DOGFENNAU SY'N MYND GYDA'R BIL
Caiff Nodiadau Esboniadol a Memorandwm Esboniadol eu hargraffu ar wahân.

Bil Caffael y Gwasanaeth Iechyd (Cymru)

[FEL Y'I CYFLWYNWYD]

CYNNWYS

1 Trosolwg
2 Pŵer i ddatgymhwyso rheolau caffael mewn perthynas â chaffael y GIG yng Nghymru
3 Caffael gwasanaethau etc. fel rhan o'r GIG yng Nghymru
4 Dod i rym
5 Enw byr

Bil Caffael y Gwasanaeth Iechyd (Cymru)

[FEL Y'I CYFLWYNWYD]

Deddf gan Senedd Cymru mewn perthynas â chaffael gwasanaethau iechyd yng Nghymru.

Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Fawrhydi, deddfir fel a ganlyn:

1 Trosolwg

(1) Mae Deddf Caffael 2023 yn rheoleiddio'r modd y mae awdurdodau cyhoeddus yn caffael nwyddau a gwasanaethau.

(2) Mae adran 2 o'r Ddeddf hon yn diwygio Deddf Caffael 2023 i alluogi Gweinidogion Cymru i ddatgymhwyso darpariaethau o'r Ddeddf honno mewn perthynas â gwasanaethau a ddarperir fel rhan o'r gwasanaeth iechyd, i'r graddau y mae darpariaeth amgen wedi ei gwneud mewn cysylltiad â hynny.

(3) Mae adran 3 o'r Ddeddf hon yn diwygio Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42) er mwyn galluogi Gweinidogion Cymru i wneud darpariaeth benodol (amgen) ynghylch caffael gwasanaethau a ddarperir fel rhan o'r gwasanaeth iechyd.

2 Pŵer i ddatgymhwyso rheolau caffael mewn perthynas â chaffael y GIG yng Nghymru

(1) Mae Deddf Caffael 2023 wedi ei diwygio fel a ganlyn.

(2) Ar ôl adran 116 mewnosoder—

> **"116A Power to disapply this Act in relation to procurement by NHS in Wales**
>
> (1) The Welsh Ministers may, in relation to regulated health service procurement in Wales, by regulations make provision for the purpose of disapplying any provision of this Act.
>
> (2) In subsection (1)—
>
> (a) "regulated health service procurement in Wales" means the procurement of goods or services by a relevant authority that is subject to provision made under section 10A of the National Health Service (Wales) Act 2006 (c. 42) (procurement of services etc. as part of the NHS in Wales), whether or not that provision is in force;
>
> (b) "relevant authority" has the meaning given in that section."

(3) Yn adran 118(10), ar ôl paragraff (l), mewnosoder—

> "(la) section 116A (disapplication of Act: NHS procurement in Wales);".

3 Caffael gwasanaethau etc. fel rhan o'r GIG yng Nghymru

(1) Mae Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42) wedi ei diwygio fel a ganlyn.

(2) Ar ôl adran 10 mewnosoder—

"Procurement

10A Procurement of services etc. as part of the NHS in Wales

(1) The Welsh Ministers may, by regulations, make provision in relation to the processes to be followed and objectives to be pursued by relevant authorities in the procurement of—

(a) services provided as part of the health service in Wales ("health services"), and

(b) goods or other services that are connected to those health services.

(2) Regulations under subsection (1) must include provision specifying steps to be taken when following a competitive tendering process.

(3) Regulations under subsection (1) must, in relation to the procurement of the services or goods to which they apply, make provision for the purposes of—

(a) ensuring transparency;

(b) ensuring fairness;

(c) ensuring that compliance can be verified;

(d) managing conflicts of interest.

(4) The Welsh Ministers must publish such guidance as they consider appropriate about compliance with the regulations.

(5) A relevant authority must have regard to guidance published under this section.

(6) In this section "relevant authority" means—

(a) a county council or county borough council in Wales;

(b) a local health board established under section 11;

(c) a National Health Service trust established under section 18;

(d) a special health authority established under section 22."

(3) Yn adran 203(6), o flaen "section 25B(3)(c)" mewnosoder "section 10A(1),".

4 Dod i rym

Daw'r Ddeddf hon i rym drannoeth y diwrnod y caiff y Cydsyniad Brenhinol.

5 Enw byr

Enw byr y Ddeddf hon yw Deddf Caffael y Gwasanaeth Iechyd (Cymru) 2023.