



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 452 (Cy. 102)

2020 No. 452 (W. 102)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws)
(Cymru) (Diwygio) (Rhif 2) 2020**

**The Health Protection (Coronavirus
Restrictions) (Wales) (Amendment)
(No. 2) 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 ledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) 2020 (y "prif Reoliadau").

Mae rheoliad 2 yn rhoi yn lle paragraff (4) o reoliad 3 o'r prif Reoliadau ddarpariaeth fwy hyblyg sy'n galluogi i ofyniad neu gyfyngiad a osodir gan y prif Reoliadau gael ei derfynu mewn perthynas â busnesau neu wasanaethau penodol (neu ddisgrifiadau o fusnesau neu wasanaethau), categorïau penodol o bersonau neu ardaloedd penodol o Gymru. Mae paragraff newydd (4A) hefyd wedi ei fewnosod yn rheoliad 3 o'r prif Reoliadau er mwyn ei gwneud yn glir nad yw terfynu gofyniad neu gyfyngiad yn effeithio ar bethau sy'n digwydd cyn i'r terfynu gymryd effaith.

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.

These Regulations amend the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (the "principal Regulations").

Regulation 2 replaces paragraph (4) of regulation 3 of the principal Regulations with a more flexible provision that enables a requirement or restriction imposed by the principal Regulations to be terminated in relation to specific businesses or services (or descriptions of businesses or services), specific categories of persons or particular areas of Wales. A new paragraph (4A) is also inserted into regulation 3 of the principal Regulations to make clear that the termination of a requirement or restriction does not affect things which happen before the termination takes effect.

Mae rheoliad 3 yn diwygio rheoliadau 4, 5, 6 a 6A o'r prif Reoliadau er mwyn ei gwneud yn ofynnol i bersonau sy'n gyfrifol am fusnesau neu wasanaethau a gynhelir mewn mangreoedd o'r mathau a restrir isod gymryd pob mesur rhesymol i sicrhau y cynhelir pellter o 2 fetr rhwng personau yn y fangre (oni bai bod y personau yn aelodau o'r un aelwyd neu'n ofalwr a'r person y gofelir amdano), sicrhau bod nifer y personau y caniateir iddynt fynd i'r fangre wedi ei gyfyngu er mwyn galluogi i'r mesurau hynny gael effaith, a sicrhau y cynhelir pellter o 2 fetr rhwng personau sy'n aros i fynd i'r fangre. Y mangreoedd yw—

- (a) mangreoedd a ddefnyddir fel caffis neu ffreuturau mewn ysbyty, cartref gofal, ysgol, carchar neu sefydliad milwrol neu a ddefnyddir i ddarparu bwyd a diod i bersonau digartref;
- (b) mangreoedd sydd, er ei bod yn ofynnol yn gyffredinol iddynt fod ar gau o dan reoliad 4(4) o'r prif Reoliadau, ar agor at ddibenion darlledu, neu ar gais Gweinidogion Cymru neu awdurdod lleol, neu i ddarparu gwasanaethau ar lein, dros y ffôn neu drwy'r post;
- (c) llety gwyliau y caniateir iddo aros ar agor i ddarparu llety i bersonau penodol, neu at ddiben y mae Gweinidogion Cymru neu awdurdod lleol yn gofyn amdano, neu i ddarparu gwasanaethau ar lein, dros y ffôn neu drwy'r post;
- (d) unrhyw ran o siop y byddai fel arall yn ofynnol iddi gau o dan reoliad 6(2) o'r prif Reoliadau ond y caniateir iddi aros ar agor i ymateb i archebion ac ymholiadau a geir ar lein, dros y ffôn neu drwy'r post (er enghraifft i ddarparu cyfleusterau i godi archebion a osodir ar lein, a elwir fel arfer yn wasanaeth "click a chasglu").

Mae rheoliad 4 yn gwneud nifer o ddiwygiadau i reoliad 8 o'r prif Reoliadau sy'n ymwneud â'r gofyniad nad yw person yn gadael y man lle y mae'n byw heb esgus rhesymol, gan gynnwys—

- (a) diwygio paragraff (1) i egluro bod y cyfyngiad ar adael y man lle y mae person yn byw heb esgus rhesymol hefyd yn cynnwys aros i ffwrdd o'r man hwnnw heb esgus rhesymol;
- (b) egluro'r drafftio ym mharagraff (2)(a) er mwyn dileu tawtoleg cael "angen i gael angenrheidiau sylfaenol" a'i gwneud yn glir y gall personau fynd i fanciau a sefydliadau tebyg i dynnu arian a'i adneuo;

Regulation 3 amends regulations 4, 5, 6 and 6A of the principal Regulations so as to require persons responsible for businesses or services carried on in premises of the types listed below to take all reasonable measures to ensure that a distance of 2 metres is maintained between persons on the premises (unless the persons are members of the same household or are a carer and the person being cared for), to ensure the number of persons allowed to enter is limited so as to enable those measures to have effect, and to ensure that a distance of 2 metres is maintained between persons waiting to enter. The premises are—

- (a) premises used as cafés or canteens at a hospital, care home, school, prison or military establishment or used to provide food and drink to homeless persons;
- (b) premises that, although generally required to be closed under regulation 4(4) of the principal Regulations, are open for the purposes of broadcasting, or on the request of the Welsh Ministers or a local authority, or to provide services online, by telephone or by post;
- (c) holiday accommodation that is permitted to remain open to provide accommodation to certain persons, or for a purpose requested by the Welsh Ministers or a local authority, or to provide services online, by telephone or by post;
- (d) any part of a shop that would otherwise be required to close under regulation 6(2) of the principal Regulations but is permitted to remain open to respond to orders and enquiries received online, by telephone or by post (for example to provide facilities for the uplift of orders placed online, generally known as a "click and collect" service).

Regulation 4 makes a number of amendments to regulation 8 of the principal Regulations concerning the requirement that a person not leave the place where they are living without a reasonable excuse, including—

- (a) amending paragraph (1) to clarify that the restriction on leaving the place where a person is living without reasonable excuse also includes remaining away from that place without reasonable excuse;
- (b) clarifying the drafting of paragraph (2)(a) to resolve the tautology of having a "need to obtain basic necessities" and making it clear that persons can visit banks and similar establishments to both withdraw and deposit money;

- (c) yn ei gwneud yn glir fod gwneud ymarfer corff fwy nag unwaith y dydd yn esgus rhesymol os oes ei angen oherwydd cyflwr iechyd neu anabledd penodol;
- (d) pennu bod ymweld â chladdfa neu ardd goffa i dalu teyrnged yn esgus rhesymol.

Mae rheoliad 5 yn gwneud diwygiadau i reoliad 10 o'r prif Reoliadau i egluro cymhwysiad y darpariaethau gorfodi.

Mae rheoliad 6 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol pellach i'r prif Reoliadau.

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

- (c) making clear that it is a reasonable excuse to exercise more than once a day if needed because of a particular health condition or disability;
- (d) to specify that visiting a burial ground or garden of remembrance to pay respects is a reasonable excuse.

Regulation 5 makes amendments to regulation 10 of the principal Regulations to clarify the application of enforcement provisions.

Regulation 6 contains further minor and consequential amendments to the principal Regulations.

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 452 (Cy. 102)

2020 No. 452 (W. 102)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws)
(Cymru) (Diwygio) (Rhif 2) 2020**

**The Health Protection (Coronavirus
Restrictions) (Wales) (Amendment)
(No. 2) Regulations 2020**

Cymeradwywyd gan Senedd Cymru

Approved by Senedd Cymru

Gwnaed am 11.45 a.m. ar 24 Ebrill 2020

Made at 11.45 a.m. on 24 April 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru am 2.45 p.m. ar 24 Ebrill 2020*

*Laid before the National Assembly for
Wales at 2.45 p.m. on 24 April 2020*

Yn dod i rym am 12.01 a.m. ar 25 Ebrill 2020

*Coming into force
at 12.01 a.m. on 25 April 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)(c), 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 Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo ganddo 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, the National Assembly for Wales.

(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, dod i rym a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 2) 2020 a deuant i rym am 12.01 a.m. ar 25 Ebrill 2020.

(2) Yn y Rheoliadau hyn, ystyr “y Prif Reoliadau” yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) 2020(1).

Cyfarwyddau terfynu

2. Yn rheoliad 3 o'r prif Reoliadau, yn lle paragraff (4) rhodder—

“(4) Caiff Gweinidogion Cymru, os ydynt yn ystyried ei bod yn briodol gwneud hynny gan roi sylw i'r angen i atal, diogelu rhag, rheoli neu ddarparu ymateb iechyd y cyhoedd i fynychder neu ledaeniad haint yng Nghymru â'r coronafeirws, gyhoeddi cyfarwyddyd sy'n terfynu gofyniad neu gyfyngiad mewn perthynas ag —

- (a) busnes neu wasanaeth penodedig neu ddisgrifiad penodedig o fusnes neu wasanaeth;
- (b) disgrifiad penodedig o bersonau;
- (c) rhan benodedig o Gymru.

(4A) Nid yw terfynu cyfyngiad neu ofyniad drwy gyfarwyddyd yn effeithio—

- (a) ar unrhyw gosbedigaeth yr eir iddi mewn cysylltiad ag unrhyw drosedd a gyflawnir o dan y Rheoliadau hyn cyn i'r cyfyngiad neu'r gofyniad gael ei derfynu,
- (b) ar unrhyw hysbysiad cosb benodedig a ddyroddir o dan reoliad 13 mewn perthynas ag ymddygiad sy'n digwydd cyn i'r cyfyngiad neu'r gofyniad gael ei derfynu, neu
- (c) ar unrhyw ymchwiliad, achos cyfreithiol neu rwymedi mewn cysylltiad—
 - (i) ag unrhyw drosedd neu ymddygiad o'r fath, neu
 - (ii) ag unrhyw drosedd honedig o dan y Rheoliadau hyn yr honnir ei bod wedi ei chyflawni cyn i'r cyfyngiad neu'r gofyniad gael ei derfynu,

Title, coming into force and application

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020 and they come into force at 12.01 a.m. on 25 April 2020.

(2) In these Regulations, “the principal Regulations” means the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(1).

Termination directions

2. In regulation 3 of the principal Regulations, for paragraph (4) substitute—

“(4) The Welsh Ministers may, if they consider it appropriate to do so having regard to the need to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Wales with the coronavirus, publish a direction terminating a requirement or restriction in relation to—

- (a) a specified business or service or a specified description of business or service;
- (b) a specified description of persons;
- (c) a specified part of Wales.

(4A) The termination of a restriction or requirement by a direction does not affect—

- (a) any punishment incurred in respect of any offence committed under these Regulations before the restriction or requirement is terminated,
- (b) any fixed penalty notice issued under regulation 13 in relation to conduct occurring before the restriction or requirement is terminated, or
- (c) any investigation, legal proceeding or remedy in respect of—
 - (i) any such offence or conduct, or
 - (ii) any alleged offence under these Regulations that is alleged to have been committed before the restriction or requirement is terminated,

(1) O.S. 2020/353 (Cy. 80) fel y'i diwygiwyd gan Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) 2020 (O.S. 2020/399 (Cy. 88)).

(1) S.I. 2020/353 (W. 80) as amended by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020 (S.I. 2020/399 (W. 88)).

a chaniateir cychwyn, parhau neu orfodi unrhyw ymchwiliad, achos cyfreithiol neu rwymedi o'r fath, a chaniateir gosod unrhyw gosbedigaeth neu gosb o'r fath, fel pe na bai'r terfyniad wedi digwydd.”

Gofyniad i gynnal pellter corfforol mewn perthynas â mangroedd penodol

3.—(1) Mae rheoliadau 4, 5, 6 a 6A o'r prif Reoliadau wedi eu diwygio fel a ganlyn.

(2) Ar ôl rheoliad 4(5) mewnosoder—

“(5A) Mae paragraff (5B) yn gymwys—

- (a) i fangre a ddefnyddir i gynnal busnes neu ddarparu gwasanaeth a grybwyllir yn is-baragraff (1)(a), (b) neu (c) o baragraff 2 o Atodlen 1, neu
- (b) pan fo mangre a ddefnyddir i gynnal busnes neu ddarparu gwasanaeth a restrir yn Rhan 2 neu 3 o Atodlen 1 wedi ei defnyddio at ddiben a grybwyllir ym mharagraff (5).

(5B) Pan fo'r paragraff hwn yn gymwys, rhaid i'r person sy'n gyfrifol am gynnal y busnes neu ddarparu'r gwasanaeth, yn ystod cyfnod yr argyfwng, gymryd pob mesur rhesymol i sicrhau—

- (a) y cynhelir pellter o 2 fetr rhwng unrhyw bersonau yn y fangre (ac eithrio rhwng dau aelod o'r un aelwyd, neu rhwng gofalwr a'r person sy'n cael cymorth gan y gofalwr),
- (b) nad yw personau ond yn cael mynediad i'r fangre mewn niferoedd digon bach fel bod modd cynnal y pellter hwnnw, ac
- (c) y cynhelir pellter o 2 fetr rhwng personau sy'n aros i fynd i'r fangre (ac eithrio rhwng dau aelod o'r un aelwyd, neu rhwng gofalwr a'r person sy'n cael cymorth gan y gofalwr).”

(3) Ar ôl rheoliad 5(3A) mewnosoder—

“(3B) Mae paragraff (3C) yn gymwys pan fo mangre a ddefnyddir ar gyfer busnes a restrir yn Rhan 3 o Atodlen 1 wedi ei defnyddio—

- (a) i ddarparu llety yn unol â pharagraff (3), neu
- (b) i gynnal y busnes yn unol â pharagraff (3A).

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such punishment or penalty may be imposed, as if the termination had not occurred.”

Physical distancing requirement in relation to certain premises

3.—(1) Regulations 4, 5, 6 and 6A of the principal Regulations are amended as follows.

(2) After regulation 4(5) insert—

“(5A) Paragraph (5B) applies—

- (a) to premises used to carry on a business or provide a service mentioned in subparagraph (1)(a), (b) or (c) of paragraph 2 of Schedule 1, or
- (b) where premises used to carry on a business or provide a service listed in Part 2 or 3 of Schedule 1 are used for a purpose mentioned in paragraph (5).

(5B) Where this paragraph applies, the person responsible for carrying on the business or providing the service must, during the emergency period, take all reasonable measures to ensure —

- (a) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),
- (b) that persons are only admitted to the premises in sufficiently small numbers to make it possible to maintain that distance, and
- (c) that a distance of 2 metres is maintained between persons waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer).”

(3) After regulation 5(3A) insert—

“(3B) Paragraph (3C) applies where premises used for a business listed in Part 3 of Schedule 1 are used—

- (a) to provide accommodation in accordance with paragraph (3), or
- (b) to carry on the business in accordance with paragraph (3A).

(3C) Pan fo'r paragraff hwn yn gymwys, rhaid i'r person sy'n gyfrifol am gynnal y busnes, yn ystod cyfnod yr argyfwng, gymryd pob mesur rhesymol i sicrhau—

- (a) y cynhelir pellter o 2 fetr rhwng unrhyw bersonau yn y fangre (ac eithrio rhwng dau aelod o'r un aelwyd, neu rhwng gofalwr a'r person sy'n cael cymorth gan y gofalwr),
- (b) nad yw personau ond yn cael mynediad i'r fangre mewn niferoedd digon bach fel bod modd cynnal y pellter hwnnw, ac
- (c) y cynhelir pellter o 2 fetr rhwng personau sy'n aros i fynd i'r fangre (ac eithrio rhwng dau aelod o'r un aelwyd, neu rhwng gofalwr a'r person sy'n cael cymorth gan y gofalwr)."

(4) Yn rheoliad 6, ar ôl paragraff (2) mewnosoder—

“(2A) Pan na fo mangre wedi ei chau oherwydd ei bod yn fangre sydd ei hangen er mwyn cynnal busnes fel y'i caniateir gan baragraff (2)(a), rhaid i'r person sy'n gyfrifol am gynnal y busnes, yn ystod cyfnod yr argyfwng, gymryd pob mesur rhesymol i sicrhau—

- (a) y cynhelir pellter o 2 fetr rhwng unrhyw bersonau yn y fangre (ac eithrio rhwng dau aelod o'r un aelwyd, neu rhwng gofalwr a'r person sy'n cael cymorth gan y gofalwr),
- (b) nad yw personau ond yn cael mynediad i'r fangre mewn niferoedd digon bach fel bod modd cynnal y pellter hwnnw, ac
- (c) y cynhelir pellter o 2 fetr rhwng personau sy'n aros i fynd i'r fangre (ac eithrio rhwng dau aelod o'r un aelwyd, neu rhwng gofalwr a'r person sy'n cael cymorth gan y gofalwr)."

(5) Yn rheoliad 6A, yn lle paragraff (2) rhodder—

“(2) Nid yw paragraff (1) yn gymwys i fangre—

- (a) a ddefnyddir i gynnal busnes, neu ddarparu gwasanaeth, a restrir yn Atodlen 1, neu
- (b) y mae rheoliad 6(2A) yn gymwys iddi.

(3C) Where this paragraph applies, the person responsible for carrying on the business must, during the emergency period, take all reasonable measures to ensure—

- (a) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),
- (b) that persons are only admitted to the premises in sufficiently small numbers to make it possible to maintain that distance, and
- (c) that a distance of 2 metres is maintained between persons waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer)."

(4) In regulation 6, after paragraph (2) insert—

“(2A) Where premises are not closed because they are premises required in order to carry on a business as permitted by paragraph (2)(a), the person responsible for carrying on the business must, during the emergency period, take all reasonable measures to ensure—

- (a) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),
- (b) that persons are only admitted to the premises in sufficiently small numbers to make it possible to maintain that distance, and
- (c) that a distance of 2 metres is maintained between persons waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer)."

(5) In regulation 6A, for paragraph (2) substitute—

“(2) Paragraph (1) does not apply to premises—

- (a) used in the carrying on of a business, or provision of a service, listed in Schedule 1, or
- (b) to which regulation 6(2A) applies.”

Cyfyngiad ar bersonau yn gadael y man lle y maent yn byw neu fod y tu allan iddo

4.—(1) Mae rheoliad 8 o'r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (1), ar ôl "byw" mewnosoder "neu aros i ffwrdd o'r man hwnnw".

(3) Ym mharagraff (2)—

(a) yn lle is-baragraff (a) rhodder—

“(a) i gael cyflenwadau oddi wrth unrhyw fusnes neu wasanaeth a restrir yn Rhan 4 o Atodlen 1 gan gynnwys—

(i) bwyd a chyflenwadau meddygol ar gyfer y rheini yn yr un aelwyd (gan gynnwys anifeiliaid yn yr aelwyd) neu ar gyfer personau hygllwyf;

(ii) cyflenwadau ar gyfer cynnal, cynnal a chadw a gweithrediad yr aelwyd, neu aelwyd person hygllwyf;

(aa) i gael arian oddi wrth unrhyw fusnes neu wasanaeth a restrir ym mharagraffau 38 neu 39 o Atodlen 1 neu i adneuo arian gydag unrhyw fusnes neu wasanaeth o'r fath;”

(b) yn lle is-baragraff (b) rhodder—

“(b) i wneud ymarfer corff, ddim mwy nag unwaith y dydd (neu'n amlach os oes angen hyn oherwydd cyflwr iechyd neu anabledd penodol), naill ai—

(i) ar ei ben ei hun,

(ii) gydag aelodau eraill o aelwyd y person, neu

(iii) gyda gofalwr y person;”

(c) ar ôl is-baragraff (g) mewnosoder—

“(ga) i ymweld â mynwent, claddfa neu ardd goffa i dalu teyrnged i berson ymadawedig;”

(d) yn is-baragraff (i)—

(i) ym mharagraff (i), yn lle “blentyn y person” rhodder “blentyn y mae'r person yn rhiant mewn perthynas ag ef, neu y mae ganddo gyfrifoldeb rhiant drosto, neu ofal drosto”;

(ii) ym mharagraff (iii), yn y testun Saesneg, yn lle “Department of Work” rhodder “Department for Work”;

(e) yn is-baragraff (l), yn lle “fo'n angenrheidiol” rhodder “na fo modd gohirio'r symud”.

Restriction on persons leaving or being outside of the place where they live

4.—(1) Regulation 8 of the principal Regulations is amended as follows.

(2) In paragraph (1), after “living” insert “or remain away from that place”.

(3) In paragraph (2)—

(a) for sub-paragraph (a) substitute—

“(a) to obtain supplies from any business or service listed in Part 4 of Schedule 1 including—

(i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons;

(ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;

(aa) to obtain money from or deposit money with any business or service listed in paragraphs 38 or 39 of Schedule 1;”

(b) for sub-paragraph (b) substitute—

“(b) to take exercise, no more than once a day (or more frequently if this is needed because of a particular health condition or disability), either—

(i) alone,

(ii) with other members of the person's household, or

(iii) with the person's carer;”

(c) after sub-paragraph (g) insert—

“(ga) to visit a cemetery, burial ground or garden of remembrance to pay respects to a deceased person;”

(d) in sub-paragraph (i)—

(i) in paragraph (i), for “the person's child” substitute “a child in relation to whom the person is the parent, or has parental responsibility for, or has care of”;

(ii) in paragraph (iii), in the English language text, for “Department of Work” substitute “Department for Work”;

(e) in sub-paragraph (l), for “necessary” substitute “the move cannot be postponed”.

Gorfodi

5.—(1) Mae rheoliad 10 o'r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (1)—

- (a) hepgorer “os yw'r person perthnasol yn credu'n rhesymol”;
- (b) yn is-baragraff (a)—
 - (i) ar y dechrau mewnosoder “os oes gan y person perthnasol sail resymol dros amau”;
 - (ii) ar ôl “4,” mewnosoder “5(3C),”;
- (c) yn is-baragraff (b), ar y dechrau mewnosoder “os yw'r person perthnasol yn ystyried”.

(3) Ym mharagraff (2), yn lle “person perthnasol yn ystyried” rhodder “gan berson perthnasol sail resymol dros amau”.

(4) Yn lle paragraff (3) rhodder—

“(3) Caiff person perthnasol—

- (a) wrth arfer y pŵer ym mharagraff (2)(a) neu (b), gyfarwyddo P i ddilyn unrhyw gyfarwyddiadau y mae'r person perthnasol yn ystyried eu bod yn angenrheidiol;
- (b) defnyddio grym rhesymol wrth arfer y pŵer ym mharagraff (2)(b).”

(5) Ym mharagraff (5), yn lle “ddiben paragraff (4)” rhodder “ddibenion y rheoliad hwn”.

(6) Ym mharagraff (7), yn lle “person perthnasol yn ystyried” rhodder “gan berson perthnasol sail resymol dros amau”.

(7) Yn lle paragraff (8) rhodder—

“(8) Caiff person perthnasol sy'n arfer y pŵer ym mharagraff (7)—

- (a) i gyfarwyddo cynulliad i wasgaru, neu
- (b) i fynd â pherson i'r man lle y mae'n byw,

ddefnyddio grym rhesymol, os yw'n angenrheidiol, wrth arfer y pŵer.

(8A) Pan fo gan berson perthnasol sail resymol dros amau bod person (“P”) mewn cynulliad yn groes i reoliad 8(5) a'i fod yn blentyn gydag unigolyn (“U”) a chanddo gyfrifoldeb dros P—

- (a) caiff y person perthnasol gyfarwyddo U i fynd â P i'r man lle y mae P yn byw, a

Enforcement

5.—(1) Regulation 10 of the principal Regulations is amended as follows.

(2) In paragraph (1)—

- (a) omit “reasonably believes that”;
- (b) in sub-paragraph (a)—
 - (i) at the beginning insert “has reasonable grounds for suspecting that”;
 - (ii) after “4,” insert “5(3C),”;
- (c) in sub-paragraph (b), at the beginning insert “considers”.

(3) In paragraph (2), for “considers” substitute “has reasonable grounds for suspecting”.

(4) For paragraph (3) substitute—

“(3) A relevant person may—

- (a) when exercising the power in paragraph (2)(a) or (b), direct P to follow such instructions as the relevant person considers necessary;
- (b) use reasonable force in the exercise of the power in paragraph (2)(b).”

(5) In paragraph (5), for “purpose of paragraph (4)” substitute “purposes of this regulation”.

(6) In paragraph (7), for “considers” substitute “has reasonable grounds for suspecting”.

(7) For paragraph (8) substitute—

“(8) A relevant person exercising the power in paragraph (7)—

- (a) to direct a gathering to disperse, or
- (b) to remove a person to the place where they are living,

may use reasonable force, if necessary, in exercise of the power.

(8A) Where a relevant person has reasonable grounds to suspect that a person (“P”) is in a gathering in contravention of regulation 8(5) and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the relevant person may direct I to take P to the place where P is living, and

(b) rhaid i U, i'r graddau y mae'n rhesymol ymarferol, sicrhau bod P yn cydymffurfio ag unrhyw gyfarwyddyd neu gyfarwyddiad a roddir gan y person perthnasol i P.

(8B) Ni chaiff person perthnasol arfer pŵer ym mharagraff (7) neu (8A) ond os yw'r person perthnasol yn ystyried ei bod yn angenrheidiol ac yn gymesur gwneud hynny."

(8) Ym mharagraff (9)—

(a) yn lle "Caiff person perthnasol" rhodder "Os yw person perthnasol yn ystyried ei bod yn angenrheidiol ac yn gymesur at ddibenion atal, neu derfynu, torri rheoliad 9(4), caiff y person perthnasol";

(b) ar ôl "rhesymol" mewnosoder ", os yw'n angenrheidiol,".

(9) Ym mharagraff (12), ar ôl "4," mewnosoder "5(3C),".

Mân ddiwygiadau a diwygiadau canlyniadol

6.—(1) Mae'r prif Reoliadau wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(3)(e), ar ôl paragraff (iii) mewnosoder—

"(iv) unrhyw blentyn;

(v) unrhyw berson sy'n oedolyn hygwlwyf o fewn yr ystyr a roddir i "vulnerable adult" gan adran 60(1) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(1)."

(3) Yn rheoliad 4(5)—

(a) yn is-baragraff (a), ar ôl "Ran 2" mewnosoder "o Atodlen 1";

(b) yn lle is-baragraff (b) rhodder—

"(b) o fangre a ddefnyddir ar gyfer y busnesau neu'r gwasanaethau a restrir yn Rhan 2 neu 3 o Atodlen 1 at unrhyw ddiben y mae Gweinidogion Cymru neu awdurdod lleol yn gofyn amdano;"

(c) yn is-baragraff (c)(ii), hepgorer "archebion".

(4) Yn rheoliad 5(3A), hepgorer is-baragraff (a).

(5) Yn rheoliad 6(2)(a)(ii), ar ôl "archebion" mewnosoder "neu ymholiadau".

(b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the relevant person to P.

(8B) A relevant person may only exercise a power in paragraph (7) or (8A) if the relevant person considers that it is necessary and proportionate to do so."

(8) In paragraph (9)—

(a) for "A" substitute "If a relevant person considers it necessary and proportionate for the purposes of preventing, or terminating, a contravention of regulation 9(4), the";

(b) after "force" insert ", if necessary,".

(9) In paragraph (12), after "4," insert "5(3C),".

Minor and consequential amendments

6.—(1) The principal Regulations are amended as follows.

(2) In regulation 1(3)(e), after paragraph (iii) insert—

"(iv) any child;

(v) any person who is a vulnerable adult within the meaning given by section 60(1) of the Safeguarding Vulnerable Groups Act 2006(1)."

(3) In regulation 4(5)—

(a) in sub-paragraph (a), after "Part 2" insert "of Schedule 1";

(b) for sub-paragraph (b) substitute—

"(b) premises used for the businesses or services listed in Part 2 or 3 of Schedule 1 for any purpose as may be requested by the Welsh Ministers or a local authority;"

(c) in sub-paragraph (c)(ii), omit "orders".

(4) In regulation 5(3A), omit sub-paragraph (a).

(5) In regulation 6(2)(a)(ii), after "orders" insert "or enquiries".

(1) 2006 p. 47. Diwygiwyd y diffiniad o "vulnerable adult" yn adran 60(1) gan adran 65(2)(b) o Ddeddf Diogelu Rhyddidau 2012 (p. 9).

(1) 2006 c. 47. The definition of "vulnerable adult" in section 60(1) was amended by s. 65(2)(b) of the Protection of Freedoms Act 2012 (c. 9).

- (6) Yn rheoliad 7—
- (a) yn y testun Cymraeg, yn lle “cam”, ym mhob lle y mae’n digwydd, rhodder “mesur”;
 - (b) yn y testun Cymraeg, yn lle “cymrir”, ym mhob lle y mae’n digwydd, rhodder “cymerir”;
 - (c) yn nhestun Cymraeg paragraff (4), hepgorer “wedi ei gymryd”;
 - (d) ar ôl paragraff (4) mewnosoder—
“(4ZA) Nid yw paragraff (3) yn gymwys i’r tir o amgylch amlogfa, gan gynnwys unrhyw gladdfa neu ardd goffa.”;
 - (e) yn nhestun Cymraeg paragraff (5)(b), hepgorer “wedi ei gymryd”.
- (7) Yn rheoliad 7(A)(1)—
- (a) ar ôl is-baragraff (a) mewnosoder—
“(aa) rheoliad 4(5B),
(ab) rheoliad 5(3C),”;
 - (b) yn is-baragraff (b), ar ôl “6(1)” mewnosoder “neu (2A)”;
 - (c) yn y testun Cymraeg, yn y geiriau ar ôl is-baragraff (d), yn lle “camau” rhodder “mesurau”.
- (8) Yn rheoliad 8—
- (a) ym mharagraff (2)(d)—
(i) yn y testun Cymraeg, yn lle “cymorth” rhodder “cynhorthwy”;
 - (ii) ar ôl “cymorth brys” mewnosoder “i unrhyw berson”;
 - (b) ym mharagraff (2)(m), yn y testun Cymraeg, yn lle “newid” rhodder “niwed”;
 - (c) ym mharagraff (5)(d)(iii), ar ôl “cynhorthwy brys” mewnosoder “i unrhyw berson”.
- (9) Yn rheoliad 12(1)(a), ar ôl “4,” mewnosoder “5(3C),”.
- (10) Yn Atodlen 1—
- (a) yn nhestun Cymraeg paragraff 2(2)(b), yn lle “pan y cymrir pob cam” rhodder “pan gymerir pob mesur”;
 - (b) ym mharagraff 22, ar ôl “ac eithrio” mewnosoder “marchnadoedd da byw a”;
 - (c) ym mharagraff 24, ar y diwedd mewnosoder “(ac eithrio arwerthiannau da byw)”;
- (6) In regulation 7—
- (a) in the Welsh language text, for “cam”, in each place it occurs, substitute “mesur”;
 - (b) in the Welsh language text, for “cymrir”, in each place it occurs, substitute “cymerir”;
 - (c) in the Welsh language text of paragraph (4), omit “wedi ei gymryd”;
 - (d) after paragraph (4) insert—
“(4ZA) Paragraph (3) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.”;
 - (e) in the Welsh language text of paragraph (5)(b), omit “wedi ei gymryd”.
- (7) In regulation 7A(1)—
- (a) after sub-paragraph (a) insert—
“(aa) regulation 4(5B),
(ab) regulation 5(3C),”;
 - (b) in sub-paragraph (b), after “6(1)” insert “or (2A)”;
 - (c) in the Welsh language text, in the words after sub-paragraph (d), for “camau” substitute “mesurau”.
- (8) In regulation 8—
- (a) in paragraph (2)(d)—
(i) in the Welsh language text, for “cymorth” substitute “cynhorthwy”;
 - (ii) after “emergency assistance” insert “to any person”;
 - (b) in paragraph (2)(m), in the Welsh language text, for “newid” substitute “niwed”;
 - (c) in paragraph (5)(d)(iii), after “emergency assistance” insert “to any person”.
- (9) In regulation 12(1)(a), after “4,” insert “5(3C),”.
- (10) In Schedule 1—
- (a) in the Welsh language text of paragraph 2(2)(b), for “pan y cymrir pob cam” substitute “pan gymerir pob mesur”;
 - (b) in paragraph 22, after “except for” insert “livestock markets and”;
 - (c) in paragraph 24, at the end insert “(except for livestock auctions)”;

(d) ym mharagraff 38, yn lle “a pheiriannau” rhodder “, clybiau cynilo, peiriannau arian parod ac ymgymeriadau sydd, o ran eu busnes, yn gweithredu swyddfeydd cyfnewid arian cyfred, yn trawsyrru arian (neu unrhyw gynrychiolaeth o arian) drwy unrhyw ddull neu sieciau arian parod sydd wedi eu gwneud yn daladwy i gwsmeriaid.”

(d) in paragraph 38, for “and cash points” substitute “, savings clubs, cash points and undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.”

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 11.45 a.m. ar 24 Ebrill 2020

First Minister, one of the Welsh Ministers
At 11.45 a.m. on 24 April 2020

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