OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2021 Rhif 103 (Cy. 28)

2021 No. 103 (W. 28)

IECHYD Y CYHOEDD, CYMRU

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 2) 2021

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) 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 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 Rheoliadau Cyfyngiadau") er mwyn—

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 Restrictions Regulations") to—

(a) caniatáu i berson sy'n byw mewn ardal Lefel Rhybudd 4 (sy'n cynnwys Cymru gyfan ar hyn o bryd) ymadael â'r man lle y mae'n byw i wneud ymarfer corff gydag 1 person arall (mae hyn yn ychwanegol at y ddarpariaeth bresennol sy'n caniatáu i berson ymadael â'i gartref i wneud ymarfer corff gydag aelod o aelwyd neu aelwyd estynedig y person neu ofalwr y person);

(b) darparu y caiff golchfeydd ceir awtomatig barhau i fod ar agor mewn ardal Lefel Rhybudd 4;

(c) ym mhob Lefel Rhybudd, caniatáu i aelwyd sydd wedi peidio â chael ei thrin fel pe bai'n rhan o aelwyd estynedig ffurfio aelwyd estynedig newydd, ar yr amod bod o leiaf 10 niwrnod wedi mynd heibio ers i unrhyw aelod o'r aelwyd gymryd rhan ddiwethaf mewn cynulliad gydag aelod o unrhyw aelwyd arall yn yr aelwyd estynedig flaenorol;

(d) gwneud newidiadau canlyniadol a mân newidiadau eraill i sicrhau cysondeb â'r darpariaethau newydd.

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.

(a) permit a person living in an Alert Level 4 area (which currently includes the whole of Wales) to leave the place where they are living to exercise with 1 other person (this is in addition to the existing provision which permits a person to leave their home to exercise with a member of the person's household or extended household or the person's carer);

(b) provide that automatic car washes may continue to be open in an Alert Level 4 area;

(c) in all Alert Levels, permit a household that has ceased to be treated as part of an extended household to form a new extended household, provided that at least 10 days have passed since any member of the household last participated in a gathering with a member of any other household in the previous extended household;

(d) make consequential and other minor changes to ensure consistency with the new provisions.

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 103 (Cy. 28)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 2) 2021

Cymeradwywyd gan Senedd Cymru

Gwnaed	*am 2.19 p.m. ar 29 Ionawr 2021*
Gosodwyd gerbron Senedd Cymru	*am 5.30 p.m. ar 29 Ionawr 2021*
Yn dod i rym	*30 Ionawr 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 acíwt difrifol 2 (SARS-CoV-2) yng Nghymru.

(**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. 103 (W. 28)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2021

Approved by Senedd Cymru

Made	*at 2.19 p.m. on 29 January 2021*
Laid before Senedd Cymru	*at 5.30 p.m. on 29 January 2021*
Coming into force	*30 January 2021*

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.

(**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 2) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 30 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(4)(a), hepgorer "and by Part II of the Fire Precautions (Workplace) Regulations 1997".

(3) Ym mharagraff 3 o Atodlen 1—

(a) yn is-baragraff (4), ar ôl "1 aelwyd estynedig" mewnosoder "ar unrhyw un adeg";

(b) yn is-baragraff (6), yn y testun Saesneg, yn lle "being in" rhodder "part of" yn y ddau le y mae'n digwydd;

(c) yn is-baragraff (7)—

(i) yn y testun Saesneg, yn lle "being in" rhodder "part of" yn y ddau le y mae'n digwydd;

(ii) ar ôl "unrhyw aelwyd arall" mewnosoder "oni bai bod cyfnod o 10 niwrnod o leiaf wedi dod i ben ers i unrhyw aelod o'r aelwyd gymryd rhan ddiwethaf mewn cynulliad gydag unrhyw aelod o aelwyd arall gan ddibynnu ar gael ei drin fel pe bai'n rhan o aelwyd estynedig â'r aelwyd honno".

(**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) ac O.S. 2021/95 (Cy. 26).

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. 2) Regulations 2021.

(2) These Regulations come into force on 30 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(4)(a), omit "and by Part II of the Fire Precautions (Workplace) Regulations 1997".

(3) In paragraph 3 of Schedule 1—

(a) in sub-paragraph (4), after "1 extended household" insert "at any one time";

(b) in sub-paragraph (6), in the English language text, for "being in" substitute "part of" in both places it occurs;

(c) in sub-paragraph (7)—

(i) in the English language text, for "being in" substitute "part of" in both places it occurs;

(ii) after "any other household" insert "unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household".

(**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) and S.I. 2021/95 (W. 26).

(4) Ym mharagraff 3 o Atodlen 2—

(a) yn is-baragraff (4), ar ôl "1 aelwyd estynedig" mewnosoder "ar unrhyw un adeg";

(b) yn lle is-baragraff (5) rhodder—

"(5) Pan fo aelwyd wedi cytuno i gael ei thrin fel aelwyd estynedig ag aelwydydd eraill o dan baragraff 3 o Atodlen 1 ("yr aelwyd estynedig flaenorol"), dim ond â'r aelwydydd eraill hynny y caiff wneud cytundeb o dan y paragraff hwn, oni bai bod cyfnod o 10 niwrnod o leiaf wedi dod i ben ers i unrhyw aelod o'r aelwyd gymryd rhan ddiwethaf mewn cynulliad gydag aelod o'r aelwydydd hynny gan ddibynnu ar gael ei drin fel pe bai'n rhan o'r aelwyd estynedig flaenorol. ";

(c) yn is-baragraff (7), yn y testun Saesneg, yn lle "being in" rhodder "part of" yn y ddau le y mae'n digwydd;

(d) yn is-baragraff (8)—

(i) yn y testun Saesneg, yn lle "being in" rhodder "part of" yn y ddau le y mae'n digwydd;

(ii) ar ôl "unrhyw aelwyd arall" mewnosoder "oni bai bod cyfnod o 10 niwrnod o leiaf wedi dod i ben ers i unrhyw aelod o'r aelwyd gymryd rhan ddiwethaf mewn cynulliad gydag unrhyw aelod o aelwyd arall gan ddibynnu ar gael ei drin fel pe bai'n rhan o aelwyd estynedig â'r aelwyd honno".

(5) Ym mharagraff 3 o Atodlen 3—

(a) yn is-baragraff (4), ar ôl "1 aelwyd estynedig" mewnosoder "ar unrhyw un adeg";

(b) yn lle is-baragraff (5) rhodder—

"(5) Pan fo aelwyd wedi cytuno i gael ei thrin fel aelwyd estynedig ag aelwydydd eraill o dan baragraff 3 o Atodlen 1 ("yr aelwyd estynedig flaenorol"), dim ond â'r aelwydydd eraill hynny y caiff wneud cytundeb o dan y paragraff hwn, oni bai bod cyfnod o 10 niwrnod o leiaf wedi dod i ben ers i unrhyw aelod o'r aelwyd gymryd rhan ddiwethaf mewn cynulliad gydag aelod o'r aelwydydd hynny gan ddibynnu ar gael ei drin fel pe bai'n rhan o'r aelwyd estynedig flaenorol. ";

(c) yn is-baragraff (7), yn y testun Saesneg, yn lle "being in" rhodder "part of" yn y ddau le y mae'n digwydd;

(d) yn is-baragraff (8)—

(i) yn y testun Saesneg, yn lle "being in" rhodder "part of" yn y ddau le y mae'n digwydd;

(4) In paragraph 3 of Schedule 2—

(a) in sub-paragraph (4), after "1 extended household" insert "at any one time";

(b) for sub-paragraph (5) substitute—

"(5) Where a household has agreed to be treated as an extended household with other households under paragraph 3 of Schedule 1 ("the previous extended household"), it may make an agreement under this paragraph only with those other households, unless a period of at least 10 days has expired since any member of the household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household.";

(c) in sub-paragraph (7), in the English language text, for "being in" substitute "part of" in both places it occurs;

(d) in sub-paragraph (8)—

(i) in the English language text, for "being in" substitute "part of" in both places it occurs;

(ii) after "any other household" insert "unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household".

(5) In paragraph 3 of Schedule 3—

(a) in sub-paragraph (4), after "1 extended household" insert "at any one time";

(b) for sub-paragraph (5) substitute—

"(5) Where a household has agreed to be treated as an extended household with other households under paragraph 3 of Schedule 1 ("the previous extended household"), it may make an agreement under this paragraph only with those other households, unless a period of at least 10 days has expired since any member of the household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household.";

(c) in sub-paragraph (7), in the English language text, for "being in" substitute "part of" in both places it occurs;

(d) in sub-paragraph (8)—

(i) in the English language text, for "being in" substitute "part of" in both places it occurs;

(ii) ar ôl "unrhyw aelwyd arall" mewnosoder "oni bai bod cyfnod o 10 niwrnod o leiaf wedi dod i ben ers i unrhyw aelod o'r aelwyd gymryd rhan ddiwethaf mewn cynulliad gydag unrhyw aelod o aelwyd arall gan ddibynnu ar gael ei drin fel pe bai'n rhan o aelwyd estynedig â'r aelwyd honno".

(6) Yn Atodlen 4—

(a) ym mharagraff 1(4)(f)—

(i) ym mharagraff (ii), hepgorer "neu" yn yr ail le y mae'n digwydd;

(ii) ym mharagraff (iii), yn lle ";" rhodder ", neu";

(iii) ar ôl paragraff (iii) mewnosoder—

"(iv) gydag 1 person arall nad yw'n aelod o aelwyd neu aelwyd estynedig y person nac yn ofalwr y person, ac unrhyw blant o dan 11 oed sy'n aelodau o aelwyd y naill berson neu'r llall;";

(b) ym mharagraff 2(4), ar y diwedd mewnosoder—

"(i) gwneud ymarfer corff yn yr awyr agored, ac eithrio mewn annedd breifat—

(i) gydag aelodau o aelwyd estynedig y person, neu

(ii) gydag 1 person arall ac unrhyw blant o dan 11 oed sy'n aelodau o aelwyd y naill berson neu'r llall,

ynghyd ag unrhyw ofalwr i berson sy'n cymryd rhan sy'n bresennol.";

(c) ym mharagraff 3—

(i) yn is-baragraff (3), ar ôl "1 aelwyd estynedig" mewnosoder "ar unrhyw un adeg";

(ii) yn is-baragraff (4), yn y geiriau ar ôl paragraff (b)(ii)—

(aa) o flaen "dim ond" mewnosoder "("yr aelwyd estynedig flaenorol"),";

(bb) ar ôl "y paragraff hwn" mewnosoder "oni bai bod cyfnod o 10 niwrnod o leiaf wedi dod i ben ers i unrhyw aelod o'r aelwyd un oedolyn gymryd rhan ddiwethaf mewn cynulliad gydag aelod o'r aelwydydd hynny gan ddibynnu ar gael ei drin fel pe bai'n rhan o'r aelwyd estynedig flaenorol";

(ii) after "any other household" insert "unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household".

(6) In Schedule 4—

(a) in paragraph 1(4)(f)—

(i) in paragraph (ii), omit "or" in the second place it occurs;

(ii) in paragraph (iii), for ";" substitute ", or";

(iii) after paragraph (iii) insert—

"(iv) with 1 other person who is not a member of the person's household or extended household or the person's carer, and any children under the age of 11 who are members of either person's household;";

(b) in paragraph 2(4), at the end insert—

"(i) exercising outdoors, except in a private dwelling, with—

(i) members of the person's extended household, or

(ii) 1 other person and any children under the age of 11 who are members of either person's household,

together with any carer of a person participating who is present.";

(c) in paragraph 3—

(i) in sub-paragraph (3), after "1 extended household" insert "at any one time";

(ii) in sub-paragraph (4), in the words after paragraph (b)(ii)—

(aa) before "an agreement" insert "("the previous extended household"), ";

(bb) after "other households" insert "unless a period of at least 10 days has expired since any member of the single adult household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household";

(iii) yn is-baragraff (5), yn y testun Saesneg, yn lle "being in" rhodder "part of" yn y ddau le y mae'n digwydd;

(iv) yn is-baragraff (6)—

(aa) yn y testun Saesneg, yn lle "being in" rhodder "part of" yn y ddau le y mae'n digwydd;

(bb) ar ôl "unrhyw aelwyd arall" mewnosoder "oni bai bod cyfnod o 10 niwrnod o leiaf wedi dod i ben ers i unrhyw aelod o'r aelwyd gymryd rhan ddiwethaf mewn cynulliad gydag unrhyw aelod o aelwyd arall gan ddibynnu ar gael ei drin fel pe bai'n rhan o aelwyd estynedig â'r aelwyd honno";

(d) ar ôl paragraff 62 mewnosoder—

"**62A.** Golchfeydd ceir awtomatig."

(iii) in sub-paragraph (5), in the English language text, for "being in" substitute "part of" in both places it occurs;

(iv) in sub-paragraph (6)—

(aa) in the English language text, for "being in" substitute "part of" in both places it occurs;

(bb) after "any other household" insert "unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household";

(d) after paragraph 62 insert—

"**62A.** Automatic car washes."

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 2.19 p.m. ar 29 Ionawr 2021

First Minister, one of the Welsh Ministers
At 2.19 p.m. on 29 January 2021

©℗Hawlfraint y Goron 2021

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2021

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.

ISBN 978-0-348-11960-2

£6.90

http://www.legislation.gov.uk/id/wsi/2021/103