



## 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.

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Caiff y Bil ei ystyried yn y drefn a ganlyn –  
The Bill will be considered in the following order –  
Section Nos 1-3. Rhifau adrannau 1-3

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#### Mark Drakeford

1

Page 1, line 7, leave out section 1 and insert –

#### '1 Overview

The main provision of this Act amends the National Health Service (Wales) Act 2006 so that the existing duty on each Local Health Board in Wales to secure that its expenditure does not exceed its funding in a financial year instead becomes a duty to secure that its expenditure does not exceed its funding over a period of three financial years; and may be subject to a margin of tolerance permitted by the Welsh Ministers.'

Tudalen 1, llinell 7, hepgorer adran 1 a mewnsoder –

#### '1 Trosolwg

Mae prif ddarpariaeth y Ddeddf hon yn diwygio Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 fel bod y ddyletswydd bresennol ar bob Bwrdd Iechyd Lleol yng Nghymru i sicrhau nad yw ei wariant yn uwch na'i gyllid mewn blwyddyn ariannol yn dod, yn lle

hynny, yn ddyletswydd i sicrhau nad yw ei wariant yn uwch na'i gyllid dros gyfnod o dair blynedd ariannol; a chaiff Gweinidogion Cymru ei wneud yn ddarostyngedig i orswm y caniateir ei oddef.'.

**Mark Drakeford**

2

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

'by an amount that is more than is determined in writing by the Welsh Ministers'.

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

'by an amount that is more than is determined in writing by the Welsh Ministers'.

**Mark Drakeford**

3

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

'(3) For subsection (2) of section 175 substitute –

“(2) The Welsh Ministers must give directions to a Local Health Board requiring it –

- (a) to prepare a plan which sets out its strategy for securing that it complies with the duty under subsection (1) while improving –
  - (i) the health of the people for whom it is responsible, and
  - (ii) the provision of health care to such people;
- (b) to do such other things as appear to be requisite to secure that it complies with that duty.”

(4) After subsection (2) of section 175 insert –

“(2A) A Local Health Board does not comply with a direction given to it under subsection (2)(a) unless the plan prepared in accordance with that direction has been submitted to and approved by the Welsh Ministers.”.

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

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

“(2) The Welsh Ministers must give directions to a Local Health Board requiring it –

- (a) to prepare a plan which sets out its strategy for securing that it complies with the duty under subsection (1) while improving –
  - (i) the health of the people for whom it is responsible, and
  - (ii) the provision of health care to such people;

(b) to do such other things as appear to be requisite to secure that it complies with that duty.”

(4) Ar ôl is-adran (2) o adran 175 mewnosoder –

“(2A) A Local Health Board does not comply with a direction given to it under subsection (2)(a) unless the plan prepared in accordance with that direction has been submitted to and approved by the Welsh Ministers.”.

**Paul Davies**

**Gyda chefnogaeth/ Supported by: Peter Black**

**4A**

As an amendment to amendment 4, after line 4, insert –

- (a) The first report is to review the period 1 April 2014 to 31 March 2017 and is to be made before 31 March 2018;
- (b) Thereafter reports are to be made on annual basis so that the second report is made before 31 March 2019 (and so on).

Fel gwelliant i welliant 4, ar ôl llinell 4, mewnosoder –

- (a) The first report is to review the period 1 April 2014 to 31 March 2017 and is to be made before 31 March 2018;
- (b) Thereafter reports are to be made on annual basis so that the second report is made before 31 March 2019 (and so on).

**Mark Drakeford**

**4**

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

(5) After subsection (6) of section 175 insert –

“(6A) The Welsh Ministers must, in relation to each three-year accounting period, report to the National Assembly for Wales before the end of the financial year following that period on whether each Local Health Board has complied with the duty under subsection (1).”.

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

(5) Ar ôl is-adran (6) o adran 175 mewnosoder –

“(6A) The Welsh Ministers must, in relation to each three-year accounting period, report to the National Assembly for Wales before the end of the financial year following that period on whether each Local Health Board has complied with the duty under subsection (1).”.

**Simon Thomas**

5

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

‘(3) After section 175(2), insert new subsections—

“(2A) If a Local Health Board fails in its duty under subsection (1), the Welsh Ministers must report any increase in the initial amount under section 174(1)(b) to the National Assembly for Wales and the reasons for the increase.

(2B) Reports under subsection (2A) shall be made in the form of written reports laid before the National Assembly for Wales, and shall be made within 14 days of the decision to increase the initial amount.”’.

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

‘(3) Ar ôl adran 175(2), mewnosoder is-adrannau newydd—

“(2A) If a Local Health Board fails in its duty under subsection (1), the Welsh Ministers must report any increase in the initial amount under section 174(1)(b) to the National Assembly for Wales and the reasons for the increase.

(2B) Reports under subsection (2A) shall be made in the form of written reports laid before the National Assembly for Wales, and shall be made within 14 days of the decision to increase the initial amount.”’.

**Paul Davies**

**Gyda chefnogaeth/ Supported by: Peter Black**

6

To insert a new section—

**‘3 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—

### **‘3 Pŵer i fenthyca**

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

#### **“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**

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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.



**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.".'. .

**Paul Davies**

**Gyda chefnogaeth / Supported by: Peter Black**

7

To insert a new section –

*'Reporting*

**4 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 –

*'Cyflwyno Adroddiadau*

**4 Gwybodaeth, darpariaethau pellach**

- (1) Caiff y Cynulliad ei gwneud y ofynnol i Weinidogion Cymru –
  - (a) bod yn bresennol yn nhrefodion 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**

**8**

To insert a new section –

**‘5 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 –

**‘5 Diffiniadau**

- (1) 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.’.