O F F E R Y N N A U S T A T U D O L C Y M R U

2021 Rhif 542 (Cy. 154)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 9) 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 lledaeniad coronafeirws syndrom anadlol acíwt 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").

Mae'r diwygiadau yn darparu, o 3 Mai 2021, fod Cymru gyfan ar Lefel Rhybudd 3 yn llawn a bod y cyfyngiadau a'r gofynion a nodir yn Atodlen 3 i'r prif Reoliadau yn gymwys. Mae'r cyfyngiadau a'r gofynion dros dro (trosiannol) a nodir yn Atodlen 3A, sydd wedi bod yn gymwys i Gymru gyfan ers 27 Mawrth 2021, wedi eu dirymu.

W E L S H S T A T U T O R Y I N S T R U M E N T S

2021 No. 542 (W. 154)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021

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").

The amendments provide that from 3 May 2021 the whole of Wales is fully at Alert Level 3 and the restrictions and requirements set out in Schedule 3 to the principal Regulations apply. The temporary (transitional) restrictions and requirements set out in Schedule 3A, which have applied to the whole of Wales since 27 March 2021, are revoked.

Mae symud i gyfyngiadau Lefel Rhybudd 3 llawn Atodlen 3 yn golygu, o 3 Mai 2021—

- y caiff unrhyw aelwyd gytuno i gael ei thrin fel aelwyd estynedig ag un aelwyd arall (ac â'r aelwyd honno yn unig), neu â dwy aelwyd arall os yw un o'r aelwydydd yn aelwyd anghenion llesiant;
- y caniateir gweithgareddau wedi eu trefnu o dan do ar gyfer grwpiau o hyd at 15 o bobl, heb gyfrif personau o dan 11 oed;
- y caniateir i weithgareddau wedi eu trefnu er datblygiad neu lesiant plant gael eu cynnal o dan do hefyd;
- y caniateir i ganolfannau cymunedol agor eu mangreoedd o dan do hefyd;
- y caniateir i gyfleusterau chwaraeon ac ymarfer corff o dan do agor.

Mae'r Rheoliadau yn diwygio Atodlen 3 i ganiatáu i sbaon agor o dan y cyfyngiadau Lefel Rhybudd 3 (ond mae'n ofynnol i ystafelloedd stêm aros ar gau).

Mae'r Rheoliadau hefyd yn cywiro mân wall a wnaed wrth ddiwygio paragraff 2(6)(k) o Atodlen 2 i'r prif Reoliadau gan Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 8) 2021 (O.S. 2021/502 (Cy. 150)) ac yn gwneud diwygiad canlyniadol i Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Swyddogaethau Awdurdodau Lleol etc.) (Cymru) 2020 (O.S. 2020/1011 (Cy. 225)).

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 move to the full Alert Level 3 restrictions in Schedule 3 means that from 3 May 2021—

- any household may agree to be treated as an (exclusive) extended household with one other household, or with two other households if one of the households is a well-being needs household;
- indoor organised activities are allowed for groups of up to 15 people, not counting persons under the age of 11;
- organised activities for the development or well-being of children may also be held indoors;
- community centres are allowed to also open their indoor premises;
- indoor sports and exercise facilities are allowed to open.

The Regulations amend Schedule 3 to allow spas to open under the Alert Level 3 restrictions (but steam rooms are required to remain closed).

The Regulations also correct a minor error made in the amendment of paragraph 2(6)(k) of Schedule 2 to the principal Regulations by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021 (S.I. 2021/502 (W. 150)) and make a consequential amendment to the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020 (S.I. 2020/1011 (W. 225)).

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.

OFFERYNNAU STATUDOL CYMRU

2021 Rhif 542 (Cy. 154)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 9) 2021

Cymeradwywyd gan Senedd Cymru

Gwnaed *29 Ebrill 2021*

Yn dod i rym *3 Mai 2021*

I'w osod gerbron Senedd Cymru

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**).

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 acíwt difrifol 2 (SARS-CoV-2) yng Nghymru.

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.

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.

(**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.

WELSH STATUTORY INSTRUMENTS

2021 No. 542 (W. 154)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021

Approved by Senedd Cymru

Made *29 April 2021*

Coming into force *3 May 2021*

To be laid before Senedd Cymru

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**).

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.

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, Senedd 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.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 9) 2021.

(2) Daw'r Rheoliadau hyn i rym yn union cyn dechrau'r diwrnod ar 3 Mai 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 4, hepgorer paragraffau (6A) a (6B).

(3) Yn Atodlen 1, paragraff 3(5)(ba), ar ôl "Atodlen 3A" mewnosoder "(er gwaethaf ei ddirymu gan Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 9) 2021)".

(4) Yn Atodlen 2—

(a) yn lle paragraff 2(6)(k) rhodder—

"(k) cymryd rhan mewn gweithgaredd wedi ei drefnu, mewn mangre ac eithrio llety gwyliau neu lety teithio, neu'n hwyluso'r gweithgaredd hwnnw, er datblygiad neu lesiant personau a oedd o dan 18 oed ar 31 Awst 2020 (gan gynnwys chwaraeon, cerddoriaeth a gweithgareddau hamdden eraill megis y rheini a ddarperir ar gyfer plant y tu allan i oriau'r ysgol ac yn ystod gwyliau'r ysgol);";

(b) ym mharagraff 3(6)(aa), ar ôl "Atodlen 3A" mewnosoder "(er gwaethaf ei ddirymu gan Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 9) 2021)".

(5) Yn Atodlen 3—

(a) ym mharagraff 4(6)(b), ar ôl "Atodlen 3A" mewnosoder "(er gwaethaf ei ddirymu gan Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 9) 2021)";

(**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) ac O.S. 2021/502 (Cy. 150).

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021.

(2) These Regulations come into force immediately before the start of the day on 3 May 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 4, omit paragraphs (6A) and (6B).

(3) In Schedule 1, paragraph 3(5)(ba), after "Schedule 3A" insert "(despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021)".

(4) In Schedule 2—

(a) for paragraph 2(6)(k) substitute—

"(k) participating in or facilitating an organised activity, in premises other than holiday or travel accommodation, for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);";

(b) in paragraph 3(6)(aa), after "Schedule 3A" insert "(despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021)".

(5) In Schedule 3—

(a) in paragraph 4(6)(b), after "Schedule 3A" insert "(despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021)";

(**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) and S.I. 2021/502 (W. 150).

(b) ym mharagraff 9—

(i) yn is-baragraff (2) hepgorer "33 (sbaon),";

(ii) yn lle is-baragraff (4) rhodder—

"(4) Er gwaethaf is-baragraff (1), caiff person sy'n gyfrifol am gynnal busnes neu ddarparu gwasanaeth a restrir ym mharagraff 28 (busnesau gwyliau, gweithgareddau hamdden neu ddigwyddiadau) agor ardaloedd o dan do ei fangre i'r cyhoedd, ond dim ond at ddibenion hwyluso gweithgaredd wedi ei drefnu er datblygiad neu lesiant personau a oedd o dan 18 oed ar 31 Awst 2020 (gan gynnwys chwaraeon, cerddoriaeth a gweithgareddau hamdden eraill megis y rheini a ddarperir ar gyfer plant y tu allan i oriau'r ysgol ac yn ystod gwyliau'r ysgol).";

(c) yn lle paragraff 33 rhodder—

"**33.** Ystafelloedd stêm."

(6) Hepgorer Atodlen 3A.

(7) Yn Atodlen 5—

(a) yn y pennawd, hepgorer "ac addasiadau dros dro";

(b) hepgorer paragraff 2.

Diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 8) 2021

3. Mae rheoliad 2(13)(b)(vii)(dd) o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 8) 2021(**1**) wedi ei ddiddymu.

Diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Swyddogaethau Awdurdodau Lleol etc.) (Cymru) 2020

4. Yn rheoliad 6(2)(c) o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Swyddogaethau Awdurdodau Lleol etc.) (Cymru) 2020(**2**), yn lle "paragraff 2" rhodder "paragraff 3".

(b) in paragraph 9—

(i) in sub-paragraph (2) omit "33 (spas),";

(ii) for sub-paragraph (4) substitute—

"(4) Despite sub-paragraph (1), a person responsible for carrying on a business or providing a service listed in paragraph 28 (holiday, leisure activity or events businesses) may open the indoor areas of its premises to the public, but only for the purposes of facilitating an organised activity for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).";

(c) for paragraph 33 substitute—

"**33.** Steam rooms."

(6) Omit Schedule 3A.

(7) In Schedule 5—

(a) in the heading, omit "and temporary modifications";

(b) omit paragraph 2.

Amendment to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021

3. Regulation 2(13)(b)(vii)(dd) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021(**1**) is revoked.

Amendment to the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020

4. In regulation 6(2)(c) of the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020(**2**), for "paragraph 2" substitute "paragraph 3".

(**1**) O.S. 2021/502 (Cy. 150).

(**2**) O.S. 2020/1011 (Cy. 225) fel y'i diwygiwyd gan O.S. 2020/1100 (Cy. 250), O.S. 2020/1219 (Cy. 276), O.S. 2020/1409 (Cy. 311), O.S. 2020/1609 (Cy. 335), O.S. 2021/57 (Cy. 13) ac O.S. 2021/307 (Cy. 79).

(**1**) S.I. 2021/502 (W. 150).

(**2**) S.I. 2020/1011 (W. 225) as amended by S.I. 2020/1100 (W. 250), S.I. 2020/1219 (W. 276), S.I. 2020/1409 (W. 311), S.I. 2020/1609 (W. 335), S.I. 2021/57 (W. 13) and S.I. 2021/307 (W. 79).

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
29 Ebrill 2021

First Minister, one of the Welsh Ministers
29 April 2021

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

ISBN 978-0-348-11953-4