



---

OFFERYNNAU STATUDOL  
CYMRU

---

**2010 Rhif 1544 (Cy.142)**

**IECHYD Y CYHOEDD,  
CYMRU**

Rheoliadau Diogelu Iechyd  
(Gorchmynion Rhan 2A) (Cymru)  
2010

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn gymwys yng Nghymru ac yn gwneud darpariaeth o ran gorchmynion y gwnaed cais amdanynt ac a gafodd eu gwneud o dan Ran 2A o Ddeddf Iechyd Cyhoeddus (Rheoli Clefydau) 1984 ("y Ddeddf").

Mae rheoliad 3 yn nodi i bwy y mae'n rhaid i awdurdod lleol roi hysbysiad o gais am orchymyn Rhan 2A.

Mae rheoliad 4 yn nodi'r dystiolaeth y mae'n rhaid ei bod ar gael i ynad heddwch cyn y gall yr ynad gael ei fodloni bod y meini prawf dros wneud gorchymyn o dan adran 45G o'r Ddeddf wedi'u diwallu.

Mae rheoliad 5 yn nodi'r cyfnod hiraf y caiff gorchmynion Rhan 2 a bennir (ac unrhyw estyniadau i'r gorchmynion hynny) barhau mewn grym.

Mae rheoliad 6 yn darparu bod personau penodol yn "personau yr effeithir arnynt" at ddibenion gorchmynion Rhan 2A.

Mae rheoliad 7 yn galluogi awdurdod lleol i osod ffioedd er mwyn adennill costau'r camau a gymerir gan yr awdurdod lleol yn unol â gorchymyn Rhan 2A os yw'r gorchymyn hwnnw mewn perthynas â "pethau" (fel y'u diffinnir gan y Ddeddf) a mangreodd. Ni cheir codi ffioedd mewn cysylltiad â gorchmynion o ran cyrff marw neu weddillion dynol.

Mae rheoliadau 8 i 11 yn gosod rhwymedigaethau amrywiol ar awdurdodau lleol o ran ceisiadau a gorchmynion Rhan 2A. Mae rheoliad 8 yn gorfodi'r

---

WELSH STATUTORY  
INSTRUMENTS

---

**2010 No. 1544 (W.142)**

**PUBLIC HEALTH,  
WALES**

The Health Protection (Part 2A  
Orders) (Wales) Regulations  
2010

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations apply in Wales and make provision in relation to orders applied for and made under Part 2A of the Public Health (Control of Disease) Act 1984 ("the Act").

Regulation 3 sets out to whom the local authority must give notice of an application for a Part 2A order.

Regulation 4 sets out the evidence that must be available to a justice of the peace before the justice may be satisfied that the criteria for making an order under section 45G of the Act are met.

Regulation 5 sets a maximum period for which specified Part 2A orders (and any extensions to those orders) may remain in force.

Regulation 6 provides for certain persons to be "affected persons" for the purposes of Part 2A orders.

Regulation 7 enables a local authority to impose charges in order to recover the costs of actions taken by the local authority pursuant to a Part 2A order where that order is in relation to "things" (as defined by the Act) and premises. Charges may not be imposed in connection with orders in relation to dead bodies or human remains.

Regulations 8 to 11 place various obligations on local authorities in relation to Part 2A applications and orders. Regulation 8 obliges the local authority to

awdurdod lleol i ddarparu gwybodaeth benodol i'r person sy'n destun y gorchymyn. Mae rheoliad 9 yn gorfodi'r awdurdod lleol i roi sylw i effaith y gorchymyn ar les y person sy'n destun y gorchymyn ac i unrhyw ddibynyddion a all fod gan y person hwnnw os yw gorchymyn ar gyfer cadw'n gaeth, ynysu neu gwarantfn. Mae rheoliadau 10 ac 11 yn ei gwneud yn ofynnol i'r awdurdod lleol roi adroddiad o geisiadau, gorchmynion ac amrywiadau neu ddirymiadau o orchmynion i Weinidogion Cymru at ddibenion monitro.

Cafodd asesiad effaith rheoleiddiol ei baratoi o ran y costau a'r manteision o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

provide certain information to the person subject to the order. Regulation 9 obliges the local authority to have regard to the impact of the order on the welfare of the person who is the subject of the order and of any dependants that person may have where an order is for detention, isolation or quarantine. Regulations 10 and 11 require the local authority to report details of applications, orders and variations or revocations of orders to the Welsh Ministers for monitoring purposes.

A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

**2010 Rhif 1544 (Cy.142)**

**2010 No. 1544 (W.142)**

**IECHYD Y CYHOEDD,  
CYMRU**

**PUBLIC HEALTH,  
WALES**

**Rheoliadau Diogelu Iechyd  
(Gorchmynion Rhan 2A) (Cymru)  
2010**

**The Health Protection (Part 2A  
Orders) (Wales) Regulations  
2010**

*Gwnaed* 8 Mehefin 2010  
*Yn dod i rym* 26 Gorffennaf 2010

*Made* 8 June 2010  
*Coming into force* 26 July 2010

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adrannau 45C(1), (2) a (3)(b), 45F(2)(a), 45G(7), 45L(4), 45M(3), (6) a (7), 45N(1) a (2)(b) a 45P(2) o Ddeddf Iechyd Cyhoeddus (Rheoli Clefydau) 1984(1) ac adran 150 o Ddeddf Llywodraeth Leol a Thai 1989(2).

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 45C(1), (2) and (3)(b), 45F(2)(a), 45G(7), 45L(4), 45M(3), (6) and (7), 45N(1) and (2)(b) and 45P(2) of the Public Health (Control of Disease) Act 1984(1) and section 150 of the Local Government and Housing Act 1989(2).

Yn unol ag adran 152(6) o Ddeddf Llywodraeth Leol a Thai 1989, mae Gweinidogion Cymru wedi ymgynghori â'r cynrychiolwyr hynny o lywodraeth leol y maent yn ystyried ei bod yn briodol ymgynghori â hwy mewn cysylltiad â rheoliad 7.

In accordance with section 152(6) of the Local Government and Housing Act 1989, the Welsh Ministers have consulted such representatives of local government as appear to them to be appropriate in connection with regulation 7.

Cafodd drafft o'r offeryn hwn ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo drwy benderfyniad ganddo yn unol ag adran 45Q(2), (3) a (4) o Ddeddf Iechyd Cyhoeddus (Rheoli Clefydau) 1984 ac adran 150(6) o Ddeddf Llywodraeth Leol a Thai 1989.

A draft of this instrument has been laid before and approved by a resolution of the National Assembly for Wales pursuant to section 45Q(2), (3) and (4) of the Public Health (Control of Disease) Act 1984 and section 150(6) of the Local Government and Housing Act 1989.

**Enwi, cychwyn a chymhwyso**

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Gorchmynion Rhan 2A) (Cymru) 2010 a deuant i rym ar 26 Gorffennaf 2010.

**Title, commencement and application**

1.–(1) The title of these Regulations is the Health Protection (Part 2A Orders) (Wales) Regulations 2010 and they come into force on 26 July 2010.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

---

(1) 1984 p.22. *Gweler* adran 45T(6) o'r Ddeddf honno i gael diffiniad o "the appropriate Minister" ac adran 45M(11) o'r Ddeddf honno i gael diffiniad o "regulations" at ddibenion adran 45M. Mewnosodwyd adrannau 45C, 45F, 45G, 45M, 45N, 45P a 45T yn y Ddeddf honno gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p.14).

---

(1) 1984 c.22. *See* section 45T(6) of that Act for the definition of "the appropriate Minister" and section 45M(11) of that Act for the definition of "regulations" for the purposes of section 45M. Sections 45C, 45F, 45G, 45M, 45N, 45P and 45T were inserted into that Act by section 129 of the Health and Social Care Act 2008 (c.14).

(2) 1989 p.42.

(2) 1989 c.42.

## Dehongli

### 2. Yn y Rheoliadau hyn—

ystyr "cais Rhan 2A" ("*Part 2A application*") yw cais a wnaed i ynad heddwch am orchymyn o dan Rhan 2A o'r Ddeddf;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd Cyhoeddus (Rheoli Clefydau) 1984;

ystyr "gorchymyn Rhan 2A" ("*Part 2A order*") yw gorchymyn a wnaed gan ynad heddwch o dan Rhan 2A o'r Ddeddf;

ystyr "person sydd â chyfrifoldeb rhiant" ("*a person with parental responsibility*") yw person sydd â chyfrifoldeb rhiant o fewn ystyr Deddf Plant 1989(1); ac

ystyr "plentyn" ("*child*") yw person sydd o dan 18 mlwydd oed.

## Dyletswydd ar awdurdodau lleol i roi hysbysiad o geisiadau Rhan 2A

3.—(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod lleol yn gwneud cais Rhan 2A.

(2) Rhaid i'r awdurdod lleol wneud ymholiadau rhesymol o ran bodolaeth a lleoliad personau sy'n dod o fewn paragraffau (4) i (7) (fel y bo'n gymwys).

(3) Ar ôl gwneud ymholiadau rhesymol yn unol â pharagraff (2), rhaid i'r awdurdod lleol roi hysbysiad o'r cais i'r personau a bennir ym mharagraffau (4) i (7) (fel y bo'n gymwys) pan fo'r awdurdod lleol yn gwybod pwy ydynt a bod modd iddo gysylltu â hwy.

(4) Mewn perthynas â gwneud cais am orchymyn o dan adran 45G(2) neu (4) o'r Ddeddf (pŵer i orchymyn mesurau iechyd mewn perthynas â phersonau), y personau a bennir yw—

- (a) y person sy'n destun y cais (P);
- (b) person sydd â chyfrifoldeb rhiant dros P, os yw P yn blentyn; ac
- (c) y sawl sy'n penderfynu dros P (os oes unrhyw un).

(5) Yn ddarostyngedig i baragraff (6), ynglŷn â chais am orchymyn o dan adran 45H(2) neu (4) o'r Ddeddf (pŵer i orchymyn mesurau iechyd o ran pethau), y personau penodedig yw—

- (a) perchennog y peth; a
- (b) y person sydd â gwarchodaeth am y peth neu reolaeth arno.

(6) O ran cais am orchymyn o dan adran 45H(2) o'r Ddeddf ynglŷn â chorff marw neu weddillion dynol, y person penodedig yw câr agosaf yr ymadawedig (neu os oes ceraint agosaf gan yr ymadawedig, unrhyw un o'r personau hynny).

## Interpretation

### 2. In these Regulations—

"the Act" ("*y Ddeddf*") means the Public Health (Control of Disease) Act 1984;

"child" ("*plentyn*") means a person under the age of 18 years;

"Part 2A application" ("*cais Rhan 2A*") means an application made to a justice of the peace for an order under Part 2A of the Act;

"Part 2A order" ("*gorchymyn Rhan 2A*") means an order made by a justice of the peace under Part 2A of the Act; and

"a person with parental responsibility" ("*person sydd â chyfrifoldeb rhiant*") means a person with parental responsibility within the meaning of the Children Act 1989(1).

## Duty on local authorities to give notice of Part 2A applications

3.—(1) This regulation applies where a local authority is making a Part 2A application.

(2) The local authority must make reasonable enquiries as to the existence and location of persons who fall within paragraphs (4) to (7) (as applicable).

(3) Having made reasonable enquiries pursuant to paragraph (2), the local authority must give notice of the application to the persons specified in paragraphs (4) to (7) (as applicable) where such persons are known to the local authority and contactable by it.

(4) In relation to an application for an order under section 45G(2) or (4) of the Act (power to order health measures in relation to persons), the persons specified are—

- (a) the person subject to the application (P);
- (b) a person with parental responsibility for P, if P is a child; and
- (c) P's decision-maker (if any).

(5) Subject to paragraph (6), in relation to an application for an order under section 45H(2) or (4) of the Act (power to order health measures in relation to things), the persons specified are—

- (a) the owner of the thing; and
- (b) the person with custody or control of the thing.

(6) In relation to an application for an order under section 45H(2) of the Act in respect of a dead body or human remains, the person specified is the deceased's next of kin (or where the deceased has more than one next of kin, any one of those persons).

(1) 1989 p.41.

(1) 1989 c.41.

(7) O ran cais am orchymyn o dan adran 45I(2) neu (4) (pŵer i orchymyn mesurau iechyd o ran mangreuedd), y personau penodedig yw—

- (a) perchennog y fangre; a
- (b) meddiannydd y fangre, os oes un.

(8) Nid yw'n ofynnol i'r awdurdod lleol roi hysbysiad o dan baragraff (3) os yw P, yn nhyb resymol yr awdurdod lleol, yn debygol o ddiengyd neu fel arall yn cymryd camau i danseilio'r gorchymyn y gwnaed cais amdano.

(9) Nid yw'n ofynnol i'r awdurdod lleol roi hysbysiad o dan baragraff (3) i berson a bennir ym mharagraff (4)(b) os oes amgylchiadau eithriadol yn bodoli sy'n golygu na fyddai hysbysu person o'r fath er budd pennaf P.

(10) Yn y rheoliad hwn—

ystyr "câr agosaf" ("*next of kin*") yw'r person y mae'r rhestr ganlynol yn ei roi yn y rheng uchaf (ond os bydd dau berson neu fwy yn gyfartal eu rheng yna mae pob un o'r personau hynny i'w trin fel y ceraint agosaf)—

- (a) person sydd â chyfrifoldeb rhiant am yr ymadawedig (P);
- (b) gŵr, gwraig neu bartner sifil P;
- (c) person sydd wedi bod yn byw gyda P hyd at adeg marwolaeth P yn ŵr, gwraig neu bartner sifil i P;
- (ch) plentyn i P os yw'n 18 oed neu'n hŵn;
- (d) rhiant i P;
- (dd) brawd neu chwaer i P os yw'n 18 oed neu'n hŵn; ac

ystyr "y sawl sy'n penderfynu dros P" ("*P's decision-maker*") yw rhoddai atwrneiaeth barhaus neu atwrneiaeth arhosol P o dan Ddeddf Galluedd Meddyliol 2005(1) neu ddirprwy a benodwyd gan y Llys Gwarchod(2) mewn perthynas â P, pan fo penderfyniadau mewn cysylltiad â cheisiadau neu orchymynion Rhan 2A o fewn cwmpas awdurdod y person hwnnw.

#### Tystiolaeth y mae ei hangen ar gyfer cais Rhan 2A o ran personau

4.—(1) Ni all ynad heddych fod yn fodlon bod y meini prawf yn adran 45G(1) neu (3) o'r Ddeddf (pŵer i orchymyn mesurau iechyd o ran personau) wedi cael eu cyflawni onid yw'r dystiolaeth a restrir ym mharagraff (2) ar gael i'r ynad.

(2) Y dystiolaeth honno yw—

- (a) adroddiad sy'n rhoi manylion (i'r graddau y gwyddys amdanynt ac i'r graddau y maent yn

(7) In relation to an application for an order under section 45I(2) or (4) (power to order health measures in relation to premises), the persons specified are—

- (a) the owner of the premises; and
- (b) the occupier of the premises, if any.

(8) The local authority is not required to give notice under paragraph (3) where P, in the reasonable view of the local authority, is likely to abscond or otherwise take steps to undermine the order applied for.

(9) The local authority is not required to give notice under paragraph (3) to a person specified in paragraph (4)(b) where exceptional circumstances exist which mean that notifying such a person would not be in P's best interests.

(10) In this regulation—

"next of kin" ("*câr agosaf*") means the person accorded highest rank in the following list (but if two or more persons are accorded equal ranking then each of those persons is to be treated as next of kin)—

- (a) a person with parental responsibility for the deceased person (P);
- (b) P's husband, wife or civil partner;
- (c) a person who had been living with P up to the time of P's death as P's husband, wife or civil partner;
- (d) P's child where aged 18 years or over;
- (e) P's parent;
- (f) P's brother or sister where aged 18 years or over; and

"P's decision-maker" ("*y sawl sy'n penderfynu dros P*") means P's donee of enduring power of attorney or lasting power of attorney under the Mental Capacity Act 2005(1) or a deputy appointed by the Court of Protection(2) in relation to P, where decisions in connection with Part 2A applications or orders are within the scope of that person's authority.

#### Evidence required for a Part 2A application in relation to persons

4.—(1) A justice of the peace cannot be satisfied that the criteria in section 45G(1) or (3) of the Act (power to order health measures in relation to persons) are met unless the evidence listed in paragraph (2) is available to the justice.

(2) That evidence is—

- (a) a report which gives details (insofar as known and relevant), or gives reasons for the omission

(1) 2005 p.9; o ran atwrneiaeth arhosol, gweler adran 9.

(2) Gweler adran 16 o Ddeddf Galluedd Meddyliol 2005 (p.9).

(1) 2005 c.9; in relation to lasting power of attorney, see section 9.

(2) See section 16 of the Mental Capacity Act 2005 (c.9).

berthnasol), neu sy'n rhoi rhesymau dros adael allan fanylion am y canlynol—

- (i) arwyddion a symptomau'r haint neu'r halogiad yn y person (P) sy'n destun y cais,
  - (ii) diagnosis P,
  - (iii) canlyniad profion clinigol neu brofion labordy, a
  - (iv) cysylltiadau diweddar P â ffynhonnell neu ffynonellau'r haint neu'r halogiad neu ei agosrwydd iddi neu iddynt;
- (b) crynodeb o nodweddion ac effeithiau'r haint neu'r halogiad sydd gan neu a all fod gan P sy'n cynnwys esboniad o'r canlynol—
- (i) drwy ba fecanwaith y mae'r haint neu'r halogiad yn ymledu,
  - (ii) pa mor hawdd y mae'r haint neu'r halogiad yn ymledu ymysg bodau dynol, a
  - (iii) effaith yr haint neu'r halogiad ar iechyd dynol (drwy gyfeirio at boen, anabledd a thebygolrwydd marwolaeth);
- (c) o ran ceisiadau am orchymyn o dan adran 45G(2), asesiad o'r risg i iechyd dynol y mae P yn ei chyflwyno, gan gynnwys disgrifiad o unrhyw waith neu anwaith, neu unrhyw waith neu anwaith a ragwelir, gan P sy'n effeithio ar y risg honno;
- (ch) o ran ceisiadau am orchymyn o dan adran 45G(4), asesiad o'r risg i iechyd dynol y mae'r parti perthnasol(1) yn ei chyflwyno, gan gynnwys unrhyw waith neu anwaith, neu unrhyw waith neu anwaith a ragwelir, gan y parti perthnasol sy'n effeithio ar y risg honno;
- (d) o ran ceisiadau am orchymyn o dan adran 45G(2), asesiad o'r opsiynau sydd ar gael i ymdrin â'r risg honno y mae P yn ei chyflwyno; ac
- (dd) o ran ceisiadau am orchymyn o dan adran 45G(4), asesiad o'r opsiynau sydd ar gael i ymdrin â'r risg honno y mae'r parti perthnasol yn ei chyflwyno.

(3) Rhaid i adroddiad o dan baragraff (2)(a) gynnwys y manylion a grybwyllir yn o leiaf un o'r paragraffau (2)(a)(i) i (iv).

(4) Rhaid bod y dystiolaeth yn cael ei rhoi gan bersonau sy'n briodol gymwys i roi'r dystiolaeth.

(5) Caniateir i'r dystiolaeth gael ei rhoi ar lafar neu'n ysgrifenedig.

of details, of—

- (i) the signs and symptoms of the infection or contamination in the person (P) who is the subject of the application,
  - (ii) P's diagnosis,
  - (iii) the outcome of clinical or laboratory tests, and
  - (iv) P's recent contacts with, or proximity to, a source or sources of infection or contamination;
- (b) a summary of the characteristics and effects of the infection or contamination which P has or may have which includes an explanation of—
- (i) the mechanism by which the infection or contamination spreads,
  - (ii) how easily the infection or contamination spreads amongst humans, and
  - (iii) the impact of the infection or contamination on human health (by reference to pain, disability and the likelihood of death);
- (c) in relation to applications seeking an order under section 45G(2), an assessment of the risk to human health that P presents, including a description of any acts or omissions, or anticipated acts or omissions, of P which affect that risk;
- (d) in relation to applications seeking an order under section 45G(4), an assessment of the risk to human health that the related party(1) presents, including any acts or omissions, or anticipated acts or omissions, of the related party which affect that risk;
- (e) in relation to applications seeking an order under section 45G(2), an assessment of the options available to deal with the risk that P presents; and
- (f) in relation to applications seeking an order under section 45G(4), an assessment of the options available to deal with the risk that the related party presents.

(3) A report under paragraph (2)(a) must include the details mentioned in at least one of paragraphs (2)(a)(i) to (iv).

(4) The evidence must be given by persons who are suitably qualified to give the evidence.

(5) The evidence may be given orally or in writing.

---

(1) *Gweler* adran 45G(5) o Ddeddf Iechyd Cyhoeddus (Rheoli Clefydau) 1984 (p.22) i gael y diffiniad o "related party".

---

(1) *See* section 45G(5) of the Public Health (Control of Disease) Act 1984 (c.22) for the definition of "related party".



### **Y cyfnod y caiff gorchymyn Rhan 2A ynglŷn â phersonau fod mewn grym**

5.–(1) Mae'r rheoliad hwn yn gymwys o ran gorchymynion Rhan 2A sy'n gosod cyfyngiad neu ofyniad o dan adran 45G(2)(a) a (b) ac (e) i (k) (pŵer i orchymyn mesurau iechyd ynglŷn â phersonau) o'r Ddeddf.

(2) Rhaid i'r cyfnod y caiff y cyfyngiad neu'r gofyniad a osodir gan neu o dan y gorchymyn fod mewn grym beidio â bod yn fwy na 28 o ddiwrnodau sy'n dechrau ar y diwrnod y gwnaed y gorchymyn.

(3) Rhaid i unrhyw gyfnod o estyniad i gyfyngiad neu ofyniad beidio â bod yn fwy na 28 o ddiwrnodau.

(4) Pan fo gorchymyn Rhan 2A yn cael ei amrywio i osod cyfyngiad neu ofyniad newydd, rhaid i'r cyfnod y caiff y cyfyngiad neu'r gofyniad newydd hwnnw fod mewn grym beidio â bod yn fwy na 28 o ddiwrnodau sy'n dechrau ar y diwrnod y cafodd y gorchymyn ei amrywio.

### **Personau yr effeithir arnynt o ran gorchymynion Rhan 2A ynglŷn â phersonau a chyrff marw neu weddillion dynol**

6.–(1) Mae'r personau canlynol yn bersonau yr effeithir arnynt (yn ychwanegol at y rheini a ragnodwyd yn adran 45M o'r Ddeddf) at ddibenion gorchymynion Rhan 2A.

(2) Yn achos gorchymyn Rhan 2A o dan adran 45G o'r Ddeddf ynglŷn â pherson (P), y sawl sy'n penderfynu dros P (os oes rhywun).

(3) Yn achos gorchymyn Rhan 2A o dan adran 45H(2) o'r Ddeddf o ran corff marw neu weddillion dynol, câr agosaf yr ymadawedig.

(4) Yn y rheoliad hwn, mae i "câr agosaf" a'r "sawl sy'n penderfynu dros P" yr ystyr a roddir iddynt yn rheoliad 3.

### **Pŵer yn ôl disgrisiwn i awdurdodau lleol godi tâl mewn cysylltiad â gorchymynion Rhan 2A o ran pethau a mangroedd**

7.–(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod lleol wedi tynnu costau wrth wneud mesurau yn unol â gorchymyn Rhan 2A o dan adran 45H (mesurau iechyd o ran pethau) neu 45I (mesurau iechyd o ran mangroedd) o'r Ddeddf.

(2) Yn ddarostyngedig i baragraff (4), caiff yr awdurdod lleol godi tâl ar y canlynol—

- (a) y perchennog neu'r person sydd â gwarchodaeth neu reolaeth ar y peth sydd yn destun gorchymyn o dan adran 45H o'r Ddeddf; neu
- (b) perchennog neu feddiannydd y fangre sydd yn destun gorchymyn o dan adran 45I o'r Ddeddf.

### **Period for which a Part 2A order in relation to persons may be in force**

5.–(1) This regulation applies in relation to Part 2A orders imposing a restriction or requirement under section 45G(2)(a) and (b) and (e) to (k) (power to order health measures in relation to persons) of the Act.

(2) The period for which the restriction or requirement imposed by or under the order may be in force must not exceed 28 days beginning with the day on which the order was made.

(3) The period of any extension of a restriction or requirement must not exceed 28 days.

(4) Where a Part 2A order is varied to impose a new restriction or requirement, the period for which that new restriction or requirement may be in force must not exceed 28 days beginning with the day on which the order was varied.

### **Affected persons in relation to Part 2A orders in relation to persons and dead bodies or human remains**

6.–(1) The following persons are affected persons (in addition to those prescribed in section 45M of the Act) for the purposes of Part 2A orders.

(2) In the case of a Part 2A order under section 45G of the Act in relation to a person (P), P's decision-maker (if any).

(3) In the case of a Part 2A order under section 45H(2) of the Act in relation to a dead body or human remains, the deceased's next of kin.

(4) In this regulation, "next of kin" and "P's decision-maker" have the meaning given to them in regulation 3.

### **Discretionary power for local authorities to charge in connection with Part 2A orders in relation to things and premises**

7.–(1) This regulation applies where a local authority has incurred costs taking measures pursuant to a Part 2A order under section 45H (health measures in relation to things) or 45I (health measures in relation to premises) of the Act.

(2) Subject to paragraph (4), the local authority may impose a charge on—

- (a) the owner or person with custody or control of the thing which is the subject of an order under section 45H of the Act; or
- (b) the owner or occupier of the premises which are the subject of an order under section 45I of the Act.

(3) Swm y tâl a godir—

- (a) rhaid iddo beidio â bod yn fwy na'r costau gwirioneddol (gan gynnwys costau staff) a dynnwyd gan yr awdurdod lleol wrth wneud mesurau o ran y peth neu'r fangre yn unol â'r gorchymyn; a
- (b) rhaid iddo fod yn rhesymol yn yr amgylchiadau.

(4) Ni chaiff awdurdod lleol godi tâl mewn cysylltiad â gorchymynion o dan adran 45H o'r Ddeddf sy'n ymwneud â chorff marw neu weddillion dynol.

### **Dyletswydd ar awdurdodau lleol i ddarparu gwybodaeth o ran gorchymynion Rhan 2A ynglŷn â phersonau**

8.—(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod lleol wedi gwneud cais Rhan 2A a bod ynad heddwch wedi gwneud gorchymyn Rhan 2A o dan adran 45G (mesurau iechyd o ran personau) ynglŷn â'r cais hwnnw.

(2) Rhaid i'r awdurdod lleol gymryd pob cam rhesymol i sicrhau bod y person sydd yn destun y gorchymyn (P) yn deall—

- (a) effaith y gorchymyn, y rheswm dros ei wneud, o dan ba bŵer y cafodd ei wneud a hawl P i wneud cais am amrywiad neu ddirymiad o'r gorchymyn; a
- (b) y gwasanaethau cymorth perthnasol sydd ar gael i P (a sut i gael mynediad atynt).

(3) Rhaid i'r awdurdod lleol gymryd y camau cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r gorchymyn gael ei wneud.

(4) Pan fo P o dan 18 oed, y ddyletswydd o dan baragraff (2) yw sicrhau bod person sydd â chyfrifoldeb rhiant dros P yn deall y materion a osodir yn is-baragraffau (a) a (b) o'r paragraff hwnnw.

### **Dyletswydd ar awdurdodau lleol i roi sylw i faterion lles yn dilyn gorchymyn Rhan 2A ynglŷn â phersonau**

9.—(1) Mae'r rheoliad hwn yn gymwys pan fo person (P)—

- (a) yn cael ei gadw'n gaeth mewn ysbyty neu mewn sefydliad addas arall yn unol â gorchymyn Rhan 2A o dan adran 45G(2)(c) (mesurau iechyd o ran personau); neu
- (b) yn cael ei ynysu neu dan gwarantfîn yn unol â gorchymyn Rhan 2A o dan adran 45G(2)(d) (mesurau iechyd o ran personau).

(2) Rhaid i'r awdurdod lleol a wnaeth y cais am y gorchymyn Rhan 2A roi sylw i effaith y gorchymyn ar les P ac ar ddibynnyddion P, os oes rhai, tra pery'r gorchymyn.

(3) The amount of the charge imposed—

- (a) must not exceed the actual costs (including staff costs) incurred by the local authority in taking measures in relation to the thing or premises pursuant to the order; and
- (b) must be reasonable in the circumstances.

(4) A local authority may not impose a charge in connection with orders under section 45H of the Act which relate to a dead body or human remains.

### **Duty on local authorities to provide information in relation to Part 2A orders in relation to persons**

8.—(1) This regulation applies where a local authority has made a Part 2A application and a justice of the peace has made a Part 2A order under section 45G (health measures in relation to persons) in respect of that application.

(2) The local authority must take all reasonable steps to ensure that the person who is the subject of the order (P) understands—

- (a) the effect of the order, the reason it has been made, the power under which it has been made and P's right to apply for a variation or revocation of the order; and
- (b) the relevant support services available to P (and how to access them).

(3) The local authority must take the steps as soon as reasonably practicable after the order is made.

(4) Where P is under the age of 18 years, the duty under paragraph (2) is to ensure that a person with parental responsibility for P understands the matters set out in sub-paragraphs (a) and (b) of that paragraph.

### **Duty on local authorities to have regard to welfare following a Part 2A order in relation to persons**

9.—(1) This regulation applies where a person (P)—

- (a) is detained in a hospital or other suitable establishment pursuant to a Part 2A order under section 45G(2)(c) (health measures in relation to persons); or
- (b) is kept in isolation or quarantine pursuant to a Part 2A order under section 45G(2)(d) (health measures in relation to persons).

(2) The local authority which made the application for the Part 2A order must have regard to the impact of the order on the welfare of P and P's dependants, if any, for the duration of the order.



### **Dyletswydd ar awdurdodau lleol i roi adroddiad am geisiadau Rhan 2A i Weinidogion Cymru**

10.–(1) Rhaid i awdurdod lleol ddarparu adroddiad ysgrifenedig i Weinidogion Cymru bob tro y bydd yn gwneud cais Rhan 2A.

- (2) Rhaid i'r adroddiad gynnwys–
- (a) enw'r awdurdod lleol;
  - (b) manylion cyswllt swyddog yr awdurdod lleol sy'n gyfrifol am yr adroddiad;
  - (c) copi o'r cais Rhan 2A (gan dynnu oddi yno'r wybodaeth a fyddai'n galluogi gwybod pwy yw'r person sy'n destun y cais);
  - (ch) os gwnaed gorchymyn, copi o'r gorchymyn hwnnw (gan dynnu oddi yno'r wybodaeth a fyddai'n galluogi gwybod pwy yw'r person sy'n destun y gorchymyn); a
  - (d) os na wnaed gorchymyn Rhan 2A, y rheswm dros beidio â'i wneud.

(3) Rhaid darparu'r adroddiad cyn gynted ag y bo'n ymarferol ar ôl i'r cais gael ei benderfynu a dim hwyrach na 10 o ddiwrnodau sy'n dechrau ar y diwrnod y penderfynir y cais(1).

(4) Yn y rheoliad hwn, "penderfynir y cais" naill ai pan wneir gorchymyn yn unol â'r cais neu pan wrthodir y cais neu pan dynnir y cais yn ôl.

### **Dyletswydd ar awdurdodau lleol i roi adroddiad ar amrywiadau neu ddirymyadau o orchmynion Rhan 2A i Weinidogion Cymru**

11.–(1) Rhaid i awdurdod lleol ddarparu adroddiad ysgrifenedig i Weinidogion Cymru bob tro y caiff gorchymyn Rhan 2A a wnaed yn unol â chais Rhan 2A ac a wnaed ganddo ei amrywio neu ei ddirymu.

- (2) Rhaid i'r adroddiad gynnwys–
- (a) enw'r awdurdod lleol;
  - (b) manylion cyswllt swyddog yr awdurdod lleol sy'n gyfrifol am yr adroddiad;
  - (c) copi o'r gorchymyn sy'n amrywio neu'n dirymu'r gorchymyn Rhan 2A (gan dynnu oddi yno'r wybodaeth a fyddai'n galluogi gwybod pwy yw'r person sy'n destun y gorchymyn); ac
  - (ch) copi o'r gorchymyn gwreiddiol (gan dynnu oddi yno'r wybodaeth a fyddai'n galluogi gwybod pwy yw'r person sy'n destun y gorchymyn).

### **Duty on local authorities to report Part 2A applications to the Welsh Ministers**

10.–(1) A local authority must provide a written report to the Welsh Ministers each time it makes a Part 2A application.

- (2) The report must include–
- (a) the name of the local authority;
  - (b) contact details for the officer of the local authority responsible for the report;
  - (c) a copy of the Part 2A application (with information that would enable the identification of the person who is the subject of the application removed);
  - (d) if an order is made, a copy of that order (with information that would enable the identification of the person who is the subject of the order removed); and
  - (e) if a Part 2A order is not made, the reason for it not being made.

(3) The report must be provided as soon as practicable after the application is determined and no later than 10 days beginning with the day on which the application is determined(1).

(4) In this regulation, "the application is determined" when either an order is made pursuant to the application or the application is dismissed or withdrawn.

### **Duty on local authorities to report variations or revocations of Part 2A orders to the Welsh Ministers**

11.–(1) A local authority must provide a written report to the Welsh Ministers each time a Part 2A order made pursuant to a Part 2A application it has made is varied or revoked.

- (2) The report must include–
- (a) the name of the local authority;
  - (b) contact details for the officer of the local authority responsible for the report;
  - (c) a copy of the order varying or revoking the Part 2A order (with information that would enable the identification of the person who is the subject of the order removed); and
  - (d) a copy of the original order (with information that would enable the identification of the person who is the subject of the order removed).

---

(1) Caiff Rheoliadau o dan adran 60A o Ddeddf Iechyd Cyhoeddus (Rheoli Clefydau) 1984 (p.22) ddarparu i adroddiadau gael eu cyflwyno neu eu rhoi drwy gyfathrebu electronig.

---

(1) Regulations under section 60A of the Public Health (Control of Disease) Act 1984 (c.22) may provide for reports to be served or given by an electronic communication.

(3) Rhaid i'r adroddiad ddarparu cyn gynted ag y bo'n ymarferol ar ôl i'r gorchymyn Rhan 2A gael ei amrywio neu ei ddirymu a dim hwyrach na 10 o ddiwrnodau sy'n dechrau gyda'r diwrnod pan fo'r awdurdod lleol yn ymwybodol bod y gorchymyn Rhan 2A wedi cael ei amrywio neu ei ddirymu.

(3) The report must be provided as soon as practicable after the Part 2A order is varied or revoked and no later than 10 days beginning with the day that the local authority becomes aware that the Part 2A order has been varied or revoked.

*Edwina Hart*

Y Gweinidog dros Iechyd a Gwasanaethau  
Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the  
Welsh Ministers

8 Mehefin 2010

8 June 2010

---

©© Hawlfraint y Goron 2010

---

© Crown copyright 2010

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

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

---

OFFERYNNAU STATUDOL  
CYMRU

---

**2010 Rhif 1544 (Cy.142)**

**IECHYD Y CYHOEDD,  
CYMRU**

Rheoliadau Diogelu Iechyd  
(Gorchmynion Rhan 2A) (Cymru)  
2010

---

WELSH STATUTORY  
INSTRUMENTS

---

**2010 No. 1544 (W.142)**

**PUBLIC HEALTH,  
WALES**

The Health Protection (Part 2A  
Orders) (Wales) Regulations  
2010