



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 843 (Cy. 186)

2020 No. 843 (W. 186)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
2) (Cymru) (Diwygio) (Rhif 4)
2020**

**The Health Protection (Coronavirus
Restrictions) (No. 2) (Wales)
(Amendment) (No. 4) Regulations
2020**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

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.

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.

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'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) 2020 ("y prif Reoliadau").

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 ("the principal Regulations").

Mae'r diwygiadau yn caniatáu i ganolfannau cymunedol, pyllau nofio, stiwdios ffitrwydd, campfeydd, sbaon, canolfannau hamdden a mannau chwarae o dan do agor; ond rhaid cymryd mesurau i leihau'r risg o ddod i gysylltiad â'r coronafeirws yn y fangre.

The amendments permit community centres, swimming pools, fitness studios, gyms, spas, leisure centres and indoor play areas to open; but measures must be taken to minimise the risk of exposure to coronavirus on the premises.

Mae'r diwygiadau hefyd yn rhoi pwerau newydd i swyddogion gorfodaeth awdurdodau lleol i sicrhau y cymerir mesurau (yn unol â rheoliad 12 o'r prif Reoliadau) er mwyn lleihau'r risg o ddod i gysylltiad â'r coronafeirws mewn gweithleoedd a mangroedd eraill sydd ar agor. Caiff swyddog ddyroddi "hysbysiad gwella mangre" sy'n ei gwneud yn ofynnol i'r person sy'n gyfrifol am y fangre gymryd mesurau penodedig, ac os na chymerir y mesurau hynny, caiff swyddog ddyroddi "hysbysiad cau mangre" sy'n ei

The amendments also confer new powers on local authority enforcement officers to ensure that measures are taken (in accordance with regulation 12 of the principal Regulations) to minimise the risk of exposure to coronavirus at workplaces and other premises that are open. An officer may issue a "premises improvement notice" requiring the person responsible for the premises to take specified measures, and if those measures are not taken an officer may issue a "premises closure notice" requiring the premises to

gwneud yn ofynnol i'r fangre gau. Pan fo'n angenrheidiol, caiff swyddog hefyd ddyroddi hysbysiad cau mangre heb fod wedi dyroddi hysbysiad gwella mangre cyn hynny. Mae darpariaeth wedi ei gwneud ar gyfer apelau yn erbyn hysbysiadau, ar gyfer rhoi cyhoeddusrwydd i hysbysiadau, ac i dorri telerau'r naill math o hysbysiad neu'r llall fod yn drosedd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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.

close. Where necessary, an officer may also issue a premises closure notice without having previously issued a premises improvement notice. Provision is made for appeals against notices, for publicising notices, and for breach of the terms of either type of notice to be an offence.

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 843 (Cy. 186)

2020 No. 843 (W. 186)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
2) (Cymru) (Diwygio) (Rhif 4)
2020**

**The Health Protection (Coronavirus
Restrictions) (No. 2) (Wales)
(Amendment) (No. 4) Regulations
2020**

Cymeradwywyd gan Senedd Cymru

Approved by Senedd Cymru

Gwnaed am 12.30 p.m. ar 7 Awst 2020

Made at 12.30 p.m. on 7 August 2020

*Gosodwyd gerbron Senedd
Cymru am 6.00 p.m. ar 7 Awst 2020*

*Laid before Senedd
Cymru at 6.00 p.m. on 7 August 2020*

Yn dod i rym 10 Awst 2020

Coming into force 10 August 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 diwygiadau a wneir 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 the amendments made 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 a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) (Diwygio) (Rhif 4) 2020 a deuant i rym ar 10 Awst 2020.

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

2.—(1) Mae Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) 2020(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 7(2)(a), yn lle “, 6 neu 12” rhodder “neu 6”.

(3) Hepgorer rheoliad 10.

(4) Yn rheoliad 12—

(a) ar ôl paragraff (2) mewnosoder—

“(2A) Mae mesurau y caniateir eu cymryd o dan baragraff (2) at ddibenion lleihau'r risg o ddod i gysylltiad â'r coronafeirws yn y fangre hefyd yn cynnwys—

(a) peidio â gwneud gweithgareddau penodol;

(b) cau rhan o'r fangre.”

(b) ym mharagraff (3)(h), hepgorer “y caniateir iddynt fod ar agor yn rhinwedd rheoliad 10(4)”.

(5) Yn rheoliad 14(2), ar ôl is-baragraff (o) mewnosoder—

“(p) gwneud ymarfer corff gydag eraill, mewn cynulliad o ddim mwy na 30 o bobl, mewn stiwdio ffitrwydd, campfa, pwll nofio, canolfan neu gyfleuster hamdden arall o dan do neu unrhyw fangre agored arall.”

(6) Yn rheoliad 17—

(a) o flaen paragraff (1) mewnosoder—

“(A1) Yn rheoliad 17A ac Atodlen 5, ystyr “swyddog gorfodaeth” yw person sydd wedi ei ddynodi gan awdurdod lleol at ddibenion y Rheoliadau hyn.”;

(b) ym mharagraff (1)(c), yn lle “rheoliadau 18 i 21” rhodder “y Rheoliadau hyn”;

Title and coming into force

1. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 and they come into force on 10 August 2020.

Amendment of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(1) are amended as follows.

(2) In regulation 7(2)(a), for “, 6 or 12” substitute “or 6”.

(3) Omit regulation 10.

(4) In regulation 12—

(a) after paragraph (2) insert—

“(2A) Measures that may be taken under paragraph (2) for the purposes of minimising the risk of exposure to coronavirus at the premises also include—

(a) ceasing to carry out certain activities;

(b) closing a part of the premises.”

(b) in paragraph (3)(h), omit “permitted to open by virtue of regulation 10(4)”.

(5) In regulation 14(2), after sub-paragraph (o) insert—

“(p) exercise with others, in a gathering of no more than 30 people, at a fitness studio, gym, swimming pool, other indoor leisure centre or facility or any other open premises.”

(6) In regulation 17—

(a) before paragraph (1) insert—

“(A1) In regulation 17A and Schedule 5, an “enforcement officer” means a person designated by a local authority for the purposes of these Regulations.”;

(b) in paragraph (1)(c), for “regulations 18 to 21” substitute “these Regulations”;

(1) O.S. 2020/725 (Cy. 162), fel y'i diwygiwyd gan Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) (Diwygio) 2020 (O.S. 2020/752 (Cy. 169)), Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) (Diwygio) (Rhif 2) 2020 (O.S. 2020/803 (Cy. 176)) a Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) (Diwygio) (Rhif 3) 2020 (O.S. 2020/820 (Cy. 180)).

(1) S.I. 2020/725 (W. 162), as amended by the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) Regulations 2020 (S.I. 2020/752 (W. 169)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803 (W. 176)) and the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/820 (W. 180)).

- (c) ym mharagraff (2), yn lle “10(4), 11(4) neu 12(2)” rhodder “11(4) neu 12(2) neu Atodlen 5”.

(7) Ar ôl rheoliad 17 mewnosoder—

“Gorfodi rheoliad 12(2)

17A. Mae Atodlenni 5 a 6 yn gwneud darpariaeth ar gyfer rhoi swyddogaethau, ac mewn cysylltiad â rhoi swyddogaethau, i swyddogion gorfodaeth at ddibenion rheoliad 12(2).”

(8) Yn rheoliad 18—

- (a) ym mharagraff (1), hepgorer “, 10(4), 12(2)”;

- (b) ar ôl paragraff (7) mewnosoder—

“(7A) Caiff swyddog gorfodaeth, er mwyn hwyluso arfer pŵer a roddir i’r swyddog gan Atodlen 5—

- (a) ei wneud yn ofynnol i unrhyw berson roi unrhyw wybodaeth neu ateb unrhyw gwestiwn y mae’r swyddog yn ystyried ei bod neu ei fod yn berthnasol i arfer y pŵer;

- (b) ei gwneud yn ofynnol dangos unrhyw ddogfennau neu gofnodion electronig, edrych ar y dogfennau hynny neu’r cofnodion electronig hynny neu gymryd copiâu ohonynt.”;

- (c) ym mharagraff (8), yn lle “neu reoliad 19” rhodder “, rheoliad 19 neu Atodlen 5”;

- (d) ar ôl paragraff (9) mewnosoder—

“(9A) Ni chaniateir ei gwneud yn ofynnol o dan baragraff (7A) i berson ddarparu dogfen, cofnod neu wybodaeth arall y gellid maentumio hawliad am ffrainc broffesiynol gyfreithiol mewn cysylltiad â hi neu ag ef mewn achos cyfreithiol.

(9B) Nid yw unrhyw wybodaeth neu ateb a roddir gan berson mewn ymateb i ofyniad a osodir o dan baragraff (7A)(a) yn dderbyniadwy mewn tystiolaeth yn erbyn y person hwnnw, neu briod neu bartner sifil y person, mewn achos o dan unrhyw ddeddfiad ac eithrio’r Rheoliadau hyn.”

(9) Yn rheoliad 19(1)(a), ar ôl “a osodir gan” mewnosoder “neu o dan”.

(10) Yn rheoliad 20—

- (a) ym mharagraff (1)(a), hepgorer “10(4),” a “neu 12(2)”;

- (b) ar ôl paragraff (2) mewnosoder—

“(2A) Mae person sydd—

- (a) heb esgus rhesymol, yn torri paragraff 3(1) o Atodlen 5,

- (c) in paragraph (2), for “10(4), 11(4) or 12(2)” substitute “11(4) or 12(2) or Schedule 5”.

(7) After regulation 17 insert—

“Enforcement of regulation 12(2)

17A. Schedules 5 and 6 make provision for and in connection with conferring functions on enforcement officers for the purpose of enforcing regulation 12(2).”

(8) In regulation 18—

- (a) in paragraph (1), omit “, 10(4), 12(2)”;

- (b) after paragraph (7) insert—

“(7A) An enforcement officer may, to facilitate the exercise of a power conferred on the officer by Schedule 5—

- (a) require any person to give any information or answer any question the officer considers to be relevant to the exercise of the power;

- (b) require the production of, inspect and take copies of, any documents or electronic records.”;

- (c) in paragraph (8), for “or regulation 19” substitute “, regulation 19 or Schedule 5”;

- (d) after paragraph (9) insert—

“(9A) A person may not be required under paragraph (7A) to provide a document, record or other information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.

(9B) No information or answer given by a person in response to a requirement imposed under paragraph (7A)(a) is admissible in evidence against that person, or the person’s spouse or civil partner, in proceedings under any enactment other than these Regulations.”

(9) In regulation 19(1)(a), after “imposed by” insert “or under”.

(10) In regulation 20—

- (a) in paragraph (1)(a), omit “10(4),” and “or 12(2)”;

- (b) after paragraph (2) insert—

“(2A) A person who—

- (a) without reasonable excuse, contravenes paragraph 3(1) of Schedule 5,

(b) yn torri paragraff 3(2) o'r Atodlen honno, neu

(c) heb esgus rhesymol, yn tynnu, yn cuddio neu'n difrodi hysbysiad neu arwydd y mae'n ofynnol ei arddangos o dan baragraff 7(2) o'r Atodlen honno,

yn cyflawni trosedd.”;

(c) ar ôl paragraff (3) mewnosoder—

“(3A) Mae person sy'n cyflawni trosedd o dan baragraff (2A)(a) yn agored ar euogfarn ddiannod i gyfnod yn y carchar nad yw'n hwy na 6 mis, i ddirwy, neu i'r ddau.”;

(d) ym mharagraff (4), yn lle “trosedd” rhodder “unrhyw drosedd arall”.

(11) Yn rheoliad 21(1)(a), yn lle “dan y Rheoliadau hyn” rhodder “o dan y Rheoliadau hyn (ac eithrio trosedd o dan reoliad 20(2A)(a))”.

(12) Yn rheoliad 22(1), ar y diwedd mewnosoder “, ac eithrio y caniateir dwyn achos am drosedd o dan reoliad 20(2A) gan awdurdod lleol hefyd”.

(13) Yn Atodlen 2—

(a) ym mharagraff 3, ar ôl “Lleoliadau” mewnosoder “sydd wedi eu hawdurdodi i'w defnyddio i gyflenwi alcohol gan drwydded mangre neu dystysgrif mangre clwb (o fewn yr ystyr a roddir i “premises licence” a “club premises certificate”, yn eu tro, yn Neddf Trwyddedu 2003(1))”;

(b) hepgorer paragraffau 11 i 13.

(14) Yn Atodlen 4, ar ôl paragraff 41 mewnosoder—

“42. Pyllau nofio.

43. Stiwdios ffïtrwydd o dan do, campfeydd, sbaon a chanolfannau a chyfleusterau hamdden eraill o dan do.

44. Mannau chwarae o dan do.”

(15) Ar ôl Atodlen 4 mewnosoder yr Atodlenni 5 a 6 a nodir yn Atodlenni 1 a 2 i'r Rheoliadau hyn.

Arbedion ar gyfer troseddau a chosbau mewn perthynas â gweithredoedd blaenorol

3. Mae rheoliadau 20 ac 21 o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) 2020 yn parhau i gael effaith mewn perthynas ag unrhyw drosedd a gyflawnir, neu y credir yn rhesymol ei bod wedi ei chyflawni, cyn i'r diwygiadau a wneir gan y Rheoliadau hyn ddod i rym fel pe na bai'r diwygiadau hynny wedi eu gwneud.

(b) contravenes paragraph 3(2) of that Schedule, or

(c) without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under paragraph 7(2) of that Schedule,

commits an offence.”;

(c) after paragraph (3) insert—

“(3A) A person who commits an offence under paragraph (2A)(a) is liable on summary conviction to imprisonment for a term not exceeding 6 months, to a fine, or to both.”;

(d) in paragraph (4), for “An” substitute “Any other”.

(11) In regulation 21(1)(a), after “these Regulations” insert “(except an offence under regulation 20(2A)(a))”.

(12) In regulation 22(1), at the end insert “, except that proceedings for an offence under regulation 20(2A) may also be brought by a local authority”.

(13) In Schedule 2—

(a) in paragraph 3, after “Venues” insert “authorised to be used for the supply of alcohol by a premises licence or club premises certificate (within the meaning given by the Licensing Act 2003(1))”;

(b) omit paragraphs 11 to 13.

(14) In Schedule 4, after paragraph 41 insert—

“42. Swimming pools.

43. Indoor fitness studios, gyms, spas and other indoor leisure centres and facilities.

44. Indoor play areas.”

(15) After Schedule 4 insert the Schedules 5 and 6 set out in Schedules 1 and 2 to these Regulations.

Savings for offences and penalties in relation to prior acts

3. Regulations 20 and 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before the amendments made by these Regulations came into force as if those amendments had not been made.

(1) 2003 p.17.

(1) 2003 c.17.

ATODLEN 1 Rheoliad 2

Atodlen 5 newydd i Reoliadau Diogelu
Iechyd (Cyfyngiadau Coronafeirws)
(Rhif 2) (Cymru) 2020

“ATODLEN 5 Rheoliad 17A

Gorfodi rheoliad 12(2)

Hysbysiad gwella mangre

1.—(1) Caiff swyddog gorfodaeth ddyroddi hysbysiad (“hysbysiad gwella mangre”) i berson sy’n gyfrifol am fangre y cyfeirir ati yn rheoliad 12(1) os yw’r swyddog yn ystyried—

- (a) nad yw’r person yn cydymffurfio â’r rhwymedigaethau a osodir ar y person gan reoliad 12(2), a
- (b) bod y mesurau a bennir yn yr hysbysiad yn angenrheidiol ac yn gymesur er mwyn sicrhau bod y person yn cydymffurfio â’r rhwymedigaethau hynny.

(2) Rhaid i hysbysiad gwella mangre—

- (a) pennu’r fangre y mae’n ymwneud â hi;
- (b) pennu’r mesurau y mae’n ei gwneud yn ofynnol eu cymryd er mwyn sicrhau bod y person yn cydymffurfio â’r rhwymedigaethau a osodir gan reoliad 12(2);
- (c) pennu terfyn amser y mae rhaid cymryd y mesurau oddi mewn iddo na chaniateir iddo fod yn llai nag 48 awr sy’n dechrau â’r amser y dyroddir yr hysbysiad);
- (d) rhoi manylion yr hawl i apelio a roddir gan baragraff 5.

SCHEDULE 1 Regulation 2

New Schedule 5 to the Health Protection
(Coronavirus Restrictions) (No. 2)
(Wales) Regulations 2020

“SCHEDULE 5 Regulation 17A

Enforcement of regulation 12(2)

Premises improvement notice

1.—(1) An enforcement officer may issue a notice (a “premises improvement notice”) to a person responsible for premises referred to in regulation 12(1) if the officer considers that—

- (a) the person is not complying with the obligations imposed on the person by regulation 12(2), and
- (b) the measures specified in the notice are necessary and proportionate in order to ensure that the person complies with those obligations.

(2) A premises improvement notice must—

- (a) specify the premises to which it relates;
- (b) specify the measures it requires to be taken in order to ensure that the person complies with the obligations imposed by regulation 12(2);
- (c) specify a time limit within which the measures must be taken (which must not be less than 48 hours beginning with the time the notice is issued);
- (d) give details of the right of appeal conferred by paragraph 5.

Hysbysiad cau mangre

2.—(1) Os yw naill ai amod 1 neu amod 2 wedi ei fodloni, caiff swyddog gorfodaeth ddyroddi hysbysiad (“hysbysiad cau mangre”) i berson sy’n gyfrifol am fangre y cyfeirir ati yn rheoliad 12(1) sy’n ei gwneud yn ofynnol i’r fangre, neu ran o’r fangre, gael ei chau.

(2) Amod 1 yw—

- (a) bod hysbysiad gwella mangre wedi ei ddyroddi i’r person,
- (b) bod y swyddog gorfodaeth yn ystyried bod y person wedi methu â chymryd y mesurau a bennir yn yr hysbysiad gwella mangre o fewn y terfyn amser penodedig, ac
- (c) bod y swyddog yn ystyried bod cau’r fangre, neu ran o’r fangre, yn angenrheidiol ac yn gymesur at ddiben lleihau’r risg o ddod i gysylltiad â’r coronafeirws.

(3) Amod 2 yw bod y swyddog gorfodaeth yn ystyried—

- (a) nad yw’r person yn cydymffurfio â’r rhwymedigaethau a osodir ar y person gan reoliad 12(2), a
- (b) bod cau’r fangre, neu ran o’r fangre, (heb fod hysbysiad gwella mangre wedi ei ddyroddi) yn angenrheidiol ac yn gymesur at ddiben lleihau’r risg o ddod i gysylltiad â’r coronafeirws.

(4) Rhaid i hysbysiad cau mangre—

- (a) cynnwys disgrifiad o’r fangre sydd i’w chau,
- (b) pan fo hysbysiad gwella mangre wedi ei ddyroddi, nodi’r mesurau y mae’r swyddog gorfodaeth yn ystyried—
 - (i) nad ydynt wedi eu cymryd, a
 - (ii) y mae rhaid eu cymryd er mwyn sicrhau bod y person cyfrifol yn cydymffurfio â’r rhwymedigaethau a osodir gan reoliad 12(2),
- (c) pan na fo hysbysiad gwella mangre wedi ei ddyroddi, nodi’r rhesymau pam y mae’r swyddog gorfodaeth yn ystyried nad yw’r person yn cydymffurfio â’r rhwymedigaethau a osodir gan reoliad 12(2),

Premises closure notice

2.—(1) If either condition 1 or condition 2 is satisfied, an enforcement officer may issue a notice (a “premises closure notice”) to a person responsible for premises referred to in regulation 12(1) requiring the premises, or part of the premises, to be closed.

(2) Condition 1 is—

- (a) a premises improvement notice has been issued to the person,
- (b) the enforcement officer considers that the person has failed to take the measures specified in the premises improvement notice within the specified time limit, and
- (c) the officer considers that the closure of the premises, or part of the premises, is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

(3) Condition 2 is that the enforcement officer considers that—

- (a) the person is not complying with the obligations imposed on the person by regulation 12(2), and
- (b) the closure of the premises, or part of the premises, (without a premises improvement notice having been issued) is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

(4) A premises closure notice must—

- (a) contain a description of the premises to be closed,
- (b) where a premises improvement notice has been issued, set out the measures that the enforcement officer considers—
 - (i) have not been taken, and
 - (ii) must be taken in order to ensure that the responsible person complies with the obligations imposed by regulation 12(2),
- (c) where a premises improvement notice has not been issued, set out the reasons why the enforcement officer considers that the person is not complying with the obligations imposed by regulation 12(2),

- (d) yn y naill achos neu'r llall, nodi'r rhesymau pam y mae'r swyddog gorfodaeth yn ystyried bod cau'r fangre yn angenrheidiol ac yn gymesur at ddiben lleihau'r risg o ddod i gysylltiad â'r coronafeirws,
- (e) pennu'r cyfnod y mae'r hysbysiad yn cael effaith amdano, ac
- (f) rhoi manylion yr hawl i apelio a roddir gan baragraff 5.

(5) Ni chaniateir i'r cyfnod a bennir o dan is-baragraff (4)(e) fod yn hwy na 336 o oriau (14 o ddiwrnodau) sy'n dechrau â'r amser y dyroddir yr hysbysiad.

(6) Mae hysbysiad cau mangre yn cael effaith o'r amser y'i dyroddir neu o amser diweddarach a bennir yn yr hysbysiad.

(7) Ni chaniateir dyroddi hysbysiad cau mangre mewn perthynas â mangre sy'n rhan o seilwaith hollbwysig (er enghraifft, mangre a ddefnyddir i gynhyrchu trydan neu gyflenwi dŵr) neu a ddefnyddir i ddarparu gwasanaethau cyhoeddus hanfodol.

Effaith hysbysiad cau mangre

3.—(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i hysbysiad cau mangre gymryd effaith, rhaid i'r person y'i dyroddir iddo sicrhau—

- (a) bod y fangre y mae'r hysbysiad yn ymwneud â hi yn cael ei chau, a
- (b) na chynhelir unrhyw fusnes neu na ddarperir unrhyw wasanaeth yn y fangre neu ohoni.

(2) Ni chaiff unrhyw berson fynd i'r fangre, neu fod yn y fangre, sydd wedi ei chau o dan is-baragraff (1) heb esgus rhesymol.

(3) At ddibenion is-baragraff (2), mae'r amgylchiadau pan fo gan berson esgus rhesymol yn cynnwys—

- (a) pan fo'r person yn byw yn y fangre;
- (b) pan fo'r person yn gwneud gwaith cynnal a chadw neu atgyweirio hanfodol;
- (c) pan fo'r person yn gwneud pethau sy'n angenrheidiol er mwyn sicrhau y gellir cydymffurfio â rheoliad 12(2) pan ganiateir i'r fangre fod ar agor;
- (d) pan fo'r person yn swyddog gorfodaeth neu berson sy'n cynorthwyo swyddog gorfodaeth;

- (d) in either case, set out the reasons why the enforcement officer considers that closure of the premises is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus,
- (e) specify the period for which the notice has effect, and
- (f) give details of the right of appeal conferred by paragraph 5.

(5) The period specified under sub-paragraph (4)(e) may not be more than 336 hours (14 days) beginning with the time the notice is issued.

(6) A premises closure notice has effect from the time at which it is issued or from a later time specified in the notice.

(7) A premises closure notice may not be issued in relation to premises which form part of critical infrastructure (for example, premises used to generate electricity or supply water) or which are used to provide essential public services.

Effect of premises closure notice

3.—(1) As soon as is reasonably practicable after a premises closure notice takes effect, the person to whom it is issued must ensure that—

- (a) the premises to which the notice relates are closed, and
- (b) no business is carried on or service is provided on, or from, the premises.

(2) No person may enter, or be on, premises closed under sub-paragraph (1) without a reasonable excuse.

(3) For the purposes of sub-paragraph (2), the circumstances in which a person has a reasonable excuse include where—

- (a) the person lives on the premises;
- (b) the person is carrying out essential maintenance or repairs;
- (c) the person is doing things necessary to ensure that regulation 12(2) can be complied with when the premises are allowed to be open;
- (d) the person is an enforcement officer or a person assisting an enforcement officer;

- (e) pan fo'n angenrheidiol i'r person fod yn y fangre er mwyn osgoi anaf neu salwch neu ddianc rhag risg o niwed.

Terfynu hysbysiad gwella neu gau mangre

4.—(1) Caiff swyddog gorfodaeth ddyroddi hysbysiad sy'n terfynu hysbysiad gwella mangre neu hysbysiad cau mangre os yw wedi ei fodloni—

- (a) bod y mesurau a bennir yn yr hysbysiad gwella mangre (os dyroddwyd un) wedi eu cymryd, neu
- (b) bod mesurau eraill wedi eu cymryd i sicrhau y gellir cydymffurfio â rheoliad 12(2) yn y fangre o dan sylw.

(2) Mae hysbysiad gwella mangre neu hysbysiad cau mangre yn peidio â chael effaith ar yr amser y dyroddir hysbysiad o'r terfyniad.

Apelau

5.—(1) Caiff person y dyroddir hysbysiad gwella mangre neu hysbysiad cau mangre iddo apelio i lys ynadon yn erbyn yr hysbysiad.

(2) Rhaid i apêl gael ei gwneud—

- (a) drwy gŵyn am orchymyn, ac yn unol â Deddf Llysoedd Ynadon 1980(1), a
- (b) o fewn 7 niwrnod ar ôl i'r hysbysiad gael ei ddyroddi.

(3) Ond caiff llys ynadon ganiatáu i apêl gael ei gwneud ar ôl diwedd y cyfnod a grybwyllir yn is-baragraff (2)(b) os yw wedi ei fodloni bod rheswm da dros fethu ag apelio cyn diwedd y cyfnod hwnnw (a thros unrhyw oedi cyn gwneud cais am ganiatâd i apelio y tu allan i amser).

(4) Caiff llys ynadon atal dros dro effaith hysbysiad gwella mangre neu hysbysiad cau mangre wrth aros am y penderfyniad ar yr apêl.

- (e) it is necessary for the person to be on the premises to avoid injury or illness or escape a risk of harm.

Termination of premises improvement or closure notice

4.—(1) An enforcement officer may issue a notice terminating a premises improvement notice or a premises closure notice if satisfied that—

- (a) the measures specified in the premises improvement notice (if one was issued) have been taken, or
- (b) other measures have been taken to ensure that regulation 12(2) can be complied with at the premises in question.

(2) A premises improvement notice or premises closure notice ceases to have effect at the time notice of the termination is issued.

Appeals

5.—(1) A person to whom a premises improvement notice or premises closure notice is issued may appeal to a magistrates' court against the notice.

(2) An appeal must be made—

- (a) by way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980(1), and
- (b) within 7 days after the day the notice is issued.

(3) But a magistrates' court may allow an appeal to be made after the expiry of the period mentioned in sub-paragraph (2)(b) if satisfied that there is a good reason for the failure to appeal before the expiry of that period (and for any delay in applying for permission to appeal out of time).

(4) A magistrates' court may suspend the effect of a premises improvement notice or premises closure notice pending the determination of an appeal.

(1) 1980 p. 43.

(1) 1980 c. 43.

(5) Ar apêl yn erbyn hysbysiad gwella mangre neu hysbysiad cau mangre, caiff llys ynadon—

- (a) cadarnhau'r penderfyniad i ddyroddi'r hysbysiad;
- (b) cyfarwyddo bod yr hysbysiad i beidio â chael effaith;
- (c) addasu'r hysbysiad;
- (d) gwneud unrhyw orchymyn arall y mae'r llys yn ystyried ei fod yn briodol.

(6) Os yw'r llys ynadon yn cyfarwyddo bod hysbysiad i beidio â chael effaith neu'n addasu hysbysiad, caiff orchymyn i'r awdurdod lleol ar gyfer yr ardal lle y mae'r fangre o dan sylw ddigolledu'r person sy'n gyfrifol am y fangre am golled a ddioddefir o ganlyniad i ddyroddi'r hysbysiad.

(7) Caiff y naill parti neu'r llall ddwyn apêl yn erbyn penderfyniad llys ynadon ar apêl o dan yr adran hon i Lys y Goron.

(8) Ar apêl i Lys y Goron, caiff y Llys—

- (a) cadarnhau, amrywio neu wrthdroi penderfyniad y llys ynadon;
- (b) anfon yr achos yn ôl i'r llys ynadon i'w waredu yn unol â chyfarwyddydau a roddir gan Lys y Goron.

Dyroddi hysbysiadau gwella a chau mangreoedd a therfyniadau

6.—(1) Caiff hysbysiad gwella mangre, hysbysiad cau mangre neu derfyniad o'r naill neu'r llall o'r mathau hynny o hysbysiad ei ddyroddi i berson drwy roi copi ohono yn ysgrifenedig i'r person hwnnw.

(2) Ond pan na fo'r person sy'n gyfrifol am y fangre y mae'r hysbysiad neu'r terfyniad yn ymwneud â hi yn y fangre pan yw'r hysbysiad i'w ddyroddi, mae'r hysbysiad i'w drin fel pe bai wedi ei ddyroddi i'r person hwnnw—

- (a) os rhoddir copi ohono i unrhyw berson arall yn y fangre yr ymddengys ei fod yn gyfrifol am unrhyw fusnes neu wasanaeth a gynhelir yn y fangre, neu
- (b) os nad oes unrhyw berson o'r fath yn y fangre pan yw'r hysbysiad i'w ddyroddi, os gosodir copi o'r hysbysiad mewn lle amlwg yn y fangre.

(5) On an appeal against a premises improvement notice or premises closure notice, a magistrates' court may—

- (a) confirm the decision to issue the notice;
- (b) direct that the notice is to cease to have effect;
- (c) modify the notice;
- (d) make such other order as the court considers appropriate.

(6) If the magistrates' court directs that a notice is to cease to have effect or modifies a notice, it may order the local authority for the area in which the premises in question are situated to compensate the person responsible for the premises for loss suffered as the result of the issue of the notice.

(7) An appeal by either party against the decision of a magistrates' court on an appeal under this section may be brought to the Crown Court.

(8) On an appeal to the Crown Court, the Court may—

- (a) confirm, vary or reverse the decision of the magistrates court;
- (b) remit the case to the magistrates' court to dispose of in accordance with directions given by the Crown Court.

Issuing premises improvement and closure notices and terminations

6.—(1) A premises improvement notice, premises closure notice or a termination of either of those types of notice is issued to a person by giving a copy of it in writing to that person.

(2) But where the person responsible for the premises to which the notice or termination relates is not on the premises when it is to be issued, the notice is to be treated as having been issued to that person if—

- (a) a copy of it is given to any other person on the premises who appears to be responsible for any business or service being carried out on the premises, or
- (b) if there is no such person on the premises when the notice is to be issued, a copy of the notice is placed in a conspicuous position on the premises.

Rhoi cyhoeddusrwydd i hysbysiadau gwella a chau mangreoedd

7.—(1) Mae'r rheoliad hwn yn gymwys pan fo swyddog gorfodaeth wedi dyroddi hysbysiad gwella mangre neu hysbysiad cau mangre.

(2) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl dyroddi'r hysbysiad, rhaid i'r swyddog gorfodaeth—

- (a) arddangos copi o'r hysbysiad, ac arwydd ar y ffurf a nodir yn Atodlen 6, mewn man amlwg yn agos i bob mynedfa i'r fangre;
- (b) trefnu i'r hysbysiad gael ei gyhoeddi ar wefan yr awdurdod lleol ar gyfer yr ardal lle y mae'r fangre.

(3) Rhaid i hysbysiad neu arwydd a arddangosir o dan is-baragraff (2)(a) fod o faint A4 o leiaf.

(4) Rhaid i hysbysiad y mae'n ofynnol ei arddangos a'i gyhoeddi o dan is-baragraff (2) barhau i gael ei arddangos a'i gyhoeddi, a rhaid i arwydd y mae'n ofynnol ei arddangos o dan yr is-baragraff hwnnw barhau i gael ei arddangos, am gyhyd ag y mae'r hysbysiad yn cael effaith.”

Publicising premises improvement and closure notices

7.—(1) This regulation applies where an enforcement officer has issued a premises improvement notice or a premises closure notice.

(2) As soon as reasonably practicable after issuing the notice, the enforcement officer must—

- (a) display a copy of the notice, and a sign in the form set out in Schedule 6, in a prominent place near every entrance to the premises;
- (b) arrange for the notice to be published on the website of the local authority for the area in which the premises are located.

(3) A notice or sign displayed under sub-paragraph (2)(a) must be at least A4 size.

(4) A notice required to be displayed and published under sub-paragraph (2) must continue to be displayed and published, and a sign required to be displayed under that sub-paragraph must continue to be displayed, for as long as the notice has effect.”

ATODLEN 2

Rheoliad 2

Atodlen 6 newydd i Reoliadau Diogelu Iechyd (Cyfyngiadau
Coronafeirws) (Rhif 2) (Cymru) 2020

“ATODLEN 6

Rheoliad 17A

Y ffurf ar arwydd i fynd gyda hysbysiad gwella mangre neu
hysbysiad cau mangre

Yr arwydd i'w arddangos gyda hysbysiad gwella mangre

1.—(1) Rhaid i arwydd a arddangosir gyda hysbysiad gwella mangre o dan baragraff 7(2)(a) o Atodlen 5 fod ar y ffurf a nodir isod.

(2) Rhaid defnyddio'r lliwiau gwyn, du ac ambr C0 M60 Y100 K0 yn yr arwydd.



**IECHYD Y CYHOEDD
Y CORONAFEIRWS**

Gofyniad i leihau'r risg
o ddod i gysylltiad â'r
coronafeirws mewn mangre:

**PUBLIC HEALTH
CORONAVIRUS**

Requirement to minimise
risk of exposure to
coronavirus on premises:

**ANGEN
GWELLA**

**IMPROVEMENT
NEEDED**

**Diogelu Cymru
gyda'n gilydd**

**Together we'll
keep Wales safe**

Yr arwydd i'w arddangos gyda hysbysiad cau mangre

2.—(1) Rhaid i arwydd a arddangosir gyda hysbysiad cau mangre o dan baragraff 7(2)(a) o Atodlen 5 fod ar y ffurf a nodir isod.

(2) Rhaid defnyddio'r lliwiau gwyn, du a choch C15 M100 Y100 K0 yn yr arwydd.



**IECHYD Y CYHOEDD
Y CORONAFEIRWS**

Gofyniad i leihau'r risg
o ddod i gysylltiad â'r
coronafeirws mewn mangre:

**PUBLIC HEALTH
CORONAVIRUS**

Requirement to minimise
risk of exposure to
coronavirus on premises:

**CAEWYD Y
FANGRE HON**

**PREMISES
CLOSED**

**Diogelu Cymru
gyda'n gilydd**

**Together we'll
keep Wales safe**

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SCHEDULE 2

Regulation 2

New Schedule 6 to the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020

“SCHEDULE 6




Regulation 17A

Form of sign to accompany premises improvement notice or premises closure notice

Sign to be displayed with premises improvement notice

1.—(1) A sign displayed with a premises improvement notice under paragraph 7(2)(a) of Schedule 5 must be in the form set out below.




(2) The colours used in the sign must be white, black and amber C0 M60 Y100 K0.

 <p>GIG CYMRU NHS WALES</p>	<p>Iechyd Cyhoeddus Cymru Public Health Wales</p>	 <p>DIOGELU CYMRU KEEP WALES SAFE</p>	 <p>Llywodraeth Cymru Welsh Government</p>
<p>IECHYD Y CYHOEDD Y CORONAFEIRWS</p> <p>Gofyniad i leihau'r risg o ddod i gysylltiad â'r coronafeirws mewn mangre:</p>	<p>PUBLIC HEALTH CORONAVIRUS</p> <p>Requirement to minimise risk of exposure to coronavirus on premises:</p>		
<p>ANGEN GWELLA</p>			
<p>IMPROVEMENT NEEDED</p>			
<p>Diogelu Cymru gyda'n gilydd</p>	<p>Together we'll keep Wales safe</p>		
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Sign to be displayed with premises closure notice

2.—(1) A sign displayed with a premises closure notice under paragraph 7(2)(a) of Schedule 5 must be in the form set out below.

(2) The colours used in the sign must be white, black and red C15 M100 Y100 K0.

 <p>GIG CYMRU NHS WALES</p>	<p>Iechyd Cyhoeddus Cymru Public Health Wales</p>	 <p>DIOGELU CYMRU KEEP WALES SAFE</p>	 <p>Llywodraeth Cymru Welsh Government</p>
<p>IECHYD Y CYHOEDD Y CORONAFEIRWS</p> <p>Gofyniad i leihau'r risg o ddod i gysylltiad â'r coronafeirws mewn mangre:</p>		<p>PUBLIC HEALTH CORONAVIRUS</p> <p>Requirement to minimise risk of exposure to coronavirus on premises:</p>	
<p>CAEWDYD Y FANGRE HON</p>			
<p>PREMISES CLOSED</p>			
<p>Diogelu Cymru gyda'n gilydd</p>		<p>Together we'll keep Wales safe</p>	
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