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WELSH STATUTORY
INSTRUMENTS

2022 Rhif 83 (Cy. 29)

2022 No. 83 (W. 29)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
5) (Cymru) (Diwygio) (Rhif 4)
2022

The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 4) Regulations
2022

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

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.

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.

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad 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 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'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 (O.S. 2020/1609 (Cy. 335)) ("y prif Reoliadau").

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) ("the principal Regulations").

Mae'r Rheoliadau yn diwygio'r prif Reoliadau i ddarparu nad oes unrhyw lefel rhybudd yn gymwys i Gymru o 6.00 a.m. ar 28 Ionawr 2022. Mae hyn yn golygu nad yw'r un o'r cyfyngiadau a'r gofynion yn Atodlenni 1 i 4 i'r prif Reoliadau yn gymwys. Yr effaith yw:

The Regulations amend the principal Regulations to provide that from 6.00 a.m. on 28 January 2022, no alert level applies to Wales. This means that none of the restrictions and requirements in Schedules 1 to 4 to the principal Regulations apply. The effect is that:

- nad oes unrhyw derfynau penodol ar nifer y bobl a gaiff ymgynnull;
- nad oes unrhyw derfynau penodol ar nifer y bobl a gaiff fynd i ddigwyddiadau ar unrhyw adeg;
- nad oes unrhyw ofynion i unrhyw fathau penodol o fusnesau neu wasanaethau gau.
- there are no specific limits on the number of people who can gather together;
- there are no specific limits on the number of people that may attend events at any time;
- there are no requirements for any particular types of businesses or services to close.

Mae'r Rheoliadau hefyd yn dirymu:

- rheoliad 18B o'r prif Reoliadau, sy'n darparu na chaiff unrhyw berson ymadael â'r man lle y mae'n byw at ddibenion gwaith pan fo'n rhesymol ymarferol i'r person weithio gartref;
- rheoliad 42A o'r prif Reoliadau, sy'n darparu ar gyfer gorfodi rheoliad 18B;
- darpariaethau penodol yn rheoliad 16 o'r prif Reoliadau sy'n ymwneud â chaniatáu, neu ei gwneud yn ofynnol, i bersonau sydd fel arfer yn gweithio mewn mangreoedd rheoleiddiedig weithio gartref, a darpariaethau sy'n ei gwneud yn ofynnol i'r person sy'n gyfrifol am fangre reoleiddiedig sicrhau y cynhelir pellter o 2 fetr rhwng personau o dan do yn y fangre;
- rheoliadau 16ZA ac 16ZB, sy'n gwneud darpariaeth benodol ynghylch y mesurau y mae rhaid eu cymryd i leihau'r risg o ddod i gysylltiad â'r coronafeirws mewn mangreoedd trwyddedig a mangreoedd manwerthu.

Mae'r cyfyngiadau a'r gofynion mewn rhannau eraill (ar wahân i'r darpariaethau a nodir uchod ac Atodlenni 1 i 4) o'r prif Reoliadau yn parhau i fod yn gymwys, gan gynnwys gofynion ar bersonau sy'n gyfrifol am fangreoedd rheoleiddiedig i gymryd mesurau rhesymol i leihau'r risg o ddod i gysylltiad â'r coronafeirws yn y mangreoedd. Mae'r gofynion i wisgo gorchuddion wyneb ar drafnidiaeth gyhoeddus ac mewn mannau cyhoeddus penodol o dan do hefyd yn parhau i fod yn gymwys, ond mae'r Rheoliadau hyn yn diwygio'r prif Reoliadau i ddarparu nad yw'n ofynnol mwyach i berson wisgo gorchudd wyneb mewn mangreoedd lle y gwerthir bwyd neu ddioid i'w fwyta neu i'w hyfed yn y fangre.

Er gwaethaf llacio'r rheolau ar bobl yn ymgynnull ac yn mynd i ddigwyddiadau, mae'r mesurau rhesymol (o dan reoliad 16 o'r prif Reoliadau) sy'n parhau i fod yn ofynnol mewn mangre reoleiddiedig yn golygu y gall fod angen i'r rheini sy'n gyfrifol am y fangre bennu terfynau ar nifer y bobl a gaiff ymgynnull, ac ar gapasiti digwyddiadau.

Mae'r Rheoliadau hefyd yn newid cymhwysra i fod yn bresennol mewn mangreoedd penodol o dan reoliad 16A (a adwaenir yn gyffredin fel "pàs COVID") i gynnwys personau sydd â thystiolaeth na allant, am resymau meddygol, gael eu brechu neu gymryd prawf cymhwysol am y coronafeirws.

The Regulations also revoke:

- regulation 18B of the principal Regulations, which provides that no person may leave the place where they are living for the purposes of work where it is reasonably practicable for the person to work from home;
- regulation 42A of the principal Regulations, which provides for the enforcement of regulation 18B;
- specific provisions in regulation 16 of the principal Regulations relating to allowing or requiring persons who ordinarily work at regulated premises to work from home, and provisions requiring the person responsible for regulated premises to ensure that a distance of 2 meters is maintained between persons indoors on the premises;
- regulations 16ZA and 16ZB, which make specific provision about the measures that must be taken to minimise the risk of exposure to coronavirus on licensed premises and retail premises.

The restrictions and requirements in other parts (aside from the provisions set out above and Schedules 1 to 4) of the principal Regulations continue to apply, including requirements on persons responsible for regulated premises to take reasonable measures to minimise the risk of exposure to coronavirus at the premises. The requirements to wear face coverings on public transport and in particular indoor public places also continue to apply, but these Regulations amend the principal Regulations to provide that a person is no longer required to wear a face covering in premises where food or drink is sold for consumption on the premises.

Despite the relaxation of the rules on people gathering and attending events, the reasonable measures (under regulation 16 of the principal Regulations) that continue to be required on regulated premises mean that those responsible for the premises may need to set limits on the numbers of people who can gather, and on the capacity of events.

The Regulations also change eligibility for being present in certain premises under regulation 16A (commonly known as a "COVID pass") to include persons with evidence that, for medical reasons, they cannot be vaccinated or take a qualifying test for coronavirus.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. Yn unol â'r Cod, ni chynhaliwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn, oherwydd bod angen eu rhoi yn eu lle ar frys i sicrhau bod cyfyngiadau a gofynion y prif Rheoliadau yn parhau i fod yn gymesur.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. In accordance with the Code, a regulatory impact assessment as to the likely cost and benefit of complying with these Regulations has not been carried out, due to the need to put them in place urgently to ensure that the principal Regulations' restrictions and requirements continue to be proportionate.

2022 Rhif 83 (Cy. 29)

2022 No. 83 (W. 29)

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PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
5) (Cymru) (Diwygio) (Rhif 4)
2022**

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 4) Regulations
2022**

Gwnaed am 2.57 p.m. ar 27 Ionawr 2022

Made at 2.57 p.m. on 27 January 2022

Gosodwyd gerbron *Senedd*
Cymru am 4.45 p.m. ar 27 Ionawr 2022

Laid before *Senedd*
Cymru at 4.45 p.m. on 27 January 2022

Yn dod i rym am 6.00 a.m. ar 28 Ionawr 2022

Coming into force at 6.00 a.m. on 28 January
2022

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 45C(1) a (3)(c) a 45P(2) 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) and 45P(2) of the Public Health (Control of Disease) Act 1984(1).

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

These Regulations are made in response to the 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 cyfyngiadau a'r gofynion a osodir 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 restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

Yn unol ag adran 45Q(3) o'r Ddeddf honno mae Gweinidogion Cymru o'r farn nad yw'r offeryn yn cynnwys unrhyw ddarpariaeth a wneir yn rhinwedd adran 45C(3)(c) o'r Ddeddf sy'n gosod neu'n galluogi gosod cyfyngiad neu ofyniad arbennig, neu unrhyw gyfyngiad neu ofyniad arall sy'n cael neu a fyddai'n cael effaith sylweddol ar hawliau person.

In accordance with section 45Q(3) of that Act the Welsh Ministers are of the opinion that the instrument does not contain any provision made by virtue of section 45C(3)(c) of the Act which imposes or enables the imposition of a special restriction or requirement, or any other restriction or requirement which has or would have a significant effect on a person's rights.

(1) 1984 p. 22. Mewnosodwyd adrannau 45C 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 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.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 4) 2022.

(2) Daw'r Rheoliadau hyn i rym am 6.00 a.m. ar 28 Ionawr 2022.

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

2.—(1) Mae Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 16—

(a) ym mharagraff (1)—

(i) o dan y pennawd “*Cam 2*”, hepgorer “*a Cham 4*”;

(ii) hepgorer—

“Cymryd pob mesur rhesymol i sicrhau—

(a) y cynhelir pellter o 2 fetr rhwng unrhyw bersonau o dan do yn y fangre, ac eithrio rhwng aelodau o grŵp a ganiateir;

(b) pan fo'n ofynnol i bersonau aros o dan do i fynd i'r fangre, y cynhelir pellter o 2 fetr rhyngddynt, ac eithrio rhwng aelodau o grŵp a ganiateir.

Cam 4”;

(b) hepgorer paragraff (1A);

(c) hepgorer paragraff (3)(ba);

(d) hepgorer paragraff (4A).

(3) Hpgorer rheoliadau 16ZA ac 16ZB.

(4) Yn rheoliad 16A(1), ar ôl is-baragraff (c) mewnosoder—

“(ca) na all y person, am resymau meddygol—

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 4) Regulations 2022.

(2) These Regulations come into force at 6.00 a.m. on 28 January 2022.

Amendment to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020(1) are amended as follows.

(2) In regulation 16—

(a) in paragraph (1)—

(i) under the “*Step 2*” heading, omit “and Step 4”;

(ii) omit—

“Take all reasonable measures to ensure—

(a) that a distance of 2 metres is maintained between any persons indoors on the premises, except between members of a permitted group;

(b) where persons are required to wait indoors to enter the premises, that a distance of 2 metres is maintained between them, except between members of a permitted group.

Step 4”;

(b) omit paragraph (1A);

(c) omit paragraph (3)(ba);

(d) omit paragraph (4A).

(3) Omit regulations 16ZA and 16ZB.

(4) In regulation 16A(1), after sub-paragraph (c) insert—

“(ca) that, for medical reasons, the person—

(1) O.S. 2020/1609 (Cy. 335) fel y'i diwygiwyd gan O.S. 2020/1610 (Cy. 336), O.S. 2020/1623 (Cy. 340), O.S. 2020/1645 (Cy. 345), O.S. 2021/20 (Cy. 7), O.S. 2021/46 (Cy. 10), O.S. 2021/57 (Cy. 13), O.S. 2021/66 (Cy. 15), O.S. 2021/95 (Cy. 26), O.S. 2021/103 (Cy. 28), O.S. 2021/172 (Cy. 40), O.S. 2021/210 (Cy. 52), O.S. 2021/307 (Cy. 79), O.S. 2021/413 (Cy. 133), O.S. 2021/502 (Cy. 150), O.S. 2021/542 (Cy. 154), O.S. 2021/583 (Cy. 160), O.S. 2021/668 (Cy. 169), O.S. 2021/686 (Cy. 172), O.S. 2021/722 (Cy. 183), O.S. 2021/862 (Cy. 201), O.S. 2021/925 (Cy. 210), O.S. 2021/970 (Cy. 228), O.S. 2021/1119 (Cy. 271), O.S. 2021/1131 (Cy. 274), O.S. 2021/1212 (Cy. 303), O.S. 2021/1304 (Cy. 334), O.S. 2021/1363 (Cy. 358), O.S. 2021/1407 (Cy. 366), O.S. 2021/1468 (Cy. 376), O.S. 2021/1477 (Cy. 379), O.S. 2021/1485 (Cy. 386), O.S. 2021/1490 (Cy. 390), O.S. 2022/39 (Cy. 16), O.S. 2022/55 (Cy. 21) ac O.S. 2022/75 (Cy. 27).

(1) S.I. 2020/1609 (W. 335) as amended by S.I. 2020/1610 (W. 336), S.I. 2020/1623 (W. 340), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/46 (W. 10), S.I. 2021/57 (W. 13), S.I. 2021/66 (W. 15), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52), S.I. 2021/307 (W. 79), S.I. 2021/413 (W. 133), S.I. 2021/502 (W. 150), S.I. 2021/542 (W. 154), S.I. 2021/583 (W. 160), S.I. 2021/668 (W. 169), S.I. 2021/686 (W. 172), S.I. 2021/722 (W. 183), S.I. 2021/862 (W. 201), S.I. 2021/925 (W. 210), S.I. 2021/970 (W. 228), S.I. 2021/1119 (W. 271), S.I. 2021/1131 (W. 274), S.I. 2021/1212 (W. 303), S.I. 2021/1304 (W. 334), S.I. 2021/1363 (W. 358), S.I. 2021/1407 (W. 366), S.I. 2021/1468 (W. 376), S.I. 2021/1477 (W. 379), S.I. 2021/1485 (W. 386), S.I. 2021/1490 (W. 390), S.I. 2022/39 (W. 16), S.I. 2022/55 (W. 21) and S.I. 2022/75 (W. 27).

- (i) cwblhau cwrs o ddosau o frechlyn awdurdodedig, na
- (ii) cymryd prawf cymhwysol.”

(5) Hepgorer Rhan 4B.

(6) Yn rheoliad 20—

- (a) ym mharagraff (1), ar ôl “mynediad iddynt” mewnosoder “, ac eithrio mangreoedd lle y gwerthir bwyd neu ddiod, neu lle y darperir bwyd neu ddiod fel arall, i’w fwyta neu i’w hyfed yn y fangre”;

(b) hepgorer paragraff (3)(h).

(7) Yn rheoliad 26, hepgorer “, 16ZA(1), 16ZB”.

(8) Yn rheoliad 37, hepgorer paragraff (2).

(9) Hepgorer rheoliad 42A.

(10) Yn Atodlen 5, yng ngholofn 3 o’r tabl ym mharagraff 1, yn lle “Lefel Rhybudd 2” rhodder “Dim lefel rhybudd”.

- (i) cannot complete a course of doses of an authorised vaccine, and
- (ii) cannot undertake a qualifying test.

(5) Omit Part 4B.

(6) In regulation 20—

- (a) in paragraph (1), after “permitted access” insert “, other than premises where food or drink is sold, or otherwise provided, for consumption on the premises”;

(b) omit paragraph (3)(h).

(7) In regulation 26, omit “, 16ZA(1), 16ZB”.

(8) In regulation 37, omit paragraph (2).

(9) Omit regulation 42A.

(10) In Schedule 5, in column 3 of the table in paragraph 1, for “Alert Level 2” substitute “No alert level”.

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 2.57 p.m. ar 27 Ionawr 2022

First Minister, one of the Welsh Ministers
At 2.57 p.m. on 27 January 2022

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