



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 171 (Cy. 39)

2021 No. 171 (W. 39)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Coronafeirws, Atebolrwydd
Gweithredwyr a Gwybodaeth
Iechyd y Cyhoedd i Deithwyr)
(Cymru) (Diwygio) 2021

The Health Protection
(Coronavirus, Operator Liability
and Public Health Information to
Travellers) (Wales) (Amendment)
Regulations 2021

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd ar gyfer Personau sy'n Teithio i Gymru etc.) 2020 (O.S. 2020/595 (Cy. 136)) ("y Rheoliadau Gwybodaeth Iechyd y Cyhoedd") yn gosod gofynion ar weithredwyr gwasanaethau teithwyr rhyngwladol sy'n dod o'r tu allan i'r ardal deithio gyffredin i faes awyr, maes hofrenyddion neu borthladd môr yng Nghymru ("gweithredwyr") i ddarparu gwybodaeth iechyd y cyhoedd benodol i deithwyr.

The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/595 (W. 136)) ("the Public Health Information Regulations") impose requirements on operators of international passenger services coming from outside the common travel area to an airport, heliport or seaport in Wales ("operators"), to provide passengers with specified public health information.

Mae'r Rheoliadau hyn yn diwygio'r Rheoliadau Gwybodaeth Iechyd y Cyhoedd er mwyn diweddarau'r wybodaeth y mae'n ofynnol i weithredwyr ei darparu i deithwyr sy'n cyrraedd Cymru. Mae'r wybodaeth wedi ei diweddarau y mae'n ofynnol i weithredwyr ei darparu yn cynnwys gwybodaeth am y gofyniad o dan reoliad 6B o Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 132)) ("y Rheoliadau Teithio Rhyngwladol"), i drefnu profion ar ôl cyrraedd (rheoliad 2).

These Regulations amend the Public Health Information Regulations to update the information that operators are required to provide to passengers who arrive in Wales. The updated information that operators are required to provide includes information about the requirement under regulation 6B of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) ("the International Travel Regulations"), to arrange post arrival testing (Regulation 2).

Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021 (O.S. 2021/48 (Cy. 11)) ("y Rheoliadau Atebolrwydd Gweithredwyr") o ganlyniad i ddiwygiadau a wnaed i'r Rheoliadau Teithio Rhyngwladol ar 15 Chwefror 2021.

These Regulations also amend the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021 (S.I. 2021/48 (W. 11)) ("the Operator Liability Regulations") in consequence of amendments made to the International Travel Regulations on 15 February 2021.

Mae rheoliad 3 yn diwygio'r Rheoliadau Atebolrwydd Gweithredwyr er mwyn—

- (a) ei gwneud yn ofynnol i weithredwyr sicrhau bod teithwyr sy'n cyrraedd Cymru o'r tu allan i'r ardal deithio gyffredin ar wasanaethau teithwyr rhyngwladol wedi gwneud trefniadau ar gyfer profion ar ôl cyrraedd yn unol â rheoliad 6B o'r Rheoliadau Teithio Rhyngwladol;
- (b) ei gwneud yn ofynnol i bersonau sy'n gweithredu gwasanaethau trafnidiaeth (sy'n cynnwys hediadau ar awyrennau preifat) ar gyfer teithwyr sy'n teithio i Gymru o'r tu allan i'r ardal deithio gyffredin gymryd camau rhesymol i sicrhau nad yw teithwyr sydd wedi bod mewn gwlad neu diriogaeth a restrir yn Atodlen 3A i'r Rheoliadau Teithio Rhyngwladol (y cyfeirir atynt yn gyffredin fel y gwledydd ar y rhestr goch) yn cyrraedd porthladd yng Nghymru oni bai eu bod yn bersonau y mae rheoliad 12E(2) a (3) o'r Rheoliadau hynny yn gymwys iddynt (h.y. personau esempt);
- (c) creu troseddau am dorri'r gofynion hynny; a
- (d) gwneud diwygiadau canlyniadol.

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.

Regulation 3 amends the Operator Liability Regulations so as to—

- (a) require operators to ensure that passengers who arrive in Wales from outside the common travel area on international passenger services have made arrangements for post arrival testing in accordance with regulation 6B of the International Travel Regulations;
- (b) require persons operating transport services (which includes flights by means of private aircraft) for passengers travelling to Wales from outside the common travel area, to take reasonable steps to ensure that passengers who have been in a country or territory listed in Schedule 3A to the International Travel Regulations (commonly referred to as the red list countries) do not arrive into a port in Wales, unless they are persons to whom regulation 12E(2) and (3) of those Regulations applies (i.e. exempted persons);
- (c) create offences for the breach of those requirements; and
- (d) make consequential amendments.

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

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CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Coronafeirws, Atebolrwydd
Gweithredwyr a Gwybodaeth
Iechyd y Cyhoedd i Deithwyr)
(Cymru) (Diwygio) 2021

The Health Protection
(Coronavirus, Operator Liability
and Public Health Information to
Travellers) (Wales) (Amendment)
Regulations 2021

Gwnaed am 2.55 p.m. ar 19 Chwefror 2021

Made at 2.55 p.m. on 19 February 2021

Gosodwyd gerbron *Senedd*
Cymru am 5.30 p.m. ar 19 Chwefror 2021

Laid before *Senedd*
Cymru at 5.30 p.m. on 19 February 2021

Yn *dod*
i rym am 4.00 a.m. ar 20 Chwefror 2021

Coming *into*
force at 4.00 a.m. on 20 February 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 45B, 45F(2) a 45P(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1).

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

Enwi, dod i rym a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd y Cyhoedd i Deithwyr) (Cymru) (Diwygio) 2021.

(2) Daw'r Rheoliadau hyn i rym am 4.00 a.m. ar 20 Chwefror 2021.

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, Operator Liability and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 20 February 2021.

(1) 1984 p. 22. Mewnosodwyd Rhan 2A gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaeth o wneud rheoliadau o dan Ran 2A wedi ei rhoi i "the appropriate Minister". O dan adran 45T(6) o Ddeddf 1984 y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

(1) 1984 c.22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The function of making regulations under Part 2A is conferred on "the appropriate Minister". Under section 45T(6) of the 1984 Act the appropriate Minister as respects Wales, is the Welsh Ministers.

(3) Yn y Rheoliadau hyn—

ystyr “y Rheoliadau Atebolrwydd Gweithredwyr” (“*the Operator Liability Regulations*”) yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021(1);

“ystyr “y Rheoliadau Gwybodaeth Iechyd y Cyhoedd” (“*the Public Health Information Regulations*”) yw Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd ar gyfer Personau sy’n Teithio i Gymru etc.) 2020(2).

Diwygio'r Rheoliadau Gwybodaeth Iechyd y Cyhoedd

2.—(1) Mae'r Rheoliadau Gwybodaeth Iechyd y Cyhoedd wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3 (darparu gwybodaeth cyn archebu ac wrth gofrestru)—

- (a) ym mharagraff (2)(a)(v), hepgorer “ac”;
- (b) ym mharagraff (2)(a)(vi), yn lle “;” rhodder “, a”;
- (c) ar ôl is-baragraff (2)(a)(vi) mewnosoder—
“(vii) www.gov.uk/travel-quarantine-and-testing (y cyfeirir ati yn Rhan 1 o'r Atodlen);”;
- (d) ym mharagraff (2)(b)(v), hepgorer “ac”;
- (e) ym mharagraff (2)(b)(vi), yn lle “;” rhodder “, a”;
- (f) ar ôl paragraff (2)(b)(vi) mewnosoder—
“(vii) www.gov.uk/travel-quarantine-and-testing (y cyfeirir ati yn Rhan 1 o'r Atodlen);”;
- (g) ym mharagraff (2)(c)(ii)(bb), hepgorer “ac”;
- (h) yn lle paragraff (2)(c)(ii)(cc) rhodder—
“(cc) y gofyniad i drefnu profion cyn cyrraedd Cymru yn unol â rheoliad 6B o'r Rheoliadau Teithio Rhyngwladol, a

(dd) y gofyniad i ynysu;”.

(3) Yn rheoliad 3A (darparu gwybodaeth cyn i daith ymadael)—

- (a) ym mharagraff (4)(a)(iv), hepgorer “ac”;

(3) In these Regulations—

“the Public Health Information Regulations” (“*y Rheoliadau Gwybodaeth Iechyd y Cyhoedd*”) means the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020(1);

“the Operator Liability Regulations” (“*y Rheoliadau Atebolrwydd Gweithredwyr*”) means the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021(2).

Amendment of the Public Health Information Regulations

2.—(1) The Public Health Information Regulations are amended as follows.

(2) In regulation 3 (provision of information before booking and at check-in)—

- (a) in paragraph (2)(a)(v), omit “and”;
- (b) in paragraph (2)(a)(vi), for “;” substitute “, and”;
- (c) after sub-paragraph (2)(a)(vi) insert—
“(vii) www.gov.uk/travel-quarantine-and-testing (referred to in Part 1 of the Schedule);”;
- (d) in paragraph (2)(b)(v), omit “and”;
- (e) in paragraph (2)(b)(vi), for “;” substitute “, and”;
- (f) after paragraph (2)(b)(vi) insert—
“(vii) www.gov.uk/travel-quarantine-and-testing (referred to in Part 1 of the Schedule);”;
- (g) in paragraph (2)(c)(ii)(bb), omit “and”;
- (h) for paragraph (2)(c)(ii)(cc) substitute—
“(cc) the requirement to arrange tests before arriving in Wales in accordance with regulation 6B of the International Travel Regulations, and

(dd) the requirement to isolate;”.

(3) In regulation 3A (provision of information prior to departure)—

- (a) in paragraph (4)(a)(iv), omit “and”;

(1) O.S. 2021/48 (Cy. 11) a ddiwygiwyd gan O.S. 2021/72 (Cy. 18).
(2) O.S. 2020/595 (Cy. 136) a ddiwygiwyd gan O.S. 2020/714 (Cy.160), O.S. 2020/1118 (Cy.253), O.S. 2020/1521 (Cy. 325) ac O.S. 2021/72 (Cy.18).

(1) S.I. 2020/595 (W. 136) amended by S.I. 2020/714 (W.160), S.I. 2020/1118 (W.253), S.I. 2020/1521 (W. 325) and S.I. 2021/72 (W. 18).
(2) S.I. 2021/48 (W. 11) amended by S.I. 2021/72 (W. 18).

(b) ym mharagraff (4)(a)(v), yn lle “;” rhodder “, a”;

(c) ar ôl paragraff (4)(a)(v), mewnosoder—

“(vi) yn hysbysu P am y gofyniad i drefnu profion cyn cyrraedd Cymru yn unol â rheoliad 6B o’r Rheoliadau Teithio Rhyngwladol;”;

(d) ym mharagraff (4)(b)(v), hepgorer “ac”;

(e) ym mharagraff (4)(b)(vi), yn lle “;” rhodder “, a”;

(f) ar ôl paragraff (4)(b)(vi) mewnosoder—

“(vii) www.gov.uk/travel-quarantine-and-testing (y cyfeirir ati yn Rhan 1 o’r Atodlen);”

(4) Yn Rhan 1 o’r Atodlen (yr wybodaeth sydd i’w darparu at ddibenion rheoliadau 3(2)(a)(i), 3(2)(b)(i), 3(2)(c)(i), 3A(4)(b)(i) a 3A(4)(c))—

(a) yn lle “3) All arrivals must self-isolate for 10 days unless exempt. Check the list of exempt countries immediately before travel and the list of work-related exemptions if travelling for work.” rhodder—

“3) All arrivals must quarantine for 10 days unless exempt. If you have travelled through a red list country in the last 10 days, you must have a valid Managed Quarantine Facility booked prior to departure. For information please visit: www.gov.uk/travel-quarantine-and-testing. Check the list of exempt countries immediately before travel and the list of work-related exemptions if travelling for work.

4) Everyone is required to take a coronavirus test on days 2 and 8 of their quarantine. You must have this booked prior to departure. For information please visit: <https://gov.wales/coronavirus-covid-19-testing-people-travelling-wales>.”;

(b) yn lle “4) It” rhodder “5) It”;

(c) yn lle “5) If you self-isolate” rhodder “5) If you quarantine”.

(5) Yn Rhan 2 o’r Atodlen (y datganiad sydd i’w ddarparu at ddibenion rheoliad 4)—

(a) ym mharagraff (a) (fersiwn Gymraeg), yn lle’r geiriau o “Cyn cael mynediad i’r Deyrnas Unedig” hyd “Ewch i gov.uk i gael rhagor o wybodaeth.” rhodder—

(b) in paragraph (4)(a)(v), for “;” substitute “, and”;

(c) after paragraph (4)(a)(v), insert—

“(vi) informs P of the requirement to arrange tests before arriving in Wales in accordance with regulation 6B of the International Travel Regulations;”;

(d) in paragraph (4)(b)(v), omit “and”;

(e) in paragraph (4)(b)(vi), for “;” substitute “, and”;

(f) after paragraph (4)(b)(vi) insert—

“(vii) www.gov.uk/travel-quarantine-and-testing (referred to in Part 1 of the Schedule);”.

(4) In Part 1 of the Schedule (information to be provided for the purposes of regulations 3(2)(a)(i), 3(2)(b)(i), 3(2)(c)(i), 3A(4)(b)(i) and 3A(4)(c))—

(a) for “3) All arrivals must self-isolate for 10 days unless exempt. Check the list of exempt countries immediately before travel and the list of work-related exemptions if travelling for work.” substitute—

“3) All arrivals must quarantine for 10 days unless exempt. If you have travelled through a red list country in the last 10 days, you must have a valid Managed Quarantine Facility booked prior to departure. For information please visit: www.gov.uk/travel-quarantine-and-testing. Check the list of exempt countries immediately before travel and the list of work-related exemptions if travelling for work.

4) Everyone is required to take a coronavirus test on days 2 and 8 of their quarantine. You must have this booked prior to departure. For information please visit: <https://gov.wales/coronavirus-covid-19-testing-people-travelling-wales>.”;

(b) for “4) It” substitute “5) It”;

(c) for “5) If you self-isolate” substitute “5) If you quarantine”.

(5) In Part 2 of the Schedule (statement to be provided for the purposes of regulation 4)—

(a) in paragraph (a) (Welsh language version), from the words “Cyn cael mynediad i’r Deyrnas Unedig” to “Ewch i gov.uk i gael rhagor o wybodaeth.” substitute—

“Cyn dod i’r DU, rhaid ichi lenwi ffurflen lleoli teithwyr ar lein, ni waeth o ble yr ydych yn cyrraedd. Rhaid ichi hefyd fynd i gwarantyn am y 10 niwrnod cyntaf ar ôl ichi gyrraedd, oni bai eich bod mewn categori esempt. Mae hyn er mwyn eich gwarchod chi ac eraill. Mae hyn yn cynnwys archebu cwarantyn mewn gwesty os ydych wedi teithio drwy wlad sydd ar y rhestr goch yn ystod y 10 niwrnod diwethaf, neu archebu profion cwarantyn yn y cartref os ydych wedi teithio mewn unrhyw wlad arall.

Ewch i gov.uk/coronavirus i gael rhagor o wybodaeth.”;

- (b) ym mharagraff (b) (fersiwn Saesneg), yn lle’r geiriau o “Before entering the UK” hyd “Visit gov.uk for more information.” rhodder—

“Before entering the UK, you must complete a passenger locator form online, regardless of where you are arriving from. You must also quarantine for the first 10 days after you arrive, unless you are in an exempt category. This is to protect yourself and others. This includes booking hotel quarantine if you have travelled through a red list country in the last 10 days, or booking home quarantine tests if you have travelled in any other country.

Visit gov.uk/coronavirus for more information.”

Diwygio’r Rheoliadau Atebolrwydd Gweithredwyr

3.—(1) Mae Rhan 3 o’r Rheoliadau Atebolrwydd Gweithredwyr (atebolrwydd gweithredwyr mewn cysylltiad â chyrraedd) wedi ei diwygio fel a ganlyn.

(2) Yn rheoliad 4 (dehongli),

- (a) yn y diffiniad o “person awdurdodedig”, yn lle “yw” rhodder “, ac eithrio yn rheoliad 5B, yw”;
- (b) yn y lle priodol, mewnosoder “ystyr “hysbysu am drefniadau profion ar ôl cyrraedd” (“*notification of post arrival testing arrangements*”) yw hysbysu am y trefniadau a wnaed yn unol â rheoliad 6B o’r Rheoliadau Teithio Rhyngwladol i deithiwr gymryd profion ar gyfer canfod y coronafeirws”;

“Cyn dod i’r DU, rhaid ichi lenwi ffurflen lleoli teithwyr ar lein, ni waeth o ble yr ydych yn cyrraedd. Rhaid ichi hefyd fynd i gwarantyn am y 10 niwrnod cyntaf ar ôl ichi gyrraedd, oni bai eich bod mewn categori esempt. Mae hyn er mwyn eich gwarchod chi ac eraill. Mae hyn yn cynnwys archebu cwarantyn mewn gwesty os ydych wedi teithio drwy wlad sydd ar y rhestr goch yn ystod y 10 niwrnod diwethaf, neu archebu profion cwarantyn yn y cartref os ydych wedi teithio mewn unrhyw wlad arall.

Ewch i gov.uk/coronavirus i gael rhagor o wybodaeth.”

- (b) in paragraph (b) (English language version), from the words “Before entering the UK” to “Visit gov.uk for more information.” substitute—

“Before entering the UK, you must complete a passenger locator form online, regardless of where you are arriving from. You must also quarantine for the first 10 days after you arrive, unless you are in an exempt category. This is to protect yourself and others. This includes booking hotel quarantine if you have travelled through a red list country in the last 10 days, or booking home quarantine tests if you have travelled in any other country.

Visit gov.uk/coronavirus for more information.”

Amendment of the Operator Liability Regulations

3.—(1) Part 3 of the Operator Liability Regulations (operator liability in respect of arrivals) is amended as follows.

(2) In regulation 4 (interpretation),

- (a) in the definition of “authorised person”, for “means” substitute “, other than in regulation 5B, means”;
- (b) in the appropriate place, insert ““notification of post arrival testing arrangements” (“*ystyr “hysbysu am drefniadau profion ar ôl cyrraedd”*) means notification of the arrangements made in accordance with regulation 6B of the International Travel Regulations for a passenger to undertake tests for the detection of coronavirus”;

(c) yn y diffiniad o “gweithredwr”, yn lle “yw” rhodder “, ac eithrio yn rheoliad 5B, yw”;

(d) yn lle’r diffiniad o “teithiwr perthnasol”, rhodder—

“ystyr “teithiwr perthnasol” (“*relevant passenger*”) yw—

(a) teithiwr sy’n methu, heb esgus rhesymol—

(i) â dangos hysbysiad dilys o ganlyniad negyddol i brawf cymhwysol pan ofynnir iddo wneud hynny gan swyddog mewnfudo yn unol â rheoliad 6A(2) o’r Rheoliadau Teithio Rhyngwladol, neu

(ii) â darparu cyfeirnod prawf neu dystiolaeth arall bod profion ar gyfer canfod y coronafeirws wedi eu trefnu mewn cysylltiad â’r teithiwr i swyddog mewnfudo yn unol â rheoliad 6B(8) o’r Rheoliadau Teithio Rhyngwladol, neu

(b) teithiwr sy’n cyrraedd porthladd yng Nghymru yn groes i reoliad 12E(1) o’r Rheoliadau Teithio Rhyngwladol;”.

(3) Ar ôl rheoliad 5 (gofyniad i sicrhau bod teithwyr yn meddu ar hysbysiad o ganlyniad prawf negyddol), mewnosoder—

“Gofyniad i sicrhau bod teithwyr yn meddu ar hysbysiad o drefniadau profi ar ôl cyrraedd

5A.—(1) Rhaid i weithredwr sicrhau bod teithiwr sy’n cyrraedd Cymru ar wasanaeth teithwyr rhyngwladol yn meddu ar hysbysiad o drefniadau profi ar ôl cyrraedd.

(2) Nid yw paragraff (1) yn gymwys mewn perthynas â theithiwr—

(a) y mae’r gweithredwr, neu berson sy’n gweithredu ar ran y gweithredwr, yn credu’n rhesymol nad yw’n ofynnol iddo gydymffurfio â’r gofyniad yn rheoliad 6B o’r Rheoliadau Teithio Rhyngwladol (gofyniad i drefnu profion cyn cyrraedd Cymru) neu bod ganddo esgus rhesymol dros fethu â chydymffurfio â’r gofyniad hwnnw; neu

(b) sy’n blentyn, yn teithio heb unigolyn cyfrifol.

(c) in the definition of “operator”, for “means” substitute “, other than in regulation 5B, means”;

(d) for the definition of “relevant passenger”, substitute—

“relevant passenger” (“*teithiwr perthnasol*”) means—

(a) a passenger who, without reasonable excuse fails—

(i) to produce a valid notification of a negative result from a qualifying test when requested to do so by an immigration officer pursuant to regulation 6A(2) of the International Travel Regulations, or

(ii) to provide a test reference number or other evidence that tests for the detection of coronavirus have been arranged in respect of the passenger to an immigration officer pursuant to regulation 6B(8) of the International Travel Regulations, or

(b) arrives in a port in Wales in contravention of regulation 12E(1) of the International Travel Regulations;”.

(3) After regulation 5 (requirement to ensure passengers possess notification of a negative test result), insert—

“Requirement to ensure passengers possess notification of post arrival testing arrangements

5A.—(1) An operator must ensure that a passenger who arrives in Wales on an international passenger service is in possession of a notification of post arrival testing arrangements.

(2) Paragraph (1) does not apply in relation to a passenger—

(a) whom the operator, or a person acting on behalf of the operator, reasonably believes is not required to comply with the requirement in regulation 6B of the International Travel Regulations (requirement to arrange tests before arriving in Wales) or has a reasonable excuse for failing to comply with that requirement; or

(b) who is a child, travelling without a responsible individual.

Gofyniad i sicrhau nad yw teithwyr penodol yn cyrraedd porthladdoedd yng Nghymru

5B.—(1) Rhaid i weithredwr gymryd pob cam rhesymol i sicrhau nad yw teithiwr Atodlen 3A yn cyrraedd porthladd yng Nghymru ar wasanaeth trafndiaeth perthnasol.

(2) Nid yw paragraff (1) yn gymwys—

(a) pan fo'n angenrheidiol i beilot sydd â rheolaeth o awyren lanio'r awyren sy'n darparu'r gwasanaeth trafndiaeth yng Nghymru er mwyn sicrhau—

(i) diogelwch yr awyren, neu

(ii) diogelwch unrhyw berson sydd ar yr awyren;

(b) pan fo awyren yn ambiwlans awyr ac yn glanio yng Nghymru at ddibenion cludo person i gael triniaeth feddygol;

(c) pan fo'r peilot sydd â rheolaeth o awyren yn cael cyfarwyddyd gan berson awdurdodedig i lanio'r awyren yng Nghymru.

(3) Yn y rheoliad hwn—

ystyr “gwasanaeth trafndiaeth” (“*transport service*”) yw—

(a) gwasanaeth teithwyr rhyngwladol,

(b) gwasanaeth (ac eithrio gwasanaeth teithwyr rhyngwladol)—

(i) sy'n cludo teithwyr sy'n teithio i Gymru o'r tu allan i'r ardal deithio gyffredin (boed am daliad neu gydnabyddiaeth brisiadwy neu fel arall), a

(ii) a ddarperir gan awyren (ac eithrio awyren breifat), neu

(c) hediad —

(i) sy'n cludo teithwyr sy'n teithio i Gymru o'r tu allan i'r ardal deithio gyffredin (boed am daliad neu gydnabyddiaeth brisiadwy neu fel arall), a

(ii) a ddarperir gan awyren breifat;

ystyr “gwasanaeth trafndiaeth perthnasol” (“*relevant transport service*”), mewn perthynas â gweithredwr, yw gwasanaeth trafndiaeth a ddarperir gan y gweithredwr hwnnw neu ar ei ran;

Requirement to ensure that certain passengers do not arrive at ports in Wales

5B.—(1) An operator must take all reasonable steps to ensure that a Schedule 3A passenger does not arrive on a relevant transport service to a port in Wales.

(2) Paragraph (1) does not apply where—

(a) it is necessary for a pilot in command of an aircraft to land the aircraft by means of which the transport service is provided in Wales to secure—

(i) the safety or security of the aircraft, or

(ii) the safety of any person aboard the aircraft;

(b) an aircraft is an air ambulance and it lands in Wales for the purposes of transporting a person for medical treatment;

(c) the pilot in command of an aircraft is instructed by an authorised person to land the aircraft in Wales.

(3) In this regulation—

“authorised person” (“*person awdurdodedig*”) means—

(a) a constable,

(b) the Civil Aviation Authority,

(c) the Secretary of State, or

(d) a person authorised by the Civil Aviation Authority or the Secretary of State under the Air Navigation Order 2016(1);

“operator” (“*gweithredwr*”), in relation to a transport service provided by means of an aircraft, has the meaning given in article 4 of the Air Navigation Order 2016;

“pilot in command” (“*peilot sydd â rheolaeth*”) and “private aircraft” (“*awyren breifat*”) have the meaning given in the Air Navigation Order 2016 (see Schedule 1 to that Order);

“relevant transport service” (“*gwasanaeth trafndiaeth perthnasol*”), in relation to an operator, means a transport service provided by or on behalf of that operator;

“Schedule 3A passenger” (“*teithiwr Atodlen 3A*”) means a person who has been in a country or territory listed in Schedule 3A to the

(1) S.I. 2016/765; to which there are amendments not relevant to these regulations.

mae i “gweithredwr”, mewn perthynas â gwasanaeth trafndiaeth a ddarperir gan awyren, yr ystyr a roddir i “operator” yn erthygl 4 o Orchymyn Llywio Awyr 2016;

mae i “pilot sydd â rheolaeth” ac “awyren breifat” yr ystyron a roddir i “pilot in command” a “private aircraft” yng Ngorchymyn Llywio Awyr 2016 (gweler Atodlen 1 i’r Gorchymyn hwnnw);

ystyr “person awdurdodedig” (“*authorised person*”) yw—

- (a) cwnstabl,
- (b) yr Awdurdod Hedfan Sifil,
- (c) yr Ysgrifennydd Gwladol, neu
- (d) person a awdurdodwyd gan yr Awdurdod Hedfan Sifil neu’r Ysgrifennydd Gwladol o dan Orchymyn Llywio Awyr 2016(1);

ystyr “teithiwr Atodlen 3A” (“*Schedule 3A passenger*”) yw person sydd wedi bod mewn gwlad neu diriogaeth a restrir yn Atodlen 3A i’r Rheoliadau Teithio Rhyngwladol ac nad yw’n berson y mae rheoliad 12E(2) a (3) o’r rheoliadau hynny yn gymwys iddo.

(4) Yn rheoliad 6 (troseddau),—

(a) yn lle paragraff (1), rhodder—

“(1) Mae gweithredwr sy’n methu â chydymffurfio â gofyniad yn—

- (a) rheoliad 5(1),
 - (b) rheoliad 5A(1), neu
 - (c) rheoliad 5B(1),
- yn cyflawni trosedd.”;

(b) ym mharagraff (3), yn lle “(1)” rhodder “(1)(a)”;

(c) ar ôl paragraff (3), mewnosoder—

“(4) Mewn perthynas â throsedd ym mharagraff (1)(b), mae’n amddiffyniad i weithredwr ddangos na ellid yn rhesymol fod wedi disgwyl i’r gweithredwr, neu berson sy’n gweithredu ar ran y gweithredwr, wybod bod hysbysiad o drefniadau profi ar ôl cyrraedd a ddarparwyd mewn cysylltiad â theithiwr perthnasol yn ffug neu’n anghywir mewn unrhyw fodd.

International Travel Regulations and who is not a person to whom regulation 12E(2) and (3) of those regulations applies;

“transport service” (“*gwasanaeth trafndiaeth*”) means—

- (a) an international passenger service,
- (b) a service (other than an international passenger service) which—
 - (i) is carrying passengers travelling to Wales from outside the common travel area (whether for payment or valuable consideration or otherwise), and
 - (ii) is provided by means of an aircraft (other than a private aircraft), or
- (c) a flight which —
 - (i) is carrying passengers travelling to Wales from outside the common travel area (whether for payment or valuable consideration or otherwise), and
 - (ii) is provided by means of a private aircraft.”

(4) In regulation 6 (offences),—

(a) for in paragraph (1), substitute

“(1) An operator who fails to comply with a requirement in—

- (a) regulation 5(1),
 - (b) regulation 5A(1), or
 - (c) regulation 5B(1),
- commits an offence.”;

(b) in paragraph (3), for “(1)” substitute “(1)(a)”;

(c) after paragraph (3), insert—

“(4) In relation to an offence in paragraph (1)(b), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know that a notification of post arrival testing arrangements provided in respect of a relevant passenger was false or incorrect in any respect.

(1) O.S. 2016/765; y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(5) Mewn perthynas â throedd ym mharagraff (1)(c), mae'n amddiffyniad i weithredwr ddangos na ellid yn rhesymol fod wedi disgwyl i'r gweithredwr, neu berson sy'n gweithredu ar ran y gweithredwr, wybod bod teithiwr perthnasol yn deithiwr Atodlen 3A."

(5) Yn rheoliad 9 (pŵer i ddefnyddio ac i ddatgelu gwybodaeth), ym mharagraff (2)(a), yn lle "6A" rhodder "6A, 6B neu 12E(1)".

(6) Yn rheoliad 10 (adolygu), yn lle "reoliad 5" rhodder "reoliadau 5, 5A a 5B".

(5) In relation to an offence in paragraph (1)(c), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not have reasonably been expected to know that a relevant passenger was a Schedule 3A passenger."

(5) In regulation 9 (power to use and disclose information), in paragraph (2)(a), for "6A" substitute "6A, 6B or 12E(1)".

(6) In regulation 10 (review), for "regulation 5" substitute "regulations 5, 5A and 5B".

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
Am 2.55 p.m. ar 19 Chwefror 2021

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