



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 15 Mai 2013
Tabled on 15 May 2013

Bil Trawsblannu Dynol (Cymru) Human Transplantation (Wales) Bill

Elin Jones

22

Section 3, page 2, after line 16, insert—

‘(4) In this Act a transplantation activity of the kind mentioned in subsection (2) is not a transplantation activity when undertaken wholly or mainly with a view to, or for the purpose of, composite transplantation.’

Adran 3, tudalen 2, ar ôl llinell 18, mewnosoder—

‘(4) Yn y Ddeddf hon nid yw gweithgaredd trawsblannu o’r math a grybwyllir yn is-adran (2) yn weithgaredd trawsblannu pan y’i cynhelir yn llawn neu’n rhannol wrth ystyried trawsblannu cyfansawdd, neu at y diben hwnnw.’

Elin Jones

23

Section 4, page 3, after line 16, insert—

‘() Where Case 1 or Case 2 applies, the decision of the person to consent cannot be overridden by a person who stood in a qualifying relationship to the deceased immediately before death.’

Adran 4, tudalen 3, ar ôl llinell 16, mewnosoder—

‘() Pan fo Achos 1 neu Achos 2 yn gymwys, ni ellir gwrthwneud cydsyniad datganedig y person gan berson a oedd mewn perthynas gymhwysol â’r ymadawedig yn union cyn iddo farw.’

Elin Jones

24

To insert a new section –

‘() **Amendment to the National Health Service (Wales) Act 2006**

Section 3 of the National Health Service (Wales) Act 2006 is amended as follows –

“(g) such other services or facilities as are required in connection with the obtaining of consent under the Human Transplantation (Wales) Act 2013;”.

I fewnosod adran newydd –

‘() **Diwygiad i Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006**

Mae adran 3 o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006 wedi ei diwygio fel a ganlyn –

“(g) such other services or facilities as are required in connection with the obtaining of consent under the Human Transplantation (Wales) Act 2013;”.

Darren Millar

25

Section 2, page 1, after line 29, insert –

‘() In pursuance of subsection (), the Welsh Ministers must undertake pan-Wales awareness raising activities at least once in every 12 month period for the purpose of promoting transplantation.’.

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

‘() Yn unol ag is-adran (), rhaid i Weinidogion Cymru gynnal gweithgareddau codi ymwybyddiaeth Cymru gyfan o leiaf unwaith ym mhob cyfnod o 12 mis er mwyn hyrwyddo trawsblannu.’.

Darren Millar

26

Section 2, page 1, after line 29, insert –

‘() The Welsh Ministers must report annually to the National Assembly for Wales on the steps taken pursuant to subsections () and ()’.

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

‘() Rhaid i Weinidogion Cymru adrodd yn flynyddol i Gynulliad Cenedlaethol Cymru ar y camau a gymerwyd yn unol ag is-adrannau () a ()’.

Darren Millar 27

To insert a new section –

‘Review of system of consent

() Duty of the Welsh Ministers to review the system of consent

Within a period of 3 years of commencement of the Act pursuant to section 19(2), the Welsh Ministers must review the system of consent as introduced by section 4 with a view to considering its continued operation.’.

I fewnosod adran newydd –

‘Adolygu’r system gydsynio

() Dyletswydd Gweinidogion Cymru i adolygu’r system gydsynio

O fewn cyfnod o 3 blynedd i gychwyn y Ddeddf yn unol ag adran 19(2), rhaid i Weiniogion Cymru adolygu’r system gydsynio fel y’i cyflwynwyd gan adran 4 gyda golwg ar ystyried parhau i’w gweithredu.’.

Darren Millar 28

Section 4, page 3, Table 1, leave out lines 8 to 11, column 1.

Adran 4, tudalen 3, Tabl 1, hepgorer llinellau 8 hyd at 11, colofn 1.

Darren Millar 29

Section 4, page 3, Table 1, leave out lines 8 to 11, column 2.

Adran 4, tudalen 3, Tabl 1, hepgorer llinellau 8 hyd at 11, colofn 2.

Darren Millar 30

Section 4, page 3, Table 1, after line 11, column 1, insert –

‘3. The person has died, case 2 does not apply and the person had appointed a person to deal with the issue of consent in relation to the activity.’.

Adran 4, tudalen 3, Tabl 1, ar ôl llinell 11, colofn 1, mewnosoder –

‘3. Mae’r person wedi marw, nid yw achos 2 yn gymwys ac yr oedd y person wedi penodi person i ymdrin â’r mater o gydsynio mewn perthynas â’r gweithgaredd.’.

Darren Millar 31

Section 4, page 3, Table 1, after line 11, column 2, insert –

‘Consent given by the person appointed.’.

Adran 4, tudalen 3, Tabl 1, ar ôl llinell 11, colofn 2, mewnosoder –

‘Cydsyniad a roddir gan y person a benodir.’.

Darren Millar

32

Section 4, page 3, line 15, leave out ‘provides information that would lead a reasonable person to conclude that the deceased would not have consented’ and insert –
‘objects on the basis of –

- (i) the views of the deceased, or
- (ii) the likely views of the deceased; and
- (c) a reasonable person would conclude that the person who stood in a qualifying relationship to the deceased immediately before death knows that –
 - (i) the most recent view of the deceased before death was that the deceased was opposed to consent being given, or
 - (ii) the likely view of the deceased before death was that the deceased was opposed to consent being given.’.

Adran 4, tudalen 3, llinell 15, hepgorer ‘darparu gwybodaeth a fyddai’n arwain person rhesymol i’r casgliad na fyddai’r ymadawedig wedi cydsynio’ a mewnosoder –
‘gwrthwynebu ar sail –

- (i) barn yr ymadawedig, neu
- (ii) barn debygol yr ymadawedig; ac
- (c) os byddai person rhesymol yn dod i’r casgliad bod y sawl a oedd mewn perthynas gymhwysol â’r ymadawedig yn gwybod –
 - (i) mai barn fwyaf diweddar yr ymadawedig cyn iddo farw oedd fod yr ymadawedig yn gwrthwynebu rhoi cydsyniad, neu
 - (ii) mai barn debygol yr ymadawedig cyn iddo farw oedd fod yr ymadawedig yn gwrthwynebu rhoi cydsyniad.’.’.

Darren Millar

33

Section 4, page 3, after line 16, insert –

- ‘(c) a person who stood in a qualifying relationship to the deceased immediately before death would be caused undue distress by the transplantation activity.’.

Adran 4, tudalen 3, ar ôl llinell 16, mewnosoder –

- ‘(c) os byddai’r gweithgaredd trawsblannu yn peri gofid gormodol i’r person a oedd mewn perthynas gymhwysol â’r ymadawedig yn union cyn iddo farw.’.

Darren Millar

34

Section 4, page 3, after line 16, insert –

- ‘() Where Case 1, Case 2 or Case 3 applies, the express consent of the person cannot be overridden by a person who stood in a qualifying relationship to the deceased immediately before death.’.

Adran 4, tudalen 3, ar ôl llinell 16, mewnosoder –

- ‘() Pan fydd Achos 1, Achos 2 neu Achos 3 yn gymwys, ni ellir gwrthwneud cydsyniad datganedig y person gan berson a oedd mewn perthynas gymhwysol â’r ymadawedig yn union cyn iddo farw.’.

Darren Millar

35

Section 4, page 3, line 17, leave out ‘or persons’.

Adran 4, tudalen 3, llinell 17, hepgorer ‘neu bersonau’.

Darren Millar

36

Section 5, page 3, line 26, leave out ‘6’ and insert ‘12’.

Adran 5, tudalen 3, llinell 26, hepgorer ‘6’ a mewnosoder ‘12’.

Darren Millar

37

Section 5, page 3, after line 26, insert –

- ‘() an adult who has died and was ordinarily resident in Wales for the period specified in subsection (3)(a) immediately before dying and was so resident by reason only of serving a term of imprisonment of a period greater than said period.’.

Adran 5, tudalen 3, ar ôl llinell 26, mewnosoder –

- ‘() oedolyn sydd wedi marw ac a oedd yn preswyllo fel arfer yng Nghymru am y cyfnod a bennir yn is-adran (3)(a) yn union cyn marw ac a oedd yn preswyllo yno dim ond am ei fod yn y carchar am gyfnod hwy na’r cyfnod dywededig.’.

Darren Millar

38

Section 5, page 3, after line 26, insert –

- ‘() an adult (‘A’) who has died and was ordinarily resident in Wales for the period specified in subsection (3)(a) immediately before dying and was so resident wholly or mainly for the purposes of attendance at an educational institution and for this purpose ‘A’ includes A’s partner, parent and all other adults comprising ‘A’s household.’.

Adran 5, tudalen 3, ar ôl llinell 26, mewnosoder –

- ‘() oedolyn (‘A’) sydd wedi marw ac a oedd yn preswyllo fel arfer yng Nghymru am y cyfnod a bennir yn is-adran (3)(a) yn union cyn marw ac a oedd yn preswyllo yno yn llwyr neu’n bennaf at ddibenion mynychu sefydliad addysgol ac at y diben hwn mae ‘A’ yn cynnwys partner ‘A’, rhiant ‘A’ a phob oedolyn arall sy’n rhan o aelwyd ‘A’.’.

Darren Millar

39

Section 5, page 3, after line 26, insert—

- () an adult ('A') who has died and was ordinarily resident in Wales for the period specified in subsection (3)(a) immediately before dying and was so resident wholly or mainly for the purposes of service in the naval, military or air forces, and for this purpose 'A' includes 'A's partner, parent and all other adults comprising 'A's household'.

Adran 5, tudalen 3, ar ôl llinell 26, mewnosoder—

- () oedolyn ('A') sydd wedi marw ac a oedd yn preswyllo fel arfer yng Nghymru am y cyfnod a bennir yn is-adran (3)(a) yn union cyn marw ac a oedd yn preswyllo yno yn llwyr neu'n bennaf at ddibenion gwasanaethu yn y lluoedd môr, y lluoedd arfog neu'r lluoedd awyr, ac at y diben hwn mae 'A' yn cynnwys partner 'A', rhiant 'A' a phob oedolyn arall sy'n rhan o aelwyd 'A'.

Darren Millar

40

Section 7, page 5, line 18, leave out 'one or more persons' and insert 'a person'.

Adran 7, tudalen 5, llinell 23, hepgorer 'un neu ragor o bersonau' a mewnosoder 'person'.

Darren Millar

41

Section 7, page 5, line 32, leave out 'a person appoints two or more persons in relation to the same transplantation activity, they' and insert 'subsection (11) applies, two or more persons appointed in relation to the same transplantation activity'.

Adran 7, tudalen 5, llinell 37, hepgorer 'person yn penodi dau berson neu ragor mewn perthynas â'r un gweithgaredd trawsblannu, maent' a mewnosoder 'is-adran (11) yn gymwys, mae dau berson neu ragor a benodwyd mewn perthynas â'r un gweithgaredd trawsblannu'.

Darren Millar

42

Section 17, page 12, line 23, leave out 'The following are qualifying relationships for the purpose of this Act' and insert 'For the purposes of this Act, the following are qualifying relationships and rank in the order set out below. In the event of dispute the highest ranking relationship will take precedence'.

Adran 17, tudalen 12, llinell 24, hepgorer 'Mae'r canlynol yn berthnasoedd cymhwysol at ddiben y Ddeddf hon' a mewnosoder 'At ddibenion y Ddeddf hon, mae'r canlynol yn berthnasoedd cymhwysol ac maent wedi'u rhestru yn y drefn a nodir isod. Os bydd anghydfod y berthynas uchaf ar y rhestr fydd yn cael blaenoriaeth'.