



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 722 (Cy. 183)

2021 No. 722 (W. 183)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
5) (Cymru) (Diwygio) (Rhif 13)
2021

The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 13) 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 lledaeniad 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").

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").

Mae'r Rheoliadau yn disodli rheoliad 16 o'r prif Reoliadau. Mae'r rheoliad 16 newydd yn ei gwneud yn ofynnol i'r person sy'n gyfrifol am "mangre reoleiddiedig" gymryd y camau a ganlyn.

Cam 1 – cynnal asesiad o'r risg o ddod i gysylltiad â'r coronafeirws yn y fangre.

Cam 2 – darparu gwybodaeth i'r rheini sy'n mynd i'r fangre neu'n gweithio ynddi ynglŷn â sut i leihau'r risg o ddod i gysylltiad â'r coronafeirws.

Cam 3 – cymryd pob mesur rhesymol i sicrhau y cynhelir pellter o 2 fetr rhwng personau yn y fangre, ac eithrio rhwng aelodau o grŵp sy'n cynnwys dim mwy na 6 o bersonau neu aelodau o'r un aelwyd ar Lefelau Rhybudd 1 a 2, neu ar Lefelau Rhybudd 3 a 4, sy'n cynnwys aelodau o'r un aelwyd.

Cam 4 – cymryd mesurau rhesymol i liniaru'r risg o ddod i gysylltiad â'r coronafeirws sy'n codi pan fo personau yn ymgynnull yn agos at ei gilydd. Gall y mesurau gynnwys ceisio rhwystro personau sy'n profi symptomau COVID-19 rhag mynd i'r fangre, sicrhau bod pobl yn ymgynnull yn yr awyr agored yn hytrach na thu mewn pan fo'n ymarferol gwneud hynny, cyfyngu ar ryngweithio agos wyneb yn wyneb, ceisio sicrhau bod y fangre wedi ei hawyru'n dda, a chynnal hylendid da. Gallant hefyd gynnwys mesurau megis peidio â chynnal gweithgareddau penodol a chasglu gwybodaeth gyswllt oddi wrth bersonau yn y fangre.

Wrth benderfynu i ba raddau y mae'n rhesymol cymryd mesur penodol o dan Gam 3, caiff y person sy'n gyfrifol am y fangre rhoi sylw i fesurau a gymerir o dan Gam 4 i liniaru'r risg o ddod i gysylltiad â'r coronafeirws pan fo unrhyw berson o fewn 2 fetr i berson arall.

Mae'r Rheoliadau hefyd yn diwygio Atodlen 1 i'r prif Reoliadau (sy'n nodi'r cyfyngiadau a'r gofynion sy'n cael effaith yng Nghymru ar hyn o bryd fel ardal Lefel Rhybudd 1) er mwyn—

- dileu'r terfyn blaenorol o 30 ar nifer y bobl y caniateir iddynt ymgynnull i ddathlu gweinyddiad priodas, ffurfiad partneriaeth sifil neu seremoni briodas arall, neu i ddathlu bywyd person ymadawedig – bydd y niferoedd uchaf a ganiateir yn cael eu pennu yn awr yng ngoleuni'r asesiad risg a gynhelir o dan reoliad 16 o'r prif Reoliadau a'r camau a'r mesurau rhesymol a gymerir o dan y rheoliad hwnnw;

The Regulations replace regulation 16 of the principal Regulations. The new regulation 16 requires the person responsible for "regulated premises" to take the following steps.

Step 1 – undertake an assessment of the risk of exposure to coronavirus at the premises.

Step 2 – provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.

Step 3 – take all reasonable measures to ensure that a distance of 2 metres is maintained between persons on the premises, except between the members of a group, comprising of no more than 6 persons or members of the same household at Alert Level 1 and 2, or at Alert Levels 3 and 4, comprising of members of the same household.

Step 4 – take reasonable measures to mitigate the risk of exposure to coronavirus that arises where persons gather in close proximity to each other. The measures may include seeking to prevent persons experiencing symptoms of COVID-19 from entering the premises, ensuring that people gather outdoors instead of indoors where it is practicable to do so, limiting close face-to-face interaction, seeking to ensure that the premises are well ventilated, and maintaining good hygiene. They may also include measures such as not carrying on certain activities and collecting contact information from persons at the premises.

In determining the extent to which it is reasonable to take a particular measure under Step 3, the person responsible for the premises may have regard to measures taken under Step 4 to mitigate the risk of exposure to coronavirus when a person is within 2 metres of another person.

The Regulations also amend Schedule 1 to the principal Regulations (which sets out the restrictions and requirements that currently have effect in Wales as an Alert Level 1 area) to—

- remove the previous limit of 30 on the number of people that are allowed to gather at a celebration of a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony, or at a celebration of the life of a deceased person – maximum permitted numbers will now be set in light of the risk assessment undertaken under regulation 16 of the principal Regulations, and the steps and reasonable measures taken under that regulation;

- caniatáu i blant ysgol gynradd ymgynnull mewn llety gwyliau neu lety teithio (er enghraifft, er mwyn aros dros nos) pan fo'r cynulliad yn ymwneud â chynulliad rheoleiddiedig er datblygiad neu lesiant plant, megis y rheini a ddarperir ar gyfer plant y tu allan i oriau'r ysgol ac yn ystod gwyliau'r ysgol mewn mannau megis canolfannau addysg awyr agored, neu'n ymwneud â chynulliad y mae'r plant yn cymryd rhan ynddo at ddiben cael gafael ar addysg neu gael addysg;
- ei gwneud yn glir nad yw'r gwaharddiad ar drefnu digwyddiadau yn gymwys i berfformiad adloniant a gynhelir mewn mangre a ddefnyddir fel arfer at y diben hwnnw a lle nad yw mwy na 200 o bobl yn bresennol neu pan y'i cynhelir yn yr awyr agored.
- allow primary school children to gather at holiday or travel accommodation (for example, for overnight stays) where the gathering is related to a regulated gathering for the development or well-being of children, such as those provided for children outside of school hours and during school holidays at places such as outdoor education centres, or is related to a gathering at which the children are participating for the purpose of accessing or receiving education;
- clarify that the prohibition on organising events does not apply to an entertainment performance held in premises ordinarily used for that purpose, and where no more than 200 people are in attendance or where it is held outdoors.

Mae'r Rheoliadau hefyd yn diwygio Atodlen 2 i'r prif Reoliadau (sy'n ymwneud ag ardaloedd Lefel Rhybudd 2) er mwyn gwneud yn glir effaith y gwaharddiad ar drefnu digwyddiadau, gan gynnwys nad yw'n gymwys i berfformiad adloniant a gynhelir mewn mangre a ddefnyddir fel arfer at y diben hwnnw a lle nad yw mwy na 200 o bobl yn bresennol neu pan y'i cynhelir yn yr awyr agored.

Maent hefyd yn gwneud mân ddiwygiadau a diwygiadau canlyniadol i'r prif Reoliadau, gan gynnwys diwygio rheoliad 57 er mwyn ei gwneud yn glir nad yw digwyddiad yn peidio â chael ei drin fel pe bai'n cael ei gynnal "yn yr awyr agored" dim ond oherwydd bod cyfleusterau o dan do yn cael eu darparu ar gyfer bwyta bwyd ac yfed diod.

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.

The Regulations also amend Schedule 2 to the principal Regulations (which relates to Alert Level 2 areas) to clarify the effect of the prohibition on organising events, including that it does not apply to an entertainment performance held in premises ordinarily used for that purpose, and where no more than 200 people are in attendance or where it is held outdoors.

They also make other minor and consequential amendments to the principal Regulations, including amending regulation 57 to clarify that an event does not cease to be classed as being "outdoors" just because indoor facilities are provided for the consumption of food and drink.

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.

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5) (Cymru) (Diwygio) (Rhif 13)
2021**

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2021**

Cymeradwywyd gan Senedd Cymru

Approved by Senedd Cymru

Gwnaed am 1.39 p.m. ar 18 Mehefin 2021

Made at 1.39 p.m. on 18 June 2021

*Gosodwyd gerbron Senedd
Cymru am 4.00 p.m. ar 18 Mehefin 2021*

*Laid before Senedd
Cymru at 4.00 p.m. on 18 June 2021*

Yn dod i rym 21 Mehefin 2021

Coming into force 21 June 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.

(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.

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.

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 13) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 21 Mehefin 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 lle rheoliad 16 rhodder—

“Gofyniad i gymryd pob mesur rhesymol i leihau'r risg o ddod i gysylltiad â'r coronafeirws

16.—(1) At ddibenion lleihau'r risg o ddod i gysylltiad â'r coronafeirws mewn mangre reoleiddiedig, neu ledaenu'r coronaferiws gan y rheini sydd wedi bod mewn mangre reoleiddiedig, rhaid i'r person cyfrifol gymryd y camau a ganlyn—

Cam 1

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.

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.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 13) Regulations 2021.

(2) These Regulations come into force on 21 June 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) For regulation 16 substitute—

“Requirement to take all reasonable measures to minimise the risk of exposure to coronavirus

16.—(1) For the purposes of minimising the risk of exposure to coronavirus at regulated premises, or the spread of coronavirus by those who have been at regulated premises, the responsible person must take the following steps—

Step 1

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.

(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) ac O.S. 2021/686 (Cy. 172).

(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) and S.I. 2021/686 (W. 172).

Cam 2

Darparu gwybodaeth i'r rheini sy'n mynd i'r fangre neu'n gweithio ynddi ynglŷn â sut i leihau'r risg o ddod i gysylltiad â'r coronafeirws.

Cam 3

Cymryd pob mesur rhesymol i sicrhau—

- (a) y cynhelir pellter o 2 fetr rhwng unrhyw bersonau yn y fangre, ac eithrio rhwng aelodau o grŵp a ganiateir;
- (b) pan fo'n ofynnol i bersonau aros i fynd i'r fangre, y cynhelir pellter o 2 fetr rhyngddynt, ac eithrio rhwng aelodau o grŵp a ganiateir.

Cam 4

Cymryd mesurau rhesymol i liniaru'r risg o ddod i gysylltiad â'r coronafeirws sy'n codi pan fo personau yn ymgynnull yn agos at ei gilydd, megis—

- (a) ceisio rhwystro'r personau a ganlyn rhag bod yn bresennol yn y fangre—
 - (i) unrhyw berson sydd wedi cael canlyniad positif am y coronafeirws yn y 10 niwrnod blaenorol,
 - (ii) unrhyw berson sydd wedi cael cysylltiad agos yn y 10 niwrnod blaenorol â pherson sydd wedi cael canlyniad positif am y coronafeirws,
 - (iii) unrhyw berson sy'n profi symptomau sy'n gysylltiedig â COVID-19;
- (b) sicrhau bod personau sy'n ymgynnull yn y fangre yn ymgynnull yn yr awyr agored pan fo hyn yn ymarferol;
- (c) cyfyngu ar ryngweithio agos wyneb yn wyneb rhwng personau yn y fangre, er enghraifft drwy—
 - (i) newid trefn mangre gan gynnwys lleoliad dodrefn a gweithfannau;
 - (ii) rheoli'r defnydd o fynedfeydd, tramwyfeydd, grisiau a lifftiau;
 - (iii) rheoli'r defnydd o gyfleusterau a rennir megis toiledau a cheginau;
 - (iv) fel arall, rheoli'r defnydd o unrhyw ran arall o'r fangre neu fynediad iddi;

Step 2

Provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.

Step 3

Take all reasonable measures to ensure—

- (a) that a distance of 2 metres is maintained between any persons on the premises, except between members of a permitted group;
- (b) where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them, except between members of a permitted group.

Step 4

Take reasonable measures to mitigate the risk of exposure to coronavirus that arises where persons gather in close proximity, such as—

- (a) seeking to prevent the following persons from being present at the premises—
 - (i) any person who has tested positive for coronavirus in the previous 10 days,
 - (ii) any person who has had close contact in the previous 10 days with a person who has tested positive for coronavirus,
 - (iii) any person experiencing symptoms associated with COVID-19;
- (b) ensuring that persons gathering at the premises gather outdoors where this is practicable;
- (c) limiting close face-to-face interaction between persons on the premises, for example by—
 - (i) changing the layout of premises including the location of furniture and workstations;
 - (ii) controlling the use of entrances, passageways, stairs and lifts;
 - (iii) controlling the use of shared facilities such as toilets and kitchens;
 - (iv) otherwise controlling the use of, or access to, any other part of the premises;

- (v) gosod rhwystrau neu sgriniau;
- (d) cyfyngu ar hyd yr amser y caniateir i bersonau fod yn bresennol yn y fangre;
- (e) ceisio sicrhau bod y fangre wedi ei hawyru'n dda;
- (f) cynnal hylendid da yn y fangre;
- (g) darparu, neu ei gwneud yn ofynnol defnyddio, cyfarpar diogelu personol.

(2) Wrth benderfynu i ba raddau y mae'n rhesymol cymryd mesur penodol o dan Gam 3, caniateir rhoi sylw i fesurau a gymerir o dan Gam 4 i liniaru'r risg o ddod i gysylltiad â'r coronafeirws sy'n codi pan fo unrhyw berson o fewn pellter o 2 fetr i berson arall.

(3) Mae mesurau y gellir eu cymryd o dan baragraff (1) yn cynnwys—

- (a) peidio â gwneud gweithgareddau penodol;
- (b) cau rhan o'r fangre;
- (c) caniatáu i berson sydd fel arfer yn gweithio yn y fangre ynysu, a'i alluogi i wneud hynny, oherwydd iddo gael canlyniad positif am y coronafeirws neu am ei fod wedi dod i gysylltiad agos â rhywun sydd wedi cael canlyniad positif, am gyfnod—
 - (i) a argymhellir mewn canllawiau a gyhoeddir gan Weinidogion Cymru;
 - (ii) a bennir mewn hysbysiad a roddir i'r person gan swyddog olrhain cysylltiadau;
- (d) casglu gwybodaeth gyswllt oddi wrth bob person yn y fangre a'i chadw am 21 o ddiwrnodau at ddiben ei darparu i unrhyw un o'r canlynol, ar eu cais neu ar ei gais—
 - (i) Gweinidogion Cymru;
 - (ii) swyddog olrhain cysylltiadau;
- (e) cymryd mesurau rhesymol i sicrhau bod gwybodaeth gyswllt o'r fath yn gywir.

(4) Rhaid i asesiad o dan Gam 1—

- (a) bodloni gofynion rheoliad 3 o Reoliadau Rheoli Iechyd a Diogelwch yn y Gwaith 1999(1) ("Rheoliadau 1999"), a

- (v) installing barriers or screens;

- (d) limiting the duration of time for which persons may be present on the premises;
- (e) seeking to ensure that the premises are well ventilated;
- (f) maintaining good hygiene on the premises;
- (g) providing or requiring use of personal protective equipment.

(2) In determining the extent to which it is reasonable to take a particular measure under Step 3, regard may be had to measures taken under Step 4 to mitigate the risk of exposure to coronavirus that arises when any person is within a distance of 2 metres of another person.

(3) Measures that may be taken under paragraph (1) include—

- (a) not carrying out certain activities;
- (b) closing a part of the premises;
- (c) allowing and enabling a person who ordinarily works at the premises to isolate due to testing positive for coronavirus or having had close contact with somebody who has tested positive, for a period—
 - (i) recommended in guidance published by the Welsh Ministers;
 - (ii) specified in a notification given to the person by a contact tracer;
- (d) collecting contact information from each person at the premises and retaining it for 21 days for the purpose of providing it to any of the following, upon their request—
 - (i) the Welsh Ministers;
 - (ii) a contact tracer;
- (e) taking reasonable measures to ensure that such contact information is correct.

(4) An assessment under Step 1—

- (a) must satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999(1) (the "1999 Regulations"), and

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

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

- (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.

(5) At ddibenion paragraff (4)—

- (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'r geiriau “by or under the relevant statutory provisions”, 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 (4)(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 (4)(b)(ii), fel pe baent wedi eu cyflogi gan y person cyfrifol.

(6) At ddibenion Cam 3, ystyr “grŵp a ganiateir” yw—

- (a) pan fo'r fangre mewn ardal Lefel Rhybudd 1 neu ardal Lefel Rhybudd 2, grŵp—
 - (i) sy'n cynnwys dim mwy na 6 o bobl, heb gyfrif unrhyw bersonau o dan 11 oed nac unrhyw ofalwr i berson yn y grŵp, neu
 - (ii) sy'n cynnwys aelodau o'r un aelwyd ac unrhyw ofalwr i aelod o'r aelwyd;
- (b) pan fo'r fangre mewn ardal Lefel Rhybudd 3 neu ardal Lefel Rhybudd 4, grŵp sy'n cynnwys aelodau o'r un aelwyd ac unrhyw ofalwr i aelod o'r aelwyd.”

(3) Yn rheoliad 17(1), ar ôl “person cyfrifol” mewnosoder “o dan Gam 4 o'r rheoliad hwnnw”.

(4) Yn rheoliad 17A, yn y geiriau o flaen is-baragraff (a), ar ôl “person cyfrifol” mewnosoder “o dan Gam 4 o'r rheoliad hwnnw”.

(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.

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

- (a) regulation 3 of the 1999 Regulations is to be read as if the words “by or under the relevant statutory provisions”, 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 (4)(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 (4)(b)(ii), treated as being employed by the responsible person.

(6) For the purposes of Step 3, “permitted group” means—

- (a) where the premises are in an Alert Level 1 area or an Alert Level 2 area, a group which—
 - (i) consists of no more than 6 people, not counting any persons under the age of 11 or any carer of a person in the group, or
 - (ii) consists of members of the same household and any carer of a member of the household;
- (b) where the premises are in an Alert Level 3 area or an Alert Level 4 area, a group which consists of members of the same household and any carer of a member of the household.”

(3) In regulation 17(1), after “responsible person” insert “under Step 4 of that regulation”.

(4) In regulation 17A, in the words before subparagraph (a), after “responsible person” insert “under Step 4 of that regulation”.

(5) Yn rheoliad 57—

- (a) ym mharagraff (1), ar ôl is-baragraff (g) mewnosoder—
 - “(ga) “COVID-19” yw dynodiad swyddogol y clefyd y gellir ei achosi gan y coronafeirws;”;
- (b) ym mharagraff (9)(a), yn lle “bwyd a diod i’w fwyta neu i’w hyfed yn yr awyr agored” rhodder “neu fwyta neu yfed bwyd a diod”.

(6) Yn Atodlen 1—

- (a) ym mharagraff 2(5)—
 - (i) ym mharagraff (e), yn lle “o ddim mwy na 30 o bobl mewn mangre reoleiddiedig, heb gyfrif bersonau o dan 11 oed na phersonau sy’n gweithio yn y fangre,” rhodder “mewn mangre reoleiddiedig”;
 - (ii) ar ôl paragraff (k) mewnosoder—
 - “(ka) cymryd rhan mewn cynulliad rheoleiddiedig o blant ysgol gynradd mewn llety gwyliau neu lety teithio, neu hwyluso’r cynulliad hwnnw, pan fo’r cynulliad yn ymwneud ag—
 - (a) cynulliad rheoleiddeidig a ddisgrifir ym mharagraff (k), neu
 - (b) cynulliad y mae’r plant yn cymryd rhan ynddo at y diben a ddisgrifir yn is-baragraff (4)(i);”;
- (b) ar ôl paragraff 2(5) mewnosoder—
 - “(6) At ddibenion y paragraff hwn a pharagraff 4—
 - (a) ystyr “plentyn ysgol gynradd” yw plentyn sydd ym mlwyddyn 6 neu’n is mewn ysgol yng Nghymru neu y byddai ym mlwyddyn 6 neu’n is pe bai’r plentyn yn mynychu ysgol yng Nghymru,
 - (b) mae i “ysgol” yr ystyr a roddir i “school” gan adran 4 o Ddeddf Addysg 1996,
 - (c) mae i “blwyddyn ysgol” yr un ystyr ag a roddir i “school year” yn adran 579(1) o’r Ddeddf honno,
 - (d) ystyr “blwyddyn 6” yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 11 oed, ac
 - (e) ystyr “grŵp blwyddyn” yw grŵp o blant mewn ysgol, y bydd y mwyafrif ohonynt, mewn blwyddyn ysgol benodol, yn cyrraedd yr un oedran.”;

(5) In regulation 57—

- (a) in paragraph (1), after sub-paragraph (g) insert—
 - “(ga) “COVID-19” is the official designation of the disease which can be caused by coronavirus;”;
- (b) in paragraph (9)(a) for “of food and drink to be consumed outdoors” substitute “or consumption of food and drink”.

(6) In Schedule 1—

- (a) in paragraph 2(5)—
 - (i) in paragraph (e), for “of no more than 30 people at regulated premises, not counting persons under the age of 11 or persons working at the premises,” substitute “at regulated premises”;
 - (ii) after paragraph (k) insert—
 - “(ka) participating in or facilitating a regulated gathering of primary school children in holiday or travel accommodation, where the gathering relates to—
 - (a) a regulated gathering described in paragraph (k), or
 - (b) a gathering in which the children are participating for the purpose described in sub-paragraph (4)(i);”;
- (b) after paragraph 2(5) insert—
 - “(6) For the purposes of this paragraph and paragraph 4—
 - (a) “primary school child” means a child who is in year 6 or below in a school in Wales or would be in year 6 or below if the child attended a school in Wales,
 - (b) “school” has the meaning given by section 4 of the Education Act 1996,
 - (c) “school year” has the same meaning as in section 579(1) of that Act,
 - (d) “year 6” means a year group in which the majority of children will, in the school year, attain the age of 11, and
 - (e) “year group” means a group of children at a school, the majority of whom will, in a particular school year, attain the same age.”;

(c) ym mharagraff 4—

(i) yn is-baragraff (2)—

(aa) ym mharagraff (e), hepgorer “lle nad yw mwy na 30 o bobl yn bresennol,”;

(bb) ar ôl paragraff (g) mewnosoder—

“(ga) cynulliad rheoleiddiedig o blant ysgol gynradd mewn llety gwyliau neu lety teithio, pan fo’r cynulliad yn ymwneud ag—

(a) cynulliad rheoleiddeidig a ddisgrifir ym mharagraff (g), neu

(b) cynulliad y mae’r plant yn cymryd rhan ynddo at ddiben cael gafael ar wasanaethau addysgol neu gael gwasanaethau addysgol yn unol â pharagraff 2(4)(i);”;

(cc) ym mharagraff (h)—

(i) yn y geiriau o flaen is-baragraff (i), ar ôl “mangre reoleiddiedig” mewnosoder “(ac eithrio mewn llety gwyliau neu lety teithio)”;

(ii) yn is-baragraff (ii), hepgorer “neu, os yw’r fangre reoleiddiedig yn lety gwyliau neu lety teithio, o’r un aelwyd estynedig”;

(dd) ar ôl paragraff (i) mewnosoder—

“(ia) digwyddiad sy’n unrhyw un o’r canlynol, pan fo’n cael ei gynnal mewn mangre a ddefnyddir fel arfer at y diben hwnnw—

(i) arddangosiad ffilm,

(ii) perfformiad adloniant pan na fo mwy na 200 o bobl yn bresennol neu pan y’i cynhelir yn yr awyr agored,

(iii) marchnad, neu

(iv) gwasanaeth crefyddol;

(ib) digwyddiad chwaraeon elit os athletwyr elit a phersonau sy’n gweithio yn y digwyddiad neu sy’n darparu gwasanaethau gwirfoddol ynddo yw’r unig bobl sy’n bresennol;”;

(ee) ar ôl paragraff (j) mewnosoder—

“(k) digwyddiad a gynhelir i unrhyw raddau o dan do mewn llety gwyliau neu lety teithio a lle y mae’r holl bobl sy’n bresennol yn aelodau o’r un aelwyd neu’r un aelwyd estynedig.”;

(c) in paragraph 4—

(i) in sub-paragraph (2)—

(aa) in paragraph (e), omit “where no more than 30 people are in attendance,”;

(bb) after paragraph (g) insert—

“(ga) a regulated gathering of primary school children in holiday or travel accommodation, where the gathering relates to—

(a) a regulated gathering described in paragraph (g), or

(b) a gathering in which the children are participating for the purpose of accessing or receiving educational services in accordance with paragraph 2(4)(i);”;

(cc) in paragraph (h)—

(i) in the words before sub-paragraph (i), after “regulated premises” insert “(other than at holiday or travel accommodation)”;

(ii) in sub-paragraph (ii), omit “or, if the regulated premises are holiday or travel accommodation, the same extended household”;

(dd) after paragraph (i) insert—

“(ia) an event that is any of the following, where it is held in premises ordinarily used for that purpose—

(i) the showing of a film,

(ii) an entertainment performance where no more than 200 people are in attendance or where it is held outdoors,

(iii) a market, or

(iv) a religious service;

(ib) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services for the event;”;

(ee) after paragraph (j) insert—

“(k) an event that is held to any extent indoors at holiday or travel accommodation and at which all of the people in attendance are members of the same household or extended household.”;

- (ii) yn is-baragraff (3), hepgorer paragraffau (c) a (d).

(7) Yn Atodlen 2, paragraff 4—

(a) yn is-baragraff (2)—

- (i) ym mharagraff (e), yn lle “o ddim mwy na 30 o bobl mewn mangre reoleiddiedig, neu gynulliad yn yr awyr agored o ddim mwy na 50 o bobl mewn mangre o’r fath, heb gyfrif (yn y naill achos na’r llall) bersonau o dan 11 oed na phersonau sy’n gweithio yn y fangre” rhodder “mewn mangre reoleiddiedig lle nad yw mwy na 30 o bobl yn bresennol, neu gynulliad yn yr awyr agored mewn mangre reoleiddiedig lle nad yw mwy na 50 o bobl yn bresennol”;
- (ii) ym mharagraff (f)(i), hepgorer “heb gyfrif personau o dan 11 oed na phersonau sy’n gweithio yn y cynulliad neu sy’n darparu gwasanaethau gwirfoddol ynddo,”;
- (iii) ym mharagraff (g)(i), hepgorer “heb gyfrif personau o dan 11 oed na phersonau sy’n gweithio yn y cynulliad neu sy’n darparu gwasanaethau gwirfoddol ynddo,”;
- (iv) ar ôl paragraff (h) mewnosoder—
 - “(i) digwyddiad a gynhelir mewn mangre reoleiddiedig, ac eithrio mewn llety gwyliau neu lety teithio, ac—
 - (i) lle nad yw mwy na 6 o bobl yn bresennol, neu
 - (ii) lle y mae’r holl bobl sy’n bresennol yn aelodau o’r un aelwyd;
 - (j) digwyddiad sy’n unrhyw un o’r canlynol, pan fo’n cael ei gynnal mewn mangre a ddefnyddir fel arfer at y diben hwnnw—
 - (i) arddangosiad ffilm,
 - (ii) perfformiad adloniant pan na fo mwy na 200 o bobl yn bresennol neu pan y’i cynhelir yn yr awyr agored,
 - (iii) marchnad, neu
 - (iv) gwasanaeth crefyddol;
 - (k) digwyddiad chwaraeon elit os athletwyr elit a phersonau sy’n gweithio yn y digwyddiad neu sy’n darparu gwasanaethau gwirfoddol ynddo yw’r unig bobl sy’n bresennol;

- (ii) in sub-paragraph (3), omit paragraphs (c) and (d).

(7) In Schedule 2, paragraph 4—

(a) in sub-paragraph (2)—

- (i) in paragraph (e), for “of no more than 30 people at regulated premises, or an outdoor gathering of no more than 50 people at such premises, not counting (in either case) persons under the age of 11 or persons working at the premises” substitute “at regulated premises where no more than 30 people are in attendance, or an outdoor gathering at regulated premises where no more than 50 people are in attendance”;
- (ii) in paragraph (f)(i), omit “not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering,”;
- (iii) in paragraph (g)(i), omit “not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering,”;
- (iv) after paragraph (h) insert—
 - “(i) an event that is held at regulated premises, other than at holiday or travel accommodation, and at which—
 - (i) no more than 6 people are in attendance, or
 - (ii) all of the people in attendance are members of the same household;
 - (j) an event that is any of the following, where it is held in premises ordinarily used for that purpose—
 - (i) the showing of a film,
 - (ii) an entertainment performance where no more than 200 people are in attendance or where it is held outdoors,
 - (iii) a market, or
 - (iv) a religious service;
 - (k) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services for the event;

- (l) digwyddiad a gynhelir yn yr awyr agored mewn mangre nad yw'n fangre reoleiddiedig neu yn yr awyr agored mewn llety gwyliau neu lety teithio ac—
- (i) lle nad yw mwy na 6 o bobl yn bresennol, neu
 - (ii) lle y mae'r holl bobl sy'n bresennol yn aelodau o'r un aelwyd neu'r un aelwyd estynedig;
- (m) digwyddiad a gynhelir i unrhyw raddau o dan do mewn llety gwyliau neu lety teithio a lle y mae'r holl bobl sy'n bresennol yn aelodau o'r un aelwyd neu'r un aelwyd estynedig.”;
- (b) ar ôl is-baragraff (2) mewnosoder—
- “(2A) Wrth bennu, at ddibenion is-baragraff (2), nifer y personau sy'n bresennol mewn digwyddiad, nid yw'r canlynol i'w hystyried—
- (a) unrhyw blant o dan 11 oed,
 - (b) gofalwr unrhyw berson sy'n bresennol, neu
 - (c) unrhyw berson sy'n gweithio yn y digwyddiad neu sy'n darparu gwasanaethau gwirfoddol ynddo.”;
- (c) yn is-baragraff (3), hepgorer paragraffau (c) a (d).

- (l) an event that is held outdoors at premises that are not regulated premises or outdoors at holiday or travel accommodation and at which—
- (i) no more than 6 people are in attendance, or
 - (ii) all of the people in attendance are members of the same household or extended household;
- (m) an event that is held to any extent indoors at holiday or travel accommodation and at which all of the people in attendance are members of the same household or extended household.”;
- (b) after sub-paragraph (2) insert—
- “(2A) In determining, for the purposes of sub-paragraph (2), the number of persons in attendance at an event, no account is to be taken of—
- (a) any children under the age of 11,
 - (b) the carer of any person in attendance, or
 - (c) any person working, or providing voluntary services, at the event.”;
- (c) in sub-paragraph (3), omit paragraphs (c) and (d).

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 1.39 p.m. ar 18 Mehefin 2021

First Minister, one of the Welsh Ministers
At 1.39 p.m. on 18 June 2021

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