



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 25 Mehefin 2013
Tabled on 25 June 2013

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

Elin Jones

40

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

‘(d) ensure that the resources available to Local Health Boards include the specialist skills and competencies required for the purposes of this Act.’

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

‘(d) sicrhau bod yr adnoddau sydd ar gael i Fyrddau Iechyd Lleol yn cynnwys y cymwyseddau a’r sgiliau arbenigol sy’n ofynnol at ddibenion y Ddeddf hon.’

Darren Millar

3A

As an amendment to amendment 3, line 2, column 1, leave out ‘or persons’.

Fel gwelliant i welliant 3, llinell 3, colofn 1, hepgorer ‘neu bersonau’.

Darren Millar

11A

As an amendment to amendment 11, line 2, column 1, leave out ‘or persons’.

Fel gwelliant i welliant 11, llinell 2, colofn 1, hepgorer ‘neu bersonau’.

- Darren Millar** 20A
As an amendment to amendment 20, line 2, column 1, leave out 'or persons'.
Fel gwelliant i welliant 20, llinell 3, colofn 1, hepgorer 'neu bersonau'.
- Darren Millar** 21A
As an amendment to amendment 21, line 1, column 2, leave out 'or persons'.
Fel gwelliant i welliant 21, llinell 1, colofn 2, hepgorer 'neu bersonau'.
- Darren Millar** 22A
As an amendment to amendment 22, line 2, column 1, leave out 'or persons'.
Fel gwelliant i welliant 22, llinell 3, colofn 1, hepgorer 'neu bersonau'.
- Darren Millar** 28A
As an amendment to amendment 28, line 1, leave out 'or appointment'.
Fel gwelliant i welliant 28, llinell 1, hepgorer 'neu benodiad'.
- Darren Millar** 28B
As an amendment to amendment 28, line 3, leave out 'or persons'.
Fel gwelliant i welliant 28, llinell 3, hepgorer 'neu bersonau'.
- Darren Millar** 29A
As an amendment to amendment 29, leave out lines 33 to 64.
Fel gwelliant i welliant 29, hepgorer llinellau 36 hyd at 73.
- Darren Millar** 29B
As an amendment to amendment 29, line 20, column 2, leave out 'or persons'.
Fel gwelliant i welliant 29, llinell 21, colofn 2, hepgorer 'neu'r personau'.
- Darren Millar** 29C
As an amendment to amendment 29, line 21, column 1, leave out 'or persons'.
Fel gwelliant i welliant 29, llinell 23, colofn 1, hepgorer 'neu bersonau'.
- Darren Millar** 29D
As an amendment to amendment 29, line 26, column 1, leave out 'or persons'.
Fel gwelliant i welliant 29, llinell 29, colofn 1, hepgorer 'neu bersonau'.

Darren Millar **29E**

As an amendment to amendment 29, line 46, column 2, leave out ‘or persons’.
Fel gwelliant i welliant 29, llinell 53, colofn 2, hepgorer ‘neu’r personau’.

Darren Millar **29F**

As an amendment to amendment 29, line 47, column 1, leave out ‘or persons’.
Fel gwelliant i welliant 29, llinell 55, colofn 1, hepgorer ‘neu bersonau’.

Darren Millar **29G**

As an amendment to amendment 29, line 52, column 1, leave out ‘or persons’.
Fel gwelliant i welliant 29, llinell 61, colofn 1, hepgorer ‘neu bersonau’.

Darren Millar **29H**

As an amendment to amendment 29, line 63, leave out ‘or persons’.
Fel gwelliant i welliant 29, llinell 72, hepgorer ‘neu bersonau’.

Darren Millar **41**

Section 4, page 2, after line 27, insert –

‘() Where consent is deemed a transplantation activity cannot proceed in the absence of a person who stood in a qualifying relationship to the deceased before death.’.

Adran 4, tudalen 2, ar ôl llinell 29, mewnosoder –

‘() Pan ystyrir bod cydsyniad wedi ei roi, ni ellir cynnal gweithgaredd trawsblannu yn absenoldeb person a oedd mewn perthynas gymhwysol â’r ymadawedig cyn iddo farw.’.

Darren Millar **42**

Section 4, page 3, Table 1, leave out lines 8 to 9, column 2.

Adran 4, tudalen 3, Tabl 1, hepgorer llinellau 8 hyd at 9, colofn 2.

Darren Millar **43**

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.	
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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.	
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Darren Millar

44

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

	Consent given by the person appointed.
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Adran 4, tudalen 3, Tabl 1, ar ôl llinell 11, colofn 2, mewnosoder –

	Cydsyniad a roddir gan y person a benodir.
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Darren Millar

45

Section 4, page 3, Table 1, leave out lines 12 to 16, column 1.

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

Darren Millar

46

Section 4, page 3, Table 1, after line 16, column 1, insert –

4. 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, but no one is able to give consent under the appointment.	
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Adran 4, tudalen 3, Tabl 1, ar ôl llinell 17, colofn 1, mewnosoder –

4. Mae'r plentyn 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, ond nid oes neb yn gallu rhoi cydsyniad o dan y penodiad.	
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Darren Millar 47

Section 4, page 3, line 18, leave out 'relative or friend of long standing of' and insert 'person who stood in a qualifying relationship to'.

Adran 4, tudalen 3, llinell 19, hepgorer 'perthynas neu gyfaill ers amser maith i'r' a mewnosoder 'person a oedd mewn perthynas gymhwysol â'r'.

Darren Millar 48

Section 4, page 3, line 19, after 'deceased,', insert –
'or

- (i) the likely views of the deceased,'.

Adran 4, tudalen 3, llinell 20, ar ôl 'ymadawedig', mewnosoder –
'neu

- (i) barn debygol yr ymadawedig,'.

Darren Millar 49

Section 4, page 3, line 20, leave out 'relative or friend' and insert 'person who stood in a qualifying relationship'.

Adran 4, tudalen 3, llinell 21, hepgorer 'perthynas neu'r cyfaill' a mewnosoder 'person a oedd mewn perthynas gymhwysol'.

Darren Millar 50

Section 4, page 3, line 22, after 'given', insert –
, or

- (i) the likely view of the deceased before death on consent for transplantation activities was that the deceased was opposed to consent being given'.

Adran 4, tudalen 3, llinell 24, ar ôl 'roi', mewnosoder –
'neu

- (i) barn debygol yr ymadawedig cyn iddo farw ar gydsynio i weithgareddau trawsblannu oedd bod yr ymadawedig yn gwrthwynebu i gydsyniad gael ei roi'.

Darren Millar 51

Section 4, page 3, after line 22, insert –

- '() Where Case 1 or Case 2 applies the express consent of the person cannot be overridden by a person in a qualifying relationship to the person immediately before death unless it is established that the express consent of the person has been expressly or impliedly withdrawn.'

Adran 4, tudalen 3, ar ôl llinell 24, 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 oni chadarnheir bod cydsyniad datganedig y person wedi ei dynnu yn ôl drwy ddatgan neu awgrymu hynny.’.

Darren Millar

52

Section 4, page 3, line 25, leave out ‘or persons’.

Adran 4, tudalen 3, llinell 27, hepgorer ‘neu bersonau’.

Darren Millar

53

Section 5, page 3, after line 34, insert –

- ‘() an adult, not otherwise ordinarily resident in Wales, who has died and was considered ordinarily resident in Wales for the period specified in subsection (3)(a) immediately before dying by reason only of serving a term of imprisonment.’.

Adran 5, tudalen 3, ar ôl llinell 36, mewnosoder –

- ‘() oedolyn, nad oedd fel arall yn preswyllo fel arfer yng Nghymru, sydd wedi marw ac yr ystyrid ei fod yn preswyllo fel arfer yng Nghymru am y cyfnod a bennir yn is-adran (3)(a) yn union cyn iddo farw dim ond am ei fod yn y carchar.’.

Darren Millar

54

Section 5, page 3, after line 34, insert –

- ‘() an adult (‘A’), not otherwise ordinarily resident in Wales, who has died and was ordinarily resident in Wales the period specified in subsection (3)(a) immediately before dying wholly or mainly for the purposes of service in the naval, military or air forces, and for this purpose ‘A’ includes ‘A’s partner and all other adults comprising ‘A’s household.’.

Adran 5, tudalen 3, ar ôl llinell 36, mewnosoder –

- ‘() oedolyn (‘A’), nad oedd fel arall yn preswyllo fel arfer yng Nghymru, sydd wedi marw ac yr ystyrid ei fod yn preswyllo fel arfer yng Nghymru am y cyfnod a bennir yn is-adran (3)(a) yn union cyn iddo farw 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’, a phob oedolyn arall sy’n rhan o aelwyd ‘A’.’.

Darren Millar

55

Section 5, page 3, after line 34, insert –

‘() an adult, not otherwise ordinarily resident in Wales, who has died and was ordinarily resident in Wales for the period specified in subsection (3)(a) immediately before dying by reason only of being detained under the Mental Health Act 1983 in a facility in Wales, or’.

Adran 5, tudalen 3, ar ôl llinell 36, mewnosoder –

‘() oedolyn, nad oedd fel arall yn preswyllo fel arfer yng Nghymru, sydd wedi marw ac yr ystyrir ei fod yn preswyllo fel arfer yng Nghymru am y cyfnod a bennir yn is-adran (3)(a) yn union cyn iddo farw dim ond am ei fod wedi’i gadw mewn cyfleuster yng Nghymru o dan Ddeddf Iechyd Meddwl 1983, neu’.

Darren Millar

56

Section 5, page 4, Table 2, leave out lines 8 to 9, column 2.

Adran 5, tudalen 4, Tabl 2, hepgorer llinellau 9 hyd at 10, colofn 2.

Darren Millar

57

Section 5, page 4, Table 2, after line 10, column 1, insert –

2. Case 1 does not apply and the excepted adult had appointed a person to deal with the issue of consent in relation to the activity.	
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Adran 5, tudalen 4, Tabl 2, ar ôl llinell 12, colofn 1, mewnosoder –

2. Nid yw achos 1 yn gymwys ac yr oedd yr oedolyn a eithrir wedi penodi person i ymdrin â'r mater o gydsynio mewn perthynas â'r gweithgaredd.	
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Darren Millar

58

Section 5, page 4, Table 2, after line 10, column 2, insert –

	Consent given by the person appointed.
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Adran 5, tudalen 4, Tabl 2, ar ôl llinell 12, colofn 2, mewnosoder –

	Cydsyniad a roddir gan y person a benodir.
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Darren Millar

59

Section 5, page 4, Table 2, leave out lines 11 to 15, column 1.

Adran 5, tudalen 4, Tabl 2, hepgorer llinellau 13 hyd at 17, colofn 1.

Darren Millar

60

Section 5, page 4, Table 2, after line 15, column 1, insert –

3. Case 1 does not apply and the excepted adult had appointed a person 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 5, tudalen 4, Tabl 2, ar ôl llinell 17, colofn 1, mewnosoder –

3. Nid yw achos 1 yn gymwys ac yr oedd ur oedolyn a eithrir wedi penodi person 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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Darren Millar

61

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

Adran 7, tudalen 5, llinell 21, hepgorer 'neu ragor o bersonau' a mewnosoder 'person'.

Darren Millar

62

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 35, 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 mewn perthynas â'r un gweithgaredd trawsblannu'.

Darren Millar

63

Section 14, page 9, after line 16, insert—

(8C) In giving guidance on the circumstances in which consent is deemed, the authority must include guidance on the consideration to be given to the distress experienced by a person who stood in a qualifying relationship to the deceased which would result from proceeding with the transplantation activity.’.

Adran 14, tudalen 9, ar ôl llinell 16, mewnosoder—

(8C) In giving guidance on the circumstances in which consent is deemed, the authority must include guidance on the consideration to be given to the distress experienced by a person who stood in a qualifying relationship to the deceased which would result from proceeding with the transplantation activity.’.

Darren Millar

64

Section 17, page 12, line 21, 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 a dispute the highest ranking relationship will take precedence’.

Adran 17, tudalen 12, llinell 21, 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’.

Antoinette Sandbach

65

To insert a new section—

‘() Guidance: medical treatment before death

The Welsh Ministers must issue guidance to the effect that the standard and level of medical treatment provided to the deceased should not differ or be influenced by any prior decision of the deceased to consent or not to consent or by the deemed consent of the deceased.’.

I fewnosod adran newydd—

‘() Canllawiau: triniaeth feddygol cyn marw

Rhaid i Weinidogion Cymru gyhoeddi canllawiau i’r effaith na ddylai safon a lefel y driniaeth feddygol a roddir i’r ymadawedig gael ei ddylanwadu gan, neu fod yn wahanol oherwydd, unrhyw benderfyniad blaenorol yr ymadawedig i gydsynio neu beidio â chydsynio neu oherwydd cydsyniad tybiedig yr ymadawedig.’.

Angela Burns

29I

As an amendment to amendment 29, line 6, leave out 'are' and insert 'include reproductive organs'.

Fel gwelliant i welliant 29, llinell 6, hepgorer 'Enghreifftiau o'r mathau o ddeunydd perthnasol y caniateir ei bennu'n ddeunydd perthnasol a eithrir yw', a mewnosoder 'Mae enghreifftiau o'r mathau o ddeunydd perthnasol y caniateir ei bennu'n ddeunydd perthnasol a eithrir yn cynnwys organau atgenhedlu'.

Angela Burns

66

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

'() The duty under subsection (1) includes in particular an obligation on the Welsh Ministers to provide information, at least once every 12 months, to those aged 15 to 17 years about the circumstances in which consent to transplantation activities is deemed to be given in the absence of express consent. '

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 ddarparu gwybodaeth, o leiaf unwaith bob 12 mis, i'r rhai sydd rhwng 15 a 17 oed ynghylch yr amgylchiadau lle yr ystyrir bod cydsyniad wedi ei roi yn absenoldeb cydsyniad datganedig. '

Angela Burns

67

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 5 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. '

I fewnosod adran newydd—

'Adolygu'r system gydsynio

() Dyletswydd Gweinidogion Cymru i adolygu'r system gydsynio

O fewn cyfnod o 5 mlynedd i gychwyn y Ddeddf yn unol ag adran adran 19(2), rhaid i Weinidogion Cymru adolygu'r system gydsynio fel y'i cyflwynwyd gan adran 4. '

Angela Burns 68

Section 5, page 3, after line 34, insert—

‘() an adult with recognised learning difficulties or who is otherwise vulnerable, or’.

Adran 5, tudalen 3, ar ôl llinell 36, mewnosoder—

‘() oedolyn sydd ag anawsterau dysgu cydnabyddedig neu sydd fel arall yn hyglwyf, neu’.

Angela Burns 69

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

‘(4) In this section, a person with parental responsibility does not include a person or body who is not the birth or adoptive parent of the child.’.

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

‘(4) Yn yr adran hon, nid yw person sydd â chyfrifoldeb rhiant yn cynnwys person neu gorff nad yw’n rhiant biolegol y plentyn neu’n rhiant sydd wedi mabwysiadu’r plentyn.’.

Angela Burns 70

Section 8, page 6, line 16, leave out ‘This section applies’ and insert ‘Consent cannot be deemed in circumstances’.

Adran 8, tudalen 6, llinell 18, hepgorer ‘Mae’r adran hon yn gymwys’ a mewnosoder ‘Ni ellir ystyried bod cydsyniad wedi ei roi mewn amgylchiadau’.

Angela Burns 71

Section 8, page 6, line 17, leave out ‘3(2)(c) or (d) (storage or use of relevant material which has come from a human body)’ and insert ‘3’.

Adran 8, tudalen 6, llinell 19, hepgorer ‘3(2)(c) neu (d) (storio neu ddefnyddio deunydd perthnasol sydd wedi dod o gorff dynol)’ a mewnosoder ‘3’.

Angela Burns 72

Section 8, page 6, line 21, leave out ‘and—

(b) no decision of P’s to consent, or not to consent, to the activity is in force.

(2) P’s consent to the activity is to be deemed if the activity is done in circumstances of a kind specified by regulation made by the Welsh Ministers.’

Adran 8, tudalen 6, llinell 23, hepgorer 'a –

- (b) pan na fo unrhyw benderfyniad gan P i gydsynio, neu i beidio â chydsynio, i'r gweithgaredd mewn grym.
- (2) Ystyrir bod P wedi cydsynio i'r gweithgaredd os yw'r gweithgaredd wedi ei wneud mewn amgylchiadau o fath a bennir drwy reoliadau a wneir gan Weinidogion Cymru.'

Angela Burns

73

Section 12, page 7, line 35, after 'body', insert 'for a reasonable time'.

Adran 12, tudalen 7, llinell 36, ar ôl 'corff', mewnosoder 'am gyfnod rhesymol'.

Angela Burns

74

To insert a new section –

'() Guidance: Provision of information

The Welsh Ministers must issue guidance to ensure that any information to be provided by health bodies for the purposes of this Act is impartial and accessible to all.'

I fewnosod adran newydd –

'() Canllawiau: Darparu gwybodaeth

Rhaid i Weinidogion Cymru gyhoeddi canllawiau i sicrhau bod unrhyw wybodaeth i'w darparu gan gyrff iechyd at ddibenion y Ddeddf hon yn ddiuedd ac yn hygyrch i bawb.'