



Rheoliadau a wnaed gan Weinidogion Cymru, aosodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22), i'w cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru o fewn wyth niwrnod ar hugain gan ddechrau â'r diwrnod y gwnaed yr offeryn, yn ddarostyngedig i'w estyn dros gyfnodau o ddiddymu, neu pan fo toriad am fwy na phedwar diwrnod.

Regulations made by the Welsh Ministers, laid before the National Assembly for Wales under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of the National Assembly for Wales within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 326 (Cy. 74)

2020 No. 326 (W. 74)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Coronafeirws, Cau Busnes)
(Cymru) 2020**

**The Health Protection
(Coronavirus, Business Closure)
(Wales) Regulations 2020**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn ei gwneud yn ofynnol i fusnesau sy'n gwerthu bwyd neu ddiod i'w bwyta ar y safle, a busnesau a restrir yn yr Atodlen, i gau er mwyn diogelu rhag y risgiau i iechyd y cyhoedd sy'n deillio o coronafeirws. Mae'r oblygiad i gaur busnesau yn parhau hyd nes y rhoddir cyfarwyddyd gan Weinidogion Cymru sy'n eu galluogi i ail-agor. Mae'n ofynnol i Weinidogion Cymru adolygu'r angen ar gyfer y cyfyngiadau a osodir gan y Rheoliadau hyn bob 28 diwrnod.

These Regulations require the closure of businesses selling food or drink for consumption on the premises, and businesses listed in the Schedule, to protect against the risks to public health arising from coronavirus. Closure of the businesses lasts until a direction is given by the Welsh Ministers allowing them to re-open. The Welsh Ministers are required to keep the need for the restrictions imposed by the Regulations under review every 28 days.

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.

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.

Rheoliadau a wnaed gan Weinidogion Cymru, a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22), i'w cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru o fewn wyth niwrnod ar hugain gan ddechrau â'r diwrnod y gwnaed yr offeryn, yn ddarostyngedig i'w estyn dros gyfnodau o ddiddymu, neu pan fo toriad am fwy na phedwar diwrnod.

OFFERYNNAU STATUDOL
CYMRU

2020 Rhif 326 (Cy. 74)

**IECHYD Y CYHOEDD,
CYMRU**

**Rheoliadau Diogelu Iechyd
(Coronafeirws, Cau Busnes)
(Cymru) 2020**

Gwnaed am 1.45 p.m. ar 21 Mawrth 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru 23 Mawrth 2020*

*Yn dod i rym am 2:00 p.m. ar 21 Mawrth
2020*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 45C(1), (3)(c), (4)(d), 45F(2) and 45P o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1).

Gwnaed y Rheoliadau mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd o ganlyniad i fynychder a lledaeniad coronafeirws syndrom anadlu aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Regulations made by the Welsh Ministers, laid before the National Assembly for Wales under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of the National Assembly for Wales within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

WELSH STATUTORY
INSTRUMENTS

2020 No. 326 (W. 74)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, Business Closure)
(Wales) Regulations 2020**

Made at 1.45 p.m. on 21 March 2020

*Laid before the National Assembly for
Wales 23 March 2020*

*Coming into force at 2.00 p.m. on 21 March
2020*

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

(1) 1984 p. 22 ("Deddf 1984"). Mewnosodwyd adrannau 45C, 45F a 45P gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14) ("Deddf 2008"). Mae'r swyddogaethau o dan yr adrannau hynny wedi eu roi 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 ("the 1984 Act"). Sections 45C, 45F a 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.

Mae Gweinidogion Cymru o'r farn bod y cyfyngiadau a'r oblygiadau 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.

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 Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo ganddo drwy benderfyniad.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws, Cau Busnes) (Cymru) 2020 a deuant i rym am 2.00 yr hwyr ar 21 Mawrth 2020.

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

Y gofyniad i gau mangre yn ystod yr argyfwng

2.—(1) Rhaid i berson sy'n gyfrifol am redeg busnes a restrir yn Rhan 1 o'r Atodlen—

- (a) yn ystod y cyfnod perthnasol—
 - (i) cau unrhyw fangre, neu rhan o'r fangre, lle gwerthir bwyd neu ddiod i'w fwyta yn y fangre honno, a
 - (ii) peidio â gwerthu bwyd neu ddiod i'w fwyta yn ei fangre; neu
- (b) os yw'r busnes yn gwerthu bwyd neu ddiod i'w fwyta oddi ar y fangre, peidio â gwerthu bwyd na diod i'w fwyta yn ei fangre yn ystod y cyfnod perthnasol.

(2) At ddibenion paragraff (1)(a), nid yw bwyd a diod sy'n cael ei werthu gan westy neu lety arall fel rhan o wasanaeth ystafell i'w drin fel pe bai'n cael ei werthu i'w fwyta ym mangre'r gwesty neu lety hwnnw.

(3) At ddibenion paragraff (1)(a)(ii) a (b), mae ardal gyfagos i fangre'r busnes lle y mae seddau ar gael i gwsmeriaid y busnes (p'un a yw'r busnes yn gwneud hynny ai peidio) i'w drin fel pe bai'n rhan o fangre'r busnes hwnnw.

(4) Rhaid i berson sy'n gyfrifol am redeg busnes a restrir yn Rhan 2 o'r Atodlen, gau'r busnes hwnnw yn ystod y cyfnod perthnasol.

(5) Os yw busnes a restrir yn yr Atodlen ("busnes A") yn ffurfio rhan o fusnes mwy ("busnes B"), mae'r person sy'n gyfrifol am weithredu busnes B yn cydymffurfio â'r gofyniad ym mharagraff (1) os yw'n cau lawr busnes A.

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.

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, the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, Business Closure) (Wales) Regulations 2020 and they come into force at 2.00 p.m. on 21 March 2020.

(2) These Regulations apply in relation to Wales.

Requirement to close premises during the emergency

2.—(1) A person who is responsible for carrying on a business which is listed in Part 1 of the Schedule must—

- (a) during the relevant period—
 - (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and
 - (ii) cease selling food or drink for consumption on its premises; or
- (b) if the business sells food or drink for consumption off the premises, cease selling food or drink for consumption on its premises during the relevant period.

(2) For the purposes of paragraph (1)(a), food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on its premises.

(3) For the purposes of paragraph (1)(a)(ii) and (b), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) to be treated as part of the premises of that business.

(4) A person responsible for carrying on a business which is listed in Part 2 of the Schedule must cease to carry on that business during the relevant period.

(5) If a business listed in the Schedule ("business A") forms part of a larger business ("business B"), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

(6) Rhaid i Weinidogion Cymru adolygu'r angen am y cyfyngiadau a osodir gan y rheoliad hwn bob 28 diwrnod, a rhaid i'r adolygiad cyntaf gael ei gynnal cyn diwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau ar y diwrnod ar ôl y diwrnod y gwneir y Rheoliadau hyn.

(7) Cyn gynted ag y bydd Gweinidogion Cymru yn ystyried nad oes angen y cyfyngiadau a nodir yn y rheoliad hwn mwyach i atal, i ddiogelu rhag, i reoli neu i ddarparu ymateb iechyd y cyhoedd i fynychder neu ledaeniad haint yng Nghymru â'r coronafeirws, rhaid i Weinidogion Cymru gyhoeddi cyfarwyddyd yn terfynu'r cyfnod perthnasol.

(8) Caiff cyfarwyddyd a gyhoeddir o dan baragraff (7) derfynu'r cyfnod perthnasol mewn perthynas â rhai o'r busnesau a restrir yn yr Atodlen, neu bob busnes a restrir yn yr Atodlen.

(9) At ddibenion y rheoliad hwn—

- (a) ystyr "coronafeirws" ("*coronavirus*") yw coronafeirws syndrom anadlu aciwt difrifol 2 (SARS-CoV-2);
- (b) mae "person sy'n gyfrifol am redeg busnes" yn cynnwys perchennog a rheolwr y busnes hwnnw;
- (c) mae'r "cyfnod perthnasol" yn cychwyn pan ddaw'r Rheoliadau hyn i rym ac yn gorffen ar y diwrnod a bennir mewn cyfarwyddyd a gyhoeddir gan Weinidogion Cymru o dan baragraff (7).

Troseddau a chosbau

3.—(1) Mae person sydd, heb esgus rhesymol, yn torri reoliad 2 yn cyflawni trosedd.

(2) Mae person sy'n rhwystro, heb esgus rhesymol, unrhyw berson sy'n cyflawni swyddogaeth o dan y Rheoliadau hyn yn cyflawni trosedd.

(3) Mae trosedd o dan y Rheoliadau hyn i'w gosbi ar gollfarn ddiannod drwy ddirwy.

(4) Os profir bod trosedd o dan baragraff (1) a gyflawnwyd gan gorff corfforaethol—

- (a) wedi'i gyflawni gyda chydysyniad neu ymoddefiad swyddog o'r corff, neu
- (b) y gellir ei briodoli i unrhyw esgeulustod ar ran y cyfryw swyddog,

mae'r swyddog (yn ogystal â'r corff corfforaethol) yn euog o'r drosedd ac yn agored i gael ei erlyn ac i gael achos wedi'i ddwyn yn ei erbyn a'i gosbi yn unol â hynny.

(6) The Welsh Ministers must review the need for restrictions imposed by this regulation every 28 days, with the first review being carried out before the expiry of the period of 28 days starting with the day after the day on which these Regulations are made.

(7) As soon as the Welsh Ministers consider that the restrictions set out in this regulation are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Wales with the coronavirus, the Welsh Ministers must publish a direction terminating the relevant period.

(8) A direction published under paragraph (7) may terminate the relevant period in relation to some of the businesses listed the Schedule, or all businesses listed in the Schedule.

(9) For the purposes of this regulation—

- (a) "coronavirus" ("*coronaveirws*") means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- (b) a "person responsible for carrying on a business" includes the owner, proprietor, and manager of that business;
- (c) the "relevant period" starts when these Regulations come into force and ends on the day specified in a direction published by the Welsh Ministers under paragraph (7).

Offences and penalties

3.—(1) A person who, without reasonable excuse, contravenes regulation 2 commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(3) An offence under these Regulations is punishable on summary conviction by a fine.

(4) If an offence under paragraph (1) committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(5) Ym mharagraff (4), ystyr "swyddog", mewn perthynas â chorff corfforaethol, yw cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall i'r corff corfforaethol.

Gorfodi cyfyngiadau ac erlyn

4.—(1) Caiff person a ddynodwyd gan Weinidogion Cymru gymryd unrhyw gamau sy'n angenrheidiol i orfodi gofyniad i gau mangre neu gyfyngiad a osodir gan reoliad 2.

(2) Caniateir dwyn achos am drosedd o dan reoliad 3 gan unrhyw berson a ddynodir gan Weinidogion Cymru.

Diwedd

5.—(1) Daw'r Rheoliadau hyn i ben ar ddiwedd y cyfnod o chwe mis sy'n dechrau ar y diwrnod y deuant i rym.

(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.

(5) In paragraph (4), "officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Enforcement of restrictions and prosecution

4.—(1) A person, designated by the Welsh Ministers, may take such action as is necessary to enforce a closure or restriction imposed by regulation 2.

(2) Proceedings for an offence under regulation 3 may be brought any person designated by the Welsh Ministers.

Expiry

5.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

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

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 1.45 p.m. ar 21 Mawrth 2020

First Minister, one of the Welsh Ministers
At 1.45 p.m. on 21 March 2020

ATODLEN

Rheoliad 2

Busnesau sy'n gorfod cau

RHAN 1

1. Bwytai, gan gynnwys bwytai ac ystafelloedd bwyta mewn gwestai neu glybiau aelodau.
2. Caffis, gan gynnwys ffreuturau yn y gweithle, ond heb gynnwys—
 - (a) caffis neu ffreuturau mewn ysbyty, cartref gofal neu ysgol;
 - (b) ffreuturau mewn carchar neu sefydliad y bwriedir ei ddefnyddio at ddibenion y llynges, y fyddin neu'r awyrlu neu at ddibenion Adran yr Ysgrifennydd Gwladol sy'n gyfrifol am amddiffyn;
 - (c) gwasanaethau sy'n darparu bwyd neu ddiod i'r digartref.
3. Bariau, gan gynnwys bariau mewn gwestai neu glybiau aelodau.
4. Tafarndai.

RHAN 2

5. Sinemâu.
6. Theatrau.
7. Clybiau nos.
8. Neuaddau bingo.
9. Neuaddau cyngerdd.
10. Amgueddfeydd ac orielau.
11. Casinos.
12. Siopau betio.
13. Sbaon.
14. Parlyrau tyliino.
15. Canolfannau sglefrio (dan do).
16. Stiwdios ffitrwydd, campfeydd, pyllau nofio neu ganolfannau hamdden dan do eraill

SCHEDULE

Regulation 2

Businesses which must close

PART 1

1. Restaurants, including restaurants and dining rooms in hotels or members clubs.
2. Cafes, including workplace canteens, but not including—
 - (a) cafes or canteens at a hospital, care home or school;
 - (b) canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence;
 - (c) services providing food or drink to the homeless.
3. Bars, including bars in hotels or members' clubs.
4. Public houses.

PART 2

5. Cinemas.
6. Theatres.
7. Nightclubs.
8. Bingo halls.
9. Concert halls.
10. Museums and galleries.
11. Casinos.
12. Betting shops.
13. Spas.
14. Massage parlours.
15. Indoor skating rinks.
16. Indoor fitness studios, gyms, swimming pools or other indoor leisure centres.

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