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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2010 Rhif 1546 (Cy.144)**

**2010 No. 1546 (W.144)**

**IECHYD Y CYHOEDD,  
CYMRU**

**PUBLIC HEALTH,  
WALES**

**Rheoliadau Diogelu Iechyd  
(Hysbysu) (Cymru)  
2010**

**The Health Protection  
(Notification) (Wales) Regulations  
2010**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn gymwys o ran Cymru. Maent yn gosod dyletswyddau ar wahanol bersonau i ddatgelu gwybodaeth i drydydd partion penodedig, at y diben o atal, rheoli neu ddiogelu rhag heintiau neu ledaenu heintiau neu halogi, ac at y diben o ymateb i'r cyfryw o safbwynt iechyd y cyhoedd.

These Regulations apply in Wales. They place obligations on various persons to disclose information to specified third parties for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination.

Mae rheoliad 2 yn gosod dyletswydd ar ymarferwyr meddygol cofrestredig i hysbysu swyddog priodol yr awdurdod lleol perthnasol os tybiant fod claf a wasanaethir ganddynt yn dioddef o glefyd a restrir yn Atodlen 1, neu wedi ei heintio neu ei halogi rywfodd arall, mewn modd a allai achosi niwed arwyddocaol i eraill. Mae rheoliad 3 yn estyn y ddyletswydd honno drwy gynnwys dyletswydd i hysbysu ynghylch clefyd, haint neu halogiad mewn corff marw.

Regulation 2 obliges registered medical practitioners to notify the proper officer of the relevant local authority if a patient they are attending is believed to have a disease listed in Schedule 1 or is otherwise infected or contaminated in a way that may cause significant harm to others. Regulation 3 extends this obligation to cover notification of suspected disease, infection or contamination in a dead body.

Mae rheoliad 4 yn gosod dyletswydd ar weithredwyr labordai diagnostig i hysbysu swyddog priodol yr awdurdod lleol perthnasol os canfyddant un o'r cyfryngau achosol a restrir yn Atodlen 2, neu dystiolaeth o gyfrwng o'r fath, mewn sampl ddynol. Mae rheoliad 5 yn galluogi'r swyddog priodol i geisio cael, gan y person a ofynnodd am y prawf labordy, gwybodaeth benodedig nas darparwyd gan weithredwr y labordy diagnostig, ac yn gosod dyletswydd ar y cyfryw berson i ddarparu'r wybodaeth honno os yw'n hysbys.

Regulation 4 obliges the operators of diagnostic laboratories to notify the proper officer of the relevant local authority if they identify a causative agent listed in Schedule 2, or evidence of such an agent, in a human sample. Regulation 5 enables the proper officer to approach the person who solicited the laboratory test for certain information not provided by the operator of the diagnostic laboratory and obliges that person to provide the information where known.

Mae rheoliad 6 yn gosod dyletswydd ar y swyddog priodol i ddatgelu hysbysiadau o dan reoliadau 2, 3 neu 4 i gyrff penodedig eraill sydd â rôl diogelu iechyd.

Regulation 6 obliges the proper officer to disclose notifications under regulations 2, 3 or 4 to other specified bodies with a health protection role.

Mae rheoliad 7 yn galluogi anfon dogfennau penodedig yn electronig os bodlonir amodau penodol.

Regulation 7 enables specified documents to be sent electronically where certain conditions are met.

Mae rheoliad 8 yn dirymu 2 set o reoliadau.

Mae asesiad effaith rheoleiddiol wedi ei wneud o gostau a buddion tebygol cydymffurfio â'r Rheoliadau hyn. Gellir cael copi o'r asesiad gan Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Regulation 8 revokes 2 sets of regulations.

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 1546 (Cy.144)**

**IECHYD Y CYHOEDD,  
CYMRU**

**Rheoliadau Diogelu Iechyd  
(Hysbysu) (Cymru)  
2010**

*Gwnaed* 8 Mehefin 2010  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 10 Mehefin 2010  
*Yn dod i rym*  
*at ddiben pob rheoliad ac  
eithrio rheoliad 4* 26 Gorffennaf 2010  
*at ddiben rheoliad 4* 1 Hydref 2010

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 13, 45C(1), (2) a (3)(a), 45F(2)(a) a (b), 45P(2) a 60A o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1).

Yn unol ag adran 45Q(3) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984, mae Gweinidogion Cymru yn datgan eu bod o'r farn nad yw'r Rheoliadau hyn yn cynnwys unrhyw ddarpariaeth a wneir yn rhinwedd adran 45C(3)(c) o'r Ddeddf honno ac sy'n gosod, neu'n galluogi gosod, cyfyngiad neu ofyniad arbennig, neu unrhyw gyfyngiad neu ofyniad arall sydd, neu a fyddai, yn effeithio'n arwyddocaol ar hawliau person.

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(1) 1984 p.22. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 13, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 a throsglwyddwyd hwy wedyn i Weiniogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

*Gweler* adran 45T(6) o'r Ddeddf honno am ddiffiniad o "the appropriate Minister". Mewnosodwyd adrannau 45C, 45F, 45P a 45T yn y Ddeddf honno gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p.14) ("Deddf 2008"), a mewnosodwyd adran 60A yn y Ddeddf gan adran 130 ac Atodlen 11, paragraff 16 o Ddeddf 2008.

**2010 No. 1546 (W.144)**

**PUBLIC HEALTH,  
WALES**

**The Health Protection  
(Notification) (Wales) Regulations  
2010**

*Made* 8 June 2010  
*Laid before the National  
Assembly for Wales* 10 June 2010  
*Coming into force*  
*for the purpose of all regulations  
except regulation 4* 26 July 2010  
*for the purpose  
of regulation 4* 1 October 2010

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 13, 45C(1), (2) and (3)(a), 45F(2)(a) and (b), 45P(2) and 60A of the Public Health (Control of Disease) Act 1984(1).

In accordance with section 45Q(3) of the Public Health (Control of Disease) Act 1984, the Welsh Ministers declare that they are of the opinion that these Regulations do not contain any provision made by virtue of section 45C(3)(c) of that Act which imposes or enables the imposition of a special restriction or requirement or any other restriction or requirement which has or would have a significant effect on a person's rights.

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(1) 1984 c.22. Functions of the Secretary of State under section 13, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

*See* section 45T(6) of that Act for the definition of "the appropriate Minister". Sections 45C, 45F, 45P and 45T were inserted into that Act by section 129 of the Health and Social Care Act 2008 (c.14) ("the 2008 Act") and section 60A was inserted into the Act by section 130 and Schedule 11, paragraph 16 of the 2008 Act.

## Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Hysbysu) (Cymru) 2010, a deuant i rym–

- (a) at ddibenion pob rheoliad ac eithrio rheoliad 4, ar 26 Gorffennaf 2010; a
- (b) at ddibenion rheoliad 4, ar 1 Hydref 2010.

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

## Dyletswydd i hysbysu ynghylch amheuaeth o glefyd, haint neu halogiad mewn cleifion

2.–(1) Rhaid i ymarferydd meddygol cofrestredig (R) hysbysu swyddog priodol(1) yr awdurdod lleol perthnasol pan fo sail resymol gan R dros amau, yn achos claf (P) a wasanaethir gan R–

- (a) bod P yn dioddef o glefyd hysbysadwy;
- (b) bod gan P haint(2) sydd, neu a allai, ym marn R, beri niwed arwyddocaol i iechyd dynol; neu
- (c) bod P wedi ei halogi(3) mewn modd sydd, neu a allai, ym marn R, beri niwed arwyddocaol i iechyd dynol.

(2) Rhaid i'r hysbysiad gynnwys yr wybodaeth ganlynol, i'r graddau y mae'n hysbys i R–

- (a) enw P, ei ddyddiad geni a'i ryw;
- (b) cyfeiriad cartref P, gan gynnwys y cod post;
- (c) preswylfa bresennol P (os yw'n wahanol i'w gyfeiriad gartref);
- (ch) rhif teleffon P;
- (d) rhif GIG P;
- (dd) galwedigaeth P;
- (e) enw, cyfeiriad a chod post gweithle P neu'r man lle y'i haddysgir (os yw R yn ystyried hynny'n berthnasol);
- (f) hanes perthnasol teithiau tramor P;
- (ff) ethnigrwydd P;
- (g) manylion cyswllt rhiant P (os plentyn yw P);
- (ng) y clefyd neu'r haint sydd gan P, neu'r amheuir sydd ganddo, neu natur ei halogiad, neu'r halogiad a amheuir;
- (h) dyddiad cychwyn symptomau P;
- (i) dyddiad y diagnosis gan R; ac
- (j) enw, cyfeiriad a rhif teleffon R.

(1) *Gweler* adran 74 o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p.22) ("Deddf 1984") am y diffiniad o "proper officer".

(2) *Gweler* adran 45A o Ddeddf 1984 am y dehongliad o "infection".

(3) *Gweler* adran 45A o Ddeddf 1984 am y dehongliad o "contamination" ac ymadroddion perthynol.

## Title, commencement and application

1.–(1) The title of these Regulations is the Health Protection (Notification) (Wales) Regulations 2010 and they come into force–

- (a) for the purposes of all regulations except regulation 4 on 26 July 2010; and
- (b) for the purposes of regulation 4 on 1 October 2010.

(2) These Regulations apply in relation to Wales.

## Duty to notify suspected disease, infection or contamination in patients

2.–(1) A registered medical practitioner (R) must notify the proper officer(1) of the relevant local authority where R has reasonable grounds for suspecting that a patient (P) whom R is attending–

- (a) has a notifiable disease;
- (b) has an infection(2) which, in the view of R, presents or could present significant harm to human health; or
- (c) is contaminated(3) in a manner which, in the view of R, presents or could present significant harm to human health.

(2) The notification must include the following information insofar as it is known to R–

- (a) P's name, date of birth and sex;
- (b) P's home address including postcode;
- (c) P's current residence (if not home address);
- (d) P's telephone number;
- (e) P's NHS number;
- (f) P's occupation;
- (g) the name, address and postcode of P's place of work or education (if R considers it relevant);
- (h) P's relevant overseas travel history;
- (i) P's ethnicity;
- (j) contact details for a parent of P (where P is a child);
- (k) the disease or infection which P has or is suspected of having or the nature of P's contamination or suspected contamination;
- (l) the date of onset of P's symptoms;
- (m) the date of R's diagnosis; and
- (n) R's name, address and telephone number.

(1) *See* section 74 of the Public Health (Control of Disease) Act 1984 (c.22) ("the 1984 Act") for the definition of "proper officer".

(2) *See* section 45A of the 1984 Act for the interpretation of "infection".

(3) *See* section 45A of the 1984 Act for the interpretation of "contamination" and related expressions.

(3) Rhaid darparu'r hysbysiad mewn ysgrifen, o fewn cyfnod o 3 diwrnod sy'n cychwyn gyda'r diwrnod pan fo R yn ffurfio amheuaeth o dan baragraff (1).

(4) Heb ragfarnu paragraff (3), os yw R o'r farn bod yr achos yn achos brys, rhaid darparu hysbysiad ar lafar cyn gynted ag y bo'n rhesymol ymarferol.

(5) Wrth benderfynu a yw'r achos yn achos brys, rhaid i R roi sylw i—

- (a) natur y clefyd, haint neu halogiad a amheuir;
- (b) rhwyddineb lledaenu'r clefyd, haint neu halogiad hwnnw;
- (c) y ffyrdd y gellir atal neu reoli lledaeniad y clefyd, haint neu halogiad hwnnw; ac
- (ch) amgylchiadau P (gan gynnwys oedran, rhyw a galwedigaeth).

(6) Nid yw'r rheoliad hwn yn gymwys os yw R yn credu'n rhesymol bod swyddog priodol yr awdurdod lleol perthnasol wedi ei hysbysu eisoes ynglŷn â P a'r clefyd, haint neu halogiad a amheuir, gan ymarferydd meddygol cofrestredig arall yn unol â'r rheoliad hwn.

(7) Yn y rheoliad hwn—

ystyr "awdurdod lleol perthnasol" ("*relevant local authority*") yw'r awdurdod lleol yr oedd R yn gwasanaethu P yn ei ardal, ar yr achlysur pan ffurfiodd amheuaeth o dan baragraff (1);

ystyr "clefyd hysbysadwy" ("*notifiable disease*") yw clefyd neu syndrom a restrir yn Atodlen 1;

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

y mae i "rhiant" yr ystyr a roddir i "*parent*" gan adran 576 o Ddeddf Addysg 1996(1).

### **Dyletswydd i hysbysu ynghylch amheuaeth o glefyd, haint neu halogiad mewn personau meirw**

3.—(1) Rhaid i ymarferydd meddygol cofrestredig (R) hysbysu swyddog priodol yr awdurdod lleol perthnasol pan fo sail resymol gan R dros amau y bu farw person (P) a wasanaethid gan R, tra oedd P—

- (a) wedi ei heintio â chlefyd hysbysadwy;
- (b) wedi ei heintio â chlefyd sydd, ym marn R, yn peri, neu y gallai beri, neu a oedd yn peri, neu y gallai fod wedi peri (tra oedd P yn fyw), niwed arwyddocaol i iechyd dynol; neu
- (c) wedi ei halogi mewn modd sydd, ym marn R, yn peri, neu y gallai beri, neu a oedd yn peri, neu y gallai fod wedi peri (tra oedd P yn fyw), niwed arwyddocaol i iechyd dynol.

(3) The notification must be provided in writing within 3 days beginning with the day on which R forms a suspicion under paragraph (1).

(4) Without prejudice to paragraph (3), if R considers that the case is urgent, notification must be provided orally as soon as reasonably practicable.

(5) In determining whether the case is urgent, R must have regard to—

- (a) the nature of the suspected disease, infection or contamination;
- (b) the ease of spread of that disease, infection or contamination;
- (c) the ways in which the spread of the disease, infection or contamination can be prevented or controlled; and
- (d) P's circumstances (including age, sex and occupation).

(6) This regulation does not apply where R reasonably believes that the proper officer of the relevant local authority has already been notified with regard to P and the suspected disease, infection or contamination by another registered medical practitioner in accordance with this regulation.

(7) In this regulation—

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

"notifiable disease" ("*clefyd hysbysadwy*") means a disease or syndrome listed in Schedule 1;

"parent" ("*rhiant*") has the meaning given to it by section 576 of the Education Act 1996(1); and

"relevant local authority" ("*awdurdod lleol perthnasol*") means the local authority within whose area R attended P on the occasion of forming a suspicion under paragraph (1).

### **Duty to notify suspected disease, infection or contamination in dead persons**

3.—(1) A registered medical practitioner (R) must notify the proper officer of the relevant local authority where R has reasonable grounds for suspecting that a person (P) whom R is attending has died whilst—

- (a) infected with a notifiable disease;
- (b) infected with a disease which, in the view of R, presents or could present, or presented or could have presented (whilst P was alive), significant harm to human health; or
- (c) contaminated in a manner which, in the view of R, presents or could present, or presented or could have presented (when P was alive), significant harm to human health.

(2) Rhaid i'r hysbysiad gynnwys yr wybodaeth ganlynol, i'r graddau y mae'n hysbys i R—

- (a) enw P, ei ddyddiad geni a'i ryw;
- (b) dyddiad marwolaeth P;
- (c) cyfeiriad cartref P, gan gynnwys y cod post;
- (ch) preswylfa P ar yr adeg y bu farw (os yw'n wahanol i gyfeiriad ei gartref);
- (d) rhif GIG P;
- (dd) galwedigaeth P ar yr adeg y bu farw (os yw R yn ystyried hynny'n berthnasol);
- (e) enw, cyfeiriad a chod post gweithle P neu'r man lle y'i haddysgid ar yr adeg y bu farw (os yw R yn ystyried hynny'n berthnasol);
- (f) hanes perthnasol teithiau tramor P;
- (ff) ethnigrwydd P;
- (g) y clefyd neu'r haint a oedd gan P, neu'r amheuir a oedd ganddo, neu natur ei halogiad, neu'r halogiad a amheuir;
- (ng) dyddiad cychwyn symptomau P;
- (h) dyddiad y diagnosis gan R; ac
- (i) enw, cyfeiriad a rhif teleffon R.

(3) Rhaid darparu'r hysbysiad mewn ysgrifen, o fewn cyfnod o 3 diwrnod sy'n cychwyn gyda'r diwrnod pan fo R yn ffurfio'i amheuaeth o dan baragraff (1).

(4) Heb ragfarnu paragraff (3), os yw R o'r farn bod yr achos yn achos brys, rhaid darparu hysbysiad ar lafar cyn gynted ag y bo'n rhesymol ymarferol.

(5) Wrth benderfynu a yw'r achos yn achos brys, rhaid i R roi sylw i—

- (a) natur y clefyd, haint neu halogiad a amheuir;
- (b) rhwyddineb lledaenu'r clefyd, haint neu halogiad hwnnw;
- (c) y ffyrdd y gellir atal neu reoli lledaeniad y clefyd, haint neu halogiad hwnnw; ac
- (ch) amgylchiadau P (gan gynnwys oedran, rhyw a galwedigaeth).

(6) Nid yw'r rheoliad hwn yn gymwys os yw R yn credu'n rhesymol bod swyddog priodol yr awdurdod lleol perthnasol wedi ei hysbysu eisoes ynglŷn â P a'r clefyd, haint neu halogiad a amheuir, gan ymarferydd meddygol cofrestredig arall yn unol â'r rheoliad hwn neu reoliad 2(1).

(7) Yn y rheoliad hwn—

ystyr "awdurdod lleol perthnasol" ("*relevant local authority*") yw'r awdurdod lleol yr oedd R yn gwasanaethu P yn ei ardal, ar yr achlysur pan ffurfiodd amheuaeth o dan baragraff (1); ac

y mae i "clefyd hysbysadwy" ("*notifiable disease*")

(2) The notification must include the following information insofar as it is known to R—

- (a) P's name, date of birth and sex;
- (b) P's date of death;
- (c) P's home address including postcode;
- (d) P's place of residence at time of death (if different from home address);
- (e) P's NHS number;
- (f) P's occupation at time of death (if R considers it relevant);
- (g) the name, address and postcode of P's place of work or education at time of death (if R considers it relevant);
- (h) P's relevant overseas travel history;
- (i) P's ethnicity;
- (j) the disease or infection which P had or is suspected of having had or the nature of P's contamination or suspected contamination;
- (k) the date of onset of P's symptoms;
- (l) the date of R's diagnosis; and
- (m) R's name, address and telephone number.

(3) The notification must be provided in writing within 3 days beginning with the day on which R forms a suspicion under paragraph (1).

(4) Without prejudice to paragraph (3), if R considers that the case is urgent, notification must be provided orally as soon as reasonably practicable.

(5) In determining whether the case is urgent, R must have regard to—

- (a) the nature of the suspected disease, infection or contamination;
- (b) the ease of spread of that disease, infection or contamination;
- (c) the ways in which the spread of the disease, infection or contamination can be prevented or controlled; and
- (d) P's circumstances (including age, sex and occupation).

(6) This regulation does not apply where R reasonably believes that the proper officer of the relevant local authority has already been notified with regard to P and the suspected disease, infection or contamination by another registered medical practitioner in accordance with this regulation or regulation 2(1).

(7) In this regulation—

"notifiable disease" ("*clefyd hysbysadwy*") has the same meaning it has in regulation 2; and

"relevant local authority" ("*awdurdod lleol perthnasol*") means the local authority within whose area R attended P on the occasion of

yr ystyr sydd iddo yn rheoliad 2.

#### **Dyletswydd i hysbysu ynghylch cyfryngau achosol a ganfyddir mewn samplau dynol**

4.–(1) Rhaid i weithredwr labordy diagnostig hysbysu swyddog priodol yr awdurdod lleol perthnasol yn unol â'r rheoliad hwn pan fo labordy diagnostig yn canfod cyfrwng achosol mewn sampl ddynol.

(2) Rhaid i'r hysbysiad gynnwys yr wybodaeth ganlynol, i'r graddau y mae'n hysbys i weithredwr y labordy diagnostig–

- (a) enw a chyfeiriad y labordy diagnostig;
- (b) manylion y cyfrwng achosol a ganfuwyd;
- (c) dyddiad y sampl;
- (ch) natur y sampl;
- (d) enw'r person (P) y cymerwyd y sampl ohono;
- (dd) dyddiad geni a rhyw P;
- (e) cyfeiriad cartref presennol P, gan gynnwys y cod post;
- (f) preswylfa bresennol P (os yw'n wahanol i gyfeiriad ei gartref);
- (ff) ethnigrwydd P;
- (g) rhif GIG P; ac
- (ng) enw, cyfeiriad a sefydliad y person a ofynnodd am gynnal y prawf a ganfu'r cyfrwng achosol.

(3) Rhaid darparu'r hysbysiad mewn ysgrifen o fewn cyfnod o 7 diwrnod sy'n cychwyn gyda'r diwrnod y canfyddir y cyfrwng achosol.

(4) Heb ragfarnu paragraff (3), os yw gweithredwr y labordy diagnostig o'r farn bod yr achos yn achos brys, rhaid darparu hysbysiad ar lafar cyn gynted ag y bo'n rhesymol ymarferol.

(5) Wrth benderfynu a yw'r achos yn achos brys, rhaid i weithredwr y labordy diagnostig roi sylw i–

- (a) natur y cyfrwng achosol;
- (b) natur y clefyd a achosir gan y cyfrwng achosol;
- (c) rhwyddineb lledaenu'r cyfrwng achosol;
- (ch) y ffyrdd y gellir atal neu reoli lledaeniad y cyfrwng achosol; a
- (d) os ydynt yn hysbys, amgylchiadau P (gan gynnwys oedran, rhyw a galwedigaeth).

(6) Nid yw'r rheoliad hwn yn gymwys os yw gweithredwr y labordy diagnostig yn credu'n rhesymol bod swyddog priodol yr awdurdod lleol perthnasol wedi ei hysbysu eisoes yn unol â'r rheoliad hwn gan weithredwr labordy diagnostig arall, ynghylch canfod

forming a suspicion under paragraph (1).

#### **Duty to notify causative agents found in human samples**

4.–(1) The operator of a diagnostic laboratory must notify the proper officer of the relevant local authority in accordance with this regulation where the diagnostic laboratory identifies a causative agent in a human sample.

(2) The notification must include the following information insofar as it is known to the operator of the diagnostic laboratory–

- (a) name and address of the diagnostic laboratory;
- (b) details of the causative agent identified;
- (c) date of the sample;
- (d) nature of the sample;
- (e) name of person (P) from whom the sample was taken;
- (f) P's date of birth and sex;
- (g) P's current home address including postcode;
- (h) P's current residence (if not home address);
- (i) P's ethnicity;
- (j) P's NHS number; and
- (k) the name, address and organisation of the person who solicited the test which identified the causative agent.

(3) The notification must be provided in writing within 7 days beginning with the day on which the causative agent is identified.

(4) Without prejudice to paragraph (3), if the operator of the diagnostic laboratory considers that the case is urgent, the notification must be provided orally as soon as reasonably practicable.

(5) In determining whether the case is urgent, the operator of the diagnostic laboratory must have regard to–

- (a) the nature of the causative agent;
- (b) the nature of the disease which the causative agent causes;
- (c) the ease of spread of the causative agent;
- (d) the ways in which the spread of the causative agent can be prevented or controlled; and
- (e) where known, P's circumstances (including age, sex and occupation).

(6) This regulation does not apply where the operator of the diagnostic laboratory reasonably believes that the proper officer of the relevant local authority has already been notified in accordance with this regulation by the operator of another diagnostic

yr un cyfrwng achosol mewn sampl a gymerwyd o'r un person.

(7) At ddibenion paragraff (1), mae labordy diagnostig yn canfod cyfrwng achosol—

- (a) pan fo'r labordy diagnostig hwnnw yn canfod y cyfrwng achosol; neu
- (b) pan ganfyddir y cyfrwng achosol gan labordy arall, o dan drefniant a wnaed gyda'r labordy diagnostig hwnnw.

(8) Pan fo paragraff (7)(b) yn gymwys, y diwrnod pan ganfyddir y cyfrwng achosol at ddibenion paragraff (3), yw'r diwrnod pan ddaw'r labordy diagnostig yn ymwybodol o ganfyddiad y labordy arall.

(9) Mae gweithredwr labordy diagnostig sy'n methu â chydymffurfio â'r rheoliad hwn, heb esgus rhesymol, yn cyflawni tramgwydd.

(10) Mae unrhyw berson sy'n cyflawni tramgwydd o dan y rheoliad hwn yn agored, o'i gollfarnu'n ddiannod, i ddirwy na fydd yn fwy na lefel 5 ar y raddfa safonol.

(11) Yn y rheoliad hwn—

ystyr "awdurdod lleol perthnasol" ("*relevant local authority*") yw'r awdurdod lleol y lleolir yn ei ardal sefydliad y person a ofynnodd am gynnal y prawf a ganfu'r cyfrwng achosol;

ystyr "cyfarwyddwr labordy diagnostig" ("*director of a diagnostic laboratory*") yw—

- (a) y microbiologydd clinigol, pathologydd ymgynghorol neu ymarferydd meddygol cofrestredig arall neu berson arall sydd â gofal o labordy diagnostig; neu
- (b) unrhyw berson arall sy'n gweithio yn y labordy diagnostig ac y dirprwywyd iddo'r swyddogaeth o wneud hysbysiad o dan y rheoliad hwn, gan y person a grybwyllir yn is-baragraff (a);

ystyr "cyfrwng achosol" ("*causative agent*") yw—

- (a) cyfrwng achosol a restrir yn Atodlen 2, neu
- (b) tystiolaeth o haint a achoswyd gan gyfrwng o'r fath;

ystyr "gweithredwr labordy diagnostig" ("*operator of a diagnostic laboratory*") yw'r corff corfforaethol sy'n gweithredu'r labordy diagnostig, neu os nad oes corff o'r fath, cyfarwyddwr y labordy diagnostig; ac

ystyr "labordy diagnostig" ("*diagnostic laboratory*") yw sefydliad (neu gyfleuster o fewn sefydliad) sydd â chyfarpar a sylweddau adweithiol i gyflawni profion diagnostig ar gyfer heintiau dynol.

laboratory in relation to the same causative agent being found in a sample from the same person.

(7) For the purposes of paragraph (1), a diagnostic laboratory identifies a causative agent where—

- (a) the diagnostic laboratory identifies the causative agent; or
- (b) the causative agent is identified by another laboratory under an arrangement made with that diagnostic laboratory.

(8) Where paragraph (7)(b) applies, the day on which the causative agent is identified for the purposes of paragraph (3), is the day on which the diagnostic laboratory became aware of the identification by the other laboratory.

(9) It is an offence for the operator of a diagnostic laboratory to fail without reasonable excuse to comply with this regulation.

(10) Any person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(11) In this regulation—

"causative agent" ("*cyfrwng achosol*") means—

- (a) a causative agent listed in Schedule 2, or
- (b) evidence of an infection caused by such an agent;

"diagnostic laboratory" ("*labordy diagnostig*") means an institution (or facility within an institution) which is equipped with apparatus and reagents for the performance of diagnostic tests for human infections;

"director of a diagnostic laboratory" ("*cyfarwyddwr labordy diagnostig*") means—

- (a) the clinical microbiologist, consultant pathologist or other registered medical practitioner or other person in charge of a diagnostic laboratory; or
- (b) any other person working in the diagnostic laboratory to whom the function of making a notification under this regulation has been delegated by the person mentioned in sub-paragraph (a);

"operator of a diagnostic laboratory" ("*gweithredwr labordy diagnostig*") means the corporate body that operates the diagnostic laboratory or, if there is no such body, the director of the diagnostic laboratory; and

"relevant local authority" ("*awdurdod lleol perthnasol*") means the local authority within whose area the organisation of the person who solicited the test which identified the causative agent is situated.



## **Dyletswydd i ddarparu gwybodaeth i'r swyddog priodol**

5.–(1) Mae'r rheoliad hwn yn gymwys pan fo hysbysiad wedi ei roi gan weithredwr labordy diagnostig i'r swyddog priodol o dan reoliad 4.

(2) Caiff y swyddog priodol ofyn am i'r person (R), a ofynnodd am gynnal y prawf labordy a ganfu'r cyfrwng achosol y mae'r hysbysiad yn ymwneud ag ef, ddarparu i'r swyddog priodol yr wybodaeth a restrir yn rheoliad 4(2), i'r graddau na chynhwyswyd yr wybodaeth honno yn yr hysbysiad.

(3) Rhaid i R ddarparu'r wybodaeth y gofynnir amdani o dan baragraff (2) i'r graddau y mae'n hysbys i R.

(4) Rhaid darparu'r wybodaeth mewn ysgrifen o fewn cyfnod o 3 diwrnod sy'n cychwyn gyda'r diwrnod y gwneir y cais.

(5) Heb ragfarnu paragraff (4), os yw'r swyddog priodol o'r farn bod yr achos yn achos brys, ac yn hysbysu R o hynny wrth wneud y cais, rhaid darparu'r wybodaeth ar lafar cyn gynted ag y bo'n rhesymol ymarferol.

(6) Wrth benderfynu a yw'r achos yn achos brys, rhaid i'r swyddog priodol roi sylw i–

- (a) natur y cyfrwng achosol y mae'r hysbysiad yn ymwneud ag ef;
- (b) natur y clefyd a achosir gan y cyfrwng achosol;
- (c) rhwyddineb lledaenu'r cyfrwng achosol;
- (ch) y ffyrdd y gellir atal neu reoli lledaeniad y cyfrwng achosol; a
- (d) os ydynt yn hysbys, amgylchiadau'r person y cymerwyd y sampl ohono (gan gynnwys oedran, rhyw a galwedigaeth).

(7) Yn y rheoliad hwn, mae i "cyfrwng achosol" ("*causative agent*") yr un ystyr ag sydd iddo yn rheoliad 4(11).

## **Dyletswydd ar y swyddog priodol i ddatgelu hysbysiadau i eraill**

6.–(1) Mae'r rheoliad hwn yn gymwys pan fo'r swyddog priodol wedi cael hysbysiad o dan reoliad 2, 3 neu 4.

(2) Rhaid i'r swyddog priodol ddatgelu'r ffaith iddo gael yr hysbysiad yn ogystal â chynnwys yr hysbysiad i'r canlynol–

- (a) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru(1);

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(1) Sefydlwyd Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru gan O.S. 2009/2058 (Cy.177).

## **Duty to provide information to the proper officer**

5.–(1) This regulation applies where a notification has been made by the operator of a diagnostic laboratory to the proper officer under regulation 4.

(2) The proper officer may request that the person (R) who solicited the laboratory test which identified the causative agent to which the notification relates, provide to him or her the information listed at regulation 4(2) insofar as that information was not included in the notification.

(3) R must provide the information requested under paragraph (2) insofar as it is known to R.

(4) The information must be provided in writing within 3 days beginning with the day on which the request is made.

(5) Without prejudice to paragraph (4), if the proper officer considers the case to be urgent and informs R of this fact when making the request, the information must be provided orally as soon as reasonably practicable.

(6) In determining whether the case is urgent, the proper officer must have regard to–

- (a) the nature of the causative agent to which the notification relates;
- (b) the nature of the disease which the causative agent causes;
- (c) the ease of spread of the causative agent;
- (d) the ways in which the spread of the causative agent can be prevented or controlled; and
- (e) where known, the circumstances of the person from whom the sample was taken (including age, sex and occupation).

(7) In this regulation, "causative agent" ("*cyfrwng achosol*") has the same meaning it has in regulation 4(11).

## **Duty on the proper officer to disclose notifications to others**

6.–(1) This regulation applies where the proper officer has received a notification under regulation 2, 3 or 4.

(2) The proper officer must disclose the fact of the notification and its contents to–

- (a) the Public Health Wales National Health Service Trust(1);

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(1) Public Health Wales National Health Service Trust was established by S.I. 2009/2058 (W.177).

- (b) swyddog priodol yr awdurdod lleol y mae P fel arfer yn preswyllo yn ei ardal (os yw'n wahanol); ac
- (c) swyddog priodol yr awdurdod iechyd porthladd neu awdurdod lleol, y lleolir neu y lleolwyd yn ei ranbarth neu'i ardal unrhyw long, hofrenfad, awyren neu drên rhyngwladol y daeth P oddi arni neu oddi arno (os yw hynny'n hysbys i'r swyddog priodol sy'n datgelu ac os yw'r swyddog hwnnw'n tybio bod datgelu felly yn briodol).

(3) Rhaid gwneud y datgeliad mewn ysgrifen o fewn cyfnod o 3 diwrnod sy'n cychwyn gyda'r diwrnod y mae'r swyddog priodol yn cael yr hysbysiad.

(4) Heb ragfarnu paragraff (3), os yw'r swyddog priodol sy'n datgelu o'r farn bod yr achos yn achos brys, rhaid gwneud datgeliad ar lafar cyn gynted ag y bo'n rhesymol ymarferol.

(5) Wrth benderfynu a yw'r achos yn achos brys, rhaid i'r swyddog priodol sy'n datgelu roi sylw i—

- (a) natur y clefyd, haint neu halogiad neu'r amheuaeth o glefyd, haint neu halogiad y cyfeirir ato yn yr hysbysiad;
- (b) rhwyddineb lledaenu'r clefyd, haint neu halogiad;
- (c) y ffyrdd y gellir atal neu reoli lledaeniad y clefyd, haint neu halogiad; ac
- (ch) os ydynt yn hysbys, amgylchiadau P (gan gynnwys oedran, rhyw a galwedigaeth).

### Cyfathrebiadau electronig

7.—(1) Mae'r rheoliad hwn yn gymwys i'r canlynol—

- (a) hysbysiau a ddarperir o dan reoliadau 2(1), 3(1) a 4(1);
- (b) gwybodaeth a ddarperir o dan reoliad 5(3);
- (c) datgeliadau a wneir o dan reoliad 6(2);
- (ch) rhestrau a ddarperir o dan reoliad 3 (gofyniad i ddarparu manylion am blant sy'n mynychu ysgol) o Reoliadau Diogelu Iechyd (Pwerau Awdurdodau Lleol) (Cymru) 2010(1); a
- (d) adroddiadau a ddarperir o dan reoliadau 10(1) (dyletswydd i roi adroddiad am geisiadau Rhan 2A) ac 11(1) (dyletswydd i roi adroddiad am amrywiadau neu ddirymiadau o orchmynion Rhan 2A) o Reoliadau Diogelu Iechyd (Gorchmynion Rhan 2A) (Cymru) 2010(2).

- (b) the proper officer of the local authority in whose area P usually resides (if different); and
- (c) the proper officer of the port health authority or local authority in whose district or area a ship, hovercraft, aircraft or international train is or was situated from which P has disembarked (if known to the disclosing proper officer and if that officer considers disclosure appropriate).

(3) The disclosure must be made in writing within 3 days beginning with the day that the proper officer receives the notification.

(4) Without prejudice to paragraph (3), if the disclosing proper officer considers that the case is urgent, disclosure must be made orally as soon as reasonably practicable.

(5) In determining whether a case is urgent, the disclosing proper officer must have regard to—

- (a) the nature of the disease, infection or contamination or the suspected disease, infection or contamination notified;
- (b) the ease of spread of the disease, infection or contamination;
- (c) the ways in which the spread of the disease, infection or contamination can be prevented or controlled; and
- (d) where known, P's circumstances (including age, sex and occupation).

### Electronic communications

7.—(1) This regulation applies to—

- (a) notifications provided under regulations 2(1), 3(1) and 4(1);
- (b) information provided under regulation 5(3);
- (c) disclosures made under regulation 6(2);
- (d) lists provided under regulation 3 (requirement to provide details of children attending school) of the Health Protection (Local Authority Powers) (Wales) Regulations 2010(1); and
- (e) reports provided under regulations 10(1) (duty to report Part 2A applications) and 11(1) (duty to report variations or revocations of Part 2A orders) of the Health Protection (Part 2A Orders) (Wales) Regulations 2010(2).

(1) O.S. 2010/1545 (Cy.143).

(2) O.S. 2010/1544 (Cy.142).

(1) S.I.2010/1545 (W.143).

(2) S.I. 2010/1544 (W.142).

(2) Ceir defnyddio cyfathrebu electronig i roi hysbysiadau, gwybodaeth, datgeliadau, rhestrau ac adroddiadau y mae'n ofynnol eu rhoi mewn ysgrifen—

- (a) os yw'r derbynnnydd wedi cydsynio mewn ysgrifen i gael yr hysbysiad, gwybodaeth, datgeliad, rhestr neu adroddiad (yn ôl fel y digwydd) mewn cyfathrebiad electronig; a
- (b) os anfonir y cyfathrebiad i'r rhif neu'r cyfeiriad a bennwyd gan y derbynnnydd wrth roi'r cydsyniad hwnnw.

#### **Dirymiadau**

8. Dirymir y Rheoliadau a restrir yn Atodlen 3.

(2) Notifications, information, disclosures, lists and reports, which are required to be in writing, may be communicated electronically if—

- (a) the recipient has consented in writing to receiving the notification, information, disclosure, list or report (as the case may be) by an electronic communication; and
- (b) the communication is sent to the number or address specified by the recipient when giving that consent.

#### **Revocations**

8. The Regulations listed in Schedule 3 are 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

## ATODLEN 1

## SCHEDULE 1

## Rheoliadau 2(7)

## Regulations 2(7)

## Clefydau a Syndromau Hysbysadwy

## Notifiable Diseases And Syndromes

Anthracs	Anthrax
Botwliaeth	Botulism
Brwselosis	Brucellosis
Clefyd streptococol grŵp A mewnwithiol a'r dwymyn goch	Cholera
Clefyd y llengfilwyr	Diphtheria
Clwy'r pennau	Encephalitis (acute)
Colera	Enteric fever (typhoid or paratyphoid fever)
Difftheria	Food poisoning
Dolur rhydd gwaedlyd heintus	Haemolytic uraemic syndrome (HUS)
Y dwymyn felen	Infectious bloody diarrhoea
Enceffalitis (aciwt)	Infectious hepatitis (acute)
Gwahanglwyf	Invasive group A streptococcal disease and scarlet fever
Y frech goch	Legionnaires' Disease
Y frech wen	Leprosy
Gwenwyn bwyd	Malaria
Y gynddaredd	Measles
Hepatitis heintus (aciwt)	Meningitis (acute)
Llid yr ymennydd (aciwt)	Meningococcal septicaemia
Malaria	Mumps
Y pas	Plague
Y pla	Poliomyelitis (acute)
Poliomyelitis (aciwt)	Rabies
Rwbela	Rubella
Septisemia meningococol	SARS
Syndrom anadlu aciwt difrifol (SARS)	Smallpox
Syndrom wremig hemolytig (HUS)	Tetanus
Tetanws	Tuberculosis
Twbercwlosis	Typhus
Twymyn enterig (twymyn tyffoid neu paratyffoid)	Viral haemorrhagic fever (VHF)
Twymyn gwaedlifol firysol (VHF)	Whooping cough
Tyffws	Yellow fever

ATODLEN 2

Rheoliadau 4(11) a 5(7)  
Cyfryngau Achosol

SCHEDULE 2

Regulations 4(11) and 5(7)  
Causative Agents

<i>Bacillus anthracis</i>	<i>Bacillus anthracis</i>
<i>Bacillus cereus</i> (os yw'n gysylltiedig â gwenwyn bwyd, yn unig)	<i>Bacillus cereus</i> (only if associated with food poisoning)
<i>Bordetella pertussis</i>	<i>Bordetella pertussis</i>
<i>Borrelia spp</i>	<i>Borrelia spp</i>
<i>Brucella spp</i>	<i>Brucella spp</i>
<i>Burkholderia mallei</i>	<i>Burkholderia mallei</i>
<i>Burkholderia pseudomallei</i>	<i>Burkholderia pseudomallei</i>
<i>Campylobacter spp</i>	<i>Campylobacter spp</i>
<i>Chlamydophila psittaci</i>	Chikungunya virus
<i>Clostridium botulinum</i>	<i>Chlamydophila psittaci</i>
<i>Clostridium perfringens</i> (os yw'n gysylltiedig â gwenwyn bwyd, yn unig)	<i>Clostridium botulinum</i>
<i>Clostridium tetani</i>	<i>Clostridium perfringens</i> (only if associated with food poisoning)
Coronafirws y syndrom anadlu aciwt difrifol (SARS)	<i>Clostridium tetani</i>
<i>Corynebacterium diphtheriae</i>	<i>Corynebacterium diphtheriae</i>
<i>Corynebacterium ulcerans</i>	<i>Corynebacterium ulcerans</i>
<i>Coxiella burnetii</i>	<i>Coxiella burnetii</i>
<i>Cryptosporidium spp</i>	Crimean-Congo haemorrhagic fever virus
<i>Cymhlygyn Mycobacterium tuberculosis</i>	<i>Cryptosporidium spp</i>
<i>Entamoeba histolytica</i>	Dengue virus
<i>Escherichia coli</i> vero-cytotocsigenig (gan gynnwys <i>E.coli</i> O157)	Ebola virus
Firws Chikungunya	<i>Entamoeba histolytica</i>
Firws clefyd Coedwig Kyasanur	<i>Francisella tularensis</i>
Firws clwy'r pennau	<i>Giardia lamblia</i>
Firws Dengue	Guanarito virus
Firws Ebola	<i>Haemophilus influenzae</i> (invasive)
Firws Gorllewin Nîl	Hanta virus
Firws Guanarito	Hepatitis A, B, C, delta, and E viruses
Firws Hanta	Influenza virus
Firws Junin	Junin virus
Firws Lassa	Kyasanur Forest disease virus
	Lassa virus

Firws Machupo	<i>Legionella spp</i>
Firws Marburg	<i>Leptospira interrogans</i>
Firws polio (mathau gwyllt neu frechiadol)	<i>Listeria monocytogenes</i>
Firws Rwbela	Machupo virus
Firws Sabia	Marburg virus
Firws twymyn waedlifel Crimea-Congo	Measles virus
Firws twymyn waedlifel Omsk	Mumps virus
Firws twymyn y Dyffryn Holtt	<i>Mycobacterium tuberculosis complex</i>
Firws varicella zoster	<i>Neisseria meningitidis</i>
Firws variola	Omsk haemorrhagic fever virus
Firws y dwymyn felen	<i>Plasmodium falciparum, vivax, ovale, malariae, knowlesi</i>
Firws y ffliw	Polio virus (wild or vaccine types)
Firws y frech goch	Rabies virus (classical rabies) and rabies-related lyssaviruses
Firws y gynddaredd (y gynddaredd glasurol) a lysafirysau cynddaredd-berthynol	<i>Rickettsia spp</i>
Firysau Hepatitis A, B, C, delta, ac E	Rift Valley fever virus
<i>Francisella tularensis</i>	Rubella virus
<i>Giardia lamblia</i>	Sabia virus
<i>Haemophilus influenzae</i> (mewnwthiol)	<i>Salmonella spp</i>
<i>Legionella spp</i>	SARS coronavirus
<i>Leptospira interrogans</i>	<i>Shigella spp</i>
<i>Listeria monocytogenes</i>	<i>Streptococcus pneumoniae</i> (invasive)
<i>Neisseria meningitidis</i>	<i>Streptococcus pyogenes</i> (invasive)
<i>Plasmodium falciparum, vivax, ovale, malariae, knowlesi</i>	Varicella zoster virus
<i>Rickettsia spp</i>	Variola virus
<i>Salmonella spp</i>	Verocytotoxigenic Escherichia coli (including <i>E.coli</i> O157)
<i>Shigella spp</i>	<i>Vibrio cholerae</i>
<i>Streptococcus pneumoniae</i> (mewnwthiol)	West Nile Virus
<i>Streptococcus pyogenes</i> (mewnwthiol)	Yellow fever virus
<i>Vibrio cholerae</i>	<i>Yersinia pestis</i>
<i>Yersinia pestis</i>	

## ATODLEN 3

## SCHEDULE 3

### Rheoliad 8

### Regulation 8

#### Dirymiadau

#### Revocations

1. Rheoliadau Iechyd y Cyhoedd (Atal Twbercwlosis) 1925(1).

1. The Public Health (Prevention of Tuberculosis) Regulations 1925(1).

2. Rheoliadau Iechyd y Cyhoedd (Clefydau Heintus) 1988(2).

2. The Public Health (Infectious Diseases) Regulations 1988(2).

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(1) O.S. 1925/757.

(2) O.S. 1988/1546.

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(1) S.I. 1925/757.

(2) S.I. 1988/1546.

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OFFERYNNAU STATUDOL  
CYMRU

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**2010 Rhif 1546 (Cy.144)**

**IECHYD Y CYHOEDD,  
CYMRU**

Rheoliadau Diogelu Iechyd  
(Hysbysu) (Cymru)  
2010

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WELSH STATUTORY  
INSTRUMENTS

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**2010 No. 1546 (W.144)**

**PUBLIC HEALTH,  
WALES**

The Health Protection  
(Notification) (Wales) Regulations  
2010