OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2021 Rhif 1407 (Cy. 366)

2021 No. 1407 (W. 366)

IECHYD Y CYHOEDD, CYMRU

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 22) 2021

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 22) 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 prif Reoliadau"). Ceir tri newid.

Mae'r cyntaf yn newid cymhwystra i fod yn bresennol mewn mangreoedd penodol o dan reoliad 16A (a adwaenir yn gyffredin fel "pàs COVID") er mwyn eithrio imiwnedd naturiol (canlyniad positif o brawf adwaith cadwynol polymerasau a gymerir gan y person ddim mwy na 180 o ddiwrnodau a ddim llai na 10 niwrnod cyn mynd i'r fangre). Mae hyn yn golygu nad yw pasys ar gael yn gyffredinol ond i'r rheini sydd wedi eu brechu neu sydd wedi cael canlyniad negyddol o brawf cymhwysol a gymerir o fewn 48 awr i fynd i'r fangre.

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"). There are three changes.

The first changes eligibility for being present in certain premises under regulation 16A (commonly known as a "COVID pass") to exclude natural immunity (a positive result from a polymerase chain reaction test taken by the person no more than 180 days and no less than 10 days before entering premises). This means that passes are only generally available to those who are vaccinated or have a negative result from a qualifying test taken within 48 hours of entering the premises.

Mae’r ail yn ei gwneud yn glir, mewn perthynas â’r gofyniad (presennol) i wisgo gorchudd wyneb mewn ardaloedd cyhoeddus o dan do, nad yw awditoriwm theatr, sinema neu neuadd gyngerdd nac ardal wylio arena neu stadiwm o dan do i’w trin fel mangreoedd lle y gwerthir bwyd neu ddiod, neu lle y darperir bwyd neu ddiod, i’w fwyta neu i’w hyfed yn y fangre. Mae hyn yn golygu bod rhaid gwisgo gorchuddion wyneb yn yr ardaloedd hyn oni bai bod un o’r esemptiadau yn rheoliad 20(2) o’r prif Reoliadau yn gymwys.

Mae’r trydydd yn diwygio’r diffiniad o ardal gyhoeddus o dan do i gynnwys car sy’n cael ei ddefnyddio ar gyfer gwers yrru am dâl neu brawf gyrru.

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 ymdrin â bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd.

The second makes it clear that, in relation to the (existing) requirement to wear a face covering in indoor public areas, the auditorium of a theatre, cinema or concert hall and the viewing area of an indoor arena or stadium are not to be treated as premises where food or drink is sold or provided for consumption on the premises. This means face coverings must be worn in these areas unless one of the exemptions in regulation 20(2) of the principal Regulations applies.

The third amends the definition of an indoor public area to include a car that is being used for a paid driving lesson or a driving test.

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 deal with a serious and imminent threat to public health.

2021 Rhif 1407 (Cy. 366)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 22) 2021

Cymeradwywyd gan Senedd Cymru

Gwnaed am 1.43 p.m. ar 10 Rhagfyr 2021

Gosodwyd gerbron Senedd Cymru am 3.55 p.m. ar 10 Rhagfyr 2021

Yn dod i rym yn unol â rheoliad 1(2) a (3)

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

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol acíwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae Gweinidogion Cymru yn ystyried bod y cyfyngiadau a'r gofynion a osodir gan y Rheoliadau hyn yn gymesur â'r hyn y maent yn ceisio ei gyflawni, sef ymateb iechyd y cyhoedd i'r bygythiad hwnnw.

(**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.

2021 No. 1407 (W. 366)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 22) Regulations 2021

Approved by Senedd Cymru

Made at 1.43 p.m. on 10 December 2021

Laid before Senedd Cymru at 3.55 p.m. on 10 December 2021

Coming into force in accordance with regulation 1(2) and (3)

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 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.

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.

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 22) 2021.

(2) Daw rheoliad 2(2) i rym ar 15 Rhagfyr 2021.

(3) Daw gweddill y Rheoliadau hyn i rym ar 11 Rhagfyr 2021.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 22) Regulations 2021.

(2) Regulation 2(2) comes into force on 15 December 2021.

(3) The remainder of these Regulations come into force on 11 December 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 16A—

(a) ym mharagraff (1)—

(i) ar ôl is-baragraff (b) mewnosoder "neu";

(ii) hepgorer "neu" ar ôl is-baragraff (c);

(iii) hepgorer is-baragraff (d);

(b) hepgorer paragraff (7).

(3) Yn rheoliad 20, ar ôl paragraff (4) mewnosoder—

"(5) At ddibenion paragraff (1), nid yw—

(a) awditoriwm theatr, sinema neu neuadd gyngerdd, na

(b) ardal wylio arena neu stadiwm o dan do,

i'w trin fel mangreoedd lle y gwerthir bwyd neu ddiod, neu lle y'i darperir fel arall, i'w fwyta neu i'w hyfed yn y fangre.

(6) At ddibenion paragraff (1), mae cerbyd i'w drin fel ardal gyhoeddus o dan do mangre pan fydd yn cael ei ddefnyddio ar gyfer—

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 16A—

(a) in paragraph (1)—

(i) after sub-paragraph (b) insert "or";

(ii) omit "or" after sub-paragraph (c);

(iii) omit sub-paragraph (d);

(b) omit paragraph (7).

(3) In regulation 20, after paragraph (4) insert—

"(5) For the purposes of paragraph (1)—

(a) the auditorium of a theatre, cinema or concert hall, or

(b) the viewing area of an indoor arena or stadium,

is not to be treated as premises where food or drink is sold, or otherwise provided, for consumption on the premises.

(6) For the purposes of paragraph (1), a vehicle is to be treated as an indoor public area of premises when being used for—

(**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), 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) ac O.S. 2021/1363 (Cy. 358).

(**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) and S.I. 2021/1363 (W. 358).

(a) hyfforddiant am dâl mewn gyrru car modur yn unol ag adran 123 o Ddeddf Traffig Ffyrdd 1988(**1**), neu

(b) prawf cymhwysedd gyrru fel y disgrifir "test of competence to drive" yn adran 89(1)(a)(i) o'r Ddeddf honno."

(a) paid instruction in the driving of a motor car in accordance with section 123 of the Road Traffic Act 1988(**1**), or

(b) a test of competence to drive such as is described in section 89(1)(a)(i) of that Act."

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 1.43 p.m. ar 10 Rhagfyr 2021

First Minister, one of the Welsh Ministers
At 1.43 p.m. on 10 December 2021

©ⓗHawlfraint y Goron 2022

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 2022

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**) 1988 p. 52.

(**1**) 1988 c. 52.

ISBN 978-0-348-39236-4

£4.90

http://www.legislation.gov.uk/id/wsi/2021/1407