



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENT

2015 Rhif 1802 (Cy.257)

2015 No. 1802 (W. 257)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Gwybodaeth
Mabwysiadu a Gwasanaethau
Cyfryngol (Mabwysiadau Cyn-
gychwyn) (Cymru) (Diwygio) 2015

The Adoption Information and
Intermediary Services (Pre-
Commencement Adoptions)
(Wales) (Amendment) Regulations
2015

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gwybodaeth Mabwysiadu a Gwasanaethau Cyfryngol (Mabwysiadau Cyn-gychwyn) (Cymru) 2005 ("Rheoliadau 2005"), sy'n gwneud darpariaeth o dan adran 98 o Ddeddf Mabwysiadu a Phlant 2002 at ddibenion cynorthwyo personau a fabwysiadwyd cyn 30 Rhagfyr 2005 i gael gwybodaeth am eu mabwysiadu ac i hwyluso cyswllt rhwng y personau hynny a'u perthnasau geni.

Mae rheoliadau 4 a 5 o Reoliadau 2005, sy'n nodi'r gwasanaethau y caiff asiantaeth gyfryngol eu darparu a'r ceisiadau y caiff asiantaethau o'r fath eu derbyn, wedi eu diwygio i ddarparu y caiff asiantaethau cyfryngol dderbyn ceisiadau gan berson sydd â pherthynas ragnodedig (yn unol â'r diffiniad yn y rheoliad 2A newydd) â pherson mabwysiedig am gynhorthwy wrth gysylltu â pherthynas i berson mabwysiedig ac i'r gwrthwyneb (rheoliadau 3 a 4).

Mae rheoliad 5A wedi ei fewnosod yn Rheoliadau 2005 i ragnodi'r amgylchiadau pan fo'n rhaid i asiantaeth gyfryngol beidio â bwrw ymlaen â chais ac i nodi'r amgylchiadau y bydd fetu a gofrestrwyd o dan reoliad 8 o Reoliadau 2005 yn gymwys odanynt (rheoliad 7).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005 ("the 2005 Regulations"), which make provision under section 98 of the Adoption and Children Act 2002 for the purpose of assisting persons adopted before 30 December 2005 to obtain information about their adoption and to facilitate contact between those persons and their birth relatives.

Regulations 4 and 5 of the 2005 Regulations, which set out the services that an intermediary agency may provide and applications that such agencies may accept, are amended to provide that intermediary agencies may accept applications from a person with a prescribed relationship (as defined in the new regulation 2A) to an adopted person for assistance in contacting a relative of an adopted person and vice versa (regulations 3 and 4).

Regulation 5A is inserted into the 2005 Regulations to prescribe the circumstances in which an intermediary agency must not proceed with an application and to set out the circumstances in which a veto registered under regulation 8 of the 2005 Regulations will apply (regulation 7).

Mae rheoliad 8 o Reoliadau 2005 wedi ei ddiwygio i ddarparu bod fetu person mabwysiedig yn gymwys hefyd pan fo gwrthrych cais yn berson sydd â pherthynas ragnodedig â'r person mabwysiedig (rheoliad 8).

Mae rheoliad 9 o Reoliadau 2005 wedi ei ddiwygio fel nad yw Rheoliadau 2005 yn atal asiantaeth gyfryngol rhag datgelu gwybodaeth nad yw'n wybodaeth adnabod i geisydd os yw'r asiantaeth o'r farn y byddai'n briodol gwneud hynny (rheoliad 9).

Mae rheoliad 10 o Reoliadau 2005 wedi ei ddiwygio i'w gwneud yn ofynnol i asiantaeth gyfryngol ddarparu gwybodaeth ysgrifenedig am y cwnsela sydd ar gael i berson mabwysiedig sydd wrthi'n ystyried a ddylai roi cydsyniad i gais fynd yn ei flaen (rheoliad 10).

Mae rheoliad 11 o Reoliadau 2005 wedi ei ddiwygio i'w gwneud yn ofynnol i asiantaeth gyfryngol gymryd camau rhesymol i gadarnhau bod gan y geisydd berthynas ragnodedig wrth iddi gael cais oddi wrth berson o'r fath (rheoliad 11).

Mae rheoliad 12 o Reoliadau 2005 wedi ei ddiwygio i'w gwneud yn ofynnol i'r asiantaeth gyfryngol gael gwybod gan yr asiantaeth fabwysiadu briodol a yw'r person mabwysiedig wedi mynegi ei farn ar unrhyw adeg ynglŷn â chyswllt ac i'w gwneud yn ofynnol i'r asiantaeth gyfryngol ofyn am wybodaeth arall gan yr asiantaeth fabwysiadu briodol. Mae wedi ei ddiwygio hefyd i'w gwneud yn ofynnol i asiantaethau mabwysiadu yng Nghymru gymryd camau rhesymol i ddarparu gwybodaeth berthnasol i asiantaethau cyfryngol yn Lloegr (rheoliad 12).

Mae rheoliad 13 o Reoliadau 2005 wedi ei ddiwygio i alluogi'r asiantaeth gyfryngol i wneud cais am unrhyw faint o'r wybodaeth neu am y cyfan o'r wybodaeth a restrwyd yn y rheoliad hwnnw yr un pryd. Mae hefyd yn galluogi'r asiantaeth gyfryngol, os yw'n bwrw ymlaen â chais oddi wrth berson sydd â pherthynas ragnodedig â'r person mabwysiedig, i wneud cais am wybodaeth o'r gofrestr genedigaethau byw (rheoliad 13).

Mae rheoliad 16 o Reoliadau 2005 wedi ei ddiwygio i alluogi asiantaeth gyfryngol i ddatgelu gwybodaeth (gan gynnwys gwybodaeth sy'n adnabod unrhyw berson) sy'n angenrheidiol i'r person mabwysiedig i'w alluogi i wneud penderfyniad deallus ynghylch a ddylai gydsynio i gais fynd yn ei flaen (rheoliad 15).

Regulation 8 of the 2005 Regulations is amended to provide that an adopted person's veto also applies when the subject of an application is a person with a prescribed relationship to the adopted person (regulation 8).

Regulation 9 of the 2005 Regulations is amended so that the 2005 Regulations do not prevent an intermediary agency from disclosing information that is not identifying information to an applicant if the agency considers that it would be appropriate to do so (regulation 9).

Regulation 10 of the 2005 Regulations is amended to require an intermediary agency to provide written information about the availability of counselling to an adopted person who is considering whether to consent to an application proceeding (regulation 10).

Regulation 11 of the 2005 Regulations is amended to require an intermediary agency to take reasonable steps to confirm that the applicant does have a prescribed relationship when it receives an application from such a person (regulation 11).

Regulation 12 of the 2005 Regulations is amended to require the intermediary agency to ascertain from the appropriate adoption agency whether the adopted person has at any time expressed his or her views about contact and to require the intermediary agency to seek other information from the appropriate adoption agency. It is also amended to require adoption agencies in Wales to take reasonable steps to provide relevant information to intermediary agencies in England (regulation 12).

Regulation 13 of the 2005 Regulations is amended to enable the intermediary agency to request any or all of the information listed in that regulation at the same time. It also enables the intermediary agency, if it is proceeding with an application from a person with a prescribed relationship to the adopted person, to request information from the register of live births (regulation 13).

Regulation 16 of the 2005 Regulations is amended to enable an intermediary agency to disclose information (including information that identifies any person) as is necessary to the adopted person to enable him or her to make an informed decision about whether to consent to an application proceeding (regulation 15).

Mae rheoliad 18 o Reoliadau 2005 wedi ei ddiwygio o ran y ffioedd sy'n daladwy gan asiantaeth gyfryngol sy'n gwneud cais am wybodaeth gan y Cofrestrydd Cyffredinol. Cyn hyn, roedd ffi o £10 yn daladwy o ran gwybodaeth a ddarperid. Mae ffi newydd o £36 yn daladwy am brosesu cais cychwynnol am wybodaeth o dan reoliad 13 neu 14 o Reoliadau 2005, sy'n daladwy p'un a gaiff unrhyw wybodaeth ei chanfod a'i darparu ai peidio, ac ni waeth faint o wybodaeth a ddarperir. Mae ffi ychwanegol o £14 yn daladwy o ran pob cais dilynol am wybodaeth, ond dim ond os bydd gwybodaeth yn cael ei darparu (rheoliad 16).

Ni luniwyd asesiad effaith ar gyfer yr offeryn hwn, gan mai ychydig iawn o effaith a gaiff ar fusnesau, mudiadau'r gymdeithas ddinesig a'r sector cyhoeddus.

Regulation 18 of the 2005 Regulations is amended in relation to the fees payable by an intermediary agency requesting information from the Registrar General. Previously, a fee of £10 was payable in respect of information provided. A new fee of £36 is payable for processing an initial request for information under regulation 13 or 14 of the 2005 Regulations, which is payable whether or not any information is located and provided, and irrespective of how much information is provided. A further fee of £14 is payable in respect of each subsequent request for information, but only where information is provided (regulation 16).

An impact assessment has not been produced for this instrument as it has a minimal impact on businesses, civil society organisations and on the public sector.

2015 Rhif 1802 (Cy. 257)

**PLANT A PHOBL IFANC,
CYMRU**

Rheoliadau Gwybodaeth
Mabwysiadu a Gwasanaethau
Cyfryngol (Mabwysiadau Cyn-
gychwyn) (Cymru) (Diwygio) 2015

Gwnaed 16 Hydref 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 20 Hydref 2015

Yn dod i rym 10 Tachwedd 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 2(6), 9(1), 98(1), (1A), (2) a (3) a 144(2) o Ddeddf Mabwysiadu a Phlant 2002(1)(2), yn gwneud y Rheoliadau a ganlyn.

Mae'r Rheoliadau hyn wedi eu gwneud gyda chymeradwyaeth yr Ysgrifennydd Gwladol i'r graddau y mae cymeradwyaeth yr Ysgrifennydd Gwladol yn ofynnol gan adran 98(6) o'r Ddeddf honno(3).

2015 No. 1802 (W. 257)

**CHILDREN AND YOUNG
PERSONS, WALES**

The Adoption Information and
Intermediary Services (Pre-
Commencement Adoptions)
(Wales) (Amendment) Regulations
2015

Made 16 October 2015

Laid before the National Assembly for Wales
20 October 2015

Coming into force 10 November 2015

The Welsh Ministers in exercise of the powers conferred by sections 2(6), 9(1), 98(1), (1A), (2) and (3) and 144(2) of the Adoption and Children Act 2002(1)(2), make the following Regulations.

The Secretary of State has approved the making of these Regulations in so far as the Secretary of State's approval is required by section 98(6) of that Act(3).

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- (1) 2002 p. 38. Mewnosododd adran 1 o Ddeddf Plant a Theuluoedd 2014 is-adran (1A) yn adran 98 o Ddeddf 2002 fel y gall rheoliadau a wneir gan Weiniogion Cymru wneud darpariaeth i hwyluso cyswllt rhwng personau sydd â pherthynas ragnodedig â pherson a fabwysiadwyd cyn 30 Rhagfyr 2005 a pherthnasau geni'r person mabwysiedig.
 - (2) Trosglwyddwyd y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru i wneud rheoliadau o dan Ddeddf 2002 i Weiniogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).
 - (3) Mae adran 98(6) o Ddeddf 2002 yn darparu bod cymeradwyaeth yr Ysgrifennydd Gwladol yn ofynnol ar gyfer darpariaeth a wneir mewn rheoliadau sy'n awdurdodi'r Cofrestrwydd Cyffredinol i ddatgelu gwybodaeth neu i godi ffioedd rhagnodedig. Trosglwyddwyd swyddogaeth cymeradwyo Canghellor y Trysorlys o dan adran 98(6) o Ddeddf 2002 i'r Ysgrifennydd Gwladol yn rhinwedd O.S. 2008/678.

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- (1) 2002 c. 38. Section 1 of the Children and Families Act 2014 inserted subsection (1A) into section 98 of the 2002 Act so that regulations made by the Welsh Ministers can make provision to facilitate contact between persons with a prescribed relationship to a person adopted before 30 December 2005 and the adopted person's birth relatives.
 - (2) The power conferred on the National Assembly for Wales to make regulations under the 2002 Act transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
 - (3) Section 98(6) of the 2002 Act provides that provision made in regulations authorising the Registrar General to disclose information or to charge prescribed fees requires the approval of the Secretary of State. The approval function of the Chancellor of the Exchequer under section 98(6) of the 2002 Act transferred to the Secretary of State by virtue of S.I. 2008/678.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwybodaeth Mabwysiadu a Gwasanaethau Cyfryngol (Mabwysiadau Cyn-gychwyn) (Cymru) (Diwygio) 2015.

(2) Daw'r Rheoliadau hyn i rym ar 10 Tachwedd 2015.

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

Diwygio Rheoliadau Gwybodaeth Mabwysiadu a Gwasanaethau Cyfryngol (Mabwysiadau Cyn-gychwyn) (Cymru) 2005

2. Mae Rheoliadau Gwybodaeth Mabwysiadu a Gwasanaethau Cyfryngol (Mabwysiadau Cyn-gychwyn) (Cymru) 2005(1) wedi eu diwygio yn unol â rheoliadau 3 i 16.

3. Yn rheoliad 2 (dehongli)—

(a) yn y man priodol yn nhrefn yr wyddor mewnosoder—

“ystyr “darpariaeth Seisnig gyfatebol” (“*corresponding English provision*”) o ran Rhan neu reoliad yn y Rheoliadau hyn, yw darpariaeth mewn rheoliadau a wneir gan yr Ysgrifennydd Gwladol o dan adran 9 o Ddeddf 2002 sy'n cyfateb i'r Rhan honno neu'r rheoliad hwnnw;”;

“ystyr “person mabwysiedig” (“*adopted person*”) yw person a fabwysiadwyd cyn 30 Rhagfyr 2005 ac sydd wedi cyrraedd 18 oed;”;

“mae i “perthynas ragnodedig” (“*prescribed relationship*”) yr ystyr a roddir yn rheoliad 2A;”;

(b) yn lle'r diffiniad o “y ceisydd” (“*the applicant*”) rhodder—

“ystyr “y ceisydd” (“*the applicant*”) yw person sy'n gwneud cais o dan reoliad 5 ac sydd—

(a) yn berson mabwysiedig;

(b) yn berson sydd â pherthynas ragnodedig; neu

(c) yn berthynas i berson mabwysiedig;”.

Title, commencement and application

1.—(1) The title of these Regulations is the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) (Amendment) Regulations 2015.

(2) These Regulations come into force on 10 November 2015.

(3) These Regulations apply in relation to Wales.

Amendment of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005

2. The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005(1) are amended in accordance with regulations 3 to 16.

3. In regulation 2 (interpretation)—

(a) in the appropriate place in the alphabetical order insert—

““adopted person” (“*person mabwysiedig*”) means a person who was adopted before 30 December 2005 and has attained the age of 18;”;

““corresponding English provision” (“*darpariaeth Seisnig gyfatebol*”) means in relation to a Part or a regulation of these Regulations, the provision of regulations made by the Secretary of State under section 9 of the 2002 Act which corresponds to that Part or regulation;”;

““prescribed relationship” (“*perthynas ragnodedig*”) has the meaning given in regulation 2A;”;

(b) for the definition of “the applicant” (“*y ceisydd*”) substitute—

““the applicant” (“*y ceisydd*”) means a person who makes an application under regulation 5 and is—

(a) an adopted person;

(b) a person with a prescribed relationship; or

(c) a relative of an adopted person;”.

(1) O.S. 2005/2701 (Cy. 190) fel y'i diwygiwyd gan O.S. 2005/3293 (Cy. 253).

(1) S.I. 2005/2701 (W. 190) as amended by S.I. 2005/3293 (W. 253).

4. Ar ôl rheoliad 2 (dehongli) mewnosoder—

“Perthynas ragnodedig

2A. At ddibenion adran 98(1A) o Ddeddf 2002, mae perthynas ragnodedig yn berthynas lle mae person (nad yw'n berthynas i'r person mabwysiedig o fewn ystyr “perthynas” yn rheoliad 2) yn perthyn i berson mabwysiedig—

- (a) drwy waed, priodas neu bartneriaeth sifil; neu
- (b) yn rhinwedd mabwysiad y person mabwysiedig.”

5. Yn rheoliad 4 (ystyr “gwasanaeth cyfryngol” ac “asiantaeth gyfryngol”) yn lle paragraff (1) rhodder—

“(1) Yn ddarostyngedig i baragraff (3) mae gwasanaeth cyfryngol yn wasanaeth a ddarperir at ddibenion—

- (a) cynorthwyo personau mabwysiedig i gael gwybodaeth mewn perthynas â'u mabwysiad;
- (b) hwyluso cyswllt rhwng personau mabwysiedig a'u perthnasau; ac
- (c) hwyluso cyswllt rhwng personau sydd â pherthynas ragnodedig â pherson mabwysiedig a pherthnasau i'r person mabwysiedig.”

6. Yn rheoliad 5—

- (a) yn y pennawd yn lle “Blaenoriaeth i fabwysiaid cyn 1976” rhodder “Ceisiaidau y caniateir eu derbyn”;

- (b) yn lle paragraff (1) rhodder—

“(1) Yn ddarostyngedig i baragraff (3) caiff asiantaeth gyfryngol dderbyn cais—

- (a) oddi wrth berson mabwysiedig am gynhorthwy i gael gwybodaeth am fabwysiad y person hwnnw ac i gysylltu â pherthynas i'r person hwnnw;
- (b) oddi wrth berthynas i berson mabwysiedig am gynhorthwy i gysylltu—
 - (i) â'r person mabwysiedig; neu
 - (ii) â pherson sydd â pherthynas ragnodedig â'r person mabwysiedig; neu
- (c) oddi wrth berson sydd â pherthynas ragnodedig â'r person mabwysiedig am gynhorthwy i gysylltu â pherthynas i berson mabwysiedig.”;

4. After regulation 2 (interpretation) insert—

“Prescribed relationship

2A. For the purposes of section 98(1A) of the 2002 Act, a prescribed relationship is a relationship whereby a person (who is not a relative of the adopted person within the meaning of “relative” in regulation 2) is related to an adopted person—

- (a) by blood, marriage or civil partnership; or
- (b) by virtue of the adopted person's adoption.”

5. In regulation 4 (meaning of “intermediary service” and “intermediary agency”) for paragraph (1) substitute—

“(1) Subject to paragraph (3) an intermediary service is a service provided for the purpose of—

- (a) assisting adopted persons to obtain information in relation to their adoption;
- (b) facilitating contact between adopted persons and their relatives; and
- (c) facilitating contact between persons with a prescribed relationship to an adopted person and relatives of the adopted person.”

6. In regulation 5—

- (a) in the heading for “Priority for adoptions before 1976” substitute “Applications that may be accepted”;

- (b) for paragraph (1) substitute—

“(1) Subject to paragraph (3) an intermediary agency may accept an application from—

- (a) an adopted person for assistance in obtaining information about that person's adoption and contacting a relative of that person;
- (b) a relative of an adopted person for assistance in contacting—
 - (i) the adopted person; or
 - (ii) a person with a prescribed relationship to the adopted person; or
- (c) a person with a prescribed relationship to the adopted person for assistance in contacting a relative of an adopted person.”;

- (c) hepgorer paragraff (2);
- (d) ym mharagraff (3) ar ôl “paragraff (1)” hepgorer “a (2)”.

7. Ar ôl rheoliad 5 mewnosoder—

“Cyfyngiadau ar fwrw ymlaen â chais

5A.—(1) Pan fo asiantaeth gyfryngol yn derbyn cais oddi wrth berthynas i berson mabwysiedig am gynhorthwy i gysylltu â'r person mabwysiedig, rhaid iddi beidio â bwrw ymlaen â'r cais os oes feto'n gymwys o dan reoliad 8(1), ac eithrio o dan amgylchiadau y cyfeirir atynt yn rheoliad 8(1)(b)(ii).

(2) Pan fo asiantaeth gyfryngol yn derbyn cais oddi wrth berthynas i berson mabwysiedig am gynhorthwy i gysylltu â pherson sydd â pherthynas ragnodedig â'r person mabwysiedig, rhaid iddi beidio â bwrw ymlaen â'r cais—

- (a) os oes feto'n gymwys o dan reoliad 8(1), ac eithrio o dan yr amgylchiadau y cyfeirir atynt yn rheoliad 8(1)(b)(ii); neu
- (b) os nad yw'r person mabwysiedig yn cydsynio i'r cais fynd yn ei flaen.

(3) Yn ddarostyngedig i baragraffau (4) i (6), pan fo asiantaeth gyfryngol yn derbyn cais oddi wrth berson sydd â pherthynas ragnodedig â pherson mabwysiedig am gynhorthwy i gysylltu â pherthynas i'r person mabwysiedig, rhaid iddi beidio â bwrw ymlaen â'r cais os nad yw'r person mabwysiedig yn cydsynio i'r cais fynd yn ei flaen.

(4) Caiff asiantaeth gyfryngol fwrw ymlaen â chais o dan baragraff (3)—

- (a) os yw'r asiantaeth gyfryngol wedi cymryd pob cam rhesymol i ddod o hyd i'r person mabwysiedig ond ei bod wedi methu gwneud hynny; neu
- (b) pan fo—
 - (i) y ceisydd naill ai yn briod, plentyn, wŷyr, wyres, gorwyr neu orwyres i'r person mabwysiedig; a
 - (ii) y ceisydd yn ceisio cysylltu â'r perthynas i'r person mabwysiedig dim ond i gael gwybodaeth am hanes meddygol perthnasau'r person mabwysiedig.

(5) Pan fo paragraff (4)(b) yn gymwys, rhaid i'r asiantaeth gyfryngol beidio â datgelu unrhyw wybodaeth a fyddai, o'i chymryd ar ei phen ei hun neu ynghyd â gwybodaeth arall sydd ym meddiant y person y'i datgelir iddo, yn

- (c) omit paragraph (2);
- (d) in paragraph (3) after “paragraph (1)” omit “and (2)”.

7. After regulation 5 insert—

“Restrictions on proceeding with an application

5A.—(1) Where an intermediary agency accepts an application from a relative of an adopted person for assistance in contacting the adopted person, it must not proceed with the application if a veto applies under regulation 8(1), except in circumstances referred to in regulation 8(1)(b)(ii).

(2) Where an intermediary agency accepts an application from a relative of an adopted person for assistance in contacting a person with a prescribed relationship to the adopted person, it must not proceed with the application if—

- (a) a veto applies under regulation 8(1), except in the circumstances referred to in regulation 8(1)(b)(ii); or
- (b) the adopted person does not consent to the application proceeding.

(3) Subject to paragraphs (4) to (6), where an intermediary agency accepts an application from a person with a prescribed relationship to an adopted person for assistance in contacting a relative of the adopted person, it must not proceed with the application if the adopted person does not consent to the application proceeding.

(4) An intermediary agency may proceed with an application under paragraph (3)—

- (a) if the intermediary agency has taken all reasonable steps to locate the adopted person but has been unable to do so; or
- (b) where—
 - (i) the applicant is either the spouse, child, grandchild or great grandchild of the adopted person; and
 - (ii) the applicant is seeking to contact the relative of the adopted person only to obtain information about the medical history of the adopted person's relatives.

(5) Where paragraph (4)(b) applies, the intermediary agency must not disclose any information which, whether taken on its own or together with other information possessed by the person to whom it is being disclosed, would

galluogi'r person mabwysiedig, unrhyw berthynas i'r person mabwysiedig neu unrhyw berson sydd â pherthynas ragnodedig â'r person mabwysiedig i gael ei adnabod neu ei olrhain.

(6) Nid yw unrhyw ofyniad o dan y rheoliad hwn i'r person mabwysiedig gydsynio i gais fynd yn ei flaen yn gymwys—

- (a) os yw'r person mabwysiedig wedi marw; neu
- (b) os yw'r asiantaeth gyfryngol yn penderfynu na all y person mabwysiedig roi cydsyniad deallus.

(7) Pan fo'n ofynnol cael cydsyniad y person mabwysiedig o dan y rheoliad hwn, rhaid i'r asiantaeth gyfryngol gymryd pob cam rhesymol i sicrhau bod gan y person mabwysiedig ddigon o wybodaeth i wneud penderfyniad deallus.”

8. Yn rheoliad 8 (feto gan berson mabwysiedig)—

(a) yn lle paragraff (1) rhodder—

“(1) Mae feto yn gymwys mewn perthynas â chais o dan y Rheoliadau hyn neu o dan ddarpariaeth Seisnig gyfatebol—

- (a) os naill ai'r person mabwysiedig neu berson sydd â pherthynas ragnodedig â'r person mabwysiedig yw'r gwrthrych; a
- (b) os yw'r person mabwysiedig wedi hysbysu'r asiantaeth fabwysiadu briodol yn ysgrifenedig—
 - (i) nad yw'n dymuno i asiantaeth gyfryngol gysylltu ag ef mewn perthynas â chais o dan y Rheoliadau hyn; neu
 - (ii) nad yw'n dymuno i gyswllt gael ei wneud ag ef ond o dan amgylchiadau penodedig neu gan bersonau penodedig.”;

(b) hepgorer paragraff (3); ac

(c) ar y diwedd mewnosoder—

“(4) Bernir bod feto sy'n gymwys yn rhinwedd hysbysiad a roddwyd cyn 10 Tachwedd 2015 yn gymwys i unrhyw gais a wnaed gan berthynas i'r person mabwysiedig o dan y Rheoliadau hyn.”

9. Yn lle rheoliad 9 (darparu gwybodaeth gefndir pan fo cydsyniad yn cael ei wrthod etc.) rhodder—

“9. Nid oes dim yn y Rheoliadau hyn yn atal yr asiantaeth gyfryngol rhag datgelu i'r ceisydd unrhyw wybodaeth am y gwrthrych nad yw'n wybodaeth adnabod ac y mae'r asiantaeth o'r farn ei bod yn briodol ei datgelu.”

enable the adopted person, any relative of the adopted person or any person with a prescribed relationship to the adopted person to be identified or traced.

(6) Any requirement under this regulation for the adopted person to consent to an application proceeding does not apply if—

- (a) the adopted person has died; or
- (b) the intermediary agency determines that the adopted person is incapable of giving informed consent.

(7) Where the consent of the adopted person is required under this regulation, the intermediary agency must take all reasonable steps to ensure that the adopted person has sufficient information to make an informed decision.”

8. In regulation 8 (veto by an adopted person)—

(a) for paragraff (1) substitute—

“(1) A veto applies in relation to an application under these Regulations or under corresponding English provision where—

- (a) the subject is either the adopted person or a person with a prescribed relationship to the adopted person; and
- (b) the adopted person has notified the appropriate adoption agency in writing that—
 - (i) he or she does not wish to be contacted by an intermediary agency in relation to an application under these Regulations; or
 - (ii) that he or she only wishes to be contacted under specified circumstances or by specified persons.”;

(b) omit paragraff (3); and

(c) at the end insert—

“(4) A veto which applies by virtue of a notification given before 10 November 2015 is deemed to apply to any application made by a relative of the adopted person under these Regulations.”

9. For regulation 9 (provision of background information where consent refused etc.) substitute—

“9. Nothing in these Regulations prevents the intermediary agency from disclosing to the applicant any information about the subject that is not identifying information and that the agency considers it appropriate to disclose.”

10. Yn rheoliad 10 (cwnsela)—

(a) yn lle paragraff (1) rhodder—

“(1) Rhaid i asiantaeth gyfryngol ddarparu gwybodaeth ysgrifenedig am argaeledd cwnsela i unrhyw berson—

- (a) sy'n gwneud cais iddi o dan y Rheoliadau hyn;
- (b) sy'n wrthrych cais o'r fath ac sy'n ystyried a ddylai gydsynio i wybodaeth gael ei datgelu amdano'i hun i'r ceisydd; neu
- (c) sy'n berson mabwysiedig sy'n ystyried a ddylai gydsynio i gais fynd yn ei flaen.”;

(b) yn lle paragraff (4)(c) rhodder—

“(c) os yw'r person yng Ngogledd Iwerddon, sefydliad gwirfoddol priodol o fewn ystyr “appropriate voluntary organisation” yn Erthygl 2(2) o Orchymyn Mabwysiadu (Gogledd Iwerddon) 1987(1) neu'r Bwrdd Rhanbarthol neu unrhyw Ymddiriedolaeth Iechyd a Gofal Cymdeithasol; neu”; ac

(c) yn lle paragraff (5) rhodder—

“(5) Yn y rheoliad hwn ystyr “Bwrdd Rhanbarthol” (“*Regional Board*”) yw'r Bwrdd Rhanbarthol Iechyd a Gofal Cymdeithasol a sefydlwyd o dan adran 7 o Ddeddf Iechyd a Gofal Cymdeithasol (Diwygio) (Gogledd Iwerddon) 2009(2) ac ystyr “Ymddiriedolaeth Iechyd a Gofal Cymdeithasol” (“*Health and Social Care Trust*”) yw Ymddiriedolaeth Iechyd a Gofal Cymdeithasol a sefydlwyd o dan Erthygl 10 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1991(3).”

11. Yn rheoliad 11 (y weithdrefn pan geir cais)—

- (a) hepgorer “ac” ar ddiwedd paragraff (b);
- (b) ar ddiwedd paragraff (c) yn lle “.” rhodder “; ac”;
- (c) ar ôl paragraff (c) mewnosoder—

“(ch) yn achos cais gan berson sydd â pherthynas ragnodedig â'r person mabwysiedig, bod gan y ceisydd berthynas ragnodedig â'r person hwnnw.”

10. In regulation 10 (counselling)—

(a) for paragraph (1) substitute—

“(1) An intermediary agency must provide written information about the availability of counselling to any person who—

- (a) makes an application to it under these Regulations;
- (b) is the subject of such an application and is considering whether to consent to disclosure of information about the subject to the applicant; or
- (c) is an adopted person considering whether to consent to an application proceeding.”;

(b) for paragraph (4)(c) substitute—

“(c) if the person is in Northern Ireland, an appropriate voluntary organisation within the meaning of Article 2(2) of the Adoption (Northern Ireland) Order 1987(1) or the Regional Board or any Health and Social Care Trust; or”; and

(c) for paragraph (5) substitute—

“(5) In this regulation “Regional Board” (“*Bwrdd Rhanbarthol*”) means the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(2) and a “Health and Social Care Trust” (“*Ymddiriedolaeth Iechyd a Gofal Cymdeithasol*”) means a Health and Social Care Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(3).”

11. In regulation 11 (procedure on receipt of application)—

- (a) omit “and” at the end of paragraph (b);
- (b) at the end of paragraph (c) for “.” substitute “; and”;
- (c) after paragraph (c) insert—

“(d) in the case of an application by a person with a prescribed relationship to the adopted person, that the applicant does have a prescribed relationship with that person.”

(1) O.S. 1987/2203 (G.I. 22).
(2) 2009 p. 1.
(3) O.S. 1991/194 (G.I. 1).

(1) S.I. 1987/2203 (N.I. 22).
(2) 2009 c. 1.
(3) S.I. 1991/194 (N.I.1).

12. Yn rheoliad 12 (cysylltu â'r asiantaeth fabwysiadu briodol)—

(a) yn lle paragraff (2) rhodder—

“(2) Mae'r camau y cyfeirir atynt ym mharagraff (1) yn cynnwys—

- (a) gofyn yn ysgrifenedig i'r Cofrestrdydd Cyffredinol am unrhyw wybodaeth o dan reoliad 13 a all fod yn berthnasol at y diben hwn;
- (b) gofyn yn ysgrifenedig i'r llys a wnaeth y gorchymyn mabwysiadu am wybodaeth am hunaniaeth yr asiantaeth fabwysiadu briodol;
- (c) holi'r awdurdod lleol ar gyfer yr ardal lle y digwyddodd y mabwysiad.”;

(b) ym mharagraff (3) ar ôl “rhaid i'r asiantaeth gyfryngol” mewnosoder “gymryd pob cam rhesymol i”;

(c) yn lle paragraff (4)(a) rhodder—

“(a) cael gwybod a yw'r person mabwysiedig, ar unrhyw adeg, wedi mynegi barn i'r asiantaeth ynghylch—

- (i) unrhyw gyswllt yn y dyfodol ag unrhyw berthynas;
- (ii) unrhyw gyswllt yn y dyfodol rhwng pobl sydd â pherthynas ragnodedig â'r person mabwysiedig a pherthnasau i'r person mabwysiedig;
- (iii) codi pwnc cyswllt o'r fath gydag ef; a”;

(d) yn lle paragraff (4)(c) rhodder—

“(c) ceisio unrhyw wybodaeth arall sy'n angenrheidiol at ddibenion—

- (i) olrhain y person mabwysiedig ac, os nad y person mabwysiedig yw'r gwrthrych, unrhyw wrthrych arall;
- (ii) galluogi'r person mabwysiedig i wneud penderfyniad deallus ynghylch a ddylai gydsynio—
 - (aa) i wybodaeth adnabod amdano'i hun gael ei datgelu;
 - (bb) i gais fynd yn ei flaen i hwyluso cyswllt rhwng perthynas i'r person mabwysiedig a pherson sydd â pherthynas ragnodedig â'r person mabwysiedig; neu
 - (cc) i gyswllt â'r ceisydd;

12. In regulation 12 (contacting the appropriate adoption agency)—

(a) for paragraph (2) substitute—

“(2) The steps referred to in paragraph (1) include—

- (a) requesting in writing from the Registrar General any information under regulation 13 that may be relevant for this purpose;
- (b) requesting in writing from the court that made the adoption order information about the identity of the appropriate adoption agency;
- (c) making enquiries of the local authority for the area where the adoption took place.”;

(b) in paragraph (3) after “the intermediary agency must” insert “take all reasonable steps to”;

(c) for paragraph (4)(a) substitute—

“(a) ascertain whether the adopted person has, at any time, expressed views to the agency about—

- (i) any future contact with any relative;
- (ii) any future contact between people with a prescribed relationship to the adopted person and relatives of the adopted person;
- (iii) being approached with regard to such contact; and”;

(d) for paragraph (4)(c) substitute—

“(c) seek any other information required for the purposes of—

- (i) tracing the adopted person and, where the adopted person is not the subject, any other subject;
- (ii) enabling the adopted person to make an informed decision as to whether to consent to—
 - (aa) the disclosure of identifying information about him or her;
 - (bb) an application proceeding to facilitate contact between a relative of the adopted person and a person with a prescribed relationship to the adopted person; or
- (cc) contact with the applicant;

- (iii) galluogi unrhyw wrthrych arall i wneud penderfyniad deallus ynghylch a ddylai gydsynio—
 - (aa) i wybodaeth adnabod amdano'i hun gael ei datgelu; neu
 - (bb) i gyswllt â'r ceisydd;
- (iv) cwnsela'r gwrthrych ac, os nad ef yw'r gwrthrych, y person mabwysiedig mewn perthynas â'r penderfyniad hwnnw; a
- (v) cwnsela'r ceisydd.”;
- (e) ym mharagraff (5) ar ôl “chais oddi wrth asiantaeth gyfryngol o dan baragraff (4)” mewnosoder “neu o dan ddarpariaeth Seisnig gyfatebol”;
- (f) ar ôl paragraff (5) mewnosoder—

“(6) Mae “asiantaeth gyfryngol” at ddibenion paragraff (5) yn cynnwys asiantaeth gyfryngol fel y diffinnir “intermediary agency” o dan ddarpariaeth Seisnig gyfatebol.”

13. Yn rheoliad 13 (cael gwybodaeth oddi wrth y Cofrestrydd Cyffredinol)—

- (a) yn lle paragraff (1) rhodder—

“(1) Caiff asiantaeth gyfryngol wneud cais yn ysgrifenedig i'r Cofrestrydd Cyffredinol am ba wybodaeth bynnag o blith y canlynol a all ei chynorthwyo at ddibenion bwrw ymlaen â chais o dan y Rheoliadau hyn—

 - (a) hunaniaeth yr asiantaeth fabwysiadu briodol;
 - (b) manylion y llys a wnaeth y gorchymyn mabwysiadu;
 - (c) gwybodaeth a all fod gan y Cofrestrydd Cyffredinol a fyddai'n galluogi cais i gael ei wneud am dystysgrif o'r Gofrestr Plant Mabwysiedig;
 - (d) gwybodaeth o'r Gofrestr Cyswllt Mabwysiadu.”;
- (b) yn lle paragraff (2) rhodder—

“(2) Os oes asiantaeth gyfryngol yn bwrw ymlaen â chais o dan reoliad 5(1)(c), caiff hefyd wneud cais yn ysgrifenedig i'r Cofrestrydd Cyffredinol am unrhyw wybodaeth y gallai fod gan y Cofrestrydd Cyffredinol a fyddai'n galluogi'r person mabwysiedig y mae gan y ceisydd berthynas ragnodedig ag ef i gael copi ardstyiedig o'r cofnod o'i enedigaeth.”

14. Yn rheoliad 14 (y Cofrestrydd Cyffredinol i gydymffurfio â'r cais)—

- (a) ym mharagraff (1) hepgorer “12 neu”;

- (iii) enabling any other subject to make an informed decision as to whether to consent to—
 - (aa) the disclosure of identifying information about him or her; or
 - (bb) contact with the applicant;
- (iv) counselling the subject and, where he or she is not the subject, the adopted person in relation to that decision; and
- (v) counselling the applicant.”;

- (e) in paragraph (5) after “a request from an intermediary agency under paragraph (4)” insert “or under corresponding English provision”;
- (f) after paragraph (5) insert—

“(6) An “intermediary agency” (“*asiantaeth gyfryngol*”) for the purposes of paragraph (5) includes an intermediary agency as defined under corresponding English provision.”

13. In regulation 13 (obtaining information from Registrar General)—

- (a) for paragraph (1) substitute—

“(1) An intermediary agency may make a request in writing to the Registrar General for such of the following information as may assist it for the purposes of proceeding with an application under these Regulations—

 - (a) the identity of the appropriate adoption agency;
 - (b) details of the court that made the adoption order;
 - (c) information that he or she may hold that would enable an application to be made for a certificate from the Adopted Children Register;
 - (d) information from the Adoption Contact Register.”;
- (b) for paragraph (2) substitute—

“(2) If an intermediary agency is proceeding with an application under regulation 5(1)(c), it may also make a request in writing to the Registrar General for such information that he or she may hold that would enable the adopted person to whom the applicant has a prescribed relationship to obtain a certified copy of the record of his or her birth.”.

14. In regulation 14 (Registrar General to comply with request)—

- (a) in paragraph (1) omit “12 or”;

(b) hepgorer paragraff (2).

15. Yn rheoliad 16 (datgeliadau awdurdodedig)—

- (a) ym mharagraff (a) hepgorer “12 neu”;
- (b) hepgorer “ac” ar ddiwedd paragraff (c);
- (c) ym mharagraff (ch) yn lle “.” rhodder “; a”;
- (d) ar ôl paragraff (ch) mewnosoder—

“(d) i’r person mabwysiedig i’w alluogi i wneud penderfyniad deallus ynghylch a ddylai gydsynio i gais o dan y Rheoliadau hyn fynd yn ei flaen.”

16. Yn rheoliad 18 (ffioedd) yn lle paragraff (3) rhodder—

“(3) Caiff y Cofrestrydd Cyffredinol godi’r ffioedd a ganlyn ar asiantaeth gyfryngol mewn cysylltiad â cheisiadau am wybodaeth o dan reoliad 13 neu 14—

- (a) £36 am brosesu cais cychwynnol am wybodaeth (p’un a ddarperir gwybodaeth ai peidio);
- (b) £14 am ddarparu gwybodaeth mewn ymateb i unrhyw gais dilynol a wneir mewn perthynas â’r un ceisydd.”

(b) omit paragraph (2).

15. In regulation 16 (authorised disclosures)—

- (a) in paragraph (a) omit “12 or”;
- (b) omit “and” at the end of paragraph (c);
- (c) in paragraph (d) for “.” substitute “; and”;
- (d) after paragraph (d) insert—

“(e) to the adopted person to enable him or her to make an informed decision about whether to consent to an application under these Regulations proceeding.”

16. In regulation 18 (fees) for paragraph (3) substitute—

“(3) The Registrar General may charge an intermediary agency the following fees in connection with requests for information under regulation 13 or 14—

- (a) £36 for processing an initial request for information (whether or not information is provided);
- (b) £14 for providing information in response to any subsequent request made in relation to the same applicant.”

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
16 Hydref 2015

Minister for Health and Social Services, one of the
Welsh Ministers
16 October 2015

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