OFFERYNNAU STATUDOL CYMRU

2022 Rhif 55 (Cy. 21)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 2) 2022

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") er mwyn—

- diwygio Atodlen 2 (Cyfyngiadau Lefel Rhybudd 2) i'r prif Reoliadau i ddileu'r holl gyfyngiadau ar gynulliadau a digwyddiadau yn yr awyr agored;
- gwneud diwygiadau sy'n ymwneud â'r newidiadau hyn, gan gynnwys diwygiadau i reoliad 37(2) o'r prif Reoliadau (sy'n ymwneud â'r drosedd o gymryd rhan mewn cynulliad mawr yn yr awyr agored mewn annedd breifat);

WELSH STATUTORY INSTRUMENTS

2022 No. 55 (W. 21)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2022

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—

- amend Schedule 2 (Alert Level 2 Restrictions) to the principal Regulations to remove all restrictions on outdoor gatherings and events;
- make amendments that are related to these changes, including amendments to regulation 37(2) of the principal Regulations (which relates to an offence of participating in a large gathering outdoors in a private dwelling);

- diwygio rheoliad 16ZA o'r prif Reoliadau (mesurau penodol sy'n gymwys i fangreoedd trwyddedig) fel mai dim ond i rannau o dan do o'r fangre y mae'r gofyniad i reoli mynediad i'r fangre ac i gwsmeriaid fod yn eistedd pan fyddant yn archebu bwyd neu ddiod yn gymwys.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. Yn unol â'r Cod, ni chynhaliwyd 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 yn eu lle ar frys i sicrhau bod cyfyngiadau a gofynion y prif Reoliadau yn parhau i fod yn gymesur.

- amend regulation 16ZA of the principal Regulations (specific measures applicable to licensed premises) so that the requirement to control entry to premises and for customers to be seated when ordering food or drink only applies to indoors parts of the premises.

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 ensure that the principal Regulations' restrictions and requirements continue to be proportionate.

OFFERYNNAU STATUDOL CYMRU

2022 Rhif 55 (Cy. 21)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 2) 2022

Gwnaed *am 3.12 p.m. ar 20 Ionawr 2022*

Gosodwyd gerbron Senedd Cymru *am 4.45 p.m. ar 20 Ionawr 2022*

Yn dod i rym *am 6.00 a.m. ar 21 Ionawr 2022*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 45C(1) a (3)(c) a 45P(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(**1**).

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad 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 45Q(3) o'r Ddeddf honno mae Gweinidogion Cymru o'r farn nad yw'r offeryn yn cynnwys unrhyw ddarpariaeth a wneir yn rhinwedd adran 45C(3)(c) o'r Ddeddf sy'n gosod neu'n galluogi gosod cyfyngiad neu ofyniad arbennig, neu unrhyw gyfyngiad neu ofyniad arall sy'n cael neu a fyddai'n cael effaith sylweddol ar hawliau person.

(**1**) 1984 p. 22. Mewnosodwyd adrannau 45C 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

2022 No. 55 (W. 21)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2022

Made *at 3.12 p.m. on 20 January 2022*

Laid before Senedd Cymru *at 4.45 p.m. on 20 January 2022*

Coming into force at 6.00 a.m. on 21 January 2022

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c) and 45P(2) of the Public Health (Control of Disease) Act 1984(**1**).

These Regulations are made in response to the 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 45Q(3) of that Act the Welsh Ministers are of the opinion that the instrument does not contain any provision made by virtue of section 45C(3)(c) of the Act which imposes or enables the imposition of a special restriction or requirement, or any other restriction or requirement which has or would have a significant effect on a person's rights.

(**1**) 1984 c. 22. Sections 45C 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 2) 2022.

(2) Daw'r Rheoliadau hyn i rym am 6.00 a.m. ar 21 Ionawr 2022.

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 16ZA(1)—

(a) yn is-baragraff (a), yn lle "i'r" rhodder "i rannau o dan do'r";

(b) yn is-baragraff (b)—

(i) ym mharagraff (i), ar ôl "bwyd neu ddiod" mewnosoder "o dan do";

(ii) ym mharagraff (ii), ar ôl "bwyd neu ddiod iddynt" mewnosoder "o dan do";

(iii) ym mharagraff (iii), ar ôl "bwyta neu'n yfed" mewnosoder "o dan do".

(3) Yn rheoliad 28(3)(b), hepgorer "neu (2A)";

(4) Yn rheoliad 37—

(a) ym mharagraff (1)(b), hepgorer ", (2A)";

(b) ym mharagraff (2)(b)—

(i) ym mharagraff (i), hepgorer "neu" ar y diwedd;

(ii) hepgorer paragraff (ii).

(5) Yn Atodlen 2—

(a) ym mharagraff 2—

(i) yn is-baragraff (1)(a), hepgorer "neu yn yr awyr agored mewn mangre reoleiddiedig,";

(ii) hepgorer is-baragraff (2A);

(iii) yn is-baragraff (4), yn y geiriau o flaen paragraff (a) hepgorer ", (2A)";

(iv) hepgorer is-baragraff (6)(j).

(**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 (Cv. 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), O.S. 2021/1304 (Cy. 334), O.S. 2021/1363 (Cy. 358), O.S. 2021/1407 (Cy. 366), O.S. 2021/1468 (Cy. 376), O.S. 2021/1477 (Cy. 379), O.S. 2021/1485 (Cy. 386), O.S. 2021/1490 (Cy. 390) ac O.S. 2022/39 (Cy. 16).

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2022.

(2) These Regulations come into force at 6.00 a.m. on 21 January 2022.

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 16ZA(1)—

(a) in sub-paragraph (a), after "entry to" insert "indoor parts of";

(b) in sub-paragraph (b)—

(i) in paragraph (i), after "food or drink" insert "indoors";

(ii) in paragraph (ii), after "food or drink" insert "indoors";

(iii) in paragraph (iii), after "food or drink" insert "indoors".

(3) In regulation 28(3)(b), omit "or (2A)";

(4) In regulation 37—

(a) in paragraph (1)(b), omit ", (2A)";

(b) in paragraph (2)(b)—

(i) in paragraph (i), omit "or" at the end;

(ii) omit paragraph (ii).

(5) In Schedule 2—

(a) in paragraph 2—

(i) in sub-paragraph (1)(a), omit "or outdoors in regulated premises,";

(ii) omit sub-paragraph (2A);

(iii) in sub-paragraph (4), in the words before paragraph (a) omit ", (2A)";

(iv) omit sub-paragraph (6)(j).

(**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), S.I. 2021/1304 (W. 334), S.I. 2021/1363 (W. 358), S.I. 2021/1407 (W. 366), S.I. 2021/1468 (W. 376), S.I. 2021/1477 (W. 379), S.I. 2021/1485 (W. 386), S.I. 2021/1490 (W. 390) and S.I. 2022/39 (W. 16).

(b) ym mharagraff 4—

(i) yn is-baragraff (1), yn lle'r geiriau o "oni bai—" hyd at ddiwedd paragraff (c) rhodder "a gynhelir i unrhyw raddau o dan do.";

(ii) yn is-baragraff (2)—

(aa) hepgorer paragraff (g);

(bb) ym mharagraff (j)(ii), hepgorer "neu pan y'i cynhelir yn yr awyr agored";

(iii) hepgorer is-baragraff (3)(b).

(b) in paragraph 4—

(i) in sub-paragraph (1), for the words from "unless—" to the end of paragraph (c) substitute "held to any extent indoors.";

(ii) in sub-paragraph (2)—

(aa) omit paragraph (g);

(bb) in paragraph (j)(ii), omit "or where it is held outdoors";

(iii) omit sub-paragraph (3)(b).

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 3.12 p.m. ar 20 Ionawr 2022

First Minister, one of the Welsh Ministers
At 3.12 p.m. on 20 January 2022

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