



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2021 Rhif 361 (Cy. 110)**

**2021 No. 361 (W. 110)**

**IECHYD Y CYHOEDD,  
CYMRU**

**PUBLIC HEALTH, WALES**

Rheoliadau Diogelu Iechyd  
(Coronafeirws, Teithio  
Rhyngwladol) (Cymru) (Diwygio)  
(Rhif 4) 2021

The Health Protection  
(Coronavirus, International Travel)  
(Wales) (Amendment) (No. 4)  
Regulations 2021

**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 yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 132)) (y "Rheoliadau Teithio Rhyngwladol").

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (the "International Travel Regulations").

Mae'r Rheoliadau Teithio Rhyngwladol yn gosod gofynion ar bersonau sy'n dod i Gymru ar ôl bod dramor. Maent yn cynnwys gofyniad i bersonau sy'n cyrraedd Cymru ynysu am gyfnod sydd i'w bennu yn unol â'r Rheoliadau hyn.

The International Travel Regulations impose requirements on persons entering Wales after having been abroad. They include a requirement for persons arriving in Wales to isolate for a period determined in accordance with those Regulations.

Mae rheoliad 3 o'r Rheoliadau hyn yn diwygio rheoliad 10 o'r Rheoliadau Teithio Rhyngwladol i ddarparu y caiff person y mae'n ofynnol iddo ynysu adael ei fangre ynysu os yw cwnstabl yn ei gwneud yn ofynnol iddo wneud hynny.

Regulation 3 of these Regulations amends regulation 10 of the International Travel Regulations to provide that a person who is required to isolate may leave their isolation premises if required to do so by a constable.

Mae rheoliad 4 o'r Rheoliadau hyn yn gwneud darpariaeth mewn perthynas â phersonau nad ydynt yn esempt sy'n dod i Gymru ar ôl bod mewn gwlad neu diriogaeth a restrir yn Atodlen 3A i'r Rheoliadau Teithio Rhyngwladol o fewn 10 niwrnod o gyrraedd. Mae'r personau hynny wedi eu gwahardd rhag dod i Gymru. Mae person sy'n torri'r gwaharddiad hwn yn agored i hysbysiad cosb benodedig o £10,000. Mae rheoliad 4 yn gwneud darpariaeth yn ymwneud â'r gofynion ynysu sydd ar y personau hynny ac unrhyw aelod o'u haelwydydd. Mae hefyd yn gwneud darpariaeth i esemptio personél hedfan a phersonél morwrol penodol rhag y gwaharddiad rhag dod i Gymru.

Regulation 4 of these Regulations make provision in relation to non-exempt persons entering Wales after being in a country or territory listed in Schedule 3A to the International Travel Regulations within the last 10 days of arrival. Such persons are prohibited from entering Wales. A person who contravenes this prohibition is liable to a £10,000 fixed penalty notice. Regulation 4 makes provision relating to the isolation requirements on such persons and any member of their household. It also makes provision to exempt certain aviation and maritime personnel from the prohibition on entry to Wales.

Mae rheoliad 5 o'r Rheoliadau hyn yn diwygio'r pwerau gorfodi sydd ar gael o dan y Rheoliadau Teithio Rhyngwladol mewn perthynas â'r gofynion i hunanynysu. Mae'n caniatáu i swyddogion yr heddlu gyfarwyddo personau neu eu symud ymaith i le y maent yn ynysu ynddo os ydynt yn amau'n rhesymol bod y person yn torri gofyniad i ynysu. Mae hefyd yn darparu pwerau i bersonau awdurdodedig gan gynnwys yr heddlu, swyddogion mewnffudo, a phersonau eraill a ddynodir gan Weinidogion Cymru mewn perthynas â phersonau nad ydynt yn esempt yr amheuir eu bod yn dod i Gymru ar ôl bod mewn gwlad neu diriogaeth a restrir yn Atodlen 3A. Mae'r pwerau hyn yn cynnwys pwerau i gyfarwyddo, cadw a chynnal chwiliad.

Mae rheoliad 6 o'r Rheoliadau hyn yn diwygio Atodlen 3A i'r Rheoliadau Teithio Rhyngwladol, sy'n cynnwys y rhestr o wledydd a thiriogaethau sy'n ddarostyngedig i fesurau ychwanegol. Mae personau nad ydynt yn esempt wedi eu gwahardd rhag dod i Gymru pan fônt wedi bod mewn gwlad neu diriogaeth a restrir o fewn 10 niwrnod o gyrraedd yn unol â rheoliad 12E o'r Rheoliadau Teithio Rhyngwladol. Mae rheoliad 6 yn hepgor Portiwgal a Gweriniaeth Mauritius o'r Rhestr yn Atodlen 3A, ac yn ychwanegu Ethiopia, Oman, Qatar a Somalia ati.

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

Regulation 5 of these Regulations amends the enforcement powers available under the International Travel Regulations in relation to requirements to self-isolate. It allows police officers to direct or remove persons to a place where they are isolating if they reasonably suspect that the person is in breach of a requirement to isolate. It also provides powers to authorised persons including the police, immigration officers, and other persons designated by the Welsh Ministers in relation to non-exempt persons suspected to be entering Wales having been in a country or territory listed in Schedule 3A. These powers include powers to direct, detain and search.

Regulation 6 of these Regulations amends Schedule 3A to the International Travel Regulations, which contains the list of countries and territories subject to additional measures. Non-exempt persons are prohibited from entering Wales where they have been in a listed country or territory within the last 10 days of arrival pursuant to regulation 12E of the International Travel Regulations. Regulation 6 removes Portugal and the Republic of Mauritius from the list in Schedule 3A, and adds Ethiopia, Oman, Qatar and Somalia to it.

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 costs and benefits of complying with these Regulations.

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**IECHYD Y CYHOEDD,  
CYMRU**

**PUBLIC HEALTH, WALES**

**Rheoliadau Diogelu Iechyd  
(Coronafeirws, Teithio  
Rhyngwladol) (Cymru) (Diwygio)  
(Rhif 4) 2021**

**The Health Protection  
(Coronavirus, International Travel)  
(Wales) (Amendment) (No. 4)  
Regulations 2021**

*Gwnaed am 4.03 p.m. ar 19 Mawrth 2021*

*Made at 4.03 p.m. on 19 March 2021*

*Gosodwyd gerbron Senedd  
Cymru am 6.00 p.m. ar 19 Mawrth 2021*

*Laid before Senedd  
Cymru at 6.00 p.m. on 19 March 2021*

*Yn dod i rym am 4.00 a.m. ar 20 Mawrth 2021*

*Coming into force at 4.00 a.m. on 20 March  
2021*

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

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

**RHAN 1**

**PART 1**

**Cyffredinol**

**General**

**Enwi a dod i rym**

**Title and coming into force**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) (Diwygio) (Rhif 4) 2021.

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 4) Regulations 2021.

(2) Daw'r Rheoliadau hyn i rym am 4.00 a.m. ar 20 Mawrth 2021.

(2) These Regulations come into force at 4.00 a.m. on 20 March 2021.

(1) 1984 p. 22. Mewnosodwyd Rhan 2A gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaeth o wneud rheoliadau o dan Ran 2A wedi ei roi i "the appropriate Minister". O dan adran 45T(6) o Ddeddf 1984 y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The function of making regulations under Part 2A is conferred on "the appropriate Minister". Under section 45T(6) of the 1984 Act the appropriate Minister as respects Wales, is the Welsh Ministers.

## RHAN 2

### Diwygiadau

#### Diwygiadau i Reoliadau Teithio Rhyngwladol (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020

2. Mae Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020(1) wedi eu diwygio fel a ganlyn.

#### Diwygiad i reoliad 10

3. Yn rheoliad 10 (gofynion ynysu: eithriadau), ar ôl paragraff (4)(m) mewnosoder—

“(n) os yw cwnstabl yn ei gwneud yn ofynnol iddo wneud hynny.”

#### Diwygiadau i reoliad 12E

4.—(1) Mae rheoliad 12E (mesurau ychwanegol sy'n gymwys i bersonau sy'n teithio o wlad neu diriogaeth a restrir yn Atodlen 3A) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (2)(d)—

(a) ar ôl paragraff (i) mewnosoder—

“(ia) paragraffau 7 i 10;”;

(b) mae paragraff (ii) wedi ei hepgor.

(3) Ar ôl paragraff (3) mewnosoder—

“(3A) Mae'r paragraff hwn yn gymwys pan fo gofyniad i ynysu (o fewn yr ystyr a roddir gan reoliad 10(2)) yn cael ei osod ar P pan fo P wedi dod i Gymru a'i fod wedi bod mewn gwlad neu diriogaeth a restrir yn Atodlen 3A ar unrhyw adeg yn ystod y cyfnod sy'n dechrau â'r degfed diwrnod cyn y dyddiad y mae P yn cyrraedd Cymru.

## PART 2

### Amendments

#### Amendments to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020

2. The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(1) are amended as follows.

#### Amendment to regulation 10

3. In regulation 10 (isolation requirements: exceptions), after paragraph (4)(m) insert—

“(n) if required to do so by a constable.”

#### Amendments to regulation 12E

4.—(1) Regulation 12E (additional measures applicable to persons travelling from a country or territory listed in Schedule 3A) is amended as follows.

(2) In paragraph (2)(d)—

(a) after paragraph (i) insert—

“(ia) paragraphs 7 to 10;”;

(b) paragraph (ii) is omitted.

(3) After paragraph (3) insert—

“(3A) This paragraph applies where an isolation requirement (within the meaning given by regulation 10(2)) is imposed on P where P has entered Wales and has been in a country or territory listed in Schedule 3A at any time in the period beginning with the 10th day before the date of P's arrival in Wales.

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(1) O.S. 2020/574 (Cy. 132), a ddiwygiwyd gan O.S. 2020/595 (Cy. 136), O.S. 2020/714 (Cy. 160), O.S. 2020/726 (Cy. 163), O.S. 2020/804 (Cy. 177), O.S. 2020/817 (Cy. 179), O.S. 2020/840 (Cy. 185), O.S. 2020/868 (Cy. 190), O.S. 2020/886 (Cy. 196), O.S. 2020/917 (Cy. 205), O.S. 2020/942, O.S. 2020/944 (Cy. 210), O.S. 2020/962 (Cy. 216), O.S. 2020/981 (Cy. 220), O.S. 2020/1015 (Cy. 226), O.S. 2020/1042 (Cy. 231), O.S. 2020/1080 (Cy. 243), O.S. 2020/1098 (Cy. 249), O.S. 2020/1133 (Cy. 258), O.S. 2020/1165 (Cy. 263), O.S. 2020/1191 (Cy. 269), O.S. 2020/1223 (Cy. 277), O.S. 2020/1232 (Cy. 278), O.S. 2020/1237 (Cy. 279), O.S. 2020/1288 (Cy. 286), O.S. 2020/1329 (Cy. 295), O.S. 2020/1362 (Cy. 301), O.S. 2020/1477 (Cy. 316), O.S. 2020/1521 (Cy. 325), O.S. 2020/1602 (Cy. 332), O.S. 2020/1645 (Cy. 345), O.S. 2021/20 (Cy. 7), O.S. 2021/24 (Cy. 8), O.S. 2021/46 (Cy. 10), O.S. 2021/48 (Cy. 11), O.S. 2021/50 (Cy. 12), O.S. 2021/66 (Cy. 15), O.S. 2021/72 (Cy. 18), O.S. 2021/95 (Cy. 26); O.S. 2021/154 (Cy. 38) ac O.S. 2021/305 (Cy. 78).

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(1) S.I. 2020/574 (W. 132), amended by S.I. 2020/595 (W. 136), S.I. 2020/714 (W. 160), S.I. 2020/726 (W. 163), S.I. 2020/804 (W. 177), S.I. 2020/817 (W. 179), S.I. 2020/840 (W. 185), S.I. 2020/868 (W. 190), S.I. 2020/886 (W. 196), S.I. 2020/917 (W. 205), S.I. 2020/942, S.I. 2020/944 (W. 210), S.I. 2020/962 (W. 216), S.I. 2020/981 (W. 220), S.I. 2020/1015 (W. 226), S.I. 2020/1042 (W. 231), S.I. 2020/1080 (W. 243), S.I. 2020/1098 (W. 249), S.I. 2020/1133 (W. 258), S.I. 2020/1165 (W. 263), S.I. 2020/1191 (W. 269), S.I. 2020/1223 (W. 277), S.I. 2020/1232 (W. 278), S.I. 2020/1237 (W. 279), S.I. 2020/1288 (W. 286), S.I. 2020/1329 (W. 295), S.I. 2020/1362 (W. 301), S.I. 2020/1477 (W. 316), S.I. 2020/1521 (W. 325), S.I. 2020/1602 (W. 332), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/24 (W. 8), S.I. 2021/46 (W. 10), S.I. 2021/48 (W. 11), S.I. 2021/50 (W. 12), S.I. 2021/66 (W. 15), S.I. 2021/72 (W. 18), S.I. 2021/95 (W. 26); S.I. 2021/154 (W. 38) and S.I. 2021/305 (W. 78).

- (3B) Pan fo paragraff (3A) yn gymwys—
- (a) mae rheoliadau 7, 8, 9 a 10 yn gymwys i P gyda'r addasiadau ym mharagraffau (3C) i (3F);
  - (b) mae'r gofyniad i ynysu sydd wedi ei osod ar P fel y'i haddesir gan baragraffau (3C) i (3F) hefyd wedi ei osod ar bob aelod o aelwyd P.
- (3C) Mae rheoliad 7 yn gymwys fel pe bai—
- (a) ym mharagraff (1), cyfeiriadau at “gwlad neu diriogaeth nad yw'n esempt” yn gyfeiriadau at “gwlad neu diriogaeth a restrir yn Atodlen 3A”;
  - (b) paragraff (4)(b) wedi ei hepgor.
- (3D) Mae rheoliad 8 yn gymwys fel pe bai—
- (a) ym mharagraff (1), cyfeiriadau at “gwlad neu diriogaeth nad yw'n esempt” yn gyfeiriadau at “gwlad neu diriogaeth a restrir yn Atodlen 3A”;
  - (b) paragraff (2)(b) wedi ei hepgor.
- (3E) Mae rheoliad 9 yn gymwys fel pe bai'r canlynol wedi ei roi yn lle paragraff (2)—
- “(2) Nid yw rheoliadau 7 ac 8 yn gymwys i berson a ddisgrifir yn rheoliad 12E(2).”
- (3F) Mae rheoliad 10 yn gymwys fel pe bai—
- (a) ym mharagraff (3), “baragraff (4)” wedi ei roi yn lle “baragraff (4)(b) i (k)”;
  - (b) y canlynol wedi ei roi yn lle paragraff (4)—
- “(4) Caniateir i P ymadael â'r fangre a bod y tu allan iddi am gyhyd ag y bo'n angenrheidiol—
- (a) i deithio at ddiben gadael Cymru;
  - (b) i geisio cynhorthwy meddygol, pan fo angen y cynhorthwy hwnnw ar frys neu yn unol â chyngor ymarferydd meddygol cofrestredig;
  - (c) i osgoi salwch, anaf, neu risg arall o niwed;
  - (d) i fodloni rhwymedigaeth gyfreithiol, gan gynnwys mynd i'r llys neu fodloni amodau mechnïaeth, neu i gymryd rhan mewn achos cyfreithiol;
- (3B) Where paragraph (3A) applies—
- (a) regulations 7, 8, 9 and 10 apply to P with the modifications in paragraphs (3C) to (3F);
  - (b) the isolation requirement imposed on P as modified by paragraphs (3C) to (3F) is also imposed on all members of P's household.
- (3C) Regulation 7 applies as if—
- (a) in paragraph (1), references to “a non-exempt country or territory” were references to “a country or territory listed in Schedule 3A”;
  - (b) paragraph (4)(b) is omitted.
- (3D) Regulation 8 applies as if—
- (a) in paragraph (1), references to “a non-exempt country or territory” were references to “a country or territory listed in Schedule 3A”;
  - (b) paragraph (2)(b) is omitted.
- (3E) Regulation 9 applies as if for paragraph (2) there were substituted—
- “(2) Regulations 7 and 8 do not apply to a person described in regulation 12E(2).”
- (3F) Regulation 10 applies as if—
- (a) in paragraph (3), for “paragraph (4)(b) to (k) there” were substituted “paragraph (4)”;
  - (b) for paragraph (4) there were substituted—
- “(4) P may leave and be outside the premises for as long as is necessary—
- (a) to travel for the purpose of leaving Wales;
  - (b) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner;
  - (c) to avoid illness, injury, or other risk of harm;
  - (d) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;

- (e) pan fo P yn blentyn nad yw'n byw ar yr un aelwyd â rhieni P, neu ag un o rieni P, i barhau â threfniant sydd eisoes yn bodoli er mwyn cael mynediad at, a chyswllt rhwng, P a rhieni P, ac at ddibenion yr is-baragraff hwn, mae "rhiant" yn cynnwys person nad yw'n rhiant i P, ond sydd â chyfrifoldeb rhiant dros P, neu sy'n gofalu amdano;
- (f) am resymau tosturiol, gan gynnwys i fynd i angladd—
  - (i) aelod o deulu P;
  - (ii) ffrind agos;
- (g) at ddiben cael prawf am y coronafeirws a ddarperir neu a weinyddir o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1);
- (h) os yw cwnstabl yn ei gwneud yn ofynnol iddo wneud hynny.””

- (e) where P is a child who does not live in the same household as P's parents, or one of P's parents, to continue existing arrangements for access to, and contact between, P and P's parents, and for the purposes of this sub-paragraph, "parent" includes a person who is not a parent of P, but who has parental responsibility for, or who has care of, P;
- (f) for compassionate reasons, including to attend the funeral of—
  - (i) a member of P's family;
  - (ii) a close friend;
- (g) for the purpose of obtaining a test for coronavirus provided or administered under the National Health Service (Wales) Act 2006(1);
- (h) if required to do so by a constable.””

### Diwygiadau i reoliad 13

5. Yn lle rheoliad 13 (gorfodi gofyniad i ynysu) rhodder—

“13.—(1) Pan fo gan berson awdurdodedig sail resymol dros gredu bod person (“P”) wedi ymadael â'r lle y mae'n ynysu ynddo, neu ei fod y tu allan iddo, yn groes i reoliad 7(3) neu 8(3)(b) caiff y person awdurdodedig—

- (a) cyfarwyddo P i ddychwelyd i'r fangre y mae P yn preswyllo ynddi;
- (b) pan fo'r person awdurdodedig yn gwnstabl, symud P ymaith i'r fangre y mae P yn preswyllo ynddi;
- (c) pan fo'r person awdurdodedig yn gwnstabl ac nad yw'n ymarferol neu'n briodol o dan yr amgylchiadau cymryd y cam yn is-baragraff (a) neu (b), symud P ymaith i fangre wedi ei threfnu gan Weinidogion Cymru sy'n addas i P breswyllo ynddi at ddibenion rheoliad 7(3) neu 8(3)(b).

### Amendments to regulation 13

5. For regulation 13 (enforcement of requirement to isolate) substitute—

“13.—(1) Where an authorised person has reasonable grounds to believe that a person (“P”) has left, or is outside of, the place where P is isolating in contravention of regulation 7(3) or 8(3)(b) the authorised person may—

- (a) direct P to return to the premises where P is residing;
- (b) where the authorised person is a constable, remove P to the premises where P is residing;
- (c) where the authorised person is a constable and it is not practicable or appropriate in the circumstances to take the action in sub-paragraph (a) or (b), remove P to premises secured by the Welsh Ministers which are suitable for P to reside in for the purposes of regulation 7(3) or 8(3)(b).

(1) 2006 p. 42.

(1) 2006 c. 42.

(2) Pan fo gan berson awdurdodedig sail resymol dros gredu bod P yn berson sy'n dod o fewn rheoliad 12E(3A), caiff person awdurdodedig wneud unrhyw un neu ragor o'r canlynol at ddioben sicrhau bod P yn cydymffurfio â gofyniad yn rheoliadau 7 ac 8—

(a) rhoi cyfarwyddyd i P, gan gynnwys cyfarwyddyd—

(i) bod P yn aros mewn ardal benodol o borthladd i aros i gael ei gludo i fangre benodedig;

(ii) bod P yn symud i le penodol er mwyn mynd ar gludiant i fangre benodedig;

(iii) bod P yn mynd ar gludiant er mwyn teithio i fangre benodedig;

(iv) bod P yn aros yn y fangre y mae P yn preswyllo ynddi;

(b) symud P ymaith i fangre benodedig.

(3) Pan fo gan berson awdurdodedig sail resymol dros gredu bod P yn berson sy'n dod o fewn rheoliad 12E(3A) a bod P wedi cyflawni trosedd o dan reoliad 14(1)(g), caiff y person awdurdodedig—

(a) ei gwneud yn ofynnol i P ddangos ei basbort neu ei ddogfen deithio i'w archwilio neu ei harchwilio,

(b) cadw P am hyd at dair awr,

(c) cynnal chwiliad o P ac unrhyw baciau sy'n perthyn i P neu sydd o dan reolaeth P, neu unrhyw gerbyd y mae P wedi teithio ynddo, am dystiolaeth, ac eithrio eitemau sy'n ddarostyngedig i fraint gyfreithiol, sy'n ymwneud â chyflawni trosedd bosibl o dan reoliad 14(1)(g), a

(d) ymafael mewn unrhyw ddogfen neu wrthrych a ganfyddir mewn chwiliad o dan is-baragraff (c) a'i chadw neu ei gadw.

(4) Nid yw paragraff (3) yn rhoi pŵer i gadw neu gynnal chwiliad o blentyn sydd ar ei ben ei hun.

(5) Rhaid i unrhyw chwiliad o dan baragraff (3) gael ei gynnal gan berson awdurdodedig sydd o'r un rhywedd â P.

(6) Nid yw paragraff (3) yn rhoi pŵer i gynnal chwiliad o ran bersonol o'r corff.

(7) Caiff person awdurdodedig sy'n arfer y pŵer ym mharagraff (1)(b) neu (c), (2)(b) neu (3) ddefnyddio grym rhesymol, os yw hynny'n angenrheidiol, wrth arfer y pŵer.

(2) Where an authorised person has reasonable grounds to believe that P is a person who falls within regulation 12E(3A), an authorised person may do any of the following for the purpose of ensuring that P complies with a requirement in regulations 7 and 8—

(a) give a direction to P, including a direction—

(i) that P remain in a particular area of a port to await transportation to a specified premises;

(ii) that P move to a particular place to board transportation to a specified premises;

(iii) that P board transportation to travel to specified premises;

(iv) that P remain in the premises where P is residing;

(b) remove P to a specified premises.

(3) Where an authorised person has reasonable grounds to believe that P is a person who falls within regulation 12E(3A) and that P has committed an offence under regulation 14(1)(g), the authorised person may—

(a) require P to produce their passport or travel document for examination,

(b) detain P for up to three hours,

(c) search P and any baggage belonging to P or under P's control, or any vehicle in which P has travelled, for evidence, other than items subject to legal privilege, that relates to the possible commission of an offence under regulation 14(1)(g), and

(d) seize and retain any document or article recovered by a search under sub-paragraph (c).

(4) Paragraph (3) does not confer a power to detain or search an unaccompanied child.

(5) Any search under paragraph (3) must be conducted by an authorised person of the same gender as P.

(6) Paragraph (3) does not confer a power to conduct an intimate search.

(7) An authorised person exercising the power in paragraph (1)(b) or (c), (2)(b) or (3) may use reasonable force, if necessary, in the exercise of the power.

(8) Pan fo P yn blentyn, a'i fod wedi ymadael â'r fangre y mae'n preswyllo ynddi, neu'r tu allan iddi, a'i fod yng nghwmni unigolyn sy'n gyfrifol amdano—

- (a) caiff person awdurdodedig gyfarwyddo'r unigolyn hwnnw i fynd â P i'r fangre y mae P yn preswyllo ynddi, a
- (b) rhaid i'r unigolyn hwnnw, i'r graddau y bo hynny'n rhesymol ymarferol, sicrhau bod P yn cydymffurfio ag unrhyw gyfarwyddyd a roddir gan berson awdurdodedig i P.

(9) Pan fo P yn blentyn, a bod gan berson awdurdodedig sail resymol dros gredu bod P yn methu â chydymffurfio â gofyniad yn rheoliad 7 neu 8 yn fyny, caiff y person awdurdodedig gyfarwyddo unrhyw unigolyn sy'n gyfrifol am P i sicrhau, i'r graddau y bo hynny'n rhesymol ymarferol, bod P yn cydymffurfio â'r gofyniad.

(10) Caiff person awdurdodedig gymryd unrhyw gamau eraill y mae'r person awdurdodedig yn ystyried eu bod yn angenrheidiol ac yn gymesur i hwyluso arfer pŵer a roddir i'r person awdurdodedig gan y rheoliad hwn.

(11) Ni chaiff person awdurdodedig arfer pŵer a roddir i'r person awdurdodedig gan y rheoliad hwn oni fo'r person awdurdodedig yn ystyried ei fod yn ddull angenrheidiol a chymesur o sicrhau y cydymffurfir â gofyniad yn rheoliad 7 neu 8.

(12) At ddibenion y rheoliad hwn—

ystyr “mangre benodedig” (“*specified premises*”) yw mangre a bennir o dan reoliad 7 neu fangre y bennir ei bod yn addas o dan reoliad 8;

ystyr “person awdurdodedig” (“*authorised person*”) yw—

- (a) cwnstabl, neu
- (b) at ddibenion paragraffau (2), (3) a (10) yn unig, swyddog mewnfudo.”

### Diwygiadau i Atodlen 3A

6.—(1) Mae Atodlen 3A (gwledydd a thiriogaethau sy'n ddarostyngedig i fesurau ychwanegol) wedi ei diwygio fel a ganlyn.

(2) Hepgorer y cofnodion ar gyfer “Gweriniaeth Mauritius” a “Portiwgal”.

(8) Where P is a child, and has left or is outside of, the premises where they are residing and is accompanied by an individual who has responsibility for them—

- (a) an authorised person may direct that individual to take P to the premises where P is residing, and
- (b) that individual must, so far as reasonably practicable, ensure that P complies with any direction given by an authorised person to P.

(9) Where P is a child, and an authorised person has reasonable grounds to believe that P is repeatedly failing to comply with a requirement in regulation 7 or 8, the authorised person may direct any individual who has responsibility for P to ensure, so far as reasonably practicable, that P so complies.

(10) An authorised person may take such other action as the authorised person considers necessary and proportionate to facilitate the exercise of a power conferred on the authorised person by this regulation.

(11) An authorised person may only exercise a power conferred on the authorised person by this regulation if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with a requirement in regulation 7 or 8.

(12) For the purposes of this regulation—

“authorised person” (“*person awdurdodedig*”) means—

- (a) a constable, or
  - (b) for the purposes of paragraphs (2), (3) and (10) only, an immigration officer;
- “specified premises” (“*mangre benodedig*”) means a premises specified under regulation 7 or a premises deemed suitable under regulation 8.”

### Amendments to Schedule 3A

6.—(1) Schedule 3A (countries and territories subject to additional measures) is amended as follows.

(2) Omit the entries for “Republic of Mauritius” and “Portugal”.



(3) Yn y lleoedd priodol mewnosoder—

“Ethiopia”

“Oman”

“Qatar”

“Somalia”.

(3) In the appropriate places insert—

“Ethiopia”

“Oman”

“Qatar”

“Somalia”.

*Vaughan Gething*

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,  
un o Weinidogion Cymru  
Am 4.03 p.m. ar 19 Mawrth 2021

Minister for Health and Social Services, one of the  
Welsh Ministers  
At 4.03 p.m. on 19 March 2021

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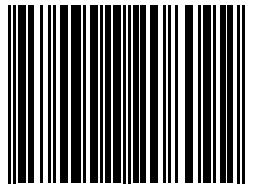




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