



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 21 Mehefin 2013
Tabled on 21 June 2013

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

Mark Drakeford

1

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

- ‘() The duty under subsection (1) includes in particular an obligation on the Welsh Ministers, at least once every 12 months, to promote a campaign for the purpose of informing the public throughout Wales about the circumstances in which consent to transplantation activities is deemed to be given in the absence of express consent.
- () The Welsh Ministers must, for the first five years after this section comes into force, report annually to the National Assembly for Wales on the steps taken to fulfil their duty under subsection (1).’

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

- ‘() Mae’r ddyletswydd o dan is-adran (1) yn cynnwys, yn benodol, rwymedigaeth ar Weinidogion Cymru i hyrwyddo, o leiaf unwaith bob 12 mis, ymgyrch i hysbysu’r cyhoedd ledled Cymru am yr amgylchiadau lle yr ystyrir bod cydsyniad i weithgareddau trawsblannu wedi ei roi yn absenoldeb cydsyniad datganedig.
- () Rhaid i Weinidogion Cymru, am y pum mlynedd gyntaf ar ôl i’r adran hon ddod i rym, adrodd yn flynyddol i Gynulliad Cenedlaethol Cymru ar y camau a gymerwyd i gyflawni eu dyletswyddau o dan is-adran (1).’

Mark Drakeford

2

Section 4, page 2, leave out lines 26 to 27.

Adran 4, tudalen 2, hepgorer llinellau 28 hyd at 29.

Mark Drakeford

3

Section 4, page 3, Table 1, after line 7, column 1, insert –

3. The person has died, case 2 does not apply, the person had appointed a person or persons to deal with the issue of consent in relation to the activity and someone is able to give consent under the appointment.	
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Adran 4, tudalen 3, Tabl 1, ar ôl llinell 7, colofn 1, mewnosoder –

3. Mae'r person wedi marw, nid yw achos 2 yn gymwys, yr oedd y person wedi penodi person neu bersonau i ymdrin â'r mater o gydsynio mewn perthynas â'r gweithgaredd ac mae rhywun yn gallu rhoi cydsyniad o dan y penodiad.	
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Mark Drakeford

4

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.

Mark Drakeford

5

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

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

	Cydsyniad person y mae perthynas gymhwysol rhyngddo â'r person cyn iddo farw.
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Mark Drakeford

6

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

Adran 4, tudalen 3, Tabl 1, hepgorer llinellau 12 hyd at 17, colofn 2.

Mark Drakeford

7

Section 4, page 3, line 23, leave out subsection (5).

Adran 4, tudalen 3, llinell 25, hepgorer is-adran (5).

Mark Drakeford

8

Section 4, page 3, after line 26, insert –

‘(7) This section does not apply to consent for a transplantation activity that involves removal of excluded relevant material (for provision in relation to which see section []).’

Adran 4, tudalen 3, ar ôl llinell 28, mewnosoder –

‘(7) Nid yw’r adran hon yn gymwys i gydsyniad i weithgaredd trawsblannu sy’n ymwneud â thynnu deunydd perthnasol a eithrir (gweler adran []) am ddarpariaeth mewn perthynas â hyn).’

Mark Drakeford

9

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version

Adran 5, tudalen 4, Tabl 2, ar ôl llinell 4, colofn 1, mewnosoder –

‘

1. Yr oedd penderfyniad gan yr oedolyn a eithrir i gydsynio, neu i beidio â chydsynio, i’r gweithgaredd mewn grym yn union cyn iddo farw.	
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Mark Drakeford

10

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version

Adran 5, tudalen 4, Tabl 2, hepgorer llinellau 5 hyd at 8, colofn 1.

Mark Drakeford

11

Section 5, page 4, Table 2, after line 7, column 1, insert –

‘

2. Case 1 does not apply, the excepted adult had appointed a person or persons to deal with the issue of consent in relation to the activity and someone is able to give consent under the appointment.	
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Adran 5, tudalen 4, Tabl 2, ar ôl llinell 8, colofn 1, mewnosoder –

2. Nid yw achos 1 yn gymwys, yr oedd yr oedolyn a eithrir wedi penodi person neu bersonau i ymdrin â'r mater o gydsynio mewn perthynas â'r gweithgaredd, ac mae rhywun yn gallu rhoi cydsyniad o dan y penodiad.	
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Mark Drakeford

12

Section 5, page 4, Table 2, leave out lines 8 to 10, column 1.

Adran 5, tudalen 4, Tabl 2, hepgorer llinellau 9 hyd at 12, colofn 1.

Mark Drakeford

13

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

Adran 5, tudalen 4, Tabl 2, ar ôl llinell 12, colofn 2, mewnosoder –

	Cydsyniad person y mae perthynas gymhwysol rhyngddo â'r oedolyn a eithrir yn union cyn iddo farw.
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Mark Drakeford

14

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

Adran 5, tudalen 4, Tabl 2, hepgorer llinellau 13 hyd at 17, colofn 2.

Mark Drakeford

15

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

Adran 5, tudalen 4, Tabl 2, ar ôl llinell 17, colofn 2, mewnosoder –

	Cydsyniad person y mae perthynas gymhwysol rhyngddo â'r oedolyn a eithrir yn union cyn iddo farw.
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Mark Drakeford

16

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

Adran 5, tudalen 4, Tabl 2, hepgorer llinellau 18 hyd at 19, colofn 2.

Mark Drakeford

17

Section 5, page 4, after line 19, insert –

‘(6) This section does not apply to consent for a transplantation activity that involves removal of excluded relevant material (for provision in relation to which see section []).’

Adran 5, tudalen 4, ar ôl llinell 21, mewnosoder –

‘(6) Nid yw’r adran hon yn gymwys i gydsyniad i weithgaredd trawsblannu sy’n ymwneud â thynnu deunydd perthnasol a eithrir (gweler adran []) am ddarpariaeth mewn perthynas â hyn).’

Mark Drakeford

18

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version

Adran 6, tudalen 5, Tabl 3, ar ôl llinell 4, colofn 1, mewnosoder –

2. Mae’r plentyn yn fyw, nid oes unrhyw benderfyniad gan y plentyn i gydsynio, neu i beidio â chydsynio, i’r gweithgaredd mewn grym, a naill ai nid yw’r plentyn yn gymwys i ymdrin â’r mater o gydsynio neu mae’n gymwys i ymdrin â’r mater ond yn methu â gwneud hynny.	
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Mark Drakeford

19

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version

Adran 6, tudalen 5, Tabl 3, hepgorer llinellau 5 hyd at 11, colofn 1.

Mark Drakeford

20

Section 6, page 5, Table 3, after line 11, column 1, insert –

4. The child has died, case 3 does not apply, the child had appointed a person or persons to deal with the issue of consent in relation to the activity and someone is able to give consent under the appointment.	
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Adran 6, tudalen 5, Tabl 3, ar ôl llinell 15, colofn 1, mewnosoder –

4. Mae'r plentyn wedi marw, nid yw achos 3 yn gymwys, yr oedd y plentyn wedi penodi person neu bersonau i ymdrin â'r mater o gydsynio mewn perthynas â'r weithgaredd ac mae rhywun yn gallu rhoi cydsyniad o dan y penodiad.	
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Mark Drakeford

21

Section 6, page 5, Table 3, after line 11, column 2, insert –

	Consent given by the person or persons appointed.
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Adran 6, tudalen 5, Tabl 3, ar ôl llinell 15, colofn 2, mewnosoder –

	Cydsyniad a roddir gan y person neu'r personau a benodir.
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Mark Drakeford

22

Section 6, page 5, Table 3, after line 11, column 1, insert –

5. The child has died, case 3 does not apply and the child had appointed a person or persons to deal with the issue of consent in relation to the activity, but no one is able to give consent under the appointment.	
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Adran 6, tudalen 5, Tabl 3, ar ôl llinell 15, colofn 1, mewnosoder –

5. Mae'r plentyn wedi marw, nid yw achos 3 yn gymwys ac yr oedd y plentyn wedi penodi person neu bersonau i ymdrin â'r mater o gydsynio mewn perthynas â'r gweithgaredd, ond nid oes neb yn gallu rhoi cydsyniad o dan y penodiad.	
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Mark Drakeford

23

Section 6, page 5, Table 3, after line 11, column 2, insert –

	Consent of a person who had parental responsibility for the child immediately before the child died, or where no such person exists, the consent of a person in a qualifying relationship to the child at that time.
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Adran 6, tudalen 5, Tabl 3, ar ôl llinell 15, colofn 2, mewnosoder –

	Cydsyniad person a oedd â chyfrifoldeb rhiant dros y plentyn yn union cyn i'r plentyn farw, neu pan nad oes unrhyw berson o'r fath yn bodoli, cydsyniad person y mae perthynas gymhwysol rhyngddo â'r plentyn yr adeg honno.
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Mark Drakeford

24

Section 6, page 5, Table 3, after line 11, column 1, insert –

6. The child has died and none of cases 3, 4 or 5 applies in relation to the child.	
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Adran 6, tudalen 5, Tabl 3, ar ôl llinell 15, colofn 1, mewnosoder –

6. Mae'r plentyn wedi marw ac nid yw achosion 3, 4 na 5 yn gymwys mewn perthynas â'r plentyn.	
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Mark Drakeford

25

Section 6, page 5, Table 3, after line 11, column 2, insert –

	Consent of a person who had parental responsibility for the child immediately before the child died, or where no such person exists, the consent of a person in a qualifying relationship to the child at that time.
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Adran 6, tudalen 5, Tabl 3, ar ôl llinell 15, colofn 2, mewnosoder –

	Cydsyniad person a oedd â chyfrifoldeb rhiant dros y plentyn yn union cyn i'r plentyn farw, neu pan nad oes unrhyw berson o'r fath yn bodoli, cydsyniad person y mae perthynas gymhwysol rhyngddo â'r plentyn yr adeg honno.
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Mark Drakeford

26

Section 6, page 5, Table 3, leave out lines 12 to 16, column 1.

Adran 6, tudalen 5, Tabl 3, hepgorer llinellau 16 hyd at 19, colofn 1.

Mark Drakeford

27

Section 6, page 5, Table 3, leave out lines 12 to 16, column 2.

Adran 6, tudalen 5, Tabl 3, hepgorer llinellau 16 hyd at 19, colofn 2.

Mark Drakeford

28

Section 6, page 5, after line 16, insert –

- (4) In this section a decision or appointment made by a child is only valid if the child was competent to deal with the issue of consent when it was made.
- (5) In this section a reference to the appointment of a person or persons to deal with the issue of consent is a reference to an appointment under section 7.
- (6) This section does not apply to consent for a transplantation activity that involves removal of excluded relevant material (for provision in relation to which see section []).

Adran 6, tudalen 5, ar ôl llinell 19, mewnosoder –

- (4) Yn yr adran hon, nid yw penderfyniad neu benodiad a wneir gan blentyn ond yn ddilys os oedd y plentyn yn gymwys i ymdrin â'r mater o gydsyniad wrth ei wneud.
- (5) Yn yr adran hon, mae cyfeiriad at benodiad person neu bersonau i ymdrin â'r mater o gydsyniad yn gyfeiriad at benodiad o dan adran 7.
- (6) Nid yw'r adran hon yn gymwys i gydsyniad i weithgaredd trawsblannu sy'n ymwneud â thynnu deunydd perthnasol a eithrir (gweler adran [] am ddarpariaeth mewn perthynas â hyn).

Mark Drakeford

29

To insert a new section –

(1) Consent: transplantation activities involving excluded material

- (1) This section makes provision about consent for a transplantation activity that involves the removal of excluded relevant material.
- (2) In this Act, “excluded relevant material” means relevant material of a type specified by the Welsh Ministers in regulations.
- (3) Examples of the types of relevant material that may be specified are composite tissues and other types of material the removal and use of which is considered to be novel.
- (4) In the case of a transplantation activity that involves the removal of excluded relevant material express consent is required and such consent must be specific to the removal of excluded relevant material.
- (5) For an adult, for each case mentioned in the first column of Table 4 the meaning of express consent in relation to an activity is as provided in the second column of the table –

TABLE 4

Case	Meaning of express consent
1. The adult is alive.	The adult’s consent.
2. The adult has died and a decision of the adult to consent, or not to consent, to the activity was in force immediately before death.	The adult’s consent.
3. The adult has died, case 2 does not apply, the adult had appointed a person or persons to deal with the issue of consent in relation to the activity and someone is able to give consent under the appointment.	Consent given by the person or persons appointed.
4. The adult has died, case 2 does not apply and the adult had appointed a person or persons to deal with the issue of consent in relation to the activity, but no one is able to give consent under the appointment.	Consent of a person who stood in a qualifying relationship to the adult immediately before death.
5. The adult has died and none of cases 2, 3 or 4 applies in relation to the adult.	Consent of a person who stood in a qualifying relationship to the adult immediately before death.

- (6) For a child, for each case mentioned in the first column of Table 5 the meaning of express consent in relation to an activity is as provided in the second column of the table –

TABLE 5

Case	Meaning of express consent
1. The child is alive and case 2 does not apply.	The child’s consent.

2. The child is alive, no decision of the child to consent, or not to consent, to the activity is in force, and either the child is not competent to deal with the issue of consent or is competent to deal with the issue but fails to do so.	Consent of a person who has parental responsibility for the child.
3. The child has died and a decision of the child to consent, or not to consent, to the activity was in force immediately before death.	The child's consent.
4. The child has died, case 3 does not apply, the child had appointed a person or persons to deal with the issue of consent in relation to the activity and someone is able to give consent under the appointment.	Consent of the person or persons appointed.
5. The child has died, case 3 does not apply and the child had appointed a person or persons to deal with the issue of consent in relation to the activity, but no one is able to give consent under the appointment.	Consent of a person who had parental responsibility for the child immediately before the child died, or where no such person exists, the consent of a person who stood in a qualifying relationship to the child at that time.
6. The child has died and none of cases 3, 4 or 5 applies in relation to the child.	Consent of a person who had parental responsibility for the child immediately before the child died, or where no such person exists, the consent of a person who stood in a qualifying relationship to the child at that time.

- (7) In this section a decision or appointment made by a child is only valid if the child was competent to deal with the issue of consent when it was made.
- (8) In this section a reference to the appointment of a person or persons to deal with the issue of consent is a reference to an appointment under section [].'

I fewnosod adran newydd –

'() Cydsyniad: gweithgareddau trawsblannu sy'n ymwneud â deunydd a eithrir

- (1) Mae'r adran hon yn darparu ar gyfer cydsyniad i weithgaredd trawsblannu sy'n ymwneud â thynnu deunydd perthnasol a eithrir.
- (2) Yn y Ddeddf hon, ystyr "deunydd perthnasol a eithrir" yw deunydd perthnasol o fath a bennir gan Weinidogion Cymru mewn rheoliadau.
- (3) Enghreifftiau o'r mathau o ddeunydd perthnasol y caniateir ei bennu'n ddeunydd perthnasol a eithrir yw meinweoedd cyfansawdd a mathau eraill o ddeunydd yr ystyrir bod eu tynnu a'u defnyddio yn ddull newydd.
- (4) Yn achos gweithgaredd trawsblannu sy'n ymwneud â thynnu deunydd perthnasol a eithrir, mae cydsyniad datganedig yn ofynnol ac mae rhaid i'r cydsyniad hwnnw fod yn benodol i dynnu deunydd perthnasol a eithrir.
- (5) I oedolyn, ar gyfer pob achos a grybwyllir yng nghlofn gyntaf Tabl 4, ystyr cydsyniad datganedig mewn perthynas â gweithgaredd yw'r ystyr a nodir yn ail golofn y tabl –

TABL 4

Yr achos	Ystyr cydsyniad datganedig
1. Mae'r oedolyn yn fyw.	Cydsyniad yr oedolyn.
2. Mae'r oedolyn wedi marw ac yr oedd penderfyniad gan yr oedolyn i gydsynio, neu i beidio â chydsynio, i'r gweithgaredd mewn grym yn union cyn iddo farw.	Cydsyniad yr oedolyn.
3. Mae'r oedolyn wedi marw, nid yw achos 2 yn gymwys, yr oedd yr oedolyn wedi penodi person neu bersonau i ymdrin â'r mater o gydsynio mewn perthynas â'r gweithgaredd ac mae rhywun yn gallu rhoi cydsyniad o dan y penodiad.	Cydsyniad a roddir gan y person neu'r personau a benodir.
4. Mae'r person wedi marw, nid yw achos 2 yn gymwys ac yr oedd yr oedolyn wedi penodi person neu bersonau i ymdrin â'r mater o gydsynio mewn perthynas â'r gweithgaredd, ond nid oes neb yn gallu rhoi cydsyniad o dan y penodiad.	Cydsyniad person y mae perthynas gymhwysol rhyngddo â'r oedolyn yn union cyn iddo farw.
5. Mae'r oedolyn wedi marw ac nid yw achosion 2, 3 na 4 yn gymwys mewn perthynas â'r oedolyn.	Cydsyniad person y mae perthynas gymhwysol rhyngddo â'r oedolyn yn union cyn iddo farw.

(6) I blentyn, ar gyfer pob achos a grybwyllir yng nghlofn gyntaf Tabl 5, ystyr cydsyniad datganedig mewn perthynas â gweithgaredd yw'r ystyr a nodir yn ail golofn y tabl—

TABL 5

Yr achos	Ystyr cydsyniad datganedig
1. Mae'r plentyn yn fyw ac nid yw achos 2 yn gymwys.	Cydsyniad y plentyn.
2. Mae'r plentyn yn fyw, nid oes unrhyw benderfyniad gan y plentyn i gydsynio, neu i beidio â chydsynio, i'r gweithgaredd mewn grym, ac nid yw'r plentyn yn gymwys i ymdrin â'r mater o gydsynio, neu, mae'n gymwys i ymdrin â'r mater ond yn methu â gwneud hynny.	Cydsyniad person sydd â chyfrifoldeb riant idros y plentyn.
3. Mae'r plentyn wedi marw ac yr oedd penderfyniad gan y plentyn i gydsynio, neu i beidio â chydsynio, i'r gweithgaredd mewn grym yn union cyn iddo farw.	Cydsyniad y plentyn.
4. Mae'r plentyn wedi marw, nid yw achos 3 yn gymwys, yr oedd y plentyn wedi penodi person neu bersonau i ymdrin â'r mater o gydsynio mewn perthynas â'r gweithgaredd ac mae	Cydsyniad a roddir gan y person neu'r personau a benodir.

rhywun yn gallu rhoi cydsyniad o dan y penodiad.	
5. Mae'r plentyn wedi marw, nid yw achos 3 yn gymwys ac yr oedd yr oedolyn wedi penodi person neu bersonau i ymdrin â'r mater o gydsynio mewn perthynas â'r gweithgaredd, ond nid oes neb yn gallu rhoi cydsyniad o dan y penodiad.	Cydsyniad person a oedd â chyfrifoldeb rhiant dros y plentyn yn union cyn i'r plentyn farw, neu pan nad oes unrhyw berson o'r fath yn bodoli, cydsyniad person y mae perthynas gymhwysol rhyngddo â'r plentyn yr adeg honno.
6. Mae'r plentyn wedi marw ac nid yw achosion 3, 4 na 5 yn gymwys mewn perthynas â'r plentyn.	Cydsyniad person a oedd â chyfrifoldeb rhiant dros y plentyn yn union cyn i'r plentyn farw, neu pan nad oes unrhyw berson o'r fath yn bodoli, cydsyniad person y mae perthynas gymhwysol rhyngddo â'r plentyn yr adeg honno.

- (7) Yn yr adran hon, nid yw penderfyniad neu benodiad a wneir gan blentyn ond yn ddilys os oedd y plentyn yn gymwys i ymdrin â'r mater o gydsyniad wrth ei wneud.
- (8) Yn yr adran hon, mae cyfeiriad at benodiad person neu bersonau i ymdrin â'r mater o gydsyniad yn gyfeiriad at benodiad o dan adran []'.

Mark Drakeford

30

Section 7, page 5, line 18, leave out 'An adult' and insert 'A person'.

Adran 7, tudalen 5, llinell 21, hepgorer 'oedolyn' yn y lle cyntaf y mae'n ymddangos a mewnosoder 'person'.

Mark Drakeford

31

Section 7, page 5, line 18, leave out 'adult' at the second place where it appears and insert 'person'.

Adran 7, tudalen 5, llinell 21, hepgorer 'oedolyn' yn yr ail le y mae'n ymddangos a mewnosoder 'person'.

Mark Drakeford

32

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

Adran 7, tudalen 5, llinell 31, hepgorer 'disgresiwn' a mewnosoder 'cyfarwyddyd'.

Mark Drakeford

33

Section 7, page 6, line 11, leave out 'and 5(4)' and insert ', 5(4), 6(3) and []'.

Adran 7, tudalen 6, llinell 12, hepgorer 'a 5(4)' a mewnosoder ', 5(4), 6(3) a []'.

Mark Drakeford 34

Section 14, page 9, line 4, leave out 'or 6(3)' and insert ', 6(3) or []'.

Adran 14, tudalen 9, llinell 4, hepgorer 'or 6(3)' a mewnosoder ', 6(3) or []'.

Mark Drakeford 35

Section 14, page 9, line 18, leave out 'or 6(3)' and insert ', 6(3) or []'.

Adran 14, tudalen 9, llinell 18, hepgorer 'or 6(3)' a mewnosoder ', 6(3) or []'.

Mark Drakeford 36

Section 14, page 9, line 21, leave out 'or 6(3)' and insert ', 6(3) or []'.

Adran 14, tudalen 9, llinell 21, hepgorer 'or 6(3)' a mewnosoder ', 6(3) or []'.

Mark Drakeford 37

To insert a new section –

'() Consequential amendment to the Wills Act 1837

In section 1 of the Wills Act 1837 (meaning of certain words in this Act), after "section 4 of the Human Tissue Act 2004" insert "or section [] of the Human Transplantation (Wales) Act 2013". '

I fewnosod adran newydd –

'() Diwygiad canlyniadol i Ddeddf Ewyllysiau 1837

Yn adran 1 o Ddeddf Ewyllysiau 1837 (ystyr geiriau penodol yn y ddeddf hon), ar ôl "section 4 of the Human Tissue Act 2004" mewnosoder "or section [] of the Human Transplantation (Wales) Act 2013". '

Mark Drakeford 38

Section 17, page 12, line 18, after '16', insert 'and "excluded relevant material" ("*deunydd perthnasol a eithrir*") has the meaning given in section []'.

Adran 17, tudalen 12, llinell 18, ar ôl '16', mewnosoder 'ac mae i "*deunydd perthnasol a eithrir*" ("*relevant excluded material*")yr ystyr a roddir iddo yn adran []'.

Mark Drakeford

39

Section 17, page 12, after line 20, insert—

‘() For the purposes of sections 6, [] and [] a child is competent to deal with the issue of consent if it would appear to a reasonable person that the child has sufficient understanding to make an informed decision.’.

Adran 17, tudalen 12, ar ôl llinell 20, mewnosoder—

‘() At ddibenion adrannau 6, [] ac [], mae plentyn yn gymwys i ymdrin â'r mater o gydsyniad os yw'n ymddangos i berson rhesymol bod gan y plentyn ddigon o ddealltwriaeth i wneud penderfyniad ar sail gwybodaeth.’.