



RHESTR O WELLIANNAU WEDI’U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Trawsblannu Dynol (Cymru) Human Transplantation (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

Mae’r testun mewn italig wedi’i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol I
esbonio ei ddiben ac i gynorthwyo’r darlennydd. Nid yw’r testun yn rhan o eiriad y
gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain
its purpose and to aid the reader’s understanding. The text does not form part of the
amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn –
The Bill will be considered in the following order –
Sections 1 - 20 Adrannau 1 - 20

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).’.

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.’.

The purpose of this amendment is to ensure that the Minister/LHBs have a duty to create specialist nurse posts, or other requirements, for the purpose of promoting organ donation.

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.’.

Diben y gwelliant hwn yw sicrhau bod gan y Gweinidog/byrddau iechyd lleol ddyletswydd i greu swyddi niwsys arbenigol, neu ofynion eraill, at ddiben hyrwyddo rhoi organau.

Angela Burns

66

Gyda chefnogaeth / Supported by: Antoinette Sandbach

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.’.

This amendment would ensure that a specific awareness campaign targeted at 15 to 17 year olds takes place at least one every 12 months.

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.’.

Byddai’r gwelliant hwn yn sicrhau bod ymgyrch ymwybyddiaeth benodol wedi’i thargedu at bobl rhwng 15 a 17 oed yn cael ei chynnal o leiaf unwaith bob 12 mis.

Angela Burns

67

Gyda chefnogaeth / Supported by: Antoinette Sandbach

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. ’.

This amendment would require Ministers to review the system of consent within 5 years of the commencement of the Act.

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. ’.

Byddai’r gwelliant hwn yn ei gwneud yn ofynnol i Weinidogion adolygu’r system gydsynio o fewn 5 mlynedd i gychwyn y Ddeddf.

Mark Drakeford

2

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

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

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.’.

This amendment prevents transplantation under deemed consent from going ahead if a person in a qualifying relationship is not present.

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.’.

Mae’r gwelliant hwn yn gwahardd cynnal trawsblaniad yn absenoldeb person a oedd mewn perthynas gymhwysol.

Darren Millar

3A

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

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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

Mae’r gwelliant hwn yn ymwneud â chyflwyno’r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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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Darren Millar

42

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

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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

Mae’r gwelliant hwn yn ymwneud â chyflwyno’r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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.

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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This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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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Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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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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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This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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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Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

Darren Millar

45

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

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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.

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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This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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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Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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'.

This amendment precludes the consent of the deceased from being deemed where a person in a qualifying relationship objects to transplantation on the basis of the views of the deceased or the likely views of the deceased.

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’.

Mae’r gwelliant hwn yn eithrio ystyried bod cydsyniad yr ymadawedig wedi ei roi os yw person mewn perthynas gymhwysol yn gwrthwynebu’r trawsblaniad ar sail barn yr ymadawedig neu farn debygol yr ymadawedig.

Darren Millar

48

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

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

This amendment precludes the consent of the deceased from being deemed where a person in a qualifying relationship objects to transplantation on the basis of the views of the deceased or the likely views of the deceased.

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

- (i) barn debygol yr ymadawedig,’.

Mae’r gwelliant hwn yn eithrio ystyried bod cydsyniad yr ymadawedig wedi ei roi os yw person mewn perthynas gymhwysol yn gwrthwynebu’r trawsblaniad ar sail barn yr ymadawedig neu farn 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’.

This amendment precludes the consent of the deceased from being deemed where a person in a qualifying relationship objects to transplantation on the basis of the views of the deceased or the likely views of the deceased.

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

Mae’r gwelliant hwn yn eithrio ystyried bod cydsyniad yr ymadawedig wedi ei roi os yw person mewn perthynas gymhwysol yn gwrthwynebu’r trawsblaniad ar sail barn yr ymadawedig neu farn debygol yr ymadawedig.

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’.

This amendment precludes the consent of the deceased from being deemed where a person in a qualifying relationship objects to transplantation on the basis of the views of the deceased or the likely views of the deceased.

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'.

Mae'r gwelliant hwn yn eithrio ystyried bod cydsyniad yr ymadawedig wedi ei roi os yw person mewn perthynas gymhwysol yn gwrthwynebu'r trawsblaniad ar sail barn yr ymadawedig neu farn debygol yr ymadawedig.

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.'

This amendment provides that the express consent of the deceased, whether opt in or opt out, cannot be overridden by the views of those in a qualifying relationship to the deceased unless it can be established that the consent 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.'

Mae'r gwelliant hwn yn datgan na ellir gwrthwneud cydsyniad datganedig, p'un a yw'n gydsyniad i optio i mewn neu i optio allan, gan farn y rhai a oedd mewn perthynas gymhwysol â'r ymadawedig oni bai y gellir cadarnhau bod y cydsyniad wedi cael ei dynnu'n ôl drwy ddatgan neu awgrymu hynny.

Mark Drakeford

7

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

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

Darren Millar

52

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

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Adran 4, tudalen 3, llinell 27, hepgorer 'neu bersonau'.

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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).’.

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,’.

This amendment would remove those prisoners who are only resident in Wales as a consequence of their imprisonment from the deemed consent system.

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,’.

Byddai’r gwelliant hwn yn eithrio o’r system cydsynio tybiedig y carcharorion hynny a oedd ond yn preswyllo yng Nghymru oherwydd eu bod 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.’.

This amendment would remove those armed forces personnel who are only resident in Wales as a consequence of their service (and their families) from the deemed consent system.

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 ystyrir 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’.

Byddai’r gwelliant hwn yn eithrio o’r system cydsynio tybiedig y rhai sy’n gwasanaethu yn y lluoedd arfog (a’u teuluoedd) a oedd ond yn preswyllo yng Nghymru o ganlyniad i’w gwasanaeth.

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’.

This amendment would remove those detained under the Mental Health Act 1983 who are only resident in Wales as a consequence of their detention from the deemed consent system.

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’.

Byddai’r gwelliant hwn yn eithrio o’r system cydsynio tybiedig y rheini a oedd ond yn preswyllo yng Nghymru oherwydd eu bod yn cael eu cadw yng Nghymru o dan Ddeddf Iechyd Meddwl 1983.

Angela Burns

68

Gyda chefnogaeth / Supported by: Antoinette Sandbach

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

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

This amendment would ensure that any individual who is recognised to have learning difficulties, or is vulnerable, is excluded from the system of deemed consent.

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

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

Byddai’r gwelliant hwn yn sicrhau bod unrhyw unigolyn sy’n cael ei gydnabod yn rhywun sydd ag anawsterau dysgu, neu sy’n agored i niwed, yn cael ei eithrio o’r system cydsyniad tybiedig.

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.

Darren Millar

11A

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

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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.

Darren Millar

56

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

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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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This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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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Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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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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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This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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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Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

Darren Millar

59

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

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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.

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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This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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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Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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 –

'() 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 –

'() 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.

Darren Millar

20A

As an amendment to amendment 20, line 2, column 1, leave out 'or persons'.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 20, llinell 3, colofn 1, hepgorer 'neu bersonau'.

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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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Darren Millar

21A

As an amendment to amendment 21, line 1, column 2, leave out 'or persons'.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 21, llinell 1, colofn 2, hepgorer 'neu bersonau'.

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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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Darren Millar

22A

As an amendment to amendment 22, line 2, column 1, leave out 'or persons'.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 22, llinell 3, colofn 1, hepgorer 'neu bersonau'.

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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.

Darren Millar

28A

As an amendment to amendment 28, line 1, leave out 'or appointment'.

This amendment removes references to the ability for a child to appoint an appointed representative.

Fel gwelliant i welliant 28, llinell 1, hepgorer 'neu benodiad'.

Mae'r gwelliant hwn yn cael gwared ar gyfeiriadau at allu plentyn i benodi cynrychiolydd penodedig.

Darren Millar

28B

As an amendment to amendment 28, line 3, leave out 'or persons'.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 28, llinell 3, hepgorer 'neu bersonau'.

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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).'

Angela Burns

69

Gyda chefnogaeth/ Supported by: Antoinette Sandbach

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.'

This amendment would preclude anyone that is not either a birth or adoptive parent of a child from consenting to donation (i.e. looked after children that are in the care of a local authority).

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.’

Byddai’r gwelliant hwn yn eithrio unrhyw un nad yw naill ai’n rhiant biolegol y plentyn neu’n rhiant sydd wedi mabwysiadu’r plentyn rhag cydsynio i roi organau (hynny yw, plant sydd yng ngofal awdurdod lleol).

Angela Burns

29I

Gyda chefnogaeth / Supported by: Antoinette Sandbach

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

This amendment would ensure that deemed consent would not apply to reproductive organs. This amendment will add this caveat to Welsh Government amendment 29 which deals with transplantation activity involving excluded material.

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’.

Byddai’r gwelliant hwn yn sicrhau na fyddai cydsyniad tybiedig yn gymwys i organau atgenhedlu. Bydd y gwelliant hwn yn ychwanegu’r amod hon i welliant 29 y Llywodraeth, sy’n ymdrin â gweithgaredd trawsblannu sy’n ymwneud â deunydd a eithrir.

***Darren Millar**

29B

As an amendment to amendment 29, line 20, column 2, leave out ‘or persons’.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 29, llinell 21, colofn 2, hepgorer ‘neu’r personau’.

Mae’r gwelliant hwn yn ymwneud â chyflwyno’r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

***Darren Millar**

29C

As an amendment to amendment 29, line 21, column 1, leave out ‘or persons’.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 29, llinell 23, colofn 1, hepgorer ‘neu bersonau’.

Mae’r gwelliant hwn yn ymwneud â chyflwyno’r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

***Darren Millar**

29D

As an amendment to amendment 29, line 26, column 1, leave out 'or persons'.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 29, llinell 29, colofn 1, hepgorer 'neu bersonau'.

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

***Darren Millar**

29A

As an amendment to amendment 29, leave out lines 33 to 64.

This amendment removes the ability of a child to consent to novel forms of transplantation.

Fel gwelliant i welliant 29, hepgorer llinellau 36 hyd at 73.

Mae'r gwelliant hwn yn cael gwared ar allu plentyn i gydsynio i ffyrdd newydd o drawsblannu.

Darren Millar

29E

As an amendment to amendment 29, line 46, column 2, leave out 'or persons'.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 29, llinell 53, colofn 2, hepgorer 'neu'r personau'.

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

Darren Millar

29F

As an amendment to amendment 29, line 47, column 1, leave out 'or persons'.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 29, llinell 55, colofn 1, hepgorer 'neu bersonau'.

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

Darren Millar

29G

As an amendment to amendment 29, line 52, column 1, leave out 'or persons'.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 29, llinell 61, colofn 1, hepgorer ‘neu bersonau’.

Mae’r gwelliant hwn yn ymwneud â chyflwyno’r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

Darren Millar

29H

As an amendment to amendment 29, line 63, leave out ‘or persons’.

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

Fel gwelliant i welliant 29, llinell 72, hepgorer ‘neu bersonau’.

Mae’r gwelliant hwn yn ymwneud â chyflwyno’r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

Mark Drakeford

29

To insert a new section –

‘() 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	Consent of a person who stood in a qualifying

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.	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 –

(1) 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 ngholofn 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 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 ngholofn 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 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 rhiant 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 rhywun yn gallu rhoi cydsyniad o dan y penodiad.	Cydsyniad a roddir gan y person neu'r personau benodir.
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 idros 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 idros 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

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'.

Darren Millar

61

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

This amendment relates to the introduction of the requirement for only one appointed representative, to eliminate the possibility of disputes arising between appointed representatives.

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

Mae'r gwelliant hwn yn ymwneud â chyflwyno'r gofyniad i benodi un cynrychiolydd yn unig, er mwyn cael gwared ar y posibilrwydd o anghydfod rhwng cynrychiolwyr penodedig.

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'.

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'.

This amendment provides for multiple representatives where they were appointed before the implementation of a deemed consent system.

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'.

Mae'r gwelliant hwn yn darparu ar gyfer mwy nag un cynrychiolydd os y cawsant eu penodi cyn i system cydsynio tybiedig ddod i rym.

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 []'.

Angela Burns

70

Gyda chefnogaeth / Supported by: Suzy Davies, Antoinette Sandbach

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

This amendment will ensure that consent cannot be deemed in circumstances where an adult lacks capacity to consent to the activity.

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'.

Bydd y gwelliant hwn yn sicrhau na ellir ystyried bod cydsyniad wedi ei roi mewn amgylchiadau pan nad oes gan oedolyn y galluedd i gydsynio i'r gweithgaredd.

Angela Burns

71

Gyda chefnogaeth / Supported by: Suzy Davies, Antoinette Sandbach

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'.

This amendment will ensure that consent cannot be deemed in circumstances where an adult lacks capacity to consent to the activity.

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'.

Bydd y gwelliant hwn yn sicrhau na ellir ystyried bod cydsyniad wedi ei roi mewn amgylchiadau pan nad oes gan oedolyn y galluedd i gydsynio i'r gweithgaredd.

Angela Burns

72

Gyda chefnogaeth / Supported by: Suzy Davies, Antoinette Sandbach

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.'

This amendment will ensure that consent cannot be deemed in circumstances where an adult lacks capacity to consent to the activity.

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.'

Bydd y gwelliant hwn yn sicrhau na ellir ystyried bod cydsyniad wedi ei roi mewn amgylchiadau pan nad oes gan oedolyn y galluedd i gydsynio i'r gweithgaredd.

Angela Burns

73

Gyda chefnogaeth / Supported by: Antoinette Sandbach

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

This amendment will ensure that where part of a body of a deceased person may be suitable for transplantation, it can only be retained for a reasonable period of time.

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

Bydd y gwelliant hwn yn sicrhau, pan fo darn o gorff person ymadawedig yn addas ar gyfer ei drawsblannu, y gellir ond ei gadw am gyfnod rhesymol o amser.

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

74

Gyda chefnogaeth / Supported by: Antoinette Sandbach

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.'

This amendment would ensure that Welsh Ministers must issue guidance to ensure that all information provided on the deemed consent system 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 ddiudedd ac yn hygyrch i bawb.'

Byddai'r gwelliant hwn yn sicrhau bod yn rhaid i Weinidogion Cymru gyhoeddi canllawiau i sicrhau bod yr holl wybodaeth a ddarperir mewn perthynas â'r system cydsynio tybiedig yn ddiudedd ac yn hygyrch i bawb.

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 []'.

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.'

This amendment relates to the introduction for guidance on the circumstances in which consent is deemed to include guidance on the consideration to be given to the distress experienced by a person in a qualifying relationship.

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.'

Mae'r gwelliant hwn yn ymwneud â sicrhau bod y canllawiau ar yr amgylchiadau yr ystyrir bod cydsyniad wedi ei roi yn cynnwys canllawiau ar yr ystyriaeth a roddir i'r gofid ar berson mewn perthynas gymhwysol.

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.’.

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’.

This amendment establishes a ranking system for those in a qualifying relationship to the deceased in order to support the resolution of any disputes which may arise as a result in their involvement in the deemed consent system.

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’.

Mae’r gwelliant hwn yn sefydlu system o restru’r rhai a oedd mewn perthynas gymhwysol â’r ymadawedig er mwyn cynnig ffordd o ddatrys unrhyw anghydfod a allai godi o ganlyniad i’w hymwneud â’r system cydsynio tybiedig.