



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2021 Rhif 1363 (Cy. 358)**

**2021 No. 1363 (W. 358)**

**IECHYD Y CYHOEDD,  
CYMRU**

**PUBLIC HEALTH, WALES**

**Rheoliadau Diogelu Iechyd  
(Cyfyngiadau Coronafeirws) (Rhif  
5) (Cymru) (Diwygio) (Rhif 21)  
2021**

**The Health Protection (Coronavirus  
Restrictions) (No. 5) (Wales)  
(Amendment) (No. 21) Regulations  
2021**

**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 5) (Cymru) 2020 (O.S. 2020/1609 (Cy. 335)) ("y prif Reoliadau") er mwyn—

- darparu, pan fo oedolyn wedi ei hysbysu ei fod wedi dod i gysylltiad agos â pherson sydd wedi cael canlyniad positif am y coronafeirws sy'n amrywiolyn Omicron, neu a all fod yn amrywiolyn Omicron, fod rhaid i'r oedolyn hunanynysu am nad yw'r esemptiadau yn y prif Reoliadau sy'n ymwneud â statws brechu, treialon clinigol a chynlluniau profi yn gymwys mwyach;

**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. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) ("the principal Regulations") to—

- provide that where an adult is notified that they have had close contact with a person who has tested positive for coronavirus which is or may be the Omicron variant, the adult must self-isolate as the exemptions in the principal Regulations relating to vaccination status, clinical trials and testing schemes no longer apply;

- darparu (yn yr un modd), pan fo oedolyn wedi ei hysbysu bod plentyn y mae gan yr oedolyn gyfrifoldeb drosto wedi dod i gysylltiad agos â pherson sydd wedi cael canlyniad positif am y coronafeirws sy'n amrywiolyn Omicron, neu a all fod yn amrywiolyn Omicron, fod rhaid i'r plentyn hunanynysu;
- egluro bod “swyddog olrhain cysylltiadau”, at ddibenion rheoliadau 6 a 7 o'r prif Reoliadau, yn cynnwys Ymddiriedolaeth GIG Iechyd Cyhoeddus Cymru a'r Ysgrifennydd Gwladol fel y cânt hysbysu pobl am ganlyniadau profion positif.
- provide (similarly) that where an adult is notified that a child for whom the adult has responsibility has had close contact with a person who has tested positive for coronavirus which is or may be the Omicron variant, the child must self-isolate;
- clarify that for the purposes of regulations 6 and 7 of the principal Regulations, a “contact tracer” includes Public Health Wales NHS Trust and the Secretary of State so that they may notify people of positive test results.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. Yn unol â'r Cod, ni luniwyd 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 ar waith ar frys i ddelio â bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd.

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 deal with a serious and imminent threat to public health.

**2021 Rhif 1363 (Cy. 358)**

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**IECHYD Y CYHOEDD,  
CYMRU**

**PUBLIC HEALTH, WALES**

**Rheoliadau Diogelu Iechyd  
(Cyfyngiadau Coronafeirws) (Rhif  
5) (Cymru) (Diwygio) (Rhif 21)  
2021**

**The Health Protection (Coronavirus  
Restrictions) (No. 5) (Wales)  
(Amendment) (No. 21) Regulations  
2021**

*Cymeradwywyd gan Senedd Cymru*

*Approved by Senedd Cymru*

*Gwnaed am 1.12 p.m. ar 2 Rhagfyr 2021*

*Made at 1.12 p.m. on 2 December 2021*

*Gosodwyd gerbron Senedd  
Cymru am 4.30 p.m. ar 2 Rhagfyr 2021*

*Laid before Senedd  
Cymru at 4.30 p.m. on 2 December 2021*

*Yn dod i rym 3 Rhagfyr 2021*

*Coming into force 3 December 2021*

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(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), 45F(2) 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 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 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.

(1) 1984 p. 22. 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 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.

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.

### Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 21) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 3 Rhagfyr 2021.

### 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 5—

(a) ar ôl paragraff (1) mewnosoder—

“(1A) Yn y Rhan hon—

(a) ystyr “person y mae'r coronafeirws arno sy'n amrywiolyn Omicron neu a all fod yn amrywiolyn Omicron” yw—

(i) person sydd wedi cael canlyniad positif am y coronafeirws ac y mae profi moleciwlaidd (gan gynnwys profion PCR, genoteipio neu ddilyniannu) wedi nodi bod yr amrywiolyn Omicron ar y person, neu

(ii) person sydd wedi cael canlyniad positif am y coronafeirws ac y mae un o'r canlynol yn gymwys—

(aa) mae profi moleciwlaidd (gan gynnwys profion PCR, genoteipio neu ddilyniannu) wedi nodi ei bod yn debygol bod yr amrywiolyn Omicron ar y person, neu

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.

### Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 21) Regulations 2021.

(2) These Regulations come into force on 3 December 2021.

### 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 5—

(a) after paragraph (1) insert—

“(1A) In this Part—

(a) a “person who has coronavirus which is or may be the Omicron variant” means—

(i) a person who has tested positive for coronavirus and molecular testing (including PCR tests, genotyping or sequencing) has identified that the person has the Omicron variant, or

(ii) a person who has tested positive for coronavirus and one of the following applies—

(aa) molecular testing (including PCR tests, genotyping or sequencing) has identified that the person is likely to have the Omicron variant, or

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(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) ac O.S. 2021/1304 (Cy. 334).

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(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) and S.I. 2021/1304 (W. 334).

(bb) mae'r amgylchiadau yn golygu ei bod yn rhesymol i swyddog olrhain cysylltiadau amau bod yr amrywiolyn Omicron ar y person;

(b) ystyr "amrywiolyn Omicron" yw'r amrywiolyn SARS-CoV-2 sydd wedi ei ddynodi'n B.1.1.529 gan Sefydliad Iechyd y Byd."

(b) ar ôl paragraff (4) mewnosoder—

"(5) At ddibenion rheoliadau 6 a 7, mae "swyddog olrhain cysylltiadau" yn cynnwys—

(a) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru;

(b) yr Ysgrifennydd Gwladol."

(3) O flaen rheoliad 10 mewnosoder—

### **"Gofyniad i ynysu ar ôl cysylltiad agos â pherson â'r amrywiolyn Omicron: plentyn**

**9A.**—(1) Mae'r rheoliad hwn yn gymwys pan fo swyddog olrhain cysylltiadau yn hysbysu oedolyn ("O") fod plentyn ("P") y mae O yn gyfrifol amdano wedi dod i gysylltiad agos â pherson ("C") y mae'r coronafeirws arno sy'n amrywiolyn Omicron neu a all fod yn amrywiolyn Omicron.

(2) Ni chaiff P ymadael â'r man lle y mae P yn byw, neu fod y tu allan i'r man hwnnw, cyn diwedd diwrnod olaf ynysiad P oni bai bod rheoliad 10 yn gymwys.

(3) Os gofynnir iddo gan swyddog olrhain cysylltiadau, rhaid i O hysbysu'r swyddog am gyfeiriad y man lle y mae P yn byw.

(4) Diwrnod olaf ynysiad P yw diwrnod olaf y cyfnod o 10 niwrnod sy'n dechrau â'r diwrnod ar ôl y diwrnod y mae swyddog olrhain cysylltiadau yn ei gofnodi fel y diwrnod olaf y daeth P i gysylltiad agos ag C cyn i O gael yr hysbysiad y cyfeirir ato ym mharagraff (1).

(5) Ond pan fo P yn byw yn yr un man ag C, diwrnod olaf ynysiad P yw—

(a) pan fo C, neu, pan fo C yn blentyn, oedolyn cyfrifol ("OC") ar ran C, yn rhoi gwybod i swyddog olrhain cysylltiadau y diwrnod y datblygodd C symptomau gyntaf, diwrnod olaf y cyfnod o 10 niwrnod sy'n dechrau â'r diwrnod ar ôl y diwrnod y mae C, neu OC, yn rhoi gwybod mai dyna'r diwrnod y datblygodd C symptomau gyntaf, neu

(bb) the circumstances are such that it is reasonable for a contact tracer to suspect that the person has the Omicron variant;

(b) "Omicron variant" means the SARS-CoV-2 variant designated as B.1.1.529 by the World Health Organisation."

(b) after paragraph (4) insert—

"(5) For the purposes of regulations 6 and 7, "a contact tracer" includes—

(a) Public Health Wales National Health Service Trust;

(b) the Secretary of State."

(3) Before regulation 10 insert—

### **"Requirement to isolate after close contact with person with Omicron variant: child**

**9A.**—(1) This regulation applies where an adult ("A") is notified by a contact tracer that a child ("C") for whom A is responsible has had close contact with a person ("P") who has coronavirus which is or may be the Omicron variant.

(2) C may not leave or be outside the place where C is living before the end of the last day of C's isolation unless regulation 10 applies.

(3) If requested by a contact tracer, A must notify the contact tracer of the address of the place where C is living.

(4) The last day of C's isolation is the last day of the period of 10 days beginning with the day after the day which a contact tracer records as being the last day on which C had close contact with P before A received the notification referred to in paragraph (1).

(5) But where C is living in the same place as P, the last day of C's isolation is—

(a) where P, or, where P is a child, a responsible adult ("R") on P's behalf, reports to a contact tracer the day on which P's symptoms first developed, the last day of the period of 10 days beginning with the day after the day on which P, or R, reports as being the day on which P's symptoms first developed, or

(b) pan na roddir gwybod am unrhyw symptomau, diwrnod olaf y cyfnod o 10 niwrnod sy'n dechrau â'r diwrnod ar ôl diwrnod y prawf a arweiniodd at roi'r hysbysiad i C, neu OC, fod C wedi cael canlyniad positif am y coronafeirws."

(4) Yn rheoliad 10—

- (a) ym mharagraff (1), yn lle "neu 8(2)" rhodder "  
", 8(2) neu 9A(2)";
- (b) ym mharagraff (3), yn lle "ac 8(2)" rhodder "  
", 8(2) a 9A(2)";
- (c) ar ôl paragraff (6) mewnosoder—

"(6ZA) Ond nid yw paragraffau (5) a (6) yn gymwys pan fo'r swyddog olrhain cysylltiadau sy'n rhoi'r hysbysiad a ddisgrifir yn rheoliad 8(1) hefyd yn hysbysu'r person mai â pherson y mae'r coronafeirws arno sy'n amrywiolyn Omicron neu a all fod yn amrywiolyn Omicron yr oedd y cysylltiad agos."

(5) Yn rheoliad 11, ar ôl paragraff (1) mewnosoder—

"(1A) Ond nid yw'r rheoliad hwn yn gymwys pan fo'r swyddog olrhain cysylltiadau sy'n rhoi'r hysbysiad a ddisgrifir yn rheoliad 8(1) hefyd yn hysbysu'r person mai â pherson y mae'r coronafeirws arno sy'n amrywiolyn Omicron neu a all fod yn amrywiolyn Omicron yr oedd y cysylltiad agos."

(6) Yn rheoliad 12, ar ôl "reoliad 7(2)" mewnosoder "neu 9A(2)".

(7) Yn rheoliad 13(1)(a), yn lle "neu 8(1)" rhodder "  
", 8(1) neu 9A(1)".

(8) Ar ôl rheoliad 13 mewnosoder—

**"Tynnu'n ôl hysbysiad mai â pherson y mae'r amrywiolyn Omicron arno yr oedd y cysylltiad agos**

**13A.**—(1) Mae'r rheoliad hwn yn gymwys pan fo swyddog olrhain cysylltiadau—

- (a) wedi rhoi hysbysiad o dan reoliad 10(6ZA) neu 11(1A) mai â pherson y mae'r coronafeirws arno sy'n amrywiolyn Omicron neu a all fod yn amrywiolyn Omicron yr oedd cysylltiad agos person ("yr hysbysiad gwreiddiol"), ond
- (b) yn hysbysu derbynnydd yr hysbysiad gwreiddiol wedi hynny fod yr hysbysiad wedi ei dynnu'n ôl.

(b) where no symptoms are reported, the last day of the period of 10 days beginning with the day after the day of the test which led to the notification being given to P, or R, that P had tested positive for coronavirus."

(4) In regulation 10—

- (a) in paragraph (1), for "or 8(2)" substitute "  
", 8(2) or 9A(2)";
- (b) in paragraph (3), for "and 8(2)" substitute "  
", 8(2) and 9A(2)";
- (c) after paragraph (6) insert—

"(6ZA) But paragraphs (5) and (6) do not apply where the contact tracer who gives the notification described in regulation 8(1) also notifies the person that the close contact was with a person who has coronavirus which is or may be the Omicron variant."

(5) In regulation 11, after paragraph (1) insert—

"(1A) But this regulation does not apply where the contact tracer who gives the notification described in regulation 8(1) also notifies the person that the close contact was with a person who has coronavirus which is or may be the Omicron variant."

(6) In regulation 12, after "regulation 7(2)" insert "or 9A(2)".

(7) In regulation 13(1)(a), for "or 8(1)" substitute "  
", 8(1) or 9A(1)".

(8) After regulation 13 insert—

**"Withdrawing a notification that close contact was with person with Omicron variant**

**13A.**—(1) This regulation applies where a contact tracer—

- (a) has given a notification under regulation 10(6ZA) or 11(1A) that a person's close contact was with a person who has coronavirus which is or may be the Omicron variant ("the original notification"), but
- (b) subsequently notifies the recipient of the original notification that it is withdrawn.

(2) Mae hysbysiad gwreiddiol i'w drin fel pe na bai wedi ei roi (a gall yr esemptiadau yn rheoliadau 10(5) a (6) ac 11 fod yn gymwys)."

(9) Yn rheoliad 14(2)(a)—

- (a) yn y geiriau o flaen paragraff (i), yn lle “neu 8(2)” rhodder “, 8(2) neu 9A(2)”;
- (b) ym mharagraff (ii), yn lle “neu 8(1)” rhodder “, 8(1) neu 9A(1)”;
- (c) ym mharagraff (iii), yn lle “neu 8” rhodder “, 8 neu 9A”.

(10) Yn rheoliad 30, yn y geiriau o flaen is-baragraff (a), yn lle “neu 8(2)” rhodder “, 8(2) neu 9A(2)”.

(11) Yn rheoliad 40—

- (a) ym mharagraff (1)—
  - (i) yn is-baragraff (a), ar ôl “8(2)” mewnosoder “, 9A(2)”;
  - (ii) yn is-baragraff (b), yn lle “neu 8(3)” rhodder “, 8(3) neu 9A(3)”;
- (b) ym mharagraff (2)(a), yn lle “neu 8(3)” rhodder “, 8(3) neu 9A(3)”.

(2) The original notification is treated as if it had not been given (and the exemptions in regulations 10(5) and (6) and 11 may apply)."

(9) In regulation 14(2)(a)—

- (a) in the words before paragraph (i), for “or 8(2)” substitute “, 8(2) or 9A(2)”;
- (b) in paragraph (ii), for “or 8(1)” substitute “, 8(1) or 9A(1)”;
- (c) in paragraph (iii), for “or 8” substitute “, 8 or 9A”.

(10) In regulation 30, in the words before sub-paragraph (a), for “or 8(2)” substitute “, 8(2) or 9A(2)”.

(11) In regulation 40—

- (a) in paragraph (1)—
  - (i) in sub-paragraph (a), after “8(2)” insert “, 9A(2)”;
  - (ii) in sub-paragraph (b), for “or 8(3)” substitute “, 8(3) or 9A(3)”;
- (b) in paragraph (2)(a), for “or 8(3)” substitute “, 8(3) or 9A(3)”.

*Mark Drakeford*

Y Prif Weinidog, un o Weinidogion Cymru  
Am 1.12 p.m. ar 2 Rhagfyr 2021

First Minister, one of the Welsh Ministers  
At 1.12 p.m. on 2 December 2021

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