



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 1524 (Cy. 327)

2020 No. 1524 (W. 327)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws)
(Mangre Ysgol a Mangre Sefydliad
Addysg bellach) (Cymru) 2020

The Health Protection (Coronavirus
Restrictions) (School Premises and
Further Education Institution
Premises) (Wales) 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 aciwt difrifol 2 (SARS-CoV-2) yng Nghymru. Mae'r Rheoliadau yn gosod gofynion a chyfyngiadau ar unigolion.

Mae'r rheoliadau yn dod i rym am 14 Rhagfyr 2020 ac yn dod i ben ar ddiwedd y dydd ar 22 Rhagfyr 2020.

Mae rheoliadau 3 a 4 yn cyfyngu ar yr amgylchiadau y gall ddisgybl neu fyfyrwr fynychu mangre ysgol neu sefydliad addysg bellach.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

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. The Regulations impose requirements and restrictions on individuals.

These Regulations come into force 14 December 2020 and expire at the end of the day on 22 December 2020.

Regulations 3 and 4 limit the circumstances in which a pupil or student may attend the premises of a school or a further education institution.

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 1524 (Cy. 327)

2020 No. 1524 (W. 327)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws)
(Mangre Ysgol a Sefydliad Addysg
bellach) (Cymru) 2020**

**The Health Protection (Coronavirus
Restrictions) (School Premises and
Further Education Institution
Premises) (Wales) Regulations
2020**

Cymeradwywyd gan Senedd Cymru

Approved by Senedd Cymru

Gwnaed am 9.42 p.m. ar 11 Rhagfyr 2020

Made at 9.42 p.m. on 11 December 2020

*Gosodwyd gerbron Senedd
Cymru am 11.45 p.m. ar 11 Rhagfyr 2020*

*Laid before Senedd
Cymru at 11.45 p.m. on 11 December 2020*

Yn dod i rym 14 Rhagfyr 2020

Coming into force 14 December 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).

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

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

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.

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.

Yn unol ag adran 45R o'r Ddeddf honno, oherwydd brys, mae Gweinidogion Cymru o'r farn ei bod yn angenrheidiol gwneud yr offeryn hwn heb fod drafft wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

In accordance with section 45R of that Act, the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

(1) 1984 p. 22. Mewnosodwyd adrannau 45C, 45F a 45P gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaethau o dan yr adrannau hyn wedi eu rhoi i "the appropriate Minister" ("y Gweinidog priodol"). O dan adran 45T(6) o Ddeddf 1984, y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

(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, cychwyn, dod i rym a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Mangre Ysgol a Mangre Sefydliad Addysg bellach) (Cymru) 2020.

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

(3) Daw'r Rheoliadau hyn i rym am ar 14 Rhagfyr 2020.

(4) Yn y Rheoliadau hyn—

(a) ystyr “Deddf 1996” yw Deddf Addysg 1996(1);

(b) mae i “disgybl preswyl” yr ystyr a roddir i “boarder” gan adran 579 o Ddeddf 1996;

(c) ystyr “gweithiwr hanfodol” yw gweithiwr y mae'r awdurdod leol yn ei ystyried i fod yn weithiwr hanfodol ar ôl rhoi sylw i ganllawiau a gyhoeddwyd gan Weinidogion Cymru ar adnabod plant gweithwyr hanfodol;

(d) ystyr “sefydliad addysg bellach” yw—

(i) sefydliad o fewn y sector addysg bellach;

(ii) darparwr addysg neu hyfforddiant o fewn ystyr “education or training” yn adran 31(1)(a) neu (b) neu 32(1)(a) neu (b) o Ddeddf Dysgu a Sgiliau 2000(2)—

(aa) nad yw'n sefydliad o fewn ystyr paragraff (i),

(bb) nad yw'n sefydliad yn y sector addysg uwch o fewn ystyr “higher education sector” yn adran 91(5) o Ddeddf Addysg Bellach ac Uwch 1992(3), ac

(cc) sy'n cael cyllid i ddarparu'r addysg honno neu'r hyfforddiant hwnnw oddi wrth Weinidogion Cymru neu awdurdod lleol,

ond nid yw'n cynnwys cyflogwr sy'n ddarparwr dim ond am fod y cyflogwr yn darparu addysg neu hyfforddiant o'r fath i'w gyflogeion;

(e) mae i “ysgol annibynnol” yr ystyr a roddir i “independent school” gan adran 463 o Ddeddf 1996;

(f) mae i “sefydliad o fewn y sector addysg bellach” yr ystyr a roddir i “institutions within the further education sector” gan adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992;

Title, application, coming into force and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (School Premises and Further Education Institution Premises) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 14 December 2020.

(4) In these Regulations—

(a) the “1996 Act” means the Education Act 1996(1);

(b) “boarder” has the meaning given by section 579 of the 1996 Act;

(c) “critical worker” means a worker the local authority considers to be a critical worker having had regard to guidance published by the Welsh Ministers on identifying children of critical workers;;

(d) “further education institution” means—

(i) an institution within the further education sector;

(ii) a provider of education or training within the meaning of section 31(1)(a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000(2) that—

(aa) is not an institution within the meaning of paragraph (i),

(bb) is not an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992(3), and

(cc) is in receipt of funding for provision of that education or training from the Welsh Ministers or a local authority,

but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;

(e) “independent school” has the meaning given by section 463 of the 1996 Act;

(f) “institution within the further education sector” has the meaning given by section 91(3) of the Further and Higher Education Act 1992;

(1) 1996 p. 56.

(2) 2000 p. 21.

(3) 1992 p. 13.

(1) 1996 c. 56.

(2) 2000 c. 21.

(3) 1992 c. 13.

- (g) mae i “rhiant” yr ystyr a roddir i “parent” gan adran 576 o Ddeddf 1996;
 - (h) mae i “perchennog” yr ystyr a roddir i “proprietor” gan adran 579 o Ddeddf 1996 mewn perthynas ag ysgol ac, mewn perthynas â sefydliad nad yw'n ysgol, ystyr “perchennog” yw'r person neu'r corff o bersonau sy'n gyfrifol am reoli'r sefydliad;
 - (i) mae i “disgybl” yr ystyr a roddir i “pupil” gan adran 3 o Ddeddf 1996;
 - (j) mae i “uned cyfeirio disgyblion” yr ystyr a roddir i “pupil referral unit” gan adran 19 o Ddeddf 1996;
 - (k) mae i “anghenion addysgol arbennig” yr ystyr a roddir i “special educational needs” gan adran 312 o Ddeddf 1996;
 - (l) ystyr “ysgol arbennig” yw—
 - (i) ysgol arbennig o fewn yr ystyr a roddir i “special school” gan adran 337 o Ddeddf 1996;
 - (ii) ysgol annibynnol sy'n darparu'n gyfan gwbl neu'n bennaf addysg ar gyfer disgyblion ag anghenion addysgol arbennig;
 - (m) mae i “ysgol” yr ystyr a roddir i “school” gan adran 4 o Ddeddf 1996;
 - (n) ystyr “blwyddyn ysgol” yw'r cyfnod sy'n dechrau â'r tymor ysgol cyntaf i ddechrau ar ôl mis Gorffennaf ac sy'n dod i ben â dechrau'r tymor cyntaf o'r fath i ddechrau ar ôl y mis Gorffennaf canlynol;
 - (o) ystyr “blwyddyn 7” yw grŵp blwyddyn y bydd y rhan fwyaf o'r plant ynddo yn cyrraedd 12 oed yn ystod y flwyddyn ysgol;
 - (p) ystyr “grŵp blwyddyn” yw grŵp o blant mewn ysgol y bydd y rhan fwyaf ohonynt yn cyrraedd yr un oedran mewn blwyddyn ysgol benodol.
- (g) “parent” has the meaning given by section 576 of the 1996 Act;
 - (h) “proprietor” has the meaning given by section 579 of the 1996 Act in relation to a school and, in relation to an institution that is not a school, means the person or body of persons responsible for the management of the institution;
 - (i) “pupil” has the meaning given by section 3 of the 1996 Act;
 - (j) “pupil referral unit” has the meaning given by section 19 of the 1996 Act;
 - (k) “special educational needs” has the meaning given by section 312 of the 1996 Act;
 - (l) “special school” means—
 - (i) a special school within the meaning given by section 337 of the 1996 Act;
 - (ii) an independent school which wholly or mainly provides education for pupils with special educational needs;
 - (m) “school” has the meaning given by section 4 of the 1996 Act;
 - (n) “school year” means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;
 - (o) “year 7” means a year group in which the majority of children will, in the school year, attain the age of 12;
 - (p) “year group” means a group of children at a school the majority of whom will, in a particular school year, attain the same age.

Dod i ben

2.—(1) Daw'r Rheoliadau hyn i ben ar ddiwedd y dydd ar 22 Rhagfyr 2020.

(2) Nid yw'r rheoliad hwn yn effeithio ar ddilysrwydd unrhyw beth a wneir yn unol â'r Rheoliadau hyn cyn iddynt ddod i ben.

Cyfngiad ar fynd i fangre ysgol

3.—(1) Ni chaiff perchennog ysgol yng Nghymru ganiatáu disgybl ym mlwyddyn 7 neu uwch i fynd i fangre'r ysgol yn ystod y cyfnod sy'n cychwyn ar ddechrau'r dydd ar 14 Rhagfyr 2020 ac yn gorffen ar ddiwedd y dydd ar 22 Rhagfyr 2020.

Expiry

2.—(1) These Regulations expire at the end of the day on 22 December 2020.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

Restriction on attending school premises

3.—(1) The proprietor of a school in Wales may not permit a pupil in year 7 or above to attend the premises of the school during the period that starts at the beginning of the day on 14 December 2020 and ends at the end of the day on 22 December 2020.

(2) Ond nid yw paragraff (1) yn gymwys i ddisgybl y mae ei riant yn weithiwr hanfodol.

(3) Ac nid yw paragraff (1) yn atal perchennog rhag caniatáu—

- (a) disgybl rhag mynd i fangre ysgol—
 - (i) i wneud arholiad neu asesiad arall;
 - (ii) pan fo perchennog yr ysgol yn hysbysu rhiant y disgybl ei fod yn ystyried ei bod yn briodol i'r disgybl fynd yno oherwydd amgylchiadau eithriadol sy'n ymwneud â hyglwyfedd y disgybl;
- (b) disgybl rhag mynd i fangre ysgol arbennig;
- (c) disgybl rhag mynd i fangre uned cyfeirio disgyblion;
- (d) disgybl rhag mynd i fangre uned mewn ysgol, lle—
 - (i) mae awdurdod lleol yn cydnabod bod yr uned wedi'i neilltuo ar gyfer disgyblion ag anghenion addysgol arbennig, a
 - (ii) bod y disgybl yn cael ei addysgu'n gyfan gwbl neu'n bennaf yn yr uned;
- (e) disgybl sy'n ddisgybl preswyl rhag preswyl mewn llety ym mangre'r ysgol.

Cyfyngiad ar fynd i fangre addysg bellach

4.—(1) Ni chaiff perchennog sefydliad addysg bellach yng Nghymru ganiatáu i fyfyrwr i fynd i fangre sefydliad addysg bellach yn ystod y cyfnod sy'n cychwyn ar ddechrau'r dydd ar 14 Rhagfyr 2020 ac yn gorffen ar ddiwedd y dydd ar 22 Rhagfyr 2020.

(2) Ond nid yw paragraff (1) yn atal perchennog rhag caniatáu myfyriwr i fynd i fangre—

- (a) sefydliad addysg bellach i wneud arholiad neu asesiad arall;
- (b) sefydliad yn y sector addysg bellach pan fo'r sefydliad yn hysbysu'r myfyriwr ei fod yn ystyried ei bod yn briodol i'r myfyriwr fynd yno oherwydd amgylchiadau eithriadol sy'n ymwneud â hyglwyfedd y myfyriwr.

Gorfodi

5. Mae unrhyw fethiant gan berchennog i gydymffurfio gyda rheoliadau 3 neu 4 yn orfodadwy drwy gais am waharddeb gan Weinidogion Cymru i'r Uchel Lys neu'r Llys Sirol, heb rybudd.

(2) But paragraph (1) does not apply to a pupil whose parent is a critical worker.

(3) And paragraph (1) does not prevent a proprietor from permitting —

- (a) a pupil to attend a school's premises—
 - (i) to undertake an examination or other assessment;
 - (ii) where the pupil's parent is notified by the proprietor of the school that the proprietor considers it appropriate for the pupil to attend due to exceptional circumstances related to the pupil's vulnerability;
- (b) a pupil from attending the premises of a special school;
- (c) a pupil from attending the premises of a pupil referral unit;
- (d) a pupil from attending the premises of a unit in a school, where—
 - (i) the unit is recognised by a local authority as being reserved for pupils with special educational needs, and
 - (ii) the pupil is wholly or mainly educated at the unit;
- (e) a pupil who is a boarder from residing in accommodation at the school premises.

Restriction on attending further education premises

4.—(1) A proprietor of a further education institution in Wales may not permit a student to attend the premises of the further education institution during the period that starts at the beginning of the day on 14 December 2020 and ends at the end of the day on 22 December 2020.

(2) But paragraph (1) does not prevent a proprietor from permitting a student to attend the premises of—

- (a) a further education institution to undertake an examination or other assessment;
- (b) an institution within the further education sector where the student is notified by the institution that the institution considers it appropriate for the student to attend due to exceptional circumstances related to the student's vulnerability.

Enforcement

5. Any failure by a proprietor to comply with regulation 3 or 4 is enforceable by an application for injunction by the Welsh Ministers to the High Court or County Court, without notice.

Mark Drakeford

Prif Weinidog, un o Weinidogion Cymru
Am 9.42 p.m. ar 11 Rhagfyr 2020

©©Hawlfraint y Goron 2021

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

First Minister, one of the Welsh Ministers
At 9.42 p.m. on 11 December 2020

© Crown copyright 2021

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.

£6.90

<http://www.legislation.gov.uk/id/wsi/2020/1524>

ISBN 978-0-348-11933-6



9 780348 119336