



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 1120 (Cy. 194)

2019 No. 1120 (W. 194)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Gwrthrychau
Rhagnodedig ar gyfer Rhoi Twll
mewn Rhan Bersonol o'r Corff
(Cymru) 2019

The Prescribed Objects for Intimate
Piercing (Wales) Regulations 2019

NODYN ESBONIADOL

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

Mae Rhan 5 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (“y Ddeddf”) yn ei gwneud yn drosedd i berson yng Nghymru roi twll mewn rhan bersonol o gorff person o dan 18 oed. Mae hefyd yn ei gwneud yn drosedd i berson yng Nghymru wneud trefniadau i roi, yng Nghymru, dwll mewn rhan bersonol o gorff person sydd o dan 18 oed. Mae person sydd wedi ei euogfarnu o'r naill drosedd neu'r llall yn agored ar euogfarn ddiannod i ddirwy ddiderfyn.

Rhoi twll mewn rhan bersonol o'r corff yw tyllu'r corff mewn rhan bersonol, pan fo'n cael ei roi ac eithrio yng nghwrs triniaeth feddygol.

Rhestrir y rhannau personol o'r corff yn adran 96(2) o'r Ddeddf ac maent yn cynnwys y fron (gan gynnwys y deth a'r areola), y ffolen, y pidyn, y fwlfa a'r tafod.

Mae'r diffiniad o “tyllu'r corff” wedi ei ddarparu yn adran 94(1) o'r Ddeddf a'i ystyr yw gwneud trydylliad (gan gynnwys pric neu endoriad) yng nghroen neu ym mhilen fwcaidd unigolyn, gyda golwg ar alluogi i emwaith neu wrthrych arall o ddisgrifiad a ragnodir mewn rheoliadau neu o dan reoliadau gael ei atodi i gorff yr unigolyn, ei fewnblannu yng nghorff yr unigolyn, neu ei dynnu o gorff yr unigolyn. Cynhwysir pilenni mwcaidd yn y diffiniad gan y gall arwyneb rhai rhannau personol o'r corff, megis y fwlfa, gynnwys croen a philenni mwcaidd.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 5 of the Public Health (Wales) Act 2017 (“the Act”) makes it an offence for a person in Wales to perform an intimate piercing on a person under the age of 18. It also makes it an offence for a person in Wales to make arrangements to perform an intimate piercing, in Wales, on a person under the age of 18. A person convicted of either offence is liable on summary conviction to an unlimited fine.

An intimate piercing is a body piercing performed on an intimate body part where performed otherwise than in the course of a medical procedure.

The intimate body parts are listed in section 96(2) of the Act and include the breast (including the nipple and areola), buttock, penis, vulva and tongue.

The definition of “body piercing” is provided in section 94(1) of the Act and means the perforation (including puncture or incision) of an individual's skin or mucous membrane, with a view to enabling jewellery or another object of a description prescribed in or under regulations to be attached to, implanted in, or removed from the individual's body. Mucous membranes are included in the definition as the surface of some intimate body parts, such as the vulva, may comprise skin and mucous membranes.

Mae rheoliad 2 o'r Rheoliadau hyn yn rhagnodi unrhyw wrthrych nad yw'n emwaith yn wrthrych at ddibenion paragraff (b) yn y diffiniad o "tyllu'r corff" yn adran 94(1) ond dim ond i'r graddau y mae'r diffiniad hwnnw yn gymwys at ddibenion y drosedd yn adran 95 o'r Ddeddf (y drosedd o roi neu wneud trefniadau i roi twll mewn rhan bersonol o gorff person o dan 18 oed).

Mae hyn yn golygu bod gwneud trydylliad yng nghroen neu ym mhilen fwcaidd plentyn mewn rhan bersonol o'r corff, gyda golwg ar alluogi i unrhyw wrthrych nad yw'n emwaith (er enghraifft angorau croenol a microgroenol, asennau, rhodenni, pinnau cau, deifwyr y croen, cloeon clwt) gael ei atodi i gorff y plentyn, ei fewnblannu yng nghorff y plentyn, neu ei dynnu o gorff y plentyn, bellach yn dod o fewn cwmpas y drosedd yn Rhan 5 o'r Ddeddf.

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 yng Nghymru. Gellir cael copi oddi wrth: Y Gyfarwyddiaeth Iechyd Poblogaethau, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Regulation 2 of these Regulations prescribes any object that is not jewellery as an object for the purposes of paragraph (b) in the definition of "body piercing" in section 94(1) but only insofar as that definition applies for the purposes of the offence in section 95 of the Act (offence of performing or making arrangements to perform an intimate piercing on a person under the age of 18).

This brings within the scope of the offence in Part 5 of the Act the perforation of a child's skin or mucous membrane in an intimate area, with a view to enabling any object that is not jewellery (for example dermal and micro-dermal anchors, ribs, rods, safety pins, skin divers, padlocks) to be attached to, implanted in, or removed from the child's body.

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 in Wales. A copy can be obtained from the Population Health Directorate, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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(Cymru) 2019**

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Piercing (Wales) Regulations 2019**

Gwnaed 11 Gorffennaf 2019

Made 11 July 2019

Yn dod i rym 1 Awst 2019

Coming into force 1 August 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 94(1) a 123(1) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017(1), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 94(1) and 123(1) of the Public Health (Wales) Act 2017(1), make the following Regulations.

Yn unol ag adran 123(2)(b) 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 123(2)(b) of that Act, a draft of these Regulations has been laid before, and approved by resolution of, the National Assembly for Wales.

Enwi a chychwyn

Title and commencement

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwrthrychau Rhagnodedig ar gyfer Rhoi Twll mewn Rhan Bersonol o'r Corff (Cymru) 2019.

1.—(1) The title of these Regulations is the Prescribed Objects for Intimate Piercing (Wales) Regulations 2019.

(2) Daw'r Rheoliadau hyn i rym ar 1 Awst 2019.

(2) These Regulations come into force on 1 August 2019.

Gwrthrychau rhagnodedig at ddibenion y drosedd o roi neu wneud trefniadau i roi twll mewn rhan bersonol o gorff plentyn

Prescribed objects for the purposes of the offence of performing or making arrangements to perform an intimate piercing on a child

2. Mae unrhyw wrthrych nad yw'n emwaith wedi ei ragnodi at ddibenion paragraff (b) yn y diffiniad o "tyllu'r corff" yn adran 94(1) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, ond dim ond i'r graddau y mae'r diffiniad hwnnw yn gymwys at ddibenion y drosedd yn adran 95 o'r Ddeddf honno (y drosedd o roi neu wneud trefniadau i roi twll mewn rhan bersonol o gorff plentyn).

2. Any object that is not jewellery is prescribed for the purposes of paragraph (b) in the definition of "body piercing" in section 94(1) of the Public Health (Wales) Act 2017, but only insofar as that definition applies for the purposes of the offence in section 95 of that Act (offence of performing or making arrangements to perform an intimate piercing on a child).

(1) 2017 decc 2. *Gweler* adran 124(1) o'r Ddeddf honno am y diffiniad o "rheoliadau".

(1) 2017 anaw 2. See section 124(1) of that Act for the definition of "regulations".

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
11 Gorffennaf 2019

Minister for Health and Social Services, one of the
Welsh Ministers
11 July 2019

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