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CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 497 (Cy. 118)

2020 No. 497 (W. 118)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws)
(Cymru) (Diwygio) (Rhif 3) 2020**

**The Health Protection (Coronavirus
Restrictions) (Wales) (Amendment)
(No. 3) Regulations 2020**

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 difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a ledaeniad 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 Rheoliad 2 o'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) 2020 (y "prif Reoliadau").

Regulation 2 of these Regulations amends the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (the "principal Regulations").

Mae'r diwygiadau fel a ganlyn—

These consist of—

- (a) diwygio rheoliad 3 o'r prif Reoliadau i ychwanegu cymesuredd y gofynion a'r cyfyngiadau fel ystyriaeth pan fydd Gweinidogion Cymru yn adolygu'r prif Reoliadau, ac i ddileu darpariaethau sy'n ymwneud â therfynu gofynion neu gyfyngiadau drwy gyfarwyddyd gweinidogol (sy'n golygu bod rhaid eu terfynu drwy ddiwygio'r prif Reoliadau);
- (b) diwygio rheoliad 4 o'r prif Reoliadau, ac Atodlen 1 iddynt, i ganiatáu i lyfrgelloedd agor yn ddarostyngedig i ofynion i gymryd pob mesur rhesymol i sicrhau y cynhelir pellter o 2 fetr gan bersonau yn y fangre a phersonau sy'n aros i fynd i'r fangre;

- (a) amending regulation 3 of the principal Regulations to add the proportionality of requirements and restrictions as a consideration when the Welsh Ministers review the principal regulations, and to remove provisions relating to the termination of requirements or restrictions by ministerial direction (which means they must be terminated by amending the principal Regulations);
- (b) amending regulation 4 of, and Schedule 1 to, the principal Regulations to permit libraries to open subject to requirements to take all reasonable measures to ensure a distance of 2 metres is maintained by persons on the premises and persons waiting to enter the premises;

- (c) diwygio rheoliad 8 o'r prif Reoliadau i wneud y canlynol—
- (i) pennu bod gadael y man lle yr ydych yn byw i gasglu nwyddau a archebir o siop sy'n gweithredu ar sail "archebu a chasglu" yn esgus rhesymol at ddibenion rheoliad 8(1);
 - (ii) dileu'r cyfyngiad ym mharagraff (2)(b) ar beidio â gwneud ymarfer corff fwy nag unwaith y dydd (fel y mae'n ymwneud ag ymarfer corff fel esgus rhesymol at ddibenion rheoliad 8(1));
 - (iii) pennu bod gwneud defnydd o gyfleuster ailgylchu neu waredu gwastraff neu ymweld â llyfrgell yn esgus rhesymol at ddibenion rheoliad 8(1) (sylwer, er hynny, nad yw'r newid hwn yn ei gwneud yn ofynnol i'r cyfleusterau hyn agor oherwydd mater i awdurdodau lleol yw hynny);
- (d) ychwanegu canolfannau garddio a meithrinfeydd planhigion at Ran 4 o Atodlen 1 sy'n golygu y caniateir iddynt agor yn ddarostyngedig i ofynion i gymryd pob mesur rhesymol i sicrhau y cynhelir pellter o 2 fetr gan bersonau yn y fangre a phersonau sy'n aros i fynd i'r fangre.

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.

- (c) amending regulation 8 of the principal Regulations—
- (i) to specify that leaving the place where you live to collect goods ordered from a shop operating on an "order and collect" basis constitutes a reasonable excuse for the purposes of regulation 8(1);
 - (ii) to remove the limitation in paragraph (2)(b) on exercising no more than once a day (as it relates to exercise being a reasonable excuse for the purposes of regulation 8(1));
 - (iii) to specify that making use of a recycling or waste disposal facility, or visiting a library, constitutes a reasonable excuse for the purposes of regulation 8(1) (note however that this change does not require these facilities to open as that is a matter for local authorities);
- (d) adding garden centres and plant nurseries to Part 4 of Schedule 1, which means that they may open subject to requirements to take all reasonable measures to ensure a distance of 2 metres is maintained by persons on the premises and persons waiting to enter the premises.

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 497 (Cy. 118)

2020 No. 497 (W. 118)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws)
(Cymru) (Diwygio) (Rhif 3) 2020

The Health Protection (Coronavirus
Restrictions) (Wales) (Amendment)
(No. 3) Regulations 2020

Cymeradwywyd gan Senedd Cymru

Approved by Senedd Cymru

Gwnaed am 2.00 p.m. ar 11 Mai 2020

Made at 2.00 p.m. on 11 May 2020

*Gosodwyd gerbron Senedd
Cymru am 3.00 p.m. ar 11 Mai 2020*

*Laid before Senedd
Cymru at 3.00 p.m. on 11 May 2020*

Yn dod i rym am 4.00 p.m. ar 11 Mai 2020

*Coming into
force at 4.00 p.m. on 11 May 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 a cyhoedd a berir gan fynychder a lledaeniad syndrom anadlol aciwt difrifol coronafeirws 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 weir 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 y 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 (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) (Cymru) (Diwygio) (Rhif 3) 2020 a deuant i rym am 4.00 p.m. ar 11 Mai 2020.

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

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

(2) Yn rheoliad 3—

(a) ym mharagraff (2), ar ôl “y Rheoliadau hyn” mewnosoder “, a pha un a yw'r cyfyngiadau a'r gofynion hynny yn gymesur â'r hyn y mae Gweinidogion Cymru yn ceisio ei gyflawni drwyddynt.”;

(b) hepgorer paragraffau (3), (4), (4A) a (5).

(3) Yn rheoliad 4, ym mharagraff (5)(c), yn lle “, oriel neu lyfrgell” rhodder “neu oriel”.

(4) Yn rheoliad 8, ym mharagraff (2)—

(a) ar ôl is-baragraff (aa) mewnosoder—

“(ab) i gasglu nwyddau sydd wedi eu prynu oddi wrth berson sy'n darparu gwasanaeth mewn ymateb i archebion neu ymholiadau yn rhinwedd yr eithriad i'r gofyniad yn rheoliad 6(2)(a) i beidio â chynnal busnes;”

(b) yn is-baragraff (b), yn lle “ddim mwy nag unwaith y dydd (neu'n amlach os oes angen hyn oherwydd cyflwr iechyd neu anabled penodol)” rhodder “o fewn ardal sy'n lleol i'r man lle y mae'r person yn byw”;

(c) ar ôl is-baragraff (i)—

“(ia) i ddefnyddio gwasanaethau ailgylchu neu waredu gwastraff;

(ib) i ymweld â llyfrgell;”

(5) Yn Atodlen 1—

(a) ym mharagraff 10, hepgorer “, llyfrgelloedd”;

(b) ar ôl paragraff 33 mewnosoder—

“**33A.** Canolfannau garddio a meithrinfeydd planhigion.”;

(c) ar ôl paragraff 47 mewnosoder—

“**48.** Llyfrgelloedd.”

Title and coming into force

1. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020 and they come into force at 4.00 p.m. on 11 May 2020.

Amendment of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(1) are amended as follows.

(2) In regulation 3—

(a) in paragraph (2), after “Regulations” insert “, and whether those restrictions and requirements are proportionate to what the Welsh Ministers seek to achieve by them.”;

(b) omit paragraphs (3), (4), (4A) and (5).

(3) In regulation 4, in paragraph (5)(c), for “, gallery or library” substitute “or gallery”.

(4) In regulation 8, in paragraph (2)—

(a) after sub-paragraph (aa) insert—

“(ab) to collect goods which have been purchased from a person providing a service in response to orders or enquiries by virtue of the exception to the requirement to cease carrying on a business in regulation 6(2)(a);”

(b) in sub-paragraph (b), for “no more than once a day (or more frequently if this is needed because of a particular health condition or disability)” substitute “within an area local to the place where the person is living”;

(c) after sub-paragraph (i)—

“(ia) to access recycling or waste disposal services;

(ib) to visit a library;”

(5) In Schedule 1—

(a) in paragraph 10, omit “, libraries”;

(b) after paragraph 33 insert—

“**33A.** Garden centres and plant nurseries.”;

(c) after paragraph 47 insert—

“**48.** Libraries.”

(1) O.S. 2020/353 (Cy. 80) fel y'i diwygiwyd gan Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) 2020 (O.S. 2020/399 (Cy. 88)) a Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 2) 2020 (O.S. 2020/452 (Cy. 102)).

(1) S.I. 2020/353 (W. 80) as amended by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020 (S.I. 2020/399 (W. 88)) and the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/452 (W. 102)).

Diwygiad canlyniadol i Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 2) 2020

3. Hepgorer rheoliad 2 o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 2) 2020(1).

Arbediad ar gyfer troseddau a chosbau mewn perthynas â gweithredoedd blaenorol

4. Mae rheoliadau 12 a 13 o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (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 Rheoliadau hyn ddod i rym fel pe na bai'r diwygiadau a nodir yn rheoliad 2 wedi eu gwneud.

Consequential amendment to the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020

3. Omit regulation 2 of the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020(1).

Saving for offences and penalties in relation to prior acts

4. Regulations 12 and 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before these Regulations came into force as if the amendments set out in regulation 2 had not been made.

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 2.00 p.m. ar 11 Mai 2020

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First Minister, one of the Welsh Ministers
At 2.00 p.m. on 11 May 2020

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