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INSTRUMENTS

2022 Rhif 388 (Cy. 97)

2022 No. 388 (W. 97)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
5) (Cymru) (Diwygio) (Rhif 8)
2022**

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 8) Regulations
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 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"). Mae'r diwygiadau—

- yn hepgor Rhan 3 o'r prif Reoliadau, sy'n ei gwneud yn ofynnol i bersonau hunanynysu os ydynt yn cael canlyniad positif am y coronafeirws, neu os ydynt yn gysylltiadau agos i bersonau sy'n cael canlyniad positif am y coronafeirws (ond mae canllawiau Llywodraeth Cymru yn parhau i argymhell hunanynysu);
- yn newid gofynion y prif Reoliadau i orchuddion wyneb gael eu gwisgo ar drafndiaeth gyhoeddus ac mewn mannau cyhoeddus o dan do penodol fel nad ydynt ond yn gymwys mewn mangreoddi iechyd a gofal cymdeithasol mwyach;

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 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"). The amendments—

- omit Part 3 of the principal Regulations, which requires persons to self-isolate if they test positive for coronavirus, or are close contacts of persons who test positive for coronavirus (but self-isolation continues to be recommended in Welsh Government guidance);
- change the principal Regulations' requirements for face coverings to be worn on public transport and in certain indoor public places so that they now only apply in health and social care premises;

- yn hepgor y gofyniad penodol i bersonau sy'n ymgyrchu mewn etholiad gymryd mesurau rhesymol i leihau'r risg o ddod i gysylltiad â'r coronafeirws (ond bydd yn ofynnol o hyd i bleidiau gwleidyddol gymryd mesurau rhesymol o'r fath o dan reoliad 16 o'r prif Reoliadau mewn perthynas â'u gweithgareddau mewn mangreodedd rheoleiddiedig);
- yn hepgor y drosedd benodol yn y prif Reoliadau o ymwneud â threfnu digwyddiad cerddoriaeth mawr sydd heb ei drwyddedu.
- omit the specific requirement for persons who are election campaigning to take reasonable measures to minimise the risk of exposure to coronavirus (but political parties will continue to be required to take such reasonable measures under regulation 16 of the principal Regulations in relation to their activities on regulated premises);
- omit the specific offence in the principal Regulations of being involved in organising a large unlicensed music event.

Mae'r Rheoliadau hefyd yn gwneud diwygiadau sy'n ganlyniadol ar y diwygiadau a nodir uchod a'r rheini sydd wedi eu gwneud i'r prif Reoliadau yn flaenorol. Maent hefyd yn gwneud darpariaeth drosiannol i'w gwneud yn glir bod unrhyw ofyniad cyfreithiol i berson hunanynysu yn peidio pan ddaw'r Rheoliadau hyn i rym (ond eto bydd canllawiau Llywodraeth Cymru yn parhau i fod yn berthnasol i berson o'r fath).

Fel y'u diwygir gan y Rheoliadau hyn, mae'r prif Reoliadau yn parhau i ddarparu nad oes unrhyw lefel rhybudd yn gymwys i Gymru. Mae hyn yn golygu nad yw'r un o'r cyfyngiadau a'r gofynion yn Atodlenni 1 i 4 i'r prif Reoliadau yn gymwys (a phe bai rheoliadau yn y dyfodol yn symud Cymru i unrhyw un o lefelau rhybudd 1 i 4, gellid diwygio'r cyfyngiadau a'r gofynion yn Atodlenni 1 i 4 i'r prif Reoliadau cyn iddynt gymryd effaith).

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.

The Regulations also make amendments that are consequential on the amendments set out above and those which have been made to the principal Regulations previously. They also make a transitional provision to make clear that any legal requirement for a person to self-isolate ceases when these Regulations come into force (but again Welsh Government guidance will continue to be relevant to such a person).

As amended by these Regulations, the principal Regulations continue to provide that no alert level applies to Wales. This means that none of the restrictions and requirements in Schedules 1 to 4 to the principal Regulations applies (and if future regulations were to move Wales to any of alert levels 1 to 4, the restrictions and requirements in Schedules 1 to 4 to the principal Regulations could be amended before taking effect).

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.

2022 Rhif 388 (Cy. 97)

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**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
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5) (Cymru) (Diwygio) (Rhif 8)
2022**

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 8) Regulations
2022**

Cymeradwywyd gan Senedd Cymru

Approved by Senedd Cymru

Gwnaed am 2.59 p.m. ar 25 Mawrth 2022

Made at 2.59 p.m. on 25 March 2022

*Gosodwyd gerbron Senedd
Cymru am 5.00 p.m. ar 25 Mawrth 2022*

*Laid before Senedd
Cymru at 5.00 p.m. on 25 March 2022*

Yn dod i rym 28 Mawrth 2022

Coming into force 28 March 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).

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).

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 aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

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.

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.

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 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.

(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.

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 8) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 28 Mawrth 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) Hepgorer Rhan 3.

(3) Hepgorer Rhan 4A.

(4) Hepgorer rheoliad 19.

(5) Yn rheoliad 20—

(a) ym mharagraff (1)—

(i) hepgorer is-baragraffau (a) i (g);

(ii) hepgorer is-baragraff (j);

(b) hepgorer paragraff (6).

(6) Hepgorer rheoliad 21.

(7) Yn rheoliad 25(2), yn y geiriau o flaen is-baragraff (a), yn lle "18A, 19, 20, 27 i 34," rhodder "20, 27 i 29, 31 i 34,".

(8) Yn rheoliad 27(1), hepgorer is-baragraffau (za) ac (a).

(9) Hepgorer rheoliad 30.

(10) Yn rheoliad 31, hepgorer paragraff (1)(a).

(11) Yn rheoliad 32, hepgorer paragraffau (1) a (2).

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. 8) Regulations 2022.

(2) These Regulations come into force on 28 March 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) Omit Part 3.

(3) Omit Part 4A.

(4) Omit regulation 19.

(5) In regulation 20—

(a) in paragraph (1)—

(i) omit sub-paragraphs (a) to (g);

(ii) omit sub-paragraph (j);

(b) omit paragraph (6).

(6) Omit regulation 21.

(7) In regulation 25(2), in the words before sub-paragraph (a), for "18A, 19, 20, 27 to 34," substitute "20, 27 to 29, 31 to 34,".

(8) In regulation 27(1), omit sub-paragraphs (za) and (a).

(9) Omit regulation 30.

(10) In regulation 31, omit paragraph (1)(a).

(11) In regulation 32, omit paragraphs (1) and (2).

(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), 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), O.S. 2022/39 (Cy. 16), O.S. 2022/55 (Cy. 21), O.S. 2022/75 (Cy. 27), O.S. 2022/83 (Cy. 29), O.S. 2022/142 (Cy. 45), O.S. 2022/180 (Cy. 59) ac O.S. 2022/378 (Cy. 95).

(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), S.I. 2022/39 (W. 16), S.I. 2022/55 (W. 21), S.I. 2022/75 (W. 27), S.I. 2022/83 (W. 29), S.I. 2022/142 (W. 45), S.I. 2022/180 (W. 59) and S.I. 2022/378 (W. 95).

- (12) Yn rheoliad 36(3)—
- (a) hepgorer is-baragraffau (b) ac (c);
 - (b) yn is-baragraff (e), yn lle “32(1)(b) neu (3)(b)” rhodder “32(3)(b)”.
- (13) Yn rheoliad 39, hepgorer paragraffau (2) a (3).
- (14) Hepgorer rheoliad 40.
- (15) Yn rheoliad 41, hepgorer “19(1) neu”.
- (16) Yn rheoliad 42, hepgorer paragraff (2).
- (17) Yn rheoliad 43, hepgorer paragraff (2)(a)(ii).
- (18) Yn rheoliad 48(1), yn lle “49, 50, 51 neu 52” rhodder “50 neu 52”.
- (19) Hepgorer rheoliad 49.
- (20) Hepgorer rheoliad 51.
- (21) Yn rheoliad 52(1), hepgorer “, (2)”.
- (22) Yn rheoliad 53(1)(c), hepgorer “, 49” a “, 51”.
- (23) Yn rheoliad 54, hepgorer paragraff (2).
- (24) Yn rheoliad 56(1A)(a), hepgorer “ac eithrio trosedd o dan baragraff (2) o’r rheoliad hwnnw”.

Darpariaeth drosiannol: dirymu gofynion ynysu

3. Pan fo’n ofynnol i berson (“P”) beidio ag ymadael â’r man lle y mae P yn byw, neu fod y tu allan i’r man hwnnw, yn unol â rheoliad 6(2), 7(2) neu 8(2) o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 yn union cyn iddynt gael ei ddirymu gan y Rheoliadau hyn, mae’r gofyniad yn peidio â bod yn gymwys pan ddaw’r Rheoliadau hyn i rym.

- (12) In regulation 36(3)—
- (a) omit sub-paragraphs (b) and (c);
 - (b) in sub-paragraph (e), for “32(1)(b) or (3)(b)” substitute “32(3)(b)”.
- (13) In regulation 39, omit paragraphs (2) and (3).
- (14) Omit regulation 40.
- (15) In regulation 41, omit “19(1) or”.
- (16) In regulation 42, omit paragraph (2).
- (17) In regulation 43, omit paragraph (2)(a)(ii).
- (18) In regulation 48(1), for “49, 50, 51 or 52” substitute “50 or 52”.
- (19) Omit regulation 49.
- (20) Omit regulation 51.
- (21) In regulation 52(1), omit “, (2)”.
- (22) In regulation 53(1)(c), omit “, 49” and “, 51”.
- (23) In regulation 54, omit paragraph (2).
- (24) In regulation 56(1A)(a), omit “other than an offence under paragraph (2) of that regulation”.

Transitional provision: revocation of isolation requirements

3. Where a person (“P”) is required to not leave or be outside of the place where P is living in accordance with regulation 6(2), 7(2) or 8(2) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 immediately before their revocation by these Regulations, the requirement ceases to apply when these Regulations come into force.

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 2.59 p.m. ar 25 Mawrth 2022

First Minister, one of the Welsh Ministers
At 2.59 p.m. on 25 March 2022

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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.

£4.90

<http://www.legislation.gov.uk/id/wsi/2022/388>

ISBN 978-0-348-39289-0



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