



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 1035 (Cy. 229)

2020 No. 1035 (W. 229)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
2) (Cymru) (Diwygio) (Rhif 12)
2020**

**The Health Protection (Coronavirus
Restrictions) (No. 2) (Wales)
(Amendment) (No. 12) Regulations
2020**

NODYN ESBONIADOL

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

Mae Rhan 2A o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 yn galluogi Gweinidogion Cymru, drwy reoliadau, i wneud darpariaeth at ddiben atal, diogelu rhag, rheoli neu ddarparu ymateb iechyd y cyhoedd i fynychder neu ledaeniad haint neu halogiad yng Nghymru.

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) 2020 (y "prif Reoliadau"). Mae'r diwygiadau—

- (a) yn darparu, mewn mangre sydd wedi ei thrwyddedu ar gyfer gwerthu alcohol i'w yfed yn y fangre, na chaiff bwyd neu ddiod ond ei weini neu ei gweini i gwsmeriaid sy'n eistedd (yn ddarostyngedig i esemptiadau penodol ar gyfer prydau bwffe, ffreuturau yn y gweithle a mangreoedd mewn sefydliadau addysgol fel ffreuturau mewn prifysgolion), a bod rhaid i gwsmeriaid fod yn eistedd pan fyddant yn bwyta'r bwyd hwnnw neu'n yfed y ddiod honno;

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (the "principal Regulations"). The amendments—

- (a) provide that in premises licensed for the sale of alcohol for consumption on the premises, food or drink may only be served to customers who are seated (subject to certain exemptions for buffets, workplace canteens and premises in educational establishments such as university canteens), and customers must be seated when consuming the food or drink;

- (b) yn darparu na chaiff mangre sydd wedi ei thrwyddedu ar gyfer gwerthu alcohol (pa un ai i'w yfed yn y fangre neu heb fod yn y fangre) weini na chyflenwi alcohol ar ôl 10.00 p.m. (ac na chaiff weini na chyflenwi alcohol eto cyn 6.00 a.m. y bore canlynol);
- (c) yn darparu bod rhaid i fangre sydd wedi ei thrwyddedu ar gyfer gwerthu alcohol i'w yfed yn y fangre gau am neu cyn 10.20 p.m. (ac na chaiff ailagor cyn 6.00 a.m. y bore canlynol);
- (d) yn dileu'r esemptiad sy'n gymwys mewn mangre lle y gwerthir bwyd neu ddiod rhag y gofyniad i wisgo gorchudd wyneb, gan roi yn lle hynny esgus rhesymol i gwsmeriaid beidio â gwisgo gorchudd wyneb pan fyddant yn eistedd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

- (b) provide that premises licensed for the sale of alcohol (whether for consumption on the premises or off the premises) may not serve or supply alcohol after 10.00 p.m. (and may not serve or supply alcohol again before 6.00 a.m. the following morning);
- (c) provide that premises licensed for the sale of alcohol for consumption on the premises must close at or before 10.20 p.m. (and may not re-open before 6.00 a.m. the following morning);
- (d) remove the exemption from the requirement to wear a face covering applicable in premises where food or drink is sold, replacing it with a reasonable excuse for customers not to wear a face covering while seated.

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 not been prepared as to the likely cost and benefit of complying with these Regulations.

2020 Rhif 1035 (Cy. 229)

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**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
2) (Cymru) (Diwygio) (Rhif 12)
2020

The Health Protection (Coronavirus
Restrictions) (No. 2) (Wales)
(Amendment) (No. 12) Regulations
2020

Cymeradwywyd gan Senedd Cymru

Approved by Senedd Cymru

Gwnaed am 2.45 p.m. ar 24 Medi 2020

Made at 2.45 p.m. on 24 September 2020

*Gosodwyd gerbron Senedd Cymru
am 4.45 p.m. ar 24 Medi 2020*

*Laid before Senedd
Cymru at 4.45 p.m. on 24 September 2020*

Yn dod i rym am 6.00 p.m. ar 24 Medi 2020

*Coming into
force at 6.00 p.m. on 24 September 2020*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 45C(1) a (3)(c), 45F(2) a 45P o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

Mae Gweinidogion Cymru yn ystyried bod y diwygiadau a wneir gan y Rheoliadau hyn yn gymesur â'r hyn y maent yn ceisio ei gyflawni, sef ymateb iechyd y cyhoedd i'r bygythiad hwnnw.

The Welsh Ministers consider that the amendments made by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

Yn unol ag adran 45R o'r Ddeddf honno, oherwydd brys, mae Gweinidogion Cymru o'r farn ei bod yn angenrheidiol gwneud yr offeryn hwn heb fod drafft wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

In accordance with section 45R of that Act the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

(1) 1984 p. 22. Mewnysodwyd adrannau 45C, 45F a 45P gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaethau o dan yr adrannau hyn wedi eu rhoi i "the appropriate Minister" ("y Gweinidog priodol"). O dan adran 45T(6) o Ddeddf 1984, y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

(1) 1984 c. 22. Sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on "the appropriate Minister". Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.

Enwi a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) (Diwygio) (Rhif 12) 2020 a deuant i rym am 6.00 p.m. ar 24 Medi 2020.

Diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) 2020

2.—(1) Mae Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) 2020(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 12—

(a) ar ôl paragraff (2A) mewnosoder—

“(2B) Pan fo paragraff (2) yn gymwys i berson sy'n gyfrifol am fangre agored sydd wedi ei hawdurdodi ar gyfer gwerthu neu gyflenwi alcohol i'w yfed yn y fangre, rhaid gwerthu neu gyflenwi bwyd neu ddiod i'w fwyta neu i'w hyfed yn y fangre yn unol â'r mesur rhesymol a bennir ym mharagraff (2C) (yn ddarostyngedig i baragraffau (2D) a (2E)).

(2C) Y mesur rhesymol yw bod rhaid i gwsmeriaid fod yn eistedd yn y fangre yn unrhyw le ac eithrio wrth far—

- (a) pan fyddant yn archebu bwyd neu ddiod,
- (b) pan weinir bwyd neu ddiod iddynt, ac
- (c) pan fyddant yn bwyta bwyd neu'n yfed diod.

(2D) Ond pan fo'r fangre yn darparu bwyd ar sail bwffe, caiff cwsmeriaid ddewis bwyd o'r bwffe a dychwelyd i'r man lle y maent yn eistedd ar yr amod y cynhelir pellter o 2 fetr rhwng unrhyw bersonau wrth y bwffe (ac eithrio rhwng dau aelod o'r un aelwyd, neu rhwng gofalwr a'r person sy'n cael cymorth gan y gofalwr).

(2E) Nid yw is-baragraffau (a) a (b) o baragraff (2C) yn gymwys i—

- (a) ffreuturau yn y gweithle, neu
- (b) mangreoddd mewn sefydliad addysgol.

Title and coming into force

1. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 12) Regulations 2020 and they come into force at 6.00 p.m. on 24 September 2020.

Amendment of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(1) are amended as follows.

(2) In regulation 12—

(a) after paragraph (2A) insert—

“(2B) Where paragraph (2) applies to a person responsible for open premises authorised for the sale or supply of alcohol for consumption on the premises, the sale or supply of food or drink for consumption on the premises must be carried out in accordance with the reasonable measure specified in paragraph (2C) (subject to paragraphs (2D) and (2E)).

(2C) The reasonable measure is that customers must be seated in the premises anywhere other than at a bar—

- (a) when ordering food or drink,
- (b) when being served with food or drink, and
- (c) when consuming food or drink.

(2D) But where the premises provide food on a buffet basis, customers may select food from the buffet and return to where they are seated provided a distance of 2 metres is maintained between any persons at the buffet (except between two members of the same household, or a carer and the person assisted by the carer).

(2E) Sub-paragraphs (a) and (b) of paragraph (2C) do not apply to—

- (a) workplace canteens, or
- (b) premises in an educational establishment.

(1) O.S. 2020/725 (Cy. 162), fel y'i diwygiwyd gan O.S. 2020/752 (Cy. 169), O.S. 2020/803 (Cy. 176), O.S. 2020/820 (Cy. 180), O.S. 2020/843 (Cy. 186), O.S. 2020/867 (Cy. 189), O.S. 2020/884 (Cy. 195), O.S. 2020/912 (Cy. 204), O.S. 2020/961 (Cy. 215), O.S. 2020/984 (Cy. 221), O.S. 2020/985 (Cy. 222), O.S. 2020/1007 (Cy. 224), O.S. 2020/1011 (Cy. 225) ac O.S. 2020/1022 (Cy. 227).

(1) S.I. 2020/725 (W. 162), as amended by S.I. 2020/752 (W. 169), S.I. 2020/803 (W. 176), S.I. 2020/820 (W. 180), S.I. 2020/843 (W. 186), S.I. 2020/867 (W. 189), S.I. 2020/884 (W. 195), S.I. 2020/912 (W. 204), S.I. 2020/961 (W. 215), S.I. 2020/984 (W. 221), S.I. 2020/985 (W. 222), S.I. 2020/1007 (W. 224), S.I. 2020/1011 (W. 225) and S.I. 2020/1022 (W. 227).

(2F) At ddibenion paragraff (2B)—

- (a) nid yw bwyd neu ddiod a werthir gan westy neu lety arall fel rhan o wasanaeth ystafell i'w drin neu i'w thrin fel pe bai'n cael ei werthu i'w fwyta yn y fangre neu ei gwerthu i'w hyfed yn y fangre;
- (b) mae bwyd neu ddiod a werthir i'w fwyta neu i'w hyfed mewn ardal sy'n gyfagos i'r fangre lle y mae seddi yn cael eu rhoi ar gael i gwsmeriaid i'w drin neu i'w thrin fel pe bai'n cael ei werthu i'w fwyta yn y fangre neu ei gwerthu i'w hyfed yn y fangre."

(b) ar ôl paragraff (5) mewnosoder—

“(6) Yn y rheoliad hwn a rheoliad 12ZA, mae mangre agored wedi ei hawdurdodi ar gyfer gwerthu neu gyflenwi alcohol pan fo awdurdodiad wedi ei ganiatáu neu ei roi i'r fangre o dan Ddeddf Trwyddedu 2003(1), ac mae i “awdurdodiad” yr ystyr a roddir i “authorisation” gan adran 136(5) o'r Ddeddf honno.”

(3) Ar ôl rheoliad 12 mewnosoder—

“Cyfyngiadau ar fangreodd trwyddedig

12ZA.—(1) Ni chaiff person sy'n gyfrifol am fangre agored sydd wedi ei hawdurdodi ar gyfer gwerthu neu gyflenwi alcohol werthu na chyflenwi alcohol rhwng 10.00 p.m. a 6.00 a.m.

(2) Pan fo'r fangre wedi ei hawdurdodi ar gyfer gwerthu neu gyflenwi alcohol i'w yfed yn y fangre, o ran y person sy'n gyfrifol am y fangre—

- (a) rhaid iddo gau'r fangre (i gwsmeriaid) am neu cyn 10.20 p.m. bob dydd, a
- (b) ni chaiff agor y fangre cyn 6.00 a.m. bob dydd.

(3) Er gwaethaf paragraff (2), caiff sinema gau'n hwyrach na 10.20 p.m. dim ond at ddiben gorffen dangos ffilm sy'n dechrau cyn 10.00 p.m.

(4) Nid yw paragraff (2) yn gymwys i fangre agored mewn—

- (a) porthladd môr;
- (b) maes awyr.

(2F) For the purposes of paragraph (2B)—

- (a) food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on the premises;
- (b) food or drink sold for consumption in an area adjacent to the premises where seating is made available for customers is to be treated as being sold for consumption on the premises.”

(b) after paragraph (5) insert—

“(6) In this regulation and regulation 12ZA, open premises are authorised for the sale or supply of alcohol where the premises have been granted or given an authorisation under the Licensing Act 2003(1), and “authorisation” has the meaning given by section 136(5) of that Act.”

(3) After regulation 12 insert—

“Restrictions on licensed premises

12ZA.—(1) A person responsible for open premises authorised for the sale or supply of alcohol may not sell or supply alcohol between 10.00 p.m. and 6.00 a.m.

(2) Where the premises are authorised for the sale or supply of alcohol for consumption on the premises, the person responsible for the premises—

- (a) must close the premises (to customers) at or before 10.20 p.m. each day, and
- (b) may not open the premises before 6.00 a.m. each day.

(3) Despite paragraph (2), a cinema may close later than 10.20 p.m. only for the purpose of concluding the showing of a film which begins before 10.00 p.m.

(4) Paragraph (2) does not apply to open premises located in—

- (a) a sea port;
- (b) an airport.

(1) 2003 p. 17.

(1) 2003 c. 17.

(5) O ran ei gymhwysiad i fangre gwesty neu lety arall, nid yw paragraff (2) ond yn gymwys i'r rhannau hynny o'r fangre lle y gwerthir neu y cyflenwir alcohol i'w yfed yn y fangre.

(6) Nid yw paragraffau (1) a (2) yn caniatáu i'r fangre fod ar agor, nac i alcohol gael ei werthu neu ei gyflenwi, yn groes i awdurdodiad sydd wedi ei ganiatáu neu ei roi mewn cysylltiad â'r fangre.”

(4) Yn rheoliad 12B—

(a) hepgorer paragraff (3)(b);

(b) ar ôl paragraff (4)(g) mewnosoder—

“(h) pan fo P yn eistedd mewn mangre lle y gwerthir bwyd neu ddiod, neu lle y'i darperir fel arall, i'w fwyta neu i'w hyfed yn y fangre.”

(5) Yn rheoliad 17(2), yn lle “neu 12(2), neu baragraff 7 o Atodlen 4A” rhodder “, 12(2) neu 12ZA(1) neu (2)”.

(6) Yn rheoliad 20(1)(a), yn lle “, neu baragraffau 5(1) neu 7(1)” rhodder “neu 12ZA(1) neu (2), neu baragraff 5(1)”.

(7) Yn Atodlen 4A, hepgorer paragraff 7.

(5) In its application to the premises of a hotel or other accommodation, paragraph (2) applies only to those parts of the premises in which alcohol is sold or supplied for consumption on the premises.

(6) Paragraphs (1) and (2) do not allow the premises to be open, or alcohol to be sold or supplied, in contravention of an authorisation granted or given in respect of the premises.”

(4) In regulation 12B—

(a) omit paragraph (3)(b);

(b) after paragraph (4)(g) insert—

“(h) where P is seated in premises where food or drink is sold, or otherwise provided, for consumption on the premises.”

(5) In regulation 17(2), for “or 12(2), or paragraph 7 of Schedule 4A” substitute “, 12(2) or 12ZA(1) or (2)”.

(6) In regulation 20(1)(a), for “, or paragraphs 5(1) or 7(1)” substitute “or 12ZA(1) or (2), or paragraph 5(1)”.

(7) In Schedule 4A, omit paragraph 7.

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 2.45 p.m. ar 24 Medi 2020

First Minister, one of the Welsh Ministers
At 2.45 p.m. on 24 September 2020

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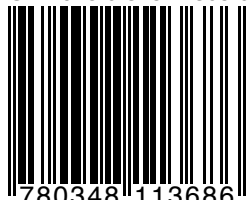
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