



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 No. 57 (W. 13)

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**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

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

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

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'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 (O.S. 2020/1609 (Cy. 335)) ("y Rheoliadau Cyfyngiadau") er mwyn—

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

- (a) ei gwneud yn ofynnol i bob person sy'n ddarostyngedig i'r rhwymedigaeth yn rheoliad 16 i gymryd mesurau i leihau'r risg o ddod i gysylltiad â'r coronafeirws yn ei fangre gynnal asesiad penodol o'r risg o ddod i gysylltiad â'r coronafeirws yn y fangre honno ac ymgynghori ar hynny;
- (b) gwneud darpariaeth benodol ynghylch y mesurau y mae rhaid eu cymryd i leihau'r risg o ddod i gysylltiad â'r coronafeirws mewn mangreoedd manwerthu;

- (a) require all persons who are subject to the obligation in regulation 16 to take measures to minimise the risk of exposure to coronavirus on their premises to undertake a specific assessment of the risk of exposure to coronavirus on those premises and to consult on that;
- (b) make specific provision about the measures that must be taken to minimise the risk of exposure to coronavirus on retail premises;

- (c) gwneud darpariaeth sy'n gosod dyletswyddau ar berchnogion ysgolion a sefydliadau addysg bellach i atal disgyblion neu fyfyrwyr rhag mynd i'w mangreoedd, yn ddarostyngedig i rai eithriadau cyfyngedig;
- (d) gwneud newidiadau canlyniadol a mân newidiadau eraill i sicrhau cysondeb â'r darpariaethau newydd.

Mae'r Rheoliadau hefyd yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Swyddogaethau Awdurdodau Lleol etc.) (Cymru) 2020 (O.S. 2020/1011 (Cy. 225)) ("y Rheoliadau Swyddogaethau Awdurdodau Lleol"). Mae'r diwygiad yn ganlyniadol ar wneud y Rheoliadau Cyfyngiadau ac mae'n ei gwneud yn ofynnol i awdurdod lleol, wrth benderfynu pa un ai i roi cyfarwyddyd digwyddiad o dan y Rheoliadau Swyddogaethau Awdurdodau Lleol, roi sylw i a all y digwyddiad arwain at bobl yn ymgynnull yn groes i'r Atodlen berthnasol i'r Rheoliadau Cyfyngiadau. Mae'r Rheoliadau hefyd yn dirymu deddfiadau sydd wedi eu disbyddu sy'n ymwneud â Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 4) (Cymru) 2020 (O.S. 2020/1219 (Cy. 276)).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

- (c) make provision imposing duties on the proprietors of schools and further education institutions preventing pupils or students from attending to their premises, subject to some limited exceptions;
- (d) make consequential and other minor changes to ensure consistency with the new provisions.

The Regulations also amend the Health Protection (Coronavirus, Functions of Local Authorities etc.) (Wales) Regulations 2020 (S.I. 2020/1011 (W. 225)) ("the Functions of Local Authorities Regulations"). The amendment is consequential on the making of the Restrictions Regulations and requires a local authority, when deciding whether to give an event direction under the Functions of Local Authorities Regulations, to have regard to whether the event may result in people gathering in contravention of the relevant Schedule to the Restrictions Regulations. The Regulations also revoke spent enactments relating to the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 (S.I. 2020/1219 (W. 276)).

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.

2021 Rhif 57 (Cy. 13)

**IECHYD Y CYHOEDD,
CYMRU**

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

Cymeradwywyd gan Senedd Cymru

Gwnaed am 12.48 p.m. ar 19 Ionawr 2021

*Gosodwyd gerbron Senedd
Cymru am 5.30 p.m. ar 19 Ionawr 2021*

Yn dod i rym 20 Ionawr 2021

2021 No. 57 (W. 13)

PUBLIC HEALTH, WALES

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

Approved by Senedd Cymru

Made at 12.48 p.m. on 19 January 2021

*Laid before Senedd
Cymru at 5.30 p.m. on 19 January 2021*

Coming into force 20 January 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).

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.

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 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.

(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) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 20 Ionawr 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 16—

(a) o flaen paragraff (1)(a), mewnosoder—

“(za) cynnal asesiad penodol o'r risg o ddod i gysylltiad â'r coronafeirws yn y fangre ac, wrth wneud hynny, ymgynghori â phersonau sy'n gweithio yn y fangre neu gynrychiolwyr y personau hynny;”

(b) ar ôl paragraff (2), mewnosoder—

“(3) Rhaid i asesiad o dan baragraff (1)(za)—

(a) bodloni gofynion rheoliad 3 o Reoliadau Rheoli Iechyd a Diogelwch yn y Gwaith 1999(2) (“Rheoliadau 1999”), a

(b) cael ei gynnal—

(i) pa un a yw'r person cyfrifol eisoes wedi cynnal asesiad o dan y rheoliad hwnnw ai peidio, a

(ii) pa un a yw'r rheoliad hwnnw yn gymwys i'r person cyfrifol ai peidio.

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) Regulations 2021.

(2) These Regulations come into force on 20 January 2021.

Amendment of 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) before paragraph (1)(a), insert—

“(za) undertake a specific assessment of the risk of exposure to coronavirus at the premises and in doing so consult persons working on the premises or representatives of those persons;”

(b) after paragraph (2), insert—

“(3) An assessment under paragraph (1)(za)—

(a) must satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999(2) (the “1999 Regulations”), and

(b) must be undertaken—

(i) whether or not the responsible person has already undertaken an assessment under that regulation, and

(ii) whether or not that regulation applies to the responsible person.

(1) O.S. 2020/1609 (Cy. 335) fel y'i diwygiwyd gan O.S. 2020/1610 (Cy. 336).

(2) O.S. 1999/3242. Diwygiwyd rheoliad 3 gan O.S. 2005/1541, O.S. 2015/21 ac O.S. 2015/1637.

(1) S.I. 2020/1609 (W. 335) as amended by S.I. 2020/1610 (W. 336).

(2) S.I. 1999/3242. Regulation 3 was amended by S.I. 2005/1541, S.I. 2015/21 and S.I. 2015/1637.

(4) At ddibenion paragraff (3)—

- (a) mae rheoliad 3 o Reoliadau 1999 i'w ddarllen fel pe bai'r geiriau “by regulations 16, 17 and 17A of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020” wedi eu rhoi yn lle “by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997”, yn y ddau le y maent yn digwydd, a
- (b) os na fyddai rheoliad 3 o Reoliadau 1999 yn gymwys i berson cyfrifol oni bai am baragraff (3)(b)(ii)—
 - (i) mae'r rheoliad hwnnw i'w drin fel pe bai'n gymwys i'r person fel pe bai'r person yn gyflogwr, a
 - (ii) mae personau sy'n gweithio yn y fangre i'w trin, at ddibenion y rheoliad hwnnw fel y mae'n gymwys yn rhinwedd paragraff (3)(b)(ii), fel pe baent wedi eu cyflogi gan y person cyfrifol.”

(3) Yn rheoliad 17—

- (a) yn lle paragraffau (1) a (2) rhodder—

“(1) Pan fo rheoliad 16(1) yn gymwys i berson sy'n gyfrifol am fangre sydd wedi ei hawdurdodi ar gyfer gwerthu neu gyflenwi alcohol i'w yfed yn y fangre, mae'r mesurau sydd i'w cymryd gan y person cyfrifol yn cynnwys y canlynol (ond nid ydynt yn gyfyngedig iddynt)—

- (a) cael person sy'n rheoli mynediad i'r fangre ac sy'n dyrannu cyfnod amser cyfyngedig y caiff cwsmeriaid aros yn y fangre ar ei gyfer;
- (b) ei gwneud yn ofynnol i gwsmeriaid fod yn eistedd yn y fangre yn unrhyw le ac eithrio wrth far—
 - (i) pan fyddant yn archebu bwyd neu ddiod,
 - (ii) pan weinir bwyd neu ddiod iddynt, a
 - (iii) pan fyddant yn bwyta neu'n yfed.”;

- (b) ym mharagraff (4), yn lle “(2)” rhodder “(1)”.

(4) Ar ôl rheoliad 17, mewnosoder—

(4) For the purposes of paragraph (3)—

- (a) regulation 3 of the 1999 Regulations is to be read as if the words “by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997”, in both places it occurs, were substituted by the words “by regulations 16, 17 and 17A of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020”, and
- (b) if regulation 3 of the 1999 Regulations would not, but for paragraph (3)(b)(ii), apply to a responsible person—
 - (i) that regulation is to be treated as applying to the person as if the person were an employer, and
 - (ii) persons working at the premises are, for the purposes of that regulation as it applies by virtue of paragraph (3)(b)(ii), treated as being employed by the responsible person.”

(3) In regulation 17—

- (a) for paragraphs (1) and (2) substitute—

“(1) Where regulation 16(1) applies to a person responsible for premises authorised for the sale or supply of alcohol for consumption on the premises, the measures to be taken by the responsible person include (but are not limited to)—

- (a) having a person controlling entry to the premises and allocating a limited time period to customers for which they may stay in the premises;
- (b) requiring customers to be seated in the premises in any place other than at a bar—
 - (i) when ordering food or drink,
 - (ii) when being served with food or drink, and
 - (iii) when consuming food or drink.”;

- (b) in paragraph (4), for “(2)” substitute “(1)”.

(4) After regulation 17, insert—

“Mesurau penodol sy’n gymwys i fangroedd manwerthu

17A. Pan fo rheoliad 16(1) yn gymwys i berson sy’n gyfrifol am fangre fanwerthu busnes sy’n cynnig nwyddau neu wasanaethau ar gyfer eu gwerthu neu eu llogi yn y fangre honno (gan gynnwys busnesau sy’n gwerthu bwyd neu ddiod i’w fwyta neu i’w hyfed oddi ar y fangre), mae’r mesurau sydd i’w cymryd gan y person cyfrifol yn cynnwys y canlynol (ond nid ydynt yn gyfyngedig iddynt)—

- (a) mesurau ar gyfer rheoli mynediad i’r fangre a chyfyngu ar nifer y cwsmeriaid sydd yn y fangre ar unrhyw adeg;
- (b) darparu cynhyrchion diheintio dwylo neu gyfleusterau golchi dwylo i’w defnyddio gan gwsmeriaid pan fyddant yn mynd i’r fangre ac yn ymadael â hi;
- (c) mesurau i ddiheintio unrhyw fasgedi, trolïau neu gynwysyddion tebyg a ddarperir i gwsmeriaid eu defnyddio yn y fangre;
- (d) er mwyn atgoffa cwsmeriaid i gynnal pellter o 2 fetr rhyngddynt ac i wisgo gorchudd wyneb—
 - (i) arddangos arwyddion a chymhorthion gweledol eraill;
 - (ii) gwneud cyhoeddiadau yn rheolaidd.”

(5) Yn rheoliad 18(1), yn lle “neu 17(1)” rhodder “, 17(1) neu 17A”.

(6) Yn rheoliad 25(3)(a)(i), yn lle “neu 17(1)” rhodder “, 17(1) neu 17A”.

(7) Yn rheoliad 26, yn lle “a 17(1)” rhodder “, 17(1) a 17A”.

(8) Ym mharagraff 6(5)(e) o Atodlen 1, yn y testun Saesneg, hepgorer “and is” yn y lle cyntaf y mae’n digwydd.

(9) Ym mharagraff 6(5)(e) o Atodlen 2, yn y testun Saesneg, hepgorer “and is” yn y lle cyntaf y mae’n digwydd.

(10) Ym mharagraff 6(5)(e) o Atodlen 3, yn y testun Saesneg, hepgorer “and is” yn y lle cyntaf y mae’n digwydd.

(11) Yn Atodlen 4, ar ôl paragraff 6 mewnosoder—

“Specific measures applicable to retail premises

17A. Where regulation 16(1) applies to a person responsible for retail premises of a business offering goods or services for sale or hire in those premises (including businesses selling food or drink for consumption off the premises), the measures to be taken by the responsible person must include (but are not limited to)—

- (a) measures for controlling entry to the premises and limiting the number of customers who are on the premises at any one time;
- (b) provision of hand sanitisation products or hand washing facilities for use by customers when they enter and exit the premises;
- (c) measures to sanitise any baskets, trolleys or similar containers provided for use by customers on the premises;
- (d) in order to remind customers to maintain a distance of 2 metres between each other and to wear a face covering—
 - (i) displaying signs and other visual aids;
 - (ii) making announcements on a regular basis.”

(5) In regulation 18(1), for “or 17(1)” substitute “, 17(1) or 17A”.

(6) In regulation 25(3)(a)(i), for “or 17(1)” substitute “, 17(1) or 17A”.

(7) In regulation 26, for “and 17(1)” substitute “, 17(1) and 17A”.

(8) In paragraph 6(5)(e) of Schedule 1, in the English language text, omit “and is” in the first place it occurs.

(9) In paragraph 6(5)(e) of Schedule 2, in the English language text, omit “and is” in the first place it occurs.

(10) In paragraph 6(5)(e) of Schedule 3, in the English language text, omit “and is” in the first place it occurs.

(11) In Schedule 4, after paragraph 6 insert—

“RHAN 3A

Cyfyngiadau ar fynd i ysgolion a sefydliadau addysg bellach

Cyfyngiadau ar fynd i fangroedd ysgolion

6A.—(1) Ni chaiff perchennog ysgol yng Nghymru ganiatáu i ddisgybl fynd i fangre'r ysgol.

(2) Ond nid yw is-baragraff (1) yn atal perchennog rhag caniatáu—

- (a) i ddisgybl fynd i fangre ysgol—
 - (i) i sefyll arholiad neu wneud asesiad arall;
 - (ii) pa fo perchennog yr ysgol y mae'r disgybl wedi ei gofrestru ynddi yn hysbysu riant y disgybl ei fod yn ystyried ei bod yn briodol i'r disgybl fynd yno oherwydd hyglwyfedd y disgybl;
 - (iii) pan—
 - (aa) bo'r awdurdod lleol sy'n cynnal yr ysgol y mae'r disgybl wedi ei gofrestru ynddi, neu
 - (bb) perchennog yr ysgol annibynnol y mae'r disgybl wedi ei gofrestru ynddi,

yn penderfynu bod y disgybl yn blentyn i weithiwr hanfodol;
- (b) disgybl rhag mynd i fangre ysgol arbennig;
- (c) disgybl rhag mynd i fangre uned cyfeirio disgyblion;
- (d) disgybl rhag mynd i fangre uned mewn ysgol, pan—
 - (i) bo awdurdod lleol yn cydnabod bod yr uned wedi ei neilltuo ar gyfer disgyblion ag anghenion addysgol arbennig, a
 - (ii) bo'r disgybl yn cael ei addysgu'n gyfan gwbl neu'n bennaf yn yr uned;
- (e) disgybl sy'n ddisgybl preswyl rhag preswylion mewn llety ym mangre'r ysgol.

“PART 3A

Restrictions on attending schools and further education institutions

Restriction on attending school premises

6A.—(1) The proprietor of a school in Wales may not permit a pupil to attend the premises of the school.

(2) But sub-paragraph (1) does not prevent a proprietor from permitting —

- (a) a pupil to attend a school's premises—
 - (i) to undertake an examination or other assessment;
 - (ii) where the pupil's parent is notified by the proprietor of the school at which the pupil is registered that the proprietor considers it appropriate for the pupil to attend by reason of the pupil's vulnerability;
- (iii) where—
 - (aa) the local authority that maintains the school at which the pupil is registered, or
 - (bb) the proprietor of the independent school at which the pupil is registered,

decides the pupil is the child of a critical worker;
- (b) a pupil from attending the premises of a special school;
- (c) a pupil from attending the premises of a pupil referral unit;
- (d) a pupil from attending the premises of a unit in a school, where—
 - (i) the unit is recognised by a local authority as being reserved for pupils with special educational needs, and
 - (ii) the pupil is wholly or mainly educated at the unit;
- (e) a pupil who is a boarder from residing in accommodation at the school premises.

(3) Wrth benderfynu a yw disgybl yn blentyn i weithiwr hanfodol, rhaid i'r awdurdod lleol neu berchennog ysgol annibynnol roi sylw i unrhyw ganllawiau a gyhoeddir gan Weinidogion Cymru ynghylch adnabod plant gweithwyr hanfodol.

Cyfyngiad ar fynd i fangre addysg bellach

6B.—(1) Ni chaiff perchennog sefydliad addysg bellach yng Nghymru ganiatáu i fyfyrwr fynd i fangre'r sefydliad addysg bellach.

(2) Ond nid yw is-baragraff (1) yn atal perchennog rhag caniatáu i fyfyrwr fynd i fangre—

- (a) sefydliad addysg bellach i sefyll arholiad neu wneud asesiad arall;
- (b) sefydliad yn y sector addysg bellach pan fo'r sefydliad yn hysbysu'r myfyrwr ei fod yn ystyried ei bod yn briodol i'r myfyrwr fynd yno oherwydd hyglwyfedd y myfyrwr.

Gorfodi

6C. Mae unrhyw fethiant gan berchennog i gydymffurfio â pharagraff 6A neu 6B yn orfodadwy drwy gais am waharddeb gan Weinidogion Cymru neu gan yr awdurdod lleol y digwyddodd y methiant honedig yn ei ardal i'r Uchel Lys neu'r Llys Sirol, heb rybudd.

Dehongli Rhan 3A

6D. Yn y Rhan hon—

- (a) ystyr “Deddf 1996” yw Deddf Addysg 1996(1);
- (b) mae i “disgybl preswyl” yr ystyr a roddir i “boarder” gan adran 579 o Ddeddf 1996;
- (c) ystyr “sefydliad addysg bellach” yw—
 - (i) sefydliad yn y sector addysg bellach;
 - (ii) darparwr addysg neu hyfforddiant o fewn ystyr “education or training” yn adran 31(1)(a) neu (b) neu 32(1)(a) neu (b) o Ddeddf Dysgu a Sgiliau 2000(2)—

(3) In deciding whether a pupil is the child of a critical worker, the local authority or the proprietor of an independent school must have regard to any guidance published by the Welsh Ministers about identifying children of critical workers.

Restriction on attending further education premises

6B.—(1) A proprietor of a further education institution in Wales may not permit a student to attend the premises of the further education institution.

(2) But sub-paragraph (1) does not prevent a proprietor from permitting a student to attend the premises of—

- (a) a further education institution to undertake an examination or other assessment;
- (b) an institution within the further education sector where the student is notified by the institution that the institution considers it appropriate for the student to attend due to the student's vulnerability.

Enforcement

6C. Any failure by a proprietor to comply with paragraph 6A or 6B is enforceable by an application for injunction by the Welsh Ministers or the local authority in whose area the alleged failure occurred to the High Court or County Court, without notice.

Interpretation of Part 3A

6D. In this Part—

- (a) the “1996 Act” means the Education Act 1996(1);
- (b) “boarder” has the meaning given by section 579 of the 1996 Act;
- (c) “further education institution” means—
 - (i) an institution within the further education sector;
 - (ii) a provider of education or training within the meaning of section 31(1)(a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000(2) that—

(1) 1996 p. 56.
(2) 2000 p. 21.

(1) 1996 c. 56.
(2) 2000 c. 21.

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| <p>(aa) nad yw'n sefydliad o fewn ystyr paragraff (i),</p> <p>(bb) nad yw'n sefydliad yn y sector addysg uwch o fewn ystyr "higher education sector" yn adran 91(5) o Ddeddf Addysg Bellach ac Uwch 1992(1), ac</p> <p>(cc) sy'n cael cyllid i ddarparu'r addysg honno neu'r hyfforddiant hwnnw gan Weinidogion Cymru neu awdurdod lleol,</p> <p>ond nid yw'n cynnwys cyflogwr sy'n ddarparwr dim ond am fod y cyflogwr yn darparu addysg neu hyfforddiant o'r fath i'w gyflogeion;</p> <p>(d) mae i "ysgol annibynnol" yr ystyr a roddir i "independent school" gan adran 463 o Ddeddf 1996;</p> <p>(e) mae i "sefydliad o fewn y sector addysg bellach" yr ystyr a roddir i "institutions within the further education sector" gan adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992;</p> <p>(f) mae i "rhiant" yr ystyr a roddir i "parent" gan adran 576 o Ddeddf 1996;</p> <p>(g) mae i "perchennog" yr ystyr a roddir i "proprietor" gan adran 579 o Ddeddf 1996 mewn perthynas ag ysgol a'i ystyr, mewn perthynas â sefydliad nad yw'n ysgol, yw'r person neu'r corff o bersonau sy'n gyfrifol am reoli'r sefydliad;</p> <p>(h) mae i "disgybl" yr ystyr a roddir i "pupil" gan adran 3 o Ddeddf 1996;</p> <p>(i) mae i "uned cyfeirio disgyblion" yr ystyr a roddir i "pupil referral unit" gan adran 19 o Ddeddf 1996;</p> <p>(j) mae i "anghenion addysgol arbennig" yr ystyr a roddir i "special educational needs" gan adran 312 o Ddeddf 1996;</p> <p>(k) ystyr "ysgol arbennig" yw—</p> <p>(i) ysgol arbennig o fewn yr ystyr a roddir i "special school" gan adran 337 o Ddeddf 1996;</p> | <p>(aa) is not an institution within the meaning of paragraph (i),</p> <p>(bb) is not an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992(1), and</p> <p>(cc) is in receipt of funding for provision of that education or training from the Welsh Ministers or a local authority,</p> <p>but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;</p> <p>(d) "independent school" has the meaning given by section 463 of the 1996 Act;</p> <p>(e) "institution within the further education sector" has the meaning given by section 91(3) of the Further and Higher Education Act 1992;</p> <p>(f) "parent" has the meaning given by section 576 of the 1996 Act;</p> <p>(g) "proprietor" has the meaning given by section 579 of the 1996 Act in relation to a school and, in relation to an institution that is not a school, means the person or body of persons responsible for the management of the institution;</p> <p>(h) "pupil" has the meaning given by section 3 of the 1996 Act;</p> <p>(i) "pupil referral unit" has the meaning given by section 19 of the 1996 Act;</p> <p>(j) "special educational needs" has the meaning given by section 312 of the 1996 Act;</p> <p>(k) "special school" means—</p> <p>(i) a special school within the meaning given by section 337 of the 1996 Act;</p> |
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(ii) ysgol annibynnol sy'n darparu'n gyfan gwbl neu'n bennaf addysg ar gyfer disgyblion ag anghenion addysgol arbennig;

(l) mae i "ysgol" yr ystyr a roddir i "school" gan adran 4 o Ddeddf 1996."

(12) Yn Atodlen 8—

(a) ym mharagraff 1—

(i) yn is-baragraff (1)(a), yn lle "neu 17" rhodder ", 17 neu 17A";

(ii) yn is-baragraff (2)(b), yn lle "neu 17" rhodder ", 17 neu 17A";

(b) ym mharagraff 2—

(i) yn is-baragraff (3)(a), yn lle "neu 17" rhodder ", 17 neu 17A";

(ii) yn is-baragraff (4)(b)(ii), yn lle "neu 17" rhodder ", 17 neu 17A";

(iii) yn is-baragraff (4)(c), yn lle "neu 17" rhodder ", 17 neu 17A";

(c) ym mharagraff 3(3)(c), ar ôl "17" mewnosoder "neu 17A";

(d) ym mharagraff 4(1)(b), ar ôl "17" mewnosoder "neu 17A".

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

3.—(1) Mae Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Swyddogaethau Awdurdodau Lleol etc.) (Cymru) 2020(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1), yn lle "19 Chwefror" rhodder "31 Mawrth".

(3) Yn rheoliad 6—

(a) yn lle paragraff (2) rhodder—

"(2) Wrth ystyried a yw'r amodau iechyd y cyhoedd wedi eu bodloni, rhaid i awdurdod lleol, yn benodol, roi sylw i a yw pobl yn ymgynnull, neu'n debygol o ymgynnull, yn y digwyddiad yn groes i ba un bynnag o'r darpariaethau a ganlyn o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 sy'n gymwys i'r ardal lle y cynhelir y digwyddiad neu lle y bwriedir cynnal y digwyddiad—

(ii) an independent school which wholly or mainly provides education for pupils with special educational needs;

(l) "school" has the meaning given by section 4 of the 1996 Act."

(12) In Schedule 8—

(a) in paragraph 1—

(i) in sub-paragraph (1)(a), for "or 17" substitute ", 17 or 17A";

(ii) in sub-paragraph (2)(b), for "or 17" substitute ", 17 or 17A";

(b) in paragraph 2—

(i) in sub-paragraph (3)(a), for "or 17" substitute ", 17 or 17A";

(ii) in sub-paragraph (4)(b)(ii), for "or 17" substitute ", 17 or 17A";

(iii) in sub-paragraph (4)(c), for "or 17" substitute ", 17 or 17A";

(c) in paragraph 3(3)(c), after "17" insert "or 17A";

(d) in paragraph 4(1)(b), after "17" insert "or 17A".

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

3.—(1) The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020(1) are amended as follows.

(2) In regulation 3(1), for "19 February" substitute "31 March".

(3) In regulation 6—

(a) for paragraph (2) substitute—

"(2) In considering whether the public health conditions are met, a local authority must, in particular, have regard to whether people are gathering, or are likely to gather, at the event in contravention of whichever of the following provisions of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 applies to the area in which the event is held or is proposed to be held—

(1) O.S. 2020/1011 (Cy. 225) fel y'i diwygiwyd gan O.S. 2020/1100 (Cy. 250), O.S. 2020/1149 (Cy. 261), O.S. 2020/1219 (Cy. 276), O.S. 2020/1409 (Cy. 311)_ac O.S. 2020/1609 (Cy. 335).

(1) S.I. 2020/1011 (W. 225) as amended by S.I. 2020/1100 (W. 250), S.I. 2020/1149 (W. 261), S.I. 2020/1219 (W. 276), S.I. 2020/1409 (W. 311)_and S.I. 2020/1609 (W. 335).

- (a) paragraff 2 o Atodlen 1;
 - (b) paragraff 2 o Atodlen 2;
 - (c) paragraff 2 o Atodlen 3;
 - (d) paragraff 2 o Atodlen 4.”
- (b) hepgorer paragraff (8).

- (a) paragraph 2 of Schedule 1;
 - (b) paragraph 2 of Schedule 2;
 - (c) paragraph 2 of Schedule 3;
 - (d) paragraph 2 of Schedule 4.”
- (b) omit paragraph (8).

Dirymu

4. Mae'r Rheoliadau a ganlyn wedi eu dirymu —

- (a) Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol a Chyfyngiadau) (Diwygio) (Cymru) 2020(1);
- (b) rheoliad 7 o Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol a Chyfyngiadau) (Diwygio) (Rhif 2) (Cymru) 2020(2);
- (c) rheoliad 2 o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws a Swyddogaethau Awdurdodau Lleol) (Diwygio) (Cymru) 2020(3);
- (d) rheoliadau 4 a 5 o Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol a Chyfyngiadau) (Diwygio) (Rhif 3) (Cymru) 2020(4);
- (e) Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 4) (Cymru) (Diwygio) 2020(5).

Revocation

4. The following Regulations are revoked—

- (a) the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020(1);
- (b) regulation 7 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020(2);
- (c) regulation 2 of the Health Protection (Coronavirus Restrictions and Functions of Local Authorities) (Amendment) (Wales) Regulations 2020(3);
- (d) regulations 4 and 5 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2020(4);
- (e) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) (Amendment) Regulations 2020(5).

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 12.48 p.m. ar 19 Ionawr 2021

First Minister, one of the Welsh Ministers
At 12.48 p.m. on 19 January 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.

- (1) O.S. 2020/1237 (Cy. 279) fel y'i diwygiwyd gan O.S. 2020/1288 (Cy. 286) ac O.S. 2020/1609 (Cy. 335).
- (2) O.S. 2020/1288 (Cy. 286) fel y'i diwygiwyd gan O.S. 2020/1609 (Cy. 335).
- (3) O.S. 2020/1409 (Cy. 311).
- (4) O.S. 2020/1477 (Cy. 316).
- (5) O.S. 2020/1522 (Cy. 326).

- (1) S.I. 2020/1237 (W. 279) as amended by S.I. 2020/1288 (W. 286) and S.I. 2020/1609 (W. 335).
- (2) S.I. 2020/1288 (W. 286) as amended by S.I. 2020/1609 (W. 335).
- (3) S.I. 2020/1409 (W. 311).
- (4) S.I. 2020/1477 (W. 316).
- (5) S.I. 2020/1522 (W. 326).

£6.90

<http://www.legislation.gov.uk/id/wsi/2021/57>

ISBN 978-0-348-11941-1



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