Cymru-

- (a) archwilio ac ardystio'r cyfrifon a gyflwynir iddo o dan baragraff (3); a
- (b) gosod copi ardystiedig ohonynt gerbron y Cynulliad ynghyd ag adroddiad arnynt.

(5) Caiff Archwilydd Cyffredinol Cymru wneud ymchwiliadau i ba mor ddarbodus, effeithlon ac effeithiol y bu PIC wrth arfer ei swyddogaethau.

been the Chief Executive of HPW such pension, allowances or gratuities as the Assembly may determine; or

- (b) make such payments as the Assembly may determine towards provision for the payment of a pension, allowance or gratuity to or in respect of any such person.

Staff

9. Subject to any direction given by the Assembly in respect of-

- (a) any conditions to be fulfilled for appointment; and
- (b) as to the terms and conditions of employment of staff (including provision about the payment of pensions, allowances or gratuities and the payment of compensation for loss of employment),

HPW may appoint such employees as it thinks fit.

Proceedings

10-(1) HPW shall adopt such standing or other orders relating to the proceedings of HPW as it thinks fit.

(2) The orders may be varied or revoked at any subsequent meeting of the HPW.

(3) HPW may appoint committees and sub-committees which may consist of persons who are not members of HPW.

Accounts and audit

11.-(1) HPW must keep proper accounts and proper records in relation to the exercise of its functions.

(2) HPW must prepare accounts for each financial year in such form as the Assembly may determine.

(3) The accounts prepared by HPW for any financial year must be submitted to the Auditor General for Wales before the end of such period after the end of the financial year as the Assembly may direct.

(4) The Auditor General for Wales must-

- (a) examine and certify accounts submitted to him under paragraph (3); and
- (b) lay before the Assembly a copy of them as certified together with a report on them.

(5) The Auditor General for Wales may carry out examinations in to the economy, efficiency and effectiveness with which HPW has used its resources in carrying out its functions.

(6) Ni ddehonglir dim ym mharagraff (5) fel pe bai'n rhoi hawl i Archwilydd Cyffredinol Cymru gwestiynu teilyngdod amcanion polisi PIC.

(7) Caiff Archwilydd Cyffredinol Cymru gyflwyno adroddiad gerbron y Cynulliad o ganlyniadau unrhyw ymchwiliad a wnaeth o dan baragraff (5).

Adroddiadau a gwybodaeth

12.-(1) Cyn gynted ag y bo'n ymarferol ar ôl diwedd pob blwyddyn ariannol, rhaid i PIC roi adroddiad i'r Cynulliad ar y ffordd y mae wedi arfer ei swyddogaethau yn ystod y flwyddyn.

(2) Rhaid i PIC gyhoeddi'r adroddiad a wneir o dan baragraff (1).

(3) Rhaid i PIC hefyd roi unrhyw wybodaeth arall i'r Cynulliad sy'n ymwneud â'r ffordd y mae'n arfer ei swyddogaethau y gall y Cynulliad ofyn amdani.

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

2 Mawrth 2004

Llywydd y Cynulliad Cenedlaethol

(a) 1998 p.38.

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(6) Nothing in paragraph (5) shall be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of HPW.

(7) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by under paragraph (5).

Reports and information

12.-(1) As soon as practicable after the end of each financial year, HPW must report to the Assembly on the exercise of its functions during the year.

(2) HPW must publish the report made under paragraph (1).

(3) HPW must also provide the Assembly with such other information relating to the exercise of its functions as the Assembly may request.

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

2nd March 2004

D. Elis-Thomas

The Presiding Officer of the National Assembly

(a) 1998 c.38.

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