



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Cyllid y Gwasanaeth Iechyd Gwladol (Cymru) National Health Service Finance (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu.
Amendments marked * are new or have been altered.

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol i
esbonio ei ddiben ac i gynorthwyo'r darlennydd. Nid yw'r testun yn rhan o eiriad y
gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain
its purpose and to aid the reader's understanding. The text does not form part of the
amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn—

The Bill will be considered in the following order—

Section Nos. English 1-3

Rhifau adrannau Cymraeg 1-3

Mark Drakeford

8

Section 2, page 1, after line 26, insert—

'() After subsection (1) of section 175 insert—

“(1A) But the duty on a Local Health Board under subsection (1) is subject to
any direction given by the Welsh Ministers under subsection (2)(b).”

() For subsection (2) of section 175 substitute—

“(2) The Welsh Ministers may—

(a) give such directions to a Local Health Board as appear to be
requisite to secure that it complies with the duty under

subsection (1);

- (b) provide by direction that due to unexpected circumstances a local health board's expenditure in respect of a three-year accounting period may exceed the aggregate of the amount and sums in paragraphs (a) to (c) of subsection (1) by an amount or percentage specified in the direction.'".

Adran 2, tudalen 1, ar ôl llinell 29, mewnosoder –

'() Ar ôl is-adran (1) o adran 175 mewnosoder –

“(1A) But the duty on a Local Health Board under subsection (1) is subject to any direction given by the Welsh Ministers under subsection (2)(b).”

() Yn lle is-adran (2) o adran 175 rhodder –

“(2) The Welsh Ministers may –

- (a) give such directions to a Local Health Board as appear to be requisite to secure that it complies with the duty under subsection (1);
- (b) provide by direction that due to unexpected circumstances a local health board's expenditure in respect of a three-year accounting period may exceed the aggregate of the amount and sums in paragraphs (a) to (c) of subsection (1) by an amount or percentage specified in the direction.'.

Paul Davies

Gyda chefnogaeth / Supported by: Peter Black

3

Section 2, page 1, after line 26, insert –

'by an amount more than three and half per cent of the aggregate of the initial amount allotted to the Local Health Board under section 174(1)(b) during the relevant three-year accounting period.'".

Adran 2, tudalen 1, ar ôl llinell 29, mewnosoder –

'by an amount more than three and a half per cent of the aggregate of the initial amount allotted to the Local Health Board under section 174(1)(b) during the relevant three-year accounting period.'".

Simon Thomas

Gyda chefnogaeth / Supported by: Peter Black, Paul Davies

1

Section 2, page 1, after line 26, insert—

‘() After section 175(1) insert a new subsection—

“(1A) Each Local Health Board must, in respect of each three-year accounting period, develop three-year integrated medium term service plans (to include medium term financial plans) to be approved by the Welsh Ministers prior to the beginning of each three-year accounting period.

(1B) The Welsh Ministers may issue guidance as to the content of the plans developed under subsection (1A).

(1C) The Welsh Ministers may give such directions to a Local Health Board as appear to be requisite to secure that it complies with the duty under subsection (1A).”

Adran 2, tudalen 1, ar ôl llinell 29, mewnosoder—

‘() After section 175(1) insert a new subsection -

“(1A) Each Local Health Board must, in respect of each three-year accounting period, develop three-year integrated medium term service plans (to include medium term financial plans) to be approved by the Welsh Ministers prior to the beginning of each three-year accounting period.

(1B) The Welsh Ministers may issue guidance as to the content of the plans developed under subsection (1A).

(1C) The Welsh Ministers may give such directions to a Local Health Board as appear to be requisite to secure that it complies with the duty under subsection (1A).”

Simon Thomas

Gyda chefnogaeth / Supported by: Peter Black, Paul Davies

2

Section 2, page 1, after line 26, insert—

‘() After section 175(2) insert new subsections -

“(2A) If a Local Health Board fails in its duty under subsection (1), the Welsh Ministers shall not increase the initial amount under section 174(1)(b) unless the increase is approved by a resolution of the National Assembly for Wales, passed on a vote in which the number of National Assembly for Wales members voting in favour is not less than a majority of the National Assembly for Wales members present at the vote.

(2B) But subsection (2A) does not prevent the Welsh Ministers from taking

emergency action to increase the initial amount without approval by a resolution of the National Assembly for Wales.

- (2C) The Welsh Ministers must lay before the National Assembly for Wales notice of their intention to take any emergency action under subsection (2B) before taking the emergency action, specifying the reasons for taking the emergency action.
- (2D) The Welsh Ministers must report to the National Assembly for Wales immediately after taking any emergency action under subsection (2B), specifying the reasons for taking the emergency action.”

Adran 2, tudalen 1, ar ôl llinell 29, mewnosoder –

‘() After section 175(2) insert new subsections –

- “(2A) If a Local Health Board fails in its duty under subsection (1), the Welsh Ministers shall not increase the initial amount under section 174(1)(b) unless the increase is approved by a resolution of the National Assembly for Wales, passed on a vote in which the number of National Assembly for Wales members voting in favour is not less than a majority of the National Assembly for Wales members present at the vote.
- (2B) But subsection (2A) does not prevent the Welsh Ministers from taking emergency action to increase the initial amount without approval by a resolution of the National Assembly for Wales.
- (2C) The Welsh Ministers must lay before the National Assembly for Wales notice of their intention to take any emergency action under subsection (2B) before taking the emergency action, specifying the reasons for taking the emergency action.
- (2D) The Welsh Ministers must report to the National Assembly for Wales immediately after taking any emergency action under subsection (2B), specifying the reasons for taking the emergency action.”.

Simon Thomas

Gyda chefnogaeth / Supported by: Peter Black

10

Section 2, page 2, after line 5, insert –

‘() After section 175 insert a new section –

“(()) **Assessment and approval of integrated plans**

- (1) The Welsh Ministers must assess the integrated plans (including financial plans) developed by Local Health Boards under any enactment in relation to a three-year accounting period, to assess whether such plans are to be approved by the Welsh Ministers.
- (2) The Welsh Ministers must not approve plans assessed under subsection (1) unless satisfied that they secure the proper performance

by Local Health Boards of functions exercisable by them under or by virtue of this Act or any other enactment.”.

Adran 2, tudalen 2, ar ôl llinell 5, mewnosoder –

‘() Ar ôl adran 175 mewnosoder adran newydd –

“()Asesu a chymeradwyo cynlluniau integredig

- (1) Rhaid i Weidogion Cymru asesu’r cynlluniau integredig (gan gynnwys y cynlluniau ariannol) a ddatblygir gan Fyrddau Iechyd Lleol o dan unrhyw ddeddfiad mewn perthynas â chyfnod cyfrifyddu tair blynedd, er mwyn asesu a yw cynlluniau o’r fath i’w chymeradwyo gan Weidogion Cymru.
- (2) Rhaid i Weidogion Cymru beidio â chymeradwyo cynlluniau a asesir o dan is-adran (1) oni bai eu bod wedi’u bodloni eu bod yn sicrhau bod Byrddau Iechyd Lleol yn cyflawni yn briodol swyddogaethau sy’n arferadwy ganddynt hwy o dan neu yn rhinwedd y Ddeddf hon neu unrhyw ddeddfiad arall.”.

Mark Drakeford

9

Section 2, page 2, after line 8, insert –

‘(6) In paragraph 2 of Schedule 8 the existing text becomes sub-paragraph (1) and insert –

“(2) In section 175 “expenditure” includes the use of resources through their consumption or reduction in value.”.

Adran 2, tudalen 2, ar ôl llinell 8, mewnosoder –

‘(6) Ym mharagraff 2 o Atodlen 8 daw’r testun presennol yn is-baragraff (1) a mewnosoder –

“(2) In section 175 “expenditure” includes the use of resources through their consumption or reduction in value.”.

Paul Davies

Gyda chefnogaeth / Supported by: Peter Black

4

To insert a new section –

[] Power to borrow

(1) After section 175 of the National Health Service (Wales) Act 2006 insert –

“175A Power to borrow

A Local Health Board may borrow money –

- (a) for any purpose relevant to its functions under any enactment,
or

- (b) for the purposes of the prudent management of its financial affairs.

175B Control of borrowing

- (1) A Local Health Board may not borrow money if doing so would result in a breach of—
 - (a) the limit for the time being determined by or for it under section 175C, or
 - (b) any limit for the time being applicable to it under section 175D.
- (2) The Welsh Ministers may, in relation to specific borrowing by a particular Local Health Board, by direction disapply subsection (1)(b), so far as relating to any limit for the time being applicable under section 175D(1).
- (3) A Local Health Board may not, without the consent of the Welsh Ministers, borrow otherwise than in sterling.
- (4) This section applies to borrowing under any power for the time being available to a Local Health Board under any enactment, whenever passed.

175C Duty to determine affordable borrowing limit

- (1) A Local Health Board shall determine and keep under review how much money it can afford to borrow.
- (2) The Welsh Ministers may by regulations make provision about the performance of the duty under subsection (1).
- (3) Regulations under subsection (2) may, in particular—
 - (a) make provision about—
 - (i) when a determination under subsection (1) is to be made,
 - (ii) how such a determination is to be made, and
 - (iii) the period for which such a determination is to be made;
 - (b) make provision about the monitoring of the amount determined under subsection (1);
 - (c) make provision about the factors to which regard may be had in making a determination under subsection (1) or in monitoring an amount determined under that subsection.
- (4) Regulations under subsection (2) may include provision requiring a person making a determination under subsection (1) to have regard to one or more specified codes of practice issued by the Welsh Ministers.
- (5) A Local Health Board's duty under subsection (1) shall be discharged only by the Local Health Board.
- (6) The power under subsection (4) is not to be read as limited to the

specification of an existing document.

175D Imposition of borrowing limits

- (1) The Welsh Ministers may for economic reasons by regulations set limits in relation to the borrowing of money by Local Health Boards.
- (2) The Welsh Ministers may by direction set limits in relation to the borrowing of money by a particular Local Health Board for the purpose of ensuring that the Local Health Board does not borrow more than it can afford.
- (3) Different limits may be set under subsection (1) or (2) in relation to different kinds of borrowing.
- (4) A Local Health Board subject to a limit under subsection (1) may transfer any headroom it has in relation to the limit to another Local Health Board subject to a corresponding limit.
- (5) The Welsh Ministers may by regulations make provision about the exercise of the right under subsection (4) and may, in particular, make provision about—
 - (a) the circumstances in which a Local Health Board is to be regarded as having headroom for the purpose of that subsection, and
 - (b) the amount of headroom which it has for those purposes.
- (6) Where an amount is transferred under subsection (4), sections 175A to 175F shall have effect—
 - (a) in relation to the transferor, as if the limit in relation to which the headroom exists were reduced by that amount, and
 - (b) in relation to the transferee, as if the corresponding limit to which it is subject were increased by that amount.

175E Temporary borrowing

- (1) Subject to subsection (2), any limit for the time being determined by or for a Local Health Board under section 175C, or applicable to it under section 175D, shall be treated for the purposes of sections 175A to 175F as increased by the amount of any payment which—
 - (a) is due to the Local Health Board in the period to which the limit relates, but
 - (b) has not yet been received by it.
- (2) In the case of a limit determined under section 175C, or set under section 175D(2), subsection (1) shall not apply to any payment whose delayed receipt was taken into account in arriving at the limit.

175F Protection of lenders

A person lending money to a Local Health Board shall not be bound to enquire whether the Local Health Board has power to borrow the

money and shall not be prejudiced by the absence of any such power.”.

I fewnosod adran newydd –

[] Pŵer i fenthyca

Ar ôl adran 175 o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006 mewnosoder –

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 - (a) the limit for the time being determined by or for it under section 175C, or
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- (3) Regulations under subsection (2) may, in particular –
 - (a) make provision about –
 - (i) when a determination under subsection (1) is to be made,
 - (ii) how such a determination is to be made, and

- (iii) the period for which such a determination is to be made;
 - (b) make provision about the monitoring of the amount determined under subsection (1);
 - (c) make provision about the factors to which regard may be had in making a determination under subsection (1) or in monitoring an amount determined under that subsection.
- (4) Regulations under subsection (2) may include provision requiring a person making a determination under subsection (1) to have regard to one or more specified codes of practice issued by the Welsh Ministers.
- (5) A Local Health Board's duty under subsection (1) shall be discharged only by the Local Health Board.
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- (4) A Local Health Board subject to a limit under subsection (1) may transfer any headroom it has in relation to the limit to another Local Health Board subject to a corresponding limit.
- (5) The Welsh Ministers may by regulations make provision about the exercise of the right under subsection (4) and may, in particular, make provision about—
 - (a) the circumstances in which a Local Health Board is to be regarded as having headroom for the purpose of that subsection, and
 - (b) the amount of headroom which it has for those purposes.
- (6) Where an amount is transferred under subsection (4), sections 175A to 175F shall have effect—
 - (a) in relation to the transferor, as if the limit in relation to which the headroom exists were reduced by that amount, and
 - (b) in relation to the transferee, as if the corresponding limit to which it is subject were increased by that amount.

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 - (a) is due to the Local Health Board in the period to which the limit relates, but
 - (b) has not yet been received by it.
- (2) In the case of a limit determined under section 175C, or set under section 175D(2), subsection (1) shall not apply to any payment whose delayed receipt was taken into account in arriving at the limit.

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A person lending money to a Local Health Board shall not be bound to enquire whether the Local Health Board has power to borrow the money and shall not be prejudiced by the absence of any such power.’.

Paul Davies

Gyda chefnogaeth / Supported by: Peter Black

5

To insert a new section –

‘Reporting

[] Report on operation of this Act

- (1) The Welsh Ministers must report to Assembly on the operation of this Act.
- (2) The report must address, in particular, the effect of this Act on the financial duties of each Local Health Board in Wales, and their performance against the financial duty in section 175(1) of the National Health Service (Wales) Act 2006.
- (3) The first report shall review the period 1 April 2014 to 31 March 2017 and shall be reported to the Assembly before 31 March 2018.
- (4) Thereafter, reports shall be carried out on an annual basis, so that the second report is reported to the Assembly before 31 March 2019 (and so on).
- (5) Reports under this section shall be made in the form of both –
 - (a) oral reports to the Assembly, and
 - (b) a written report laid before the Assembly.’.

I fewnosod adran newydd –

‘Cyflwyno Adroddiadau

[] Adroddiad am weithrediad y Ddeddf hon

- (1) Rhaid i Weinidogion Cymru gyflwyno adroddiad i’r Cynulliad am weithrediad y

Ddeddf hon.

- (2) Rhaid i'r adroddiad gyfeirio, yn benodol, at effaith y Ddeddf hon ar ddyletswyddau ariannol pob Bwrdd Iechyd Lleol yng Nghymru, a'u perfformiad yn erbyn y ddyletswydd ariannol yn adran 175(1) o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006.
- (3) Bydd yr adroddiad cyntaf yn adolygu'r cyfnod rhwng 1 Ebrill 2014 a 31 Mawrth 2017 ac mae i'w gyflwyno i'r Cynulliad cyn 31 Mawrth 2018.
- (4) Wedi hynny, bydd adroddiadau'n cael eu cyflwyno bob blwyddyn, fel y bo'r ail adroddiad yn cael ei gyflwyno i'r Cynulliad cyn 31 Mawrth 2019 (ac ati).
- (5) Bydd adroddiadau o dan yr adran hon yn cael eu gwneud ar ffurf—
 - (a) adroddiadau llafar i'r Cynulliad, a
 - (b) adroddiad ysgrifenedig a osodir gerbron y Cynulliad'.

Paul Davies

Gyda chefnogaeth / Supported by: Peter Black

6

To insert a new section—

[] Reports, further provisions

- (1) The Assembly may require the Welsh Ministers—
 - (a) to attend Assembly proceedings for the purpose of giving evidence, or
 - (b) to produce for the purposes of the Assembly (or a committee of the Assembly or a sub-committee of such a committee) documents in the possession, or under the control, of the person, concerning any matter relevant to the operation of this Act.
- (2) The powers conferred by subsection (1) may be exercised by and for the purposes of any committee of the Assembly, or any sub-committee of any committee of the Assembly.
- (3) The Welsh Ministers are not obliged under subsection (1) to answer any question or produce any document which they would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.'

I fewnosod adran newydd—

[] Gwybodaeth, darpariaethau pellach

- (1) Caiff y Cynulliad ei gwneud y ofynnol i Weinidogion Cymru—
 - (a) bod yn bresennol yn nhrafodion y Cynulliad er mwyn rhoi tystiolaeth, neu
 - (b) dangos at ddibenion y Cynulliad (neu bwyllgor y Cynulliad neu is-bwyllgor pwyllgor o'r fath) ddogfennau sydd ym meddiant, neu o dan reolaeth, y person, ynghylch unrhyw fater sy'n berthnasol i weithrediad y Ddeddf hon.
- (2) Caiff y pwerau a roddir gan is-adran (1) eu harfer gan ac at ddibenion unrhyw bwyllgor Cynulliad, neu unrhyw is-bwyllgor i unrhyw bwyllgor Cynulliad.
- (3) Nid yw Gweinidogion Cymru o dan is-adran (1) yn gorfod ateb unrhyw gwestiwn na

chyflwyno unrhyw ddogfen y byddai ganddynt hawl i wrthod ei ateb neu ei chyflwyno mewn, neu at ddibenion, trafodion mewn llys yn Lloegr a Chymru.’

Paul Davies

Gyda chefnogaeth / Supported by: Peter Black

7

To insert a new section –

[] Definitions

- (1) In this Act “the Assembly” means the National Assembly for Wales, and “Assembly proceedings” means any proceedings of –
- (a) the Assembly,
 - (b) committees of the Assembly, or
 - (c) sub-committees of such committees.’.

I fewnosod adran newydd –

[] Diffiniadau

Yn y Ddeddf hon, mae “y Cynulliad” yn golygu Cynulliad Cenedlaethol Cymru, ac mae “trafodion y Cynulliad” yn golygu unrhyw rai o drafodion –

- (a) y Cynulliad,
- (b) pwyllgorau’r Cynulliad, neu
- (c) is-bwyllgorau pwyllgorau o’r fath.’.