



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1774 (Cy. 246)

2015 No. 1774 (W. 246)

**MEINWEOEDD DYNOL,
CYMRU**

HUMAN TISSUE, WALES

Rheoliadau Trawsblannu Dynol
(Personau nad yw'r Galluedd
ganddynt i Gydsynio) (Cymru)
2015

The Human Transplantation
(Persons who Lack Capacity to
Consent) (Wales) Regulations 2015

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn wedi eu gwneud o dan adran 9 o Ddeddf Trawsblannu Dynol (Cymru) 2013. Mae'r adran hon yn gymwys lle nad oes gan oedolyn sy'n fyw y galluedd i gydsynio i roi organau ac nad oes penderfyniad mewn grym.

These Regulations are made under section 9 of the Human Transplantation (Wales) Act 2013. This section applies where a living adult lacks capacity to consent to organ donation and no decision is in force.

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch yr amgylchiadau pan ystyrir bod oedolyn byw nad yw'r galluedd ganddo yn cydsynio i storio a defnyddio i'w drawsblannu ddeunydd perthnasol sydd wedi dod o gorff dynol. Yr amgylchiadau pan ystyrir bod cydsyniad wedi ei roi yw pan fo storio a defnyddio er lles pennaf yr oedolyn byw nad yw'r galluedd ganddo.

These Regulations make provision as to the circumstances in which that living adult who lacks capacity is deemed to consent to the storage and use for transplantation of relevant material that has come from a human body. The circumstances in which consent is deemed to have been given are where storage and use are in the best interest of the living adult who lacks capacity.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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Gwnaed 7 Hydref 2015

Made 7 October 2015

Yn dod i rym am 00:01 ar 1 Rhagfyr 2015

*Coming into
force at* 00:01 on 1 December 2015

Mae Gweinidogion Cymru, drwy arfer eu pwerau yn adrannau 9(2) ac 20(1) a (2) o Ddeddf Trawsblannu Dynol (Cymru) 2013(1) ac ar ôl cynnal unrhyw ymgynghoriad cyhoeddus sy'n briodol yn eu barn hwy yn unol ag adran 20(3) o'r Ddeddf honno, yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers in exercise of their powers in sections 9(2) and 20(1) and (2) of the Human Transplantation (Wales) Act 2013(1) and having carried out such public consultation as they consider appropriate in accordance with section 20(3) of that Act make the following Regulations.

Yn unol ag adran 20(4) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

In accordance with section 20(4) of that Act, a draft of these Regulations has been laid before and approved by a resolution of the National Assembly for Wales.

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Trawsblannu Dynol (Personau nad yw'r Galluedd ganddynt i Gydsynio) (Cymru) 2015 a deuant i rym am 00:01 ar 1 Rhagfyr 2015.

1.—(1) The title of these Regulations is the Human Transplantation (Persons who Lack Capacity to Consent) (Wales) Regulations 2015 and they come into force at 00:01 on 1 December 2015.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

(1) 2013 decc 5.

(1) 2013 anaw 5.

Cydsyniad yr ystyrir ei fod wedi ei roi i storio a defnyddio deunydd perthnasol

2.—(1) Mae'r rheoliad hwn yn gymwys mewn unrhyw achos sy'n dod o fewn paragraffau (a) a (b) o adran 9(1) o Ddeddf Trawsblannu Dynol (Cymru) 2013 (storio a defnyddio sy'n ymwneud â deunydd o oedolion nad yw'r galluedd ganddynt i gydsynio).

(2) Ystyrir bod oedolyn ("P") nad yw'r galluedd ganddo i gydsynio i weithgaredd o fath a grybwyllir yn adran 3(2)(c) neu (d) o'r Ddeddf honno (storio neu ddefnyddio deunydd perthnasol o gorff dynol at ddiben trawsblannu) sy'n ymwneud â deunydd o gorff P, wedi cydsynio i'r gweithgaredd pan fo'r gweithgaredd wedi ei wneud gan berson sy'n gweithredu mewn ffordd y mae'n credu yn rhesymol ei bod er lles pennaf P.

Deemed consent to storage and use of relevant material

2.—(1) This regulation applies in any case falling within paragraphs (a) and (b) of section 9(1) of the Human Transplantation (Wales) Act 2013 (storage and use involving material from adults who lack capacity to consent).

(2) An adult ("P") who lacks capacity to consent to an activity of a kind mentioned in section 3(2)(c) or (d) of that Act (storage or use of relevant material from a human body for the purpose of transplantation) which involves material from P's body, is deemed to have consented to the activity where the activity is done by a person who is acting in what they reasonably believe to be P's best interests.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

7 Hydref 2015

Minister for Health and Social Services, one of the
Welsh Ministers

7 October 2015

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