



OFFER YNNAU STATUDOL
CYMRU

2021 Rhif 1119 (Cy. 271)

**IECHYD Y CYHOEDD,
CYMRU**

Rheoliadau Diogelu Iechyd
(Cyfngiadau Coronafeirws) (Rhif
5) (Cymru) (Diwygio) (Rhif 17)
2021

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 ledaeniaid 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 lledaeniaid coronafeirws syndrom anadolol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 (O.S. 2020/1609 (Cy. 335)) ("y prif Reoliadau"). Mae'r diwygiadau—

- yn mewnosod rheoliad newydd 16A yn y prif Reoliadau—
 - sy'n ei gwneud yn ofynnol i'r person sy'n gyfrifol am fangreodd penodol gymryd mesurau rhesymol i sicrhau nad yw oedolion yn y fangre onid ydynt yn meddu ar yr hyn y cyfeirir ato'n gyffredin fel "pàs COVID" (hynny yw – tystiolaeth o naill ai brechiad, cymryd rhan mewn treial perthnasol ar gyfer brechlyn, prawf negatif am y coronafeirws, neu brawf positif o fewn y 6 mis diwethaf a ddilynwyd gan y cyfnod priodol o ynsu);

WELSH STATUTORY
INSTRUMENTS

2021 No. 1119 (W. 271)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 17) Regulations
2021

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) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) ("the principal Regulations"). The amendments—

- insert a new regulation 16A into the principal Regulations which—
 - requires the person responsible for certain premises to take reasonable measures to ensure that adults are on the premises only if they have what is commonly referred to as a "COVID pass" (that is – evidence of either vaccination, participation in a relevant vaccine trial, a negative test for coronavirus, or a positive test within the last 6 months which has been followed by the appropriate period of isolation);

- sy'n pennu mai'r mangroedd y mae'r gofyniad hwn yn gymwys iddynt yw—
 - clybiau nos a mannau eraill lle y darperir cerddoriaeth ar gyfer dawnsio os ydynt yn gweini alcohol ac ar agor ar unrhyw adeg rhwng hanner nos a 5 a.m. (ac mae'r gofyniad i gael pâs COVID yn gymwys i'r fath fangre ar unrhyw adeg, gan gynnwys adegau y tu allan i'r oriau hyn, os ydynt ar agor ac yn darparu cerddoriaeth i bobl ddawsio);
 - mangroedd lle y cynhelir digwyddiad â thros 10,000 o bobl yn bresennol os ydynt i gyd yn eistedd, neu dros 500 o dan do a 4,000 yn yr awyr agored os nad ydynt i gyd yn eistedd;
- sy'n pennu eithriadau i'r gofyniad ar gyfer—
 - mangroedd sy'n cynnal gwleddoedd priodasau neu bartneriaethau sifil, neu wylnosau;
 - digwyddiadau yn yr awyr agored sy'n ddi-dâl ac nad oes angen to cyn ar eu cyfer, ac sydd â sawl pwynt mynediad;
 - protestio a phicedu;
 - digwyddiadau chwaraeon cyfranogiad torfol yn yr awyr agored megis rasyr rhedeg a beicio;
- sy'n ei gwneud yn glir, ar gyfer lleoliadau nad ydynt bob amser yn darparu cerddoriaeth ar gyfer dawnsio, nad yw'r gofyniad yn gymwys ond ar yr adegau hynny pan ddarperir cerddoriaeth ar gyfer dawnsio;
- sy'n esemptio'r rheini sy'n gweithio yn y fangre neu sy'n darparu gwasanaeth gwirfoddol ynddi rhag gor fod cael tystiolaeth o frechu neu brofi er mwyn bod yn y fangre;
- sy'n cynnwys rhai darpariaethau dehongli sy'n ymwnaed â brechlynau a phrofi;
- yn mewnosod rheoliad newydd 30A sy'n caniatáu i swyddogion gorfodaeth (yn y cyd-destun hwn, swyddogion yr heddlu a swyddogion cymorth cymunedol yr heddlu ac unrhyw berson arall sydd wedi ei ddynodi at ddibenion y rheoliad hwn) ei gwneud yn ofynnol i berson y mae swyddog yn amau y gall fod yn meddu ar dystiolaeth anwir neu gamarweiniol o statws brechu neu brofi person ddangos tystiolaeth;
- yn creu trosedd yn rheoliad newydd 40A o feddu ar dystiolaeth anwir neu gamarweiniol o statws brechu neu brofi;
- specifies that the premises to which this requirement applies are—
 - nightclubs and other places where music is provided for dancing if they serve alcohol and are open at any time between midnight and 5 a.m. (and the requirement to have a COVID pass applies to such premises at any time, including times outside these hours, if they are open and are providing music for people to dance);
 - premises where an event is being held with over 10,000 people in attendance if they are all seated, or over 500 indoors and 4,000 outdoors if they are not all seated;
- specifies exceptions to the requirement for—
 - premises holding wedding or civil partnership receptions, or wakes;
 - open air events which are free and unticketed, and which have multiple entry points;
 - protests and picketing;
 - open air mass-participation sporting events such as running and cycling races;
- makes it clear that for venues that do not always provide music for dancing the requirement applies only at those times when music for dancing is provided;
- exempts those working or providing a voluntary service at premises from being required to have evidence of vaccination or testing in order to be on the premises;
- includes some interpretative provisions relating to vaccines and testing;
- inserts a new regulation 30A which permits enforcement officers (in this context police officers and police community support officers and any other person designated for the purposes of this regulation) to require evidence from a person who an officer suspects may be in possession of false or misleading evidence of a person's vaccination or testing status;
- creates an offence in new regulation 40A of possessing false or misleading evidence of vaccination or testing status;

- yn gwneud diwygiadau canlyniadol i Atodlen 8 i'r prif Reoliadau (sy'n darparu ar gyfer gorfodi'r gyfundrefn "mesurau rhesymol" yn Rhan 4 o'r Rheoliadau hynny) er mwyn caniatáu i swyddogion gorfodaeth awdurdodau lleol ddefnyddio'r pwerau yn yr Atodlen mewn perthynas â mesurau rhesymol a gymerir o dan reoliad newydd 16A.

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.

- makes consequential amendments to Schedule 8 to the principal Regulations (which provides for enforcement of the "reasonable measures" regime in Part 4 of those Regulations) so as to permit local authority enforcement officers to use the powers in the Schedule in relation to reasonable measures taken under the new regulation 16A.

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.

2021 Rhif 1119 (Cy. 271)

**IECHYD Y CYHOEDD,
CYMRU**

Rheoliadau Diogelu Iechyd
(Cyfngiadau Coronafeirws) (Rhif
5) (Cymru) (Diwygio) (Rhif 17)
2021

Gwnaed

6 Hydref 2021

Yn dod i rym am 7.00 a.m. ar 11 Hydref 2021

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(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1).

Yn unol ag adran 45Q(4)(2) o'r Ddeddf honno, gosodwyd draft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

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 anadolol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae Gweinidogion Cymru yn ystyried bod y cyfngiadau 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.

2021 No. 1119 (W. 271)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 17) Regulations
2021

Made

6 October 2021

Coming into force at 7.00 a.m. on 11 October
2021

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

In accordance with section 45Q(4)(2) of that Act, a draft of this instrument has been laid before, and approved by resolution, Senedd Cymru.

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 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.

(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.

(2) Mewnosodwyd adran 45Q gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008.

(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.

(2) Section 45Q was inserted by section 129 of the Health and Social Care Act 2008.

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 17) 2021.

(2) Daw'r Rheoliadau hyn i rym am 7.00 a.m. ar 11 Hydref 2021.

Diwygio Rheoliadau Diogelu Iechyd (Cyfngiadau Coronafeirws) (Rhif 5) (Cymru) 2020

2.—(1) Mae Rheoliadau Diogelu Iechyd (Cyfngiadau Coronafeirws) (Rhif 5) (Cymru) 2020(1) wedi eu diwygio fel a ganlyn.

(2) Ar ôl rheoliad 16 mewnosoder—

“Mesurau penodol sy'n gymwys i fangre oedd lle y darperir cerddoriaeth ar gyfer dawsio neu lle y cynhelir digwyddiadau penodedig

16A.—(1) Pan fo rheoliad 16(1) yn gymwys i berson sy'n gyfrifol am fangre a ddisgrifir ym mharagraff (2), rhaid i'r mesurau rhesymol sydd i'w cymryd gan y person cyfrifol o dan Gam 3 o'r rheoliad hwnnw gynnwys mesurau i sicrhau na chaniateir i berson sy'n 18 oed neu drosodd fod yn bresennol yn y fangre onid yw'r person yn meddu ar dystiolaeth—

- (a) sy'n cydymffurfio â'r gofynion ym mharagraff (6), fod y person wedi cwblhau cwrs o ddosau o frechlyn awdurdodedig,
- (b) bod y person wedi cymryd rhan mewn, neu yn cymryd rhan mewn, treial clinigol, o fewn yr ystyr a roddir i “clinical trial” yn rheoliad 2(1) o Reoliadau Meddyginaethau i'w Defnyddio gan Bobl (Treialon Clinigol) 2004(2), o frechlyn ar gyfer brechu yn erbyn y coronafeirws a gynhalwyd neu a gynhelir yn y Deyrnas Unedig yn unol â gofynion y Rheoliadau hynny,

(1) O.S. 2020/1609 (Cy. 335) fel y'i diwygiwyd gan O.S. 2020/1610 (Cy. 336), O.S. 2020/1623 (Cy. 340), O.S. 2020/1645 (Cy. 345), O.S. 2021/20 (Cy. 7), O.S. 2021/46 (Cy. 10), O.S. 2021/57 (Cy. 13), O.S. 2021/66 (Cy. 15), O.S. 2021/95 (Cy. 26), O.S. 2021/103 (Cy. 28), O.S. 2021/172 (Cy. 40), O.S. 2021/210 (Cy. 52), O.S. 2021/307 (Cy. 79), O.S. 2021/413 (Cy. 133), O.S. 2021/502 (Cy. 150), O.S. 2021/542 (Cy. 154), O.S. 2021/583 (Cy. 160), O.S. 2021/668 (Cy. 169), O.S. 2021/686 (Cy. 172), O.S. 2021/722 (Cy. 183), O.S. 2021/862 (Cy. 201), O.S. 2021/925 (Cy. 210) ac O.S. 2021/970 (Cy. 228).

(2) O.S. 2004/1031 fel y'i diwygiwyd gan adran 116 o Ddeddf Gofal 2014 (p. 23) a chan O.S. 2004/3224, O.S. 2005/2754, O.S. 2005/2759, O.S. 2006/562, O.S. 2006/1928, O.S. 2006/2984, O.S. 2007/289, O.S. 2007/3101, O.S. 2008/941, O.S. 2010/231, O.S. 2010/551, O.S. 2010/1882, O.S. 2011/2581, O.S. 2012/134, O.S. 2012/504, O.S. 2012/1641, O.S. 2012/1916, O.S. 2013/532, O.S. 2016/190, O.S. 2016/696, O.S. 2019/593, O.S. 2019/744, O.S. 2019/1094 ac O.S. 2020/1488.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 17) Regulations 2021.

(2) These Regulations come into force at 7.00 a.m. on 11 October 2021.

Amendment to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020(1) are amended as follows.

(2) After regulation 16 insert—

“Specific measures applicable to premises where music is provided for dancing or at which specified events are held

16A.—(1) Where regulation 16(1) applies to a person responsible for premises described in paragraph (2), the reasonable measures to be taken by the responsible person under Step 3 of that regulation must include measures to ensure that a person aged 18 or over is only permitted to be present on the premises if the person possesses evidence—

- (a) complying with the requirements in paragraph (6), that the person has completed a course of doses of an authorised vaccine,
- (b) that the person has participated in, or is participating in, a clinical trial, within the meaning of regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004(2), of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of those Regulations,

(1) S.I. 2020/1609 (W. 335) as amended by S.I. 2020/1610 (W. 336), S.I. 2020/1623 (W. 340), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/46 (W. 10), S.I. 2021/57 (W. 13), S.I. 2021/66 (W. 15), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52), S.I. 2021/307 (W. 79), S.I. 2021/413 (W. 133), S.I. 2021/502 (W. 150), S.I. 2021/542 (W. 154), S.I. 2021/583 (W. 160), S.I. 2021/668 (W. 169), S.I. 2021/686 (W. 172), S.I. 2021/722 (W. 183), S.I. 2021/862 (W. 201), S.I. 2021/925 (W. 210) and S.I. 2021/970 (W. 228).

(2) S.I. 2004/1031 as amended by section 116 of the Care Act 2014 (c. 23) and by S.I. 2004/3224, S.I. 2005/2754, S.I. 2005/2759, S.I. 2006/562, S.I. 2006/1928, S.I. 2006/2984, S.I. 2007/289, S.I. 2007/3101, S.I. 2008/941, S.I. 2010/231, S.I. 2010/551, S.I. 2010/1882, S.I. 2011/2581, S.I. 2012/134, S.I. 2012/504, S.I. 2012/1641, S.I. 2012/1916, S.I. 2013/532, S.I. 2016/190, S.I. 2016/696, S.I. 2019/593, S.I. 2019/744, S.I. 2019/1094 and S.I. 2020/1488.

- (c) o ganlyniad negatif o brawf cymhwysol a gymerir gan y person ddim mwy na 48 awr cyn i'r person fynd i'r fangre, neu
- (d) o ganlyniad positif o brawf adwaith cadwynol polymerasau a gymerir gan y person ddim mwy na 180 o ddiwrnodau a ddim llai na 10 niwrnod cyn i'r person fynd i'r fangre.
- (2) Y mangroedd y cyfeirir atynt ym mharagraff (1) yw—
- (a) mangroedd sy'n bodloni'r holl amodau a ganlyn—
 - (i) mae'r fangre wedi ei hawdurdodi ar gyfer gwerthu neu gyflenwi alcohol,
 - (ii) mae'r fangre yn darparu cerddoriaeth fyw neu wedi ei recordio i aelodau'r cyhoedd neu aelodau'r lleoliad ddawnsio, gan gynnwys clybiau nos, disgos a neuaddau dawnsio, a
 - (iii) mae'r fangre ar agor ar unrhyw adeg rhwng hanner nos a 5.00 a.m. (fodd bynnag pan fo'r amod hwn wedi ei fodloni, mae'r gofyniad ym mharagraff (1) yn gymwys i'r fangre ar unrhyw adeg y mae ar agor, yn ddarostyngedig i baragraff (3)(a) neu (e));
 - (b) mangroedd lle y mae digwyddiad yn digwydd a bod mwy na 10,000 o bobl yn bresennol ar unrhyw adeg;
 - (c) mangroedd lle y mae digwyddiad yn digwydd i unrhyw raddau o dan do—
 - (i) pan fo mwy na 500 o bobl yn bresennol ar unrhyw adeg, a
 - (ii) pan na fo'r holl bersonau sy'n bresennol yn y digwyddiad yn eistedd fel arfer yn ystod y digwyddiad;
 - (d) mangroedd lle y mae digwyddiad yn digwydd yn yr awyr agored—
 - (i) pan fo mwy na 4,000 o bobl yn bresennol ar unrhyw adeg, a
 - (ii) pan na fo'r holl bersonau sy'n bresennol yn y digwyddiad yn eistedd fel arfer yn ystod y digwyddiad.
- (c) of a negative result from a qualifying test taken by the person no more than 48 hours before the person enters the premises, or
- (d) of a positive result from a polymerase chain reaction test taken by the person no more than 180 days and no less than 10 days before the person enters the premises.
- (2) The premises referred to in paragraph (1) are—
- (a) premises that meet all of the following conditions—
 - (i) the premises are authorised for the sale or supply of alcohol,
 - (ii) the premises provide live or recorded music for members of the public or members of the venue to dance, including nightclubs, discotheques and dance halls, and
 - (iii) the premises are open at any time between midnight and 5.00 a.m. (however where this condition is met, the requirement in paragraph (1) applies to the premises at any time they are open, subject to paragraph (3)(a) or (e));
 - (b) premises at which an event is taking place and more than 10,000 people are in attendance at any time;
 - (c) premises at which an event is taking place to any extent indoors, where—
 - (i) more than 500 people are in attendance at any time, and
 - (ii) not all the persons attending the event are normally seated during the event;
 - (d) premises at which an event is taking place outdoors, where—
 - (i) more than 4,000 people are in attendance at any time, and
 - (ii) not all the persons attending the event are normally seated during the event.

(3) Ond nid yw paragraff (1) yn gymwys i fangre—

- (a) o fath a ddisgrifir ym mharagraff (2)(a) ar unrhyw adeg pan na ddarperir cerddoriaeth i aelodau'r cyhoedd neu aelodau'r lleoliad ddawnso;
- (b) lle y cynhelir digwyddiad yn yr awyr agored—
 - (i) pan na fo'n ofynnol i berson gael tocyn neu dalu ffi er mwyn cael mynediad i'r digwyddiad, a
 - (ii) pan fo dau neu ragor o bwyntiau mynediad i bersonau sy'n mynd i'r digwyddiad;
- (c) lle y cynhelir protest, neu bicedu a gynhelir yn unol â Deddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhau) 1992(1);
- (d) lle y cynhelir digwyddiad chwaraeon cyfranogiad torfol yn yr awyr agored, megis marathon, ras feicio neu driathlon;
- (e) a ddefnyddir i ddathlu—
 - (i) gweinyddiad priodas, ffurfiad partneriaeth sifil neu seremoni briodas arall, neu
 - (ii) bywyd person ymadawedig, ar unrhyw adeg pan y'i defnyddir at unrhyw un neu ragor o'r dibenion hynny.

(4) Ym mharagraff (1), nid yw'r cyfeiriad at berson sy'n 18 oed neu drosodd yn cynnwys person sy'n gweithio yn y fangre neu sy'n darparu gwasanaethau gwirfoddol ynddi.

(5) At ddibenion paragraff (2)(b) i (d), nid yw person sy'n gweithio yn y digwyddiad, neu sy'n darparu gwasanaethau gwirfoddol ynddo, i'w drin fel pe bai'n bresennol yn y digwyddiad.

(6) At ddibenion paragraff (1)(a), rhaid i'r dystiolaeth bod person wedi cwblhau cwrs o ddosau o frechlyn awdurdodedig—

- (a) dangos—
 - (i) i'r cwrs o ddosau gael ei weinyddu i'r person yn y Deyrnas Unedig, o dan raglen frechu'r Deyrnas Unedig dramor, neu mewn gwlaid berthnasol, a

(3) But paragraph (1) does not apply to premises—

- (a) of a kind described in paragraph (2)(a) at any time when music is not being provided for members of the public or members of the venue to dance;
- (b) at which an event is held outdoors, where—
 - (i) a person is not required to obtain a ticket or pay a fee in order to gain entry to the event, and
 - (ii) there are two or more points of entry for persons attending the event;
- (c) at which a protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(1), is being held;
- (d) at which a mass participation sporting event is being held outdoors, such as a marathon, cycling race or triathlon;
- (e) used for the celebration of—
 - (i) a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony, or
 - (ii) the life of a deceased person, at any time when they are used for any of those purposes.

(4) In paragraph (1) the reference to a person aged 18 or over does not include a person working or providing voluntary services at the premises.

(5) For the purposes of paragraph (2)(b) to (d), a person working, or providing voluntary services at the event, is not to be treated as being in attendance at the event.

(6) For the purposes of paragraph (1)(a), the evidence that a person has completed a course of doses of an authorised vaccine must—

- (a) show that—
 - (i) the course of doses was administered to the person in the United Kingdom, under the United Kingdom vaccine roll-out overseas, or in a relevant country, and

(1) 1992 p. 52.

(1) 1992 c. 52.

- (ii) bod y diwrnod y mae'r person yn mynd i'r fangre yn fwy na 14 o ddiwrnodau ar ôl y diwrnod y cwblhaodd y person y cwrs hwnnw o ddosau;
- (b) mewn perthynas â chwrs o ddosau o frechlynnau a weinyddir yn y Deyrnas Unedig, gael ei darparu i'r person gan neu ar ran Llywodraeth y Deyrnas Unedig, Gweinidogion yr Alban, Gweinidogion Cymru neu un o adrannau Gogledd Iwerddon (gan gynnwys drwy lythyr, neges destun, e-bost, gwefan Pàs COVID y GIG(1) neu ap ffôn clyfar y GIG a ddatblygir ac a weithredir gan yr Ysgrifennyd Gwladol);
- (c) mewn perthynas â chwrs o ddosau o frechlynnau a weinyddir gan wlad berthnasol, gan dystysgrif COVID ddigidol yr UE neu gerdyn brechu'r Canolfannau Rheoli ac Atal Clefydau.

(7) At ddibenion paragraff (1)(d), pan fo person wedi ynysu am gyfnod o lai na 10 niwrnod a gyfrifir yn unol â rheoliad 6(5) neu 7(5), mae'r cyfeiriad at "10 niwrnod" i'w drin fel cyfeiriad at nifer y diwrnodau yr oedd yn ofynnol i'r person ynysu ar eu cyfer.

(8) At ddibenion paragraff (6)(a), pan fo person wedi cael dos o frechlyn awdurdodedig yn y Deyrnas Unedig a dos o frechlyn o dan raglen frechu'r Deyrnas Unedig dramor, bennir bod y person wedi cael cwrs o ddosau o frechlyn o dan raglen frechu'r Deyrnas Unedig dramor.

(9) At ddibenion y rheoliad hwn—

- (a) mae prawf yn brawf cymhwysol os yw'n gallu canfod presenoldeb y coronafeirws ac—
 - (i) yn brawf adwaith cadwynol polymerasau a ddarperir neu a weinyddir o dan Ddeddf y Gwasanaeth Iechyd Gwladol 2006(2), Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(3), Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(4), neu

- (ii) the day on which the person enters the premises is more than 14 days after the day on which the person completed that course of doses;
- (b) in relation to course of doses of vaccines administered in the United Kingdom, be provided to the person by or on behalf of the Government of the United Kingdom, the Scottish Ministers, the Welsh Ministers or a Northern Ireland department (including by means of letter, text message, e-mail, the NHS COVID Pass website(1) or the NHS smartphone app developed and operated by the Secretary of State);
- (c) in relation to a course of doses of vaccines administered by a relevant country, be the EU digital COVID certificate or Centers for Disease Control and Prevention vaccination card.

(7) For the purposes of paragraph (1)(d), where a person has isolated for a period of less than 10 days calculated in accordance with regulation 6(5) or 7(5), the reference to "10 days" is to be treated as a reference to the number of days for which the person was required to isolate.

(8) For the purposes of paragraph (6)(a), where a person has received a dose of an authorised vaccine in the United Kingdom and a dose of a vaccine under the United Kingdom vaccine roll-out overseas, the person is deemed to have received a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.

(9) For the purposes of this regulation—

- (a) a test is a qualifying test if it is capable of detecting the presence of coronavirus, and is—
 - (i) a polymerase chain reaction test provided or administered under the National Health Service Act 2006(2), the National Health Service (Wales) Act 2006(3), the National Health Service (Scotland) Act 1978(4), or the Health and

(1) Ar gael ar <https://covid-status.service.nhsx.nhs.uk>

(2) 2006 p. 41.

(3) 2006 p. 42.

(4) 1978 p. 29.

(1) Available at <https://covid-status.service.nhsx.nhs.uk>

(2) 2006 c. 41.

(3) 2006 c. 42.

(4) 1978 c. 29.

Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(1), neu

- (ii) yn brawf llif unffordd y gellir cyflwyno ei ganlyniadau drwy system adrodd cyhoeddus y GIG(2).
- (b) mae person wedi cwblhau cwrws o ddosau os yw'r person wedi cael y cwrws cyflawn o ddosau a bennir—
- (i) yn y crynodeb o nodweddion y cynnrych a gymeradwywyd fel rhan o'r awdurdodiad marchnata ar gyfer y brechlyn awdurdodedig, neu
 - (ii) yn y cyfarwyddiadau defnyddio a gymeradwywyd fel rhan o'r awdurdodiad gan yr awdurdod trwyddedu ar sail dros dro o dan reoliad 174 o Reoliadau Meddyginaethau Dynol 2012(3) ar gyfer y brechlyn awdurdodedig.

(10) Yn y rheoliad hwn—

- (a) ystyr “brechlyn awdurdodedig” yw cynnrych meddyginaethol ar gyfer brechu yn erbyn y coronafeirws a awdurdodwyd—
- (i) mewn perthynas â dosau a geir yn y Deyrnas Unedig—
 - (aa) i'w gyflenwi yn y Deyrnas Unedig yn unol ag awdurdodiad marchnata, neu
 - (bb) gan yr awdurdod trwyddedu ar sail dros dro o dan reoliad 174 o Reoliadau Meddyginaethau Dynol 2012;
 - (ii) mewn perthynas â dosau a geir mewn gwlad berthnasol, i'w gyflenwi yn y wlad honno yn dilyn gwerthusiad gan y rheoleiddiwr perthnasol ar gyfer y wlad;
- (b) mae i “yr awdurdod trwyddedu” yr ystyr a roddir i “the licensing authority” yn rheoliad 6(2) o Reoliadau Meddyginaethau Dynol 2012;

Personal Social Services (Northern Ireland) Order 1972(1), or

- (ii) a lateral flow test, the results of which may be submitted through the NHS public reporting system(2).
- (b) a person has completed a course of doses if the person has received the complete course of doses specified—
- (i) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
 - (ii) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012(3) for the authorised vaccine.
- (10) In this regulation—
- (a) “authorised vaccine” means a medicinal product for vaccination against coronavirus authorised—
- (i) in relation to doses received in the United Kingdom—
 - (aa) for supply in the United Kingdom in accordance with a marketing authorisation, or
 - (bb) by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012;
 - (ii) in relation to doses received in a relevant country, for supply in that country following evaluation by the relevant regulator for the country;
- (b) “the licensing authority” has the meaning given in regulation 6(2) of the Human Medicines Regulations 2012;

(1) O.S. 1972/1265 (G.I. 14).

(2) Ar gael ar <https://www.gov.uk/report-covid19-result>

(3) O.S. 2012/1916.

(1) S.I. 1972/1265 (N.I. 14).

(2) Available at <https://www.gov.uk/report-covid19-result>

(3) S.I. 2012/1916.

- (c) ystyr “awdurdodiad marchnata”—
- (i) mewn perthynas â brechlyn a awdurdodwyd i’w gyflenwi yn y Deyrnas Unedig neu mewn Aelod-wladwriaeth, yw'r ystyr a roddir i “marketing authorisation” yn rheoliad 8(1) o Reoliadau Meddyginaethau Dynol 2012;
 - (ii) mewn perthynas â brechlyn a awdurdodwyd i’w gyflenwi mewn gwlaid berthnasol ac eithrio Aelod-wladwriaeth, yw awdurdodiad marchnata a roddwyd gan y rheoleiddiwr berthnasol ar gyfer y wlad;
 - (d) ystyr “gwlaid berthnasol” yw gwlaid a restrir yng ngholofn gyntaf y tabl ym mharagraff (11);
 - (e) ystyr “rheoleiddiwr berthnasol”, mewn perthynas â gwlaid berthnasol, yw'r rheoleiddiwr a nodir yn y rhes gyfatebol o ail golofn y tabl ym mharagraff (11), ac mae cyfeiriad at reoleiddiwr yn y tabl hwnnw yn gyfeiriad at yr awdurdod rheoleiddiol sy'n dwyn yr enw hwnnw a ddynodwyd yn Awdurdod Rheoleiddiol Llym gan Sefydliad Iechyd y Byd yn unol â gweithrediad Cyfleuster COVAX⁽¹⁾;
 - (f) ystyr “rhaglen frechu’r Deyrnas Unedig dramor” yw gweinyddu’r brechlyn yn erbyn y coronafeirws i—
 - (i) gweision y Goron (o fewn yr ystyr a roddir i “Crown servant” yn adran 12(1)(a) i (e) o Ddeddf Cyfrinachau Swyddogol 1989⁽²⁾, contractwyr y llywodraeth (o fewn yr ystyr a roddir i “government contractor” yn adran 12(2) o Ddeddf Cyfrinachau Swyddogol 1989) neu bersonél arall sydd wedi eu lleoli neu eu seilio dramor a'u dibynnyddion o dan y cynllun o'r enw rhaglen frechu COVID-19 staff y Swyddfa Dramor, y Gymanwlad a Datblygu,
- (c) “marketing authorisation” means—
- (i) in relation to a vaccine authorised for supply in the United Kingdom or in a member State, has the meaning given in regulation 8(1) of the Human Medicines Regulations 2012;
 - (ii) in relation to a vaccine authorised for supply in a relevant country other than a member State, means a marketing authorisation granted by the relevant regulator for the country;
 - (d) “relevant country” means a country listed in the first column of the table in paragraph (11);
 - (e) “relevant regulator” in relation to a relevant country, means the regulator identified in the corresponding row of the second column of the table in paragraph (11), and a reference to a regulator in that table is a reference to the regulatory authority of that name designated as a Stringent Regulatory Authority by the World Health Organization pursuant to the operation of the COVAX Facility⁽¹⁾;
 - (f) “United Kingdom vaccine roll-out overseas” means the administration of vaccine against coronavirus to—
 - (i) Crown servants (within the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989⁽²⁾), government contractors (within the meaning given in section 12(2) of the Official Secrets Act 1989) or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme,

(1) Mae rhestr o awdurdodau rheoleiddiol cenedlaethol a ddynodwyd yn Awdurdodau Rheoleiddiol Llym wedi ei chyhoeddi gan Sefydliad Iechyd y Byd ac ar gael ar lein ar https://extranet.who.int/pqweb/sites/default/files/documents/Product-Eligibility_COVAX-Facility_Dec2020_0.pdf

(2) 1989 p. 6.

(1) A list of the national regulatory authorities designated as Stringent Regulatory Authorities has been published by the World Health Organization and is available online at https://extranet.who.int/pqweb/sites/default/files/documents/Product-Eligibility_COVAX-Facility_Dec2020_0.pdf

(2) 1989 c. 6.

- (ii) preswylwyr y tiriogaethau tramor Prydeinig, Ynysoedd y Sianel ac Ynys Manaw, fel rhan o raglen y cytunwyd arni yn y diriogaeth dramor gyda llywodraeth y Deyrnas Unedig, neu
- (iii) personél milwrol neu sifilaidd, contractwyr y llywodraeth a'u dibynnyddion mewn lleoliadau milwrol tramor, gan gynnwys y tiriogaethau tramor Prydeinig, Ynysoedd y Sianel ac Ynys Manaw, o dan y cynllun brechu a ddarperir neu a gymeradwyir gan Wasanaethau Meddygol Amddiffyn y DU.

(11) Mae'r tabl y cyfeirir ato yn y diffiniadau o "gwlad berthnasol" a "rheoleiddiwr perthnasol" yn dilyn—

<i>Gwlad berthnasol</i>	<i>Rheoleiddiwr perthnasol</i>
Aelod-wladwriaeth	Yr Asiantaeth Feddyginaethau Ewropeaidd
Andorra	Yr Asiantaeth Feddyginaethau Ewropeaidd
Gwlad yr Iâ	Yr Asiantaeth Feddyginaethau Ewropeaidd
Gwladwriaeth	Yr Asiantaeth Feddyginaethau Ewropeaidd
Dinas y Fatican	Yr Asiantaeth Feddyginaethau Ewropeaidd
Liechtenstein	Yr Asiantaeth Feddyginaethau Ewropeaidd
Monaco	Yr Asiantaeth Feddyginaethau Ewropeaidd
Norwy	Yr Asiantaeth Feddyginaethau Ewropeaidd
San Marino	Yr Asiantaeth Feddyginaethau Ewropeaidd
Y Swistir	Swissmedic
Unol Daleithiau America	Gweinyddiaeth Bwyd a Chyffuriau yr Unol Daleithiau

”

(3) Yn rheoliad 18(1), ar ôl "16(1)" mewnosoder "neu 16A(1)".

(4) Yn rheoliad 25(3)(a)(i), ar ôl "16(1)" mewnosoder "neu 16A(1)".

(5) Yn rheoliad 26, ar ôl "16(1)" mewnosoder "ac 16A(1)".

(6) Ar ôl rheoliad 30 mewnosoder—

- (ii) residents of the British overseas territories, the Channel Islands and the Isle of Man, as part of a programme agreed in the overseas territory with the United Kingdom government, or
- (iii) military or civilian personnel, government contractors and their dependants at a military posting overseas, including the British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services.

(11) The table referred to in the definitions of "relevant country" and "relevant regulator" follows—

<i>Relevant country</i>	<i>Relevant regulator</i>
a member State	European Medicines Agency
Andorra	European Medicines Agency
Iceland	European Medicines Agency
Liechtenstein	European Medicines Agency
Monaco	European Medicines Agency
Norway	European Medicines Agency
San Marino	European Medicines Agency
Switzerland	Swissmedic
the United States of America	United States Food and Drug Administration
Vatican City State	European Medicines Agency

”

(3) In regulation 18(1), after "16(1)" insert "or 16A(1)".

(4) In regulation 25(3)(a)(i), after "16(1)" insert "or 16A(1)".

(5) In regulation 26, after "16(1)" insert "and 16A(1)".

(6) After regulation 30 insert—

“Pwerau sy’n ymwneud â’r drosedd o feddu ar dystiolaeth anwir neu gamarweiniol sy’n ymwneud â’ brechu neu ganlyniadau prawf am y coronafeirws

30A. Pan fo gan swyddog gorfodaeth sail resymol dros amau bod person yn cyflawni trosedd o dan reoliad 40A, caiff y swyddog ei gwneud yn ofynnol i'r person ddangos unrhyw dystiolaeth o fath a ddisgrifir yn rheoliad 16A(1) y mae'r swyddog yn amau ei bod yn meddiant y person.”

(7) Ar ôl rheoliad 40 mewnosoder—

“Trosedd o feddu ar dystiolaeth anwir neu gamarweiniol sy’n ymwneud â’ brechu neu ganlyniadau prawf coronafeirws

40A. Mae'n drosedd i berson ("P") feddu ar dystiolaeth o fath a ddisgrifir yn rheoliad 16A(1) y mae P yn gwybod ei bod yn anwir neu'n gamarweiniol.”

(8) Yn Atodlen 8—

- (a) ym mharagraff 1—
 - (i) yn is-baragraff (1)(a), ar ôl “16” mewnosoder “neu 16A”;
 - (ii) yn is-baragraff (2)(b), ar ôl “16” mewnosoder “neu 16A”;
- (b) ym mharagraff 2—
 - (i) yn is-baragraff (3)(a), ar ôl “16” mewnosoder “neu 16A”;
 - (ii) yn is-baragraff (4)(b)(ii), ar ôl “16” mewnosoder “neu 16A”;
 - (iii) yn is-baragraff (4)(c), ar ôl “16” mewnosoder “neu 16A”;
- (c) ym mharagraff 3(3)(c), ar ôl “16” mewnosoder “neu 16A”;
- (d) ym mharagraff 4(1)(b), ar ôl “16” mewnosoder “neu 16A”.

“Powers relating to offence of possessing false or misleading evidence relating to vaccination or coronavirus test results

30A. Where an enforcement officer has reasonable grounds for suspecting that a person is committing an offence under regulation 40A, the officer may require the person to produce any evidence of a kind described in regulation 16A(1) which the officer suspects is in the person's possession.”

(7) After regulation 40 insert—

“Offence of possessing false or misleading evidence relating to vaccination or coronavirus test results

40A. It is an offence for a person ("P") to possess evidence of a kind described in regulation 16A(1) which P knows is false or misleading.”

(8) In Schedule 8—

- (a) in paragraph 1—
 - (i) in sub-paragraph (1)(a), after “16” insert “or 16A”;
 - (ii) in sub-paragraph (2)(b), after “16” insert “or 16A”;
- (b) in paragraph 2—
 - (i) in sub-paragraph (3)(a), after “16” insert “or 16A”;
 - (ii) in sub-paragraph (4)(b)(ii), after “16” insert “or 16A”;
 - (iii) in sub-paragraph (4)(c), after “16” insert “or 16A”;
- (c) in paragraph 3(3)(c), after “16” insert “or 16A”;
- (d) in paragraph 4(1)(b), after “16” insert “or 16A”.

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
6 Hydref 2021

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