



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 867 (Cy. 189)

2020 No. 867 (W. 189)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
2) (Cymru) (Diwygio) (Rhif 5)
2020**

**The Health Protection (Coronavirus
Restrictions) (No. 2) (Wales)
(Amendment) (No. 5) 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 ledaeniad 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 pennu bod casglu gwybodaeth gyswllt oddi wrth bobl at ddiben rhoi gwybod i'r rhai a all fod wedi dod i gysylltiad â'r coronafeirws yn "mesur rhesymol" y gall bod yn ofynnol ei gymryd, yn dibynnu ar yr amgylchiadau, o dan reoliad 12 o'r prif Reoliadau;
- (b) yn egluro mai dirwy (ac nid cyfnod yn y carchar) yw uchafswm y gosb am dorri'r gofyniad i gau mangre ar ôl i hysbysiad cau mangre gael ei ddyroddi o dan baragraff 3(1) o Atodlen 5 i'r prif Reoliadau.

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) specify that collecting contact information from people for the purpose of informing those who may have been exposed to coronavirus is a "reasonable measure" that may need to be taken, depending on the circumstances, under regulation 12 of the principal Regulations;
- (b) clarifying that the maximum penalty for breach of the requirement to close premises after a premises closure notice has been issued, under paragraph 3(1) of Schedule 5 to the principal Regulations, is a fine (and not imprisonment).

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.

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 867 (Cy. 189)

2020 No. 867 (W. 189)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
2) (Cymru) (Diwygio) (Rhif 5)
2020**

**The Health Protection (Coronavirus
Restrictions) (No. 2) (Wales)
(Amendment) (No. 5) Regulations
2020**

Cymeradwywyd gan Senedd Cymru

Approved by Senedd Cymru

Gwnaed am 2.50 p.m. ar 14 Awst 2020

Made at 2.50 p.m. on 14 August 2020

*Gosodwyd gerbron Senedd
Cymru am 5.50 p.m. ar 14 Awst 2020*

*Laid before Senedd
Cymru at 5.50 p.m. on 14 August 2020*

Yn dod i rym 17 Awst 2020

Coming into force 17 August 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. Mewn osodwyd 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 5) 2020 a deuant i rym ar 17 Awst 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) yn y geiriau ar ddechrau paragraff (2), ar ôl “fangre,” mewnosoder “neu o ledaenu'r coronafeirws gan y rhai sydd wedi bod yn y fangre”;

(b) ar ddiwedd paragraff (2A), mewnosoder—

“(c) casglu gwybodaeth gyswllt oddi wrth bob person yn y fangre neu, mewn perthynas â phersonau o'r un aelwyd, oddi wrth un ohonynt, a'i chadw am 21 o ddiwrnodau at ddiben ei darparu i Weinidogion Cymru neu i swyddog iechyd cyhoeddus ar gais y naill neu'r llall.”;

(c) ar ôl paragraff (4), mewnosoder—

“(5) Yn y rheoliad hwn—

(a) ystyr “gwybodaeth gyswllt”, mewn perthynas â pherson yn y fangre, yw enw'r person a gwybodaeth sy'n ddigonol i allu dod o hyd i'r person, i roi gwybod i'r person y gall fod wedi dod i gysylltiad â'r coronafeirws yn y fangre (yn cynnwys rhif ffôn a'r dyddiad a'r amser yr oedd y person yn y fangre);

(b) mae i “swyddog iechyd cyhoeddus” yr un ystyr ag a roddir i “public health officer” ym mharagraff 3(2)(c) o Atodlen 21 i Ddeddf y Coronafeirws 2020(2).”.

Title and coming into force

1. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 and they come into force on 17 August 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) in the words at the beginning of paragraph (2), after “premises,” insert “or the spread of coronavirus by those who have been at the premises”;

(b) at the end of paragraph (2A), insert—

“(c) collecting contact information from each person at the premises or, in relation to persons from the same household, from one of them, and retaining it for 21 days for the purpose of providing it to the Welsh Ministers or to a public health officer upon either's request.”;

(c) after paragraph (4), insert—

“(5) In this regulation—

(a) “contact information”, in relation to a person at the premises, means the person's name and information sufficient to enable the person to be contacted, to inform them that they may have been exposed to coronavirus at the premises (including a telephone number and the date and time at which the person was at the premises);

(b) “public health officer” has the same meaning as in paragraph 3(2)(c) of Schedule 21 to the Coronavirus Act 2020(2).”.

(1) O.S. 2020/725 (Cy. 162), fel y'i diwygiwyd gan Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) (Diwygio) 2020 (O.S. 2020/752 (Cy. 169)), Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) (Diwygio) (Rhif 2) 2020 (O.S. 2020/803 (Cy. 176)), Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) (Diwygio) (Rhif 3) 2020 (O.S. 2020/820 (Cy. 180)) a Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) (Diwygio) (Rhif 4) 2020 (O.S. 2020/843 (Cy. 186)).

(2) 2020 p. 7.

(1) S.I. 2020/725 (W. 162), as amended by the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) Regulations 2020 (S.I. 2020/752 (W. 169)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803 (W. 176)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/820 (W. 180)) and the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843 (W. 186)).

(2) 2020 c. 7.

(3) Yn rheoliad 20—

- (a) hepgorer paragraff (3A);
- (b) ym mharagraff (4), yn lle “unrhyw drosedd arall” rhodder “trosedd”.

(4) Yn Atodlen 5, ym mharagraff 5(6), yn lle “ddigolledu'r person sy'n gyfrifol am y fangre” rhodder “dalw digollediad”.

Arbedion ar gyfer troseddau a chosbau mewn perthynas â gweithredoedd blaenorol

3. Mae rheoliadau 20 ac 21 o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) 2020 yn parhau i gael effaith mewn perthynas ag unrhyw drosedd a gyflawnir, neu y credir yn rhesymol ei bod wedi ei chyflawni, cyn i'r diwygiadau a wneir gan y Rheoliadau hyn ddod i rym fel pe na bai'r diwygiadau hynny wedi eu gwneud.

(3) In regulation 20—

- (a) omit paragraph (3A);
- (b) in paragraph (4), for “Any other” substitute “An”.

(4) In Schedule 5, in paragraph 5(6), for “compensate the person responsible for the premises” substitute “pay compensation”.

Savings for offences and penalties in relation to prior acts

3. Regulations 20 and 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before the amendments made by these Regulations came into force as if those amendments had not been made.

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
At 2.50 p.m. ar 14 Awst 2020

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First Minister, one of the Welsh Ministers
At 2.50 p.m. on 14 August 2020

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