OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2020 Rhif 529 (Cy. 124)

2020 No. 529 (W. 124)

IECHYD Y CYHOEDD, CYMRU

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 4) 2020

The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020

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 rheoliad 2 o'r Rheoliadau hyn yn gwneud dau ddiwygiad i Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) 2020 (y "prif Reoliadau").

Mae paragraff (3) yn diwygio rheoliad 13 o'r prif Reoliadau i gynyddu swm y gosb benodedig am dorri'r Rheoliadau dro ar ôl tro, hyd at uchafswm o £1920. Mae'r cosbau uwch yn gymwys i unrhyw hysbysiad cosb benodedig a ddyroddir ar 22 Mai 2020 neu ar ôl hynny. Wrth bennu sawl hysbysiad y mae person wedi ei dderbyn at ddibenion cyfrifo swm cosb benodedig, caiff hysbysiadau a dderbyniodd y person hwnnw cyn 22 Mai eu cyfrif.

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.

Regulation 2 of these Regulations makes two amendments to the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 ("the principal Regulations").

Paragraph (3) amends regulation 13 of the principal Regulations to increase the amount of the fixed penalty for repeated breaches of the Regulations up to a maximum of £1920. The increased penalties apply to any fixed penalty notice issued on or after 22 May 2020. When determining the number of notices received by a person for the purposes of calculating the amount of fixed penalty, notices received before 22 May will be counted.

Mae paragraff (2) yn gwneud mân ddiwygiad i reoliad 3 o'r prif Reoliadau o ganlyniad i ddiwygiad a wnaed i'r rheoliad hwnnw gan reoliad 2(2) o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 3) 2020.

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.

Paragraph (2) makes a minor amendment to regulation 3 of the principal Regulations consequential upon an amendment made to that regulation by regulation 2(2) of the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020.

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.

2020 Rhif 529 (Cy. 124)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 4) 2020

Cymeradwywyd gan Senedd Cymru

Gwnaed	*20 May 2020*
Gosodwyd gerbron Senedd Cymru	*21 May 2020*
Yn dod i rym	*22 Mai 2020*

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 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 a cyhoedd a berir gan fynychder a lledaeniad syndrom anadlol acíwt difrifol coronafeirws 2 (SARS-CoV-2) yng Nghymru.

Mae Gweinidogion Cymru yn ystyried bod y diwygiadau a wneir 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 y offeryn hwn heb fod drafft wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

(**1**) 1984 p. 22. Mewnosodwyd adrannau 45C, 45F a 45P gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol (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.

2020 No. 529 (W. 124)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020

Approved by Senedd Cymru

Made	*20 May 2020*
Laid before Senedd Cymru	*21 May 2020*
Coming into force	*22 May 2020*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c), 45F(2) and 45P 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 the amendments made 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.

(**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.

Enwi a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 4) 2020 a deuant i rym ar 22 Mai 2020.

Diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) 2020

2.—(1) Mae Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) 2020(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3, ym mharagraff (1)(b), yn lle'r geiriau o "diwrnod" hyd at y diwedd rhodder "y cynharaf o'r canlynol—

(i) dirymu'r ddarpariaeth sy'n gosod y gofyniad neu'r cyfyngiad, neu

(ii) pan ddaw'r Rheoliadau hyn i ben o dan reoliad 15."

(3) Yn rheoliad 13, ym mharagraff (8), yn lle ", swm y gosb benodedig yw £120 ac nid yw paragraff (7) yn gymwys" rhodder "—

(a) nid yw paragraff (7) yn gymwys, a

(b) rhaid i'r swm a bennir fel y gosb benodedig fod—

(i) yn £120 yn achos yr ail hysbysiad cosb benodedig a dderbynnir;

(ii) yn £240 yn achos y trydydd hysbysiad cosb benodedig a dderbynnir;

(iii) yn £480 achos y pedwerydd hysbysiad cosb benodedig a dderbynnir;

(iv) yn £960 yn achos y pumed hysbysiad cosb benodedig a dderbynnir;

(v) yn £1920 yn achos y chweched hysbysiad cosb benodedig a dderbynnir, ac unrhyw hysbysiad cosb benodedig olynol."

(**1**) O.S. 2020/353 (Cy. 80) fel y'i diwygiwyd gan Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) 2020 (O.S. 2020/399 (Cy. 88)), Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 2) 2020 (O.S. 2020/452 (Cy. 102)) a Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 3) 2020 (O.S. 2020/497 (Cy. 118)).

Title and coming into force

1. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020 and they come into force on 22 May 2020.

Amendment of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(**1**) are amended as follows.

(2) In regulation 3, in paragraph (1)(b), for the words from "day" to the end substitute "earlier of—

(i) the revocation of the provision imposing the requirement or restriction, or

(ii) the expiry of these Regulations under regulation 15."

(3) In regulation 13, in paragraph (8), for ", the amount of the fixed penalty is £120 and paragraph (7) does not apply." substitute "—

(a) paragraph (7) does not apply, and

(b) the amount specified as the fixed penalty is to be—

(i) in the case of the second fixed penalty notice received, £120;

(ii) in the case of the third fixed penalty notice received, £240;

(iii) in the case of the fourth fixed penalty notice received, £480;

(iv) in the case of the fifth fixed penalty notice received, £960;

(v) in the case of the sixth and any subsequent fixed penalty notice received, £1920."

(**1**) S.I. 2020/353 (W. 80) as amended by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020 (S.I. 2020/399 (W. 88)), the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/452 (W. 102)) and the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/497 (W. 118)).

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
20 Mai 2020

First Minister, one of the Welsh Ministers
20 May 2020

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£4.90

W202009301003 10/2020

http://www.legislation.gov.uk/id/wsi/2020/529

ISBN 978-0-348-11361-7

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