



Rheoliadau a wnaed gan Weinidogion Cymru, a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22), i'w cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru o fewn wyth niwrnod ar hugain gan ddechrau â'r diwrnod y gwnaed yr offeryn, yn ddarostyngedig i'w estyn dros gyfnodau o ddiddymu, neu pan fo toriad am fwy na phedwar diwrnod.

Regulations made by the Welsh Ministers, laid before the National Assembly for Wales under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of the National Assembly for Wales within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 334 (Cy. 76)

2020 No. 334 (W. 76)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Coronafeirws: Cau Busnesau
Hamdden, Llwybrau Troed a Thir
Mynediad) (Cymru) 2020**

**The Health Protection
(Coronavirus: Closure of Leisure
Businesses, Footpaths and Access
Land) (Wales) Regulations 2020**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn ei gwneud yn ofynnol i gau safleoedd carafannau gwyliau, safleoedd gwersylla, arcedau difyrion a chanolfannau chwarae dan do i ddiogelu yn erbyn risgiau i iechyd y cyhoedd sy'n deillio o goronafeirws. Byddant ar gau hyd nes y rhoddir cyfarwyddyd gan Weinidogion Cymru yn caniatáu iddynt ailagor. Mae'n ofynnol i Weinidogion Cymru adolygu'r angen am y cyfyngiadau a osodir gan y Rheoliadau bob 28 o ddiwrnodau.

These Regulations require the closure of holiday caravan sites, camping sites, amusement arcades and indoor play centres to protect against the risks to public health arising from coronavirus. Closures last until a direction is given by the Welsh Ministers allowing them to re-open. The Welsh Ministers are required to keep the need for the restrictions imposed by the Regulations under review every 28 days.

Mae'r Rheoliadau hefyd yn gosod oblygiad, at yr un diben, ar awdurdodau lleol, awdurdodau Parciau Cenedlaethol, Cyfoeth Naturiol Cymru a'r Ymddiriedolaeth Genedlaethol i gau rhai llwybrau troed a thir mynediad cyhoeddus.

The Regulations also imposes a duty, for the same purpose, on local authorities, National Park authorities, National Resources Wales and the National Trust to close certain public footpaths and land.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau 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.

Rheoliadau a wnaed gan Weinidogion Cymru, a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22), i'w cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru o fewn wyth niwrnod ar hugain gan ddechrau â'r diwrnod y gwnaed yr offeryn, yn ddarostyngedig i'w estyn dros gyfnodau o ddiddymu, neu pan fo toriad am fwy na phedwar diwrnod.

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**Rheoliadau Diogelu Iechyd
(Coronafeirws: Cau Busnesau
Hamdden, Llwybrau Troed a Thir
Mynediad) (Cymru) 2020**

**The Health Protection
(Coronavirus: Closure of Leisure
Businesses, Footpaths and Access
Land) (Wales) Regulations 2020**

Gwnaed am 10.00 p.m. ar 23 Mawrth 2020

Made at 10.00 p.m. on 23 March 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru 24 Mawrth 2020*

*Laid before the National Assembly for Wales
24 March 2020*

Yn dod i rym am 12.00 pm. ar 24 Mawrth am 2020

*Coming into force at 12.00 p.m. on 24 March
2020*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 45C(1), 45C(3)(c), 45C(4)(d), 45F(2) a 45P o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1).

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 45C(1), 45C(3)(c), 45C(4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

Gwneir y Rheoliadau mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd o ganlyniad i fynychder a lledaeniad coronafeirws syndrom anadlu 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.

(1) 1984 p. 22 (“Deddf 1984”). Mewnosodwyd adrannau 45C, 45F a 45P gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaethau o dan yr adrannau hynny 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 (“the 1984 Act”). Sections 45C, 45F a 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.

Mae Gweinidogion Cymru o'r farn 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.

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 Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo ganddo drwy benderfyniad.

Enwi, dod i rym, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws: Cau Busnesau Hamdden, Llwybrau Troed a Thir Mynediad) (Cymru) 2020 a deuant i rym am 12.00 p.m. ar 24 Mawrth 2020.

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

(3) At ddiben y Rheoliadau hyn ystyr "coronafeirws" ("coronavirus") yw coronafeirws syndrom anadlu aciwt difrifol 2 (SARS-CoV-2).

Y gofyniad i gau busnesau hamdden yn ystod yr argyfwng

2.—(1) Rhaid i berson sy'n gyfrifol am redeg busnes a restrir yn Rhan 1 o'r Atodlen, yn ystod y cyfnod perthnasol, gau ei fangre a pheidio â rhedeg ei fusnes.

(2) Os yw busnes a restrir yn yr Atodlen ("busnes A") yn ffurfio rhan o fusnes mwy o faint ("busnes B"), mae'r person sy'n gyfrifol am redeg busnes B yn cydymffurfio â'r gofyniad ym mharagraff (1) os yw'n cau busnes A.

(3) Rhaid i Weinidogion Cymru adolygu'r angen am y cyfyngiadau a osodir gan y rheoliad hwn bob 28 o ddiwrnodau, gyda'r adolygiad cyntaf yn cael ei gynnal cyn diwedd y cyfnod o 28 o ddiwrnodau gan ddechrau â'r diwrnod drannoeth y diwrnod y gwneir y Rheoliadau hyn.

(4) Cyn gynted ag y bydd Gweinidogion Cymru yn ystyried nad oes angen y cyfyngiadau a nodir yn y rheoliad hwn mwyach i atal, i ddiogelu rhag, i reoli neu i ddarparu ymateb iechyd y cyhoedd i fynycheder neu ledaeniad haint yng Nghymru â'r coronafeirws, rhaid i Weinidogion Cymru gyhoeddi cyfarwyddyd yn terfynu'r cyfnod perthnasol.

(5) Caiff cyfarwyddyd a gyhoeddir o dan baragraff (4) derfynu'r cyfnod perthnasol mewn perthynas â rhai o'r busnesau a restrir yn yr Atodlen, neu bob busnes a restrir yn yr Atodlen.

(6) At ddibenion y rheoliad hwn—

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.

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, the National Assembly for Wales.

Title, coming into force, application and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020 and they come into force at 12.00 p.m. on 24 March 2020.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations "coronavirus" ("*coronaveirws*") means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Requirement to close leisure businesses during the emergency

2.—(1) A person who is responsible for carrying on a business which is listed in Part 1 of the Schedule must, during the relevant period, close its premises and cease to carry on its business.

(2) If a business listed in the Schedule ("business A") forms part of a larger business ("business B"), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

(3) The Welsh Ministers must review the need for restrictions imposed by this regulation every 28 days, with the first review being carried out before the expiry of the period of 28 days starting with the day after the day on which these Regulations are made.

(4) As soon as the Welsh Ministers consider that the restrictions set out in this regulation are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Wales with the coronavirus, the Welsh Ministers must publish a direction terminating the relevant period.

(5) A direction published under paragraph (4) may terminate the relevant period in relation to some of the businesses listed the Schedule, or all businesses listed in the Schedule.

(6) For the purposes of this regulation—

- (a) mae “person sy’n gyfrifol am redeg busnes” yn cynnwys perchennog a rheolwr y busnes hwnnw;
- (b) mae’r “cyfnod perthnasol” yn cychwyn pan ddaw’r Rheoliadau hyn i rym ac yn dod i ben ar y diwrnod a bennir mewn cyfarwyddyd a gyhoeddir gan Weinidogion Cymru o dan baragraff (7).

- (a) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- (b) the “relevant period” starts when these Regulations come into force and ends on the day specified in a direction published by the Welsh Ministers under paragraph (4).

Darpariaeth bellach yn ymwneud â chau safleoedd gwyliau

3.—(1) I’r graddau y mae rheoliad 2 (1) yn gymwys i safle gwyliau, mae’r oblygiad ar y person sy’n gyfrifol am gyflawni’r busnes (“P”) yn cynnwys oblygiad ar P i ddefnyddio ymdrechion gorau P i’w gwneud yn ofynnol i unrhyw berson sy’n defnyddio cartref symudol neu garafán ar y safle pan fo’r fangre yn cau i adael y fangre.

(2) Ond nid yw’r oblygiad ym mharagraff (1) yn gymwys mewn perthynas ag unrhyw berson sy’n defnyddio cartref symudol i bobl fyw ynddo ar y safle gwyliau o dan gytundeb a wnaed o dan Ran 4 o Ddeddf Cartrefi Symudol (Cymru) 2013.

Gofyniad i gau rhai llwybrau troed cyhoeddus a thir mynediad yn ystod yr argyfwng

4.—(1) Os yw paragraff (1) yn gymwys i lwybr troed neu dir mynediad yn ardal awdurdod perthnasol, rhaid i’r awdurdod perthnasol —

- (a) gau y llwybr troed neu’r tir mynediad erbyn 12.00 y.h. ar 25 Mawrth 2020, a
- (b) ei gadw ar gau nes ei fod o’r farn nad yw cau mwyach yn angenrheidiol i atal, amddiffyn rhag, rheoli neu ddarparu ymateb iechyd cyhoeddus i fynychder neu ymlediad haint yn ei ardal gyda’r coronafeirws.

(2) Mae’r paragraff hwn yn gymwys i’r llwybrau troed a’r tir mynediad yn ei ardal mae awdurdod perthnasol yn ystyried—

- (a) sydd â thuedd i niferoedd mawr o bobl yn ymgasglu arnynt neu i fod yn agos at ei gilydd arnynt, neu
- (b) mae’r defnydd ohono’n peri risg uchel fel arall i fynychder neu ymlediad haint yn ei ardal gyda’r coronafeirws.

(3) Rhaid i’r awdurdod perthnasol gyhoeddi rhestr o lwybrau troed neu dir mynediad sydd wedi ei gau yn ei ardal ar wefan.

(4) At ddibenion y rheoliad hwn —

- (a) mae cyfeiriadau at lwybr troed yn cynnwys llwybr ceffylau, a

Further provision relating to the closure of holiday sites

3.—(1) In so far as Regulation 2(1) applies to a holiday site, the obligation on the person responsible for carrying on the business (“P”) includes an obligation on P to use P’s best endeavours to require any person using a mobile home or caravan on the site when the premises is closed to vacate the premises.

(2) But the obligation in paragraph (1) does not apply in relation to any person using a mobile home on the holiday site for human habitation under an agreement made under Part 4 of the Mobile Homes (Wales) Act 2013.

Requirement to close certain public footpaths and land during the emergency

4.—(1) Where paragraph (1) applies to a footpath or access land in the area of a relevant authority, the relevant authority must—

- (a) close the footpath or access land by 12.00pm on 25 March 2020, and
- (b) keep it closed until it considers that closure is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in its area with the coronavirus.

(2) This paragraph applies to the footpaths and access land in its area a relevant authority considers—

- (a) to be liable to large numbers of people congregating or being in close proximity to each other, or
- (b) the use of which otherwise poses a high risk to the incidence or spread of infection in its area with the coronavirus.

(3) The relevant authority must publish a list of footpaths or access land closed in its area on a website.

(4) For the purposes of this regulation—

- (a) a footpath includes a bridleway, and

(b) mae cyfeiriadau at lwybr troed neu dir mynediad yn cynnwys rhannau o lwybr troed neu dir mynediad.

(5) Yn y rheoliad hwn —

(a) ystyr "awdurdod perthnasol" yw —

(i) Cyngor Sir neu Gyngor Bwrdeistref Sirol yng Nghymru,

(ii) awdurdod Parc Cenedlaethol yng Nghymru,

(iii) Cyfoeth Naturiol Cymru, neu

(iv) yr Ymddiriedolaeth Genedlaethol.

(b) mae i "llwybr troed" a "llwybr ceffylau" yr un ystyr â roddir i "footpath" a "bridleway" (yn eu trefn) yn adran 329 (1) o Ddeddf Priffyrdd 1980;

(c) mae "tir mynediad" yn cynnwys tir y mae gan y cyhoedd fynediad ato yn rhinwedd ei berchnogaeth gan yr Ymddiriedolaeth Genedlaethol ond heblaw hynny mae iddo yr un ystyr ag "access land" yn adran 1 (1) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000.

Troseddau a chosbau

5.—(1) Mae person sydd, heb esgus rhesymol, yn torri reoliad 2 yn cyflawni trosedd.

(2) Mae person sy'n rhwystro, heb esgus rhesymol, unrhyw berson sy'n cyflawni swyddogaeth o dan y Rheoliadau hyn yn cyflawni trosedd.

(3) Mae trosedd o dan y Rheoliadau hyn i'w gosbi ar gollfarn ddiannod drwy ddirwy.

(4) Os profir bod trosedd o dan baragraff (1) a gyflawnwyd gan gorff corfforaethol—

(a) wedi ei gyflawni gyda chydsyniad neu ymoddefiad swyddog o'r corff, neu

(b) y gellir ei briodoli i unrhyw esgeulustod ar ran y swyddog hwnnw,

mae'r swyddog (yn ogystal â'r corff corfforaethol) yn euog o'r drosedd ac yn agored i gael ei erlyn ac i gael achos wedi'i ddwyn yn ei erbyn a'i gosbi yn unol â hynny.

(5) Ym mharagraff (4), ystyr "swyddog", mewn perthynas â chorff corfforaethol, yw cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall i'r corff corfforaethol.

Gorfodi cyfyngiadau ac erlyn

6.—(1) Caiff person a ddynodir gan Weinidogion Cymru gymryd unrhyw gamau sy'n angenrheidiol i orfodi gofyniad i gau mangre neu gyfyngiad a osodir gan reoliad 2.

(b) references to a footpath or access land include parts of a footpath or access land.

(5) In this regulation—

(a) the "relevant authority" means—

(i) a county council or county borough council in Wales,

(ii) a National Park authority in Wales,

(iii) Natural Resources Wales, or

(iv) The National Trust.

(b) "footpath" and "bridleway" have the same meaning as in section 329(1) of the Highways Act 1980.

(c) "access land" includes land to which the public has access by virtue of its ownership by the National Trust, but otherwise has the same meaning as in section 1(1) of the Countryside and Rights of Way Act 2000.

Offences and penalties

5.—(1) A person who, without reasonable excuse, contravenes regulation 2 commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(3) An offence under these Regulations is punishable on summary conviction by a fine.

(4) If an offence under paragraph (1) committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer of the body, or

(b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(5) In paragraph (4), "officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Enforcement of restrictions and prosecution

6.—(1) A person, designated by the Welsh Ministers, may take such action as is necessary to enforce a closure or restriction imposed by regulation 2.

(2) Caniateir dwyn achos am drosedd o dan reoliad 5 gan unrhyw berson a ddynodir gan Weinidogion Cymru.

Dod i ben

7.—(1) Daw'r Rheoliadau hyn i ben ar ddiwedd y cyfnod o chwe mis sy'n dechrau ar y diwrnod y deuant i rym.

(2) Nid yw'r rheoliad hwn yn effeithio ar ddilysrwydd unrhyw beth a wneir yn unol â'r Rheoliadau hyn cyn iddynt ddod i ben.

(2) Proceedings for an offence under regulation 5 may be brought any person designated by the Welsh Ministers.

Expiry

7.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 10.00 p.m. ar 23 Mawrth 2020

First Minister, one of the Welsh Ministers
At 10.00 p.m. on 23 March 2020

YR ATODLEN

Rheoliad 2

Y busnesau y mae'n rhaid iddynt gau

RHAN 1

MATH O FUSNES

1. Safleoedd gwyliau.
2. Safleoedd gwerysyla.
3. Arcêdau difyrion.
4. Canolfannau chwarae dan do.

RHAN 2

DEHONGLI

5.—(1) Yn yr Atodlen hon, ystyr “safle gwyliau” yw unrhyw dir yng Nghymru y mae cartref symudol wedi ei leoli arno at ddibenion bod yn gartref i berson (gan gynnwys unrhyw dir yng Nghymru a ddefnyddir ar y cyd â'r tir) y mae'r caniatâd cynllunio mewn cysylltiad ag ef, neu y mae trwydded y safle ar gyfer y tir—

- (a) wedi ei ddatgan i'w roi at ddiben ei ddefnyddio ar gyfer gwyliau yn unig, neu
- (b) yn ei gwneud yn ofynnol bod adegau o'r flwyddyn pan ni chaniateir lleoli unrhyw gartref symudol ar y safle i fod yn gartref i berson.

(2) At ddibenion penderfynu a yw safle yn safle gwyliau ai peidio, anwybyddir unrhyw ddarpariaeth o'r caniatâd cynllunio perthnasol neu'r drwydded safle sy'n caniatáu gosod cartref symudol ar y tir i bobl fyw ynddo drwy gydol y flwyddyn os awdurdodir y cartref i'w feddiannu gan —

- (a) y person sy'n berchennog ar y safle, neu
- (b) person a gyflogir gan y person hwnnw ond nad yw'n meddiannu'r cartref symudol o dan gytundeb y mae Rhan 4 o Ddeddf Cartrefi Symudol (Cymru) 2013 yn gymwys iddo.

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SCHEDULE

Regulation 2

Businesses which must close

PART 1

TYPE OF BUSINESS

1. Holiday sites.
2. Camping sites.
3. Amusement arcades.
4. Indoor play centres.

PART 2

INTERPRETATION

5.—(1) In this Schedule a “holiday site” means any land in Wales on which a mobile home or caravan is stationed for the purposes of human habitation (including any land in Wales used in conjunction with that land), in respect of which the relevant planning permission or the site licence for the land—

- (a) is expressed to be granted for holiday use only, or
- (b) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation.

(2) For the purpose of determining whether or not a site is a holiday site, any provision of the relevant planning permission or of the site licence which permits the stationing of a mobile home on the land for human habitation all year round is to be ignored if the mobile home is authorised to be occupied by—

- (a) the person who is the owner of the site, or
- (b) a person employed by that person but who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013 applies.

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