



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 454 (Cy. 144)

2021 No. 454 (W. 144)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Coronafeirws, Teithio
Rhyngwladol) (Cymru) (Diwygio)
(Rhif 5) 2021**

**The Health Protection
(Coronavirus, International Travel)
(Wales) (Amendment) (No. 5)
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'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 132)) (y "Rheoliadau Teithio Rhyngwladol").

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (the "International Travel Regulations").

Mae'r Rheoliadau Teithio Rhyngwladol yn gosod gofynion ar bersonau sy'n dod i Gymru ar ôl bod dramor. Maent yn cynnwys gofyniad i bersonau sy'n cyrraedd Cymru ynysu am gyfnod sydd i'w bennu yn unol â'r Rheoliadau hyn.

The International Travel Regulations impose requirements on persons entering Wales after having been abroad. They include a requirement for persons arriving in Wales to isolate for a period determined in accordance with those Regulations.

Mae rheoliadau 3 a 14 yn diwygio'r categori presennol o bersonau esempt ar gyfer y Rheoliadau Teithio Rhyngwladol, sy'n ymwneud â gweithwyr cludiant ffyrdd neu weithwyr cludiant teithwyr ffyrdd, gan greu dau gategori penodol yn y broses. Mae gweithwyr cludiant ffyrdd yn ddarostyngedig i'r darpariaethau profi gweithlu newydd a gyflwynir yn rheoliadau 7 a 13 a rheolau ynysu penodol a gyflwynir yn rheoliad 8. Mae rheoliad 9 yn diwygio'r rhestr o esgusodion rhesymol i adael ynysiad yn rheoliad 10 o'r Rheoliadau Teithio Rhyngwladol, yng ngoleuni'r rheoliadau hyn.

Regulations 3 and 14 amend the existing category of exempt persons for the International Travel Regulations, relating to road haulage or road passenger transport workers, creating two distinct categories in the process. Road haulage workers are subject to new workforce testing provisions introduced in regulations 7 and 13 and specific isolation rules introduced in regulation 8. Regulation 9 amends the list of reasonable excuses to leave isolation in regulation 10 of the International Travel Regulations, in light of these changes.

Mae rheoliad 6 yn diwygio rheoliad 6G o'r Rheoliadau Teithio Rhyngwladol er mwyn darparu ar gyfer diwedd cyfnod ynysu pan na fo person wedi cael canlyniad prawf diwrnod 8. Mae'r cyfnod ynysu yn dod i ben ar ddiwrnod olaf y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl y diwrnod yr oedd y person mewn gwlad neu diriogaeth nad yw'n esempt ddiwethaf.

Regulation 6 amends regulation 6G of the International Travel Regulations to provide for the end of an isolation period where a person has not received a result to a day 8 test. The period of isolation ends on the last day of the period of 14 days beginning with the day after the day on which the person was last in a non-exempt country or territory.

Mae rheoliad 10 yn diwygio rheoliad 12E o'r Rheoliadau Teithio Rhyngwladol er mwyn caniatáu i weithiwr cludiant ffyrdd neu fyfyrwr sy'n mynychu ysgol fyrddio yng Nghymru gael mynediad i Gymru, pan fo'r person hwnnw wedi bod yn flaenorol mewn gwlad sy'n ddarostyngedig i fesurau ychwanegol. Mae'r personau hynny yn ddarostyngedig i ofynion ynysu penodol.

Mae rheoliadau 11 a 12 yn diwygio'r darpariaethau sy'n ymwneud â throeddau a hysbysiadau cosb benodedig yn rheoliadau 14 ac 16, yn y drefn honno, o'r Rheoliadau Teithio Rhyngwladol yng ngoleuni'r diwygiadau uchod.

Mae rheoliad 15 yn diwygio Atodlen 3A i'r Rheoliadau Teithio Rhyngwladol, sy'n cynnwys y rhestr o wledydd a thiriogaethau sy'n ddarostyngedig i fesurau ychwanegol yng Nghymru. Mae rheoliad 15 yn ychwanegu Bangladesh, Kenya, Pakistan ac Ynysoedd Philipines at y rhestr.

Mae rheoliad 4 yn cynnwys diwygiadau sy'n ganlyniadol ar y newidiadau a ddisgrifir uchod. Mae rheoliadau 8 a 10 hefyd yn cynnwys diwygiadau canlyniadol pellach. Mae rheoliad 5 yn cynnwys diwygiad er mwyn ymdrin â gwall drafftio yn rheoliad 6D o'r Rheoliadau Teithio Rhyngwladol.

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

Regulation 10 amends regulation 12E of the International Travel Regulations so as to allow entry into Wales for a road haulage worker or a student attending a boarding school in Wales, where such a person has previously been in a country subject to additional measures. Such persons are subject to specific isolation requirements.

Regulations 11 and 12 amend the provisions relating to offences and fixed penalty notices in regulations 14 and 16 respectively of the International Travel Regulations, in light of the above amendments.

Regulation 15 amends Schedule 3A to the International Travel Regulations, which contains the list of countries and territories subject to additional measures in Wales. Regulation 15 adds Bangladesh, Kenya, Pakistan and Philipines to the list.

Regulation 4 contains consequential amendments to the changes described above. Regulations 8 and 10 also contain further consequential amendments. Regulation 5 contains an amendment to address a drafting error in regulation 6D of the International Travel Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely costs and benefits of complying with these Regulations.

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2021 No. 454 (W. 144)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Coronafeirws, Teithio
Rhyngwladol) (Cymru) (Diwygio)
(Rhif 5) 2021

The Health Protection
(Coronavirus, International Travel)
(Wales) (Amendment) (No. 5)
Regulations 2021

Gwnaed am 3.15 p.m. ar 8 Ebrill 2021

Made at 3.15 p.m. on 8 April 2021

Gosodwyd gerbron *Senedd*
Cymru am 5.00 p.m. ar 8 Ebrill 2021

Laid before *Senedd*
Cymru at 5.00 p.m. on 8 April 2021

Yn dod i rym am 4.00 a.m. ar 9 Ebrill 2021

Coming into force at 4.00 a.m. on 9 April 2021

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

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.

RHAN 1

PART 1

Cyffredinol

General

Enwi a dod i rym

Title and coming into force

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) (Diwygio) (Rhif 5) 2021.

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

(2) Daw'r Rheoliadau hyn i rym am 4.00 a.m. ar 9 Ebrill 2021.

(2) These Regulations come into force at 4.00 a.m. on 9 April 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 roi 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.

RHAN 2

Diwygiadau

Diwygiadau i Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020

2. Mae Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020(1) wedi eu diwygio fel a ganlyn.

Diwygiad i reoliad 3

3. Yn rheoliad 3(3)(a) (personau sy'n cyrraedd o'r tu allan i'r ardal deithio gyffredin) yn lle "paragraff 6" rhodder "paragraff 6A".

Diwygiadau i reoliad 6B

4.—(1) Mae rheoliad 6B (gofyniad i drefnu profion cyn cyrraedd Cymru) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (1), ar y dechrau mewnosoder "Yn ddarostyngedig i baragraff (1A)."

(3) Ar ôl paragraff (1) mewnosoder—

"(1A) Nid yw'r rheoliad hwn na rheoliad 6C yn gymwys pan fo rheoliad 6K (profi'r gweithlu) yn gymwys."

Diwygiad i reoliad 6D

5. Yn rheoliad 6D(4)(b) (gofyniad i ynysu o fethu â chymryd profion) yn lle "cyn diwedd y" rhodder "yn ddim cynharach na'r".

Diwygiad i reoliad 6G

6. Ar ôl rheoliad 6G(2) (goblygiadau peidio â chael canlyniad prawf diwrnod 8 cyn diwrnod y cyfnod ynysu) mewnosoder—

PART 2

Amendments

Amendments to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020

2. The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(1) are amended as follows.

Amendment to regulation 3

3. In regulation 3(3)(a) (persons arriving from outside the common travel area) for "paragraph 6" substitute "paragraph 6A".

Amendments to regulation 6B

4.—(1) Regulation 6B (requirement to arrange tests before arriving in Wales) is amended as follows.

(2) In paragraph (1), at the start insert "Subject to paragraph (1A)."

(3) After paragraph (1) insert—

"(1A) This regulation and regulation 6C do not apply where regulation 6K (workforce testing) applies."

Amendment to regulation 6D

5. In regulation 6D(4)(b) (requirement to isolate on failure to take tests) for "before than" substitute "not before".

Amendment to regulation 6G

6. After regulation 6G(2) (consequences of not receiving result of day 8 test before end of isolation period) insert—

(1) O.S. 2020/574 (Cy. 132), a ddiwygiwyd gan O.S. 2020/595 (Cy. 136), O.S. 2020/714 (Cy. 160), O.S. 2020/726 (Cy. 163), O.S. 2020/804 (Cy. 177), O.S. 2020/817 (Cy. 179), O.S. 2020/840 (Cy. 185), O.S. 2020/868 (Cy. 190), O.S. 2020/886 (Cy. 196), O.S. 2020/917 (Cy. 205), O.S. 2020/942, O.S. 2020/944 (Cy. 210), O.S. 2020/962 (Cy. 216), O.S. 2020/981 (Cy. 220), O.S. 2020/1015 (Cy. 226), O.S. 2020/1042 (Cy. 231), O.S. 2020/1080 (Cy. 243), O.S. 2020/1098 (Cy. 249), O.S. 2020/1133 (Cy. 258), O.S. 2020/1165 (Cy. 263), O.S. 2020/1191 (Cy. 269), O.S. 2020/1223 (Cy. 277), O.S. 2020/1232 (Cy. 278), O.S. 2020/1237 (Cy. 279), O.S. 2020/1288 (Cy. 286), O.S. 2020/1329 (Cy. 295), O.S. 2020/1362 (Cy. 301), O.S. 2020/1477 (Cy. 316), O.S. 2020/1521 (Cy. 325), O.S. 2020/1602 (Cy. 332), O.S. 2020/1645 (Cy. 345), O.S. 2021/20 (Cy. 7), O.S. 2021/24 (Cy. 8), O.S. 2021/46 (Cy. 10), O.S. 2021/48 (Cy. 11), O.S. 2021/50 (Cy. 12), O.S. 2021/66 (Cy. 15), O.S. 2021/72 (Cy. 18), O.S. 2021/95 (Cy. 26); O.S. 2021/154 (Cy. 38), O.S. 2021/305 (Cy. 78) ac O.S. 2021/361 (Cy. 110).

(1) S.I. 2020/574 (W. 132), amended by S.I. 2020/595 (W. 136), S.I. 2020/714 (W. 160), S.I. 2020/726 (W. 163), S.I. 2020/804 (W. 177), S.I. 2020/817 (W. 179), S.I. 2020/840 (W. 185), S.I. 2020/868 (W. 190), S.I. 2020/886 (W. 196), S.I. 2020/917 (W. 205), S.I. 2020/942, S.I. 2020/944 (W. 210), S.I. 2020/962 (W. 216), S.I. 2020/981 (W. 220), S.I. 2020/1015 (W. 226), S.I. 2020/1042 (W. 231), S.I. 2020/1080 (W. 243), S.I. 2020/1098 (W. 249), S.I. 2020/1133 (W. 258), S.I. 2020/1165 (W. 263), S.I. 2020/1191 (W. 269), S.I. 2020/1223 (W. 277), S.I. 2020/1232 (W. 278), S.I. 2020/1237 (W. 279), S.I. 2020/1288 (W. 286), S.I. 2020/1329 (W. 295), S.I. 2020/1362 (W. 301), S.I. 2020/1477 (W. 316), S.I. 2020/1521 (W. 325), S.I. 2020/1602 (W. 332), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/24 (W. 8), S.I. 2021/46 (W. 10), S.I. 2021/48 (W. 11), S.I. 2021/50 (W. 12), S.I. 2021/66 (W. 15), S.I. 2021/72 (W. 18), S.I. 2021/95 (W. 26); S.I. 2021/154 (W. 38), S.I. 2021/305 (W. 78) and S.I. 2021/361 (W. 110).

“(3) Ac eithrio pan fo paragraff (2) yn gymwys, diwrnod ynysu olaf P o dan rheoliad 7 neu 8 yw diwrnod olaf y cyfnod o 14 o ddiwrnodau sy’n dechrau â’r diwrnod ar ôl y diwrnod yr oedd P mewn gwlad neu diriogaeth nad yw’n esempt ddiwethaf (ac nid yw rheoliad 12 yn gymwys at ddibenion pennu diwrnod ynysu olaf P).”

Rheoliad 6K newydd

7. Ar ôl rheoliad 6J (codi tâl am brofion) mewnosoder—

“Profi’r gweithlu

6K.—(1) Mae’r rheoliad hwn yn gymwys i berson (“P”), a bennir ym mharagraff 6 o Atodlen 2.

(2) Rhaid i P gymryd prawf gweithlu ar gyfer diwrnod 2, diwrnod 5 a diwrnod 8 yn unol â pharagraff (6) mewn perthynas â phob categori o brawf.

(3) Pan na fo P yn cymryd prawf gweithlu fel sy’n ofynnol gan y rheoliad hwn am fod ganddo esgus rhesymol, rhaid i P, cyn gynted ag y bo’n ymarferol pan na fydd y materion sy’n arwain at yr esgus rhesymol yn gymwys mwyach, gymryd prawf gweithlu arall.

(4) Pan fo prawf gweithlu arall wedi ei gymryd yn lle—

- (a) prawf gweithlu sydd i’w gymryd ar gyfer diwrnod 2, mae P i’w drin fel pe bai wedi cymryd prawf gweithlu ar ddiwrnod 2 yn unol â’r rheoliad hwn;
- (b) prawf gweithlu sydd i’w gymryd ar gyfer diwrnod 5, mae P i’w drin fel pe bai wedi cymryd prawf gweithlu ar ddiwrnod 5 yn unol â’r rheoliad hwn;
- (c) prawf gweithlu sydd i’w gymryd ar gyfer diwrnod 8, mae P i’w drin fel pe bai wedi cymryd prawf gweithlu ar ddiwrnod 8 yn unol â’r rheoliad hwn.

(5) Mae Atodlen 2D yn gwneud darpariaeth bellach ynghylch profion gweithlu (gan gynnwys goblygiadau profi).

(6) Yn y Rheoliadau hyn—

- (a) ystyr “prawf gweithlu arall” yw prawf gweithlu sy’n cydymffurfio â’r gofynion sy’n gymwys i’r prawf gweithlu nas cynhaliwyd;

“(3) Except where paragraph (2) applies, the last day of P’s isolation under regulation 7 or 8 is the last day of the period of 14 days beginning with the day after the day on which P was last in a non-exempt country or territory (and regulation 12 does not apply for the purposes of determining the last day of P’s isolation).”

New regulation 6K

7. After regulation 6J (charge for tests) insert—

“Workforce testing

6K.—(1) This regulation applies to a person (“P”), specified in paragraph 6 of Schedule 2.

(2) P must undertake a workforce test for day 2, day 5 and day 8 in accordance with paragraph (6) in relation to each category of test.

(3) Where P does not undertake a workforce test as required by this regulation by reason of a reasonable excuse, P must, as soon as practicable after the matters giving rise to the reasonable excuse no longer pertain, undertake a replacement workforce test.

(4) Where a replacement workforce test is undertaken instead of—

- (a) a workforce test to be undertaken for day 2, P is to be treated as if they had undertaken a workforce test on day 2 in accordance with this regulation;
- (b) a workforce test to be undertaken for day 5, P is to be treated as if they had undertaken a workforce test on day 5 in accordance with this regulation;
- (c) a workforce test to be undertaken for day 8, P is to be treated as if they had undertaken a workforce test on day 8 in accordance with this regulation.

(5) Schedule 2D makes further provision about workforce tests (including the consequences of testing).

(6) In these Regulations—

- (a) “a replacement workforce test” means a workforce test complying with the requirements that apply to the workforce test that was missed;

- (b) ystyr “prawf gweithlu” yw prawf a ddarperir neu a weinyddir o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1);
- (c) ystyr “prawf gweithlu sydd i’w gymryd ar gyfer diwrnod 2” yw prawf sy’n cael ei gymryd yn ddim hwyrach na diwedd yr ail ddiwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru;
- (d) ystyr “prawf gweithlu sydd i’w gymryd ar gyfer diwrnod 5” yw prawf gweithlu—
- (i) sy’n cael ei gymryd ar ôl prawf gweithlu ar gyfer diwrnod 2,
- (ii) sy’n cael ei gymryd yn ddim cynharach na diwedd yr ail ddiwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru, a
- (iii) sy’n cael ei gymryd cyn diwedd y pumed diwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru;
- (e) ystyr “prawf gweithlu sydd i’w gymryd ar gyfer diwrnod 8” yw prawf gweithlu—
- (i) sy’n cael ei gymryd ar ôl prawf gweithlu sy’n cael ei gymryd ar gyfer diwrnod 5,
- (ii) sy’n cael ei gymryd yn ddim cynharach na diwedd y pedwerydd diwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru, a
- (iii) sy’n cael ei gymryd cyn diwedd yr wythfed diwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru.”
- (b) “a workforce test” means a test which is provided or administered under the National Health Service (Wales) Act 2006(1);
- (c) “a workforce test undertaken for day 2” means a test which is undertaken no later than the end of the second day after the day on which P arrived in Wales;
- (d) “a workforce test undertaken for day 5” means a workforce test which—
- (i) is undertaken after a workforce test for day 2,
- (ii) is undertaken no earlier than the end of the second day after the day on which P arrived in Wales, and
- (iii) is undertaken before the end of the fifth day after the day on which P arrived in Wales;
- (e) “a workforce test undertaken for day 8” means a workforce test which—
- (i) is undertaken after a workforce test undertaken for day 5,
- (ii) is undertaken no earlier than the end of the fourth day after the day on which P arrived in Wales, and
- (iii) is undertaken before the end of the eighth day after the day on which P arrived in Wales.”

Diwygiad i reoliad 9

8.—(1) Mae rheoliad 9 (gofynion ynysu: esemptiadau) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (2)—

- (a) yn is-baragraff (b) yn lle “2 i 16” rhodder “2 i 5, 6A i 16”;
- (b) ar ôl is-baragraff (b) mewnosoder—
- “(ba) yn ddarostyngedig i baragraff (3), ym mharagraff 6 o Atodlen 2;”
- (c) yn is-baragraff (c) yn lle “yn rheoliad 12E(2)” rhodder “yn ddarostyngedig i baragraff (3), yn rheoliad 12E(2)(a) i (d)”.

Amendments to regulation 9

8.—(1) Regulation 9 (isolation requirements: exemptions) is amended as follows.

(2) In paragraph (2)—

- (a) in sub-paragraph (b) for “2 to 16” substitute “2 to 5, 6A to 16”;
- (b) after sub-paragraph (b) insert—
- “(ba) subject to paragraph (3), paragraph 6 of Schedule 2;”
- (c) in sub-paragraph (c) for “regulation 12E(2)” substitute “subject to paragraph (3), regulation 12E(2)(a) to (d)”.

(3) Ar ôl paragraff (2), mewnosoder—

“(3) Mae rheoliadau 7 ac 8 yn gymwys i berson (“P”) a ddisgrifir ym mharagraff 6 o Atodlen 2 yn unol â pharagraffau (4) i (6).

(4) Pan fo P yn berson a ddisgrifir ym mharagraff 6(d)(i) (gyrrwr cerbydau nwyddau) y fangre y mae rhaid i'r person ynysu ynddi at ddibenion gofyniad ynysu (o fewn yr ystyr yn rheoliad 10(2)) yw—

- (a) yn y cerbyd nwyddau pan fydd yn ymgymryd â'r gwaith a ddisgrifir yn y paragraff hwnnw,
- (b) yn y cerbyd nwyddau pan na fydd yn ymgymryd â'r gwaith a ddisgrifir yn y paragraff hwnnw os yw P yn teithio ar ei ben ei hun mewn cerbyd nwyddau gyda chompartment y tu ôl i sedd y gyrrwr y bwriedir ei ddefnyddio ar gyfer cysgu (“cab cysgu”), yn ddarostyngedig i baragraff (c)(ii),
- (c) mewn gwesty, hostel neu lety gwely a brecwast pan na fydd yn ymgymryd â'r gwaith a ddisgrifir yn y paragraff hwnnw—
 - (i) os yw P yn teithio mewn cerbyd nwyddau heb gab cysgu, neu
 - (ii) pe bai ynysu mewn cerbyd nwyddau yn torri Erthygl 8 o Reoliad (EC) Rhif 561/2006 Senedd Ewrop a'r Cyngor ar gysoni deddfwriaeth gymdeithasol benodol sy'n ymwneud â thrafnidiaeth ffyrdd⁽¹⁾,
- (d) yn y cerbyd nwyddau neu mewn gwesty, hostel neu lety gwely a brecwast pan na fydd yn ymgymryd â'r gwaith a ddisgrifir yn y paragraff hwnnw os yw P yn teithio gyda pherson arall mewn cerbyd nwyddau gyda chab cysgu.

(5) Pan fo P yn berson sy'n preswyllo fel arfer yn y Deyrnas Unedig, nid yw paragraff (4) ond yn gymwys pan fydd yn ymgymryd â'r gwaith a ddisgrifir ym mharagraff 6(2)(d)(i) o Atodlen 2.

(6) Pan fo P yn berson a ddisgrifir ym mharagraff 6(2)(d)(ii) (deiliad trwydded Gymunedol) ac na fo'n preswyllo fel arfer yn y Deyrnas Unedig, nid yw'n ofynnol i P gydymffurfio â gofyniad ynysu pan fydd yn ymgymryd â'r gwaith y cyfeirir ato yn y paragraff hwnnw.”

(3) After paragraph (2), insert—

“(3) Regulations 7 and 8 apply to a person (“P”) described in paragraph 6 of Schedule 2 in accordance with paragraphs (4) to (6).

(4) Where P is a person described in paragraph 6(d)(i) (driver of a goods vehicle) the premises at which the person must isolate for the purposes of an isolation requirement (within the meaning in regulation 10(2)) is—

- (a) in the goods vehicle while undertaking the work described in that paragraph,
- (b) in the goods vehicle while not undertaking the work described in that paragraph if P is travelling alone in a goods vehicle with a compartment behind the driver's seat intended to be used for sleeping (“a sleeper cab”), subject to paragraph (c)(ii),
- (c) in a hotel, hostel or bed and breakfast accommodation while not undertaking the work described in that paragraph—
 - (i) if P is travelling in a goods vehicle without a sleeper cab, or
 - (ii) if isolating in a goods vehicle would contravene Article 8 of Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport⁽¹⁾,
- (d) in the goods vehicle or a hotel, hostel or bed and breakfast accommodation while not undertaking the work described in that paragraph if P is travelling with another person in a goods vehicle with a sleeper cab.

(5) Where P is a person who is ordinarily resident in the United Kingdom, paragraph (4) only applies while they are undertaking the work described in paragraph 6(2)(d)(i) of Schedule 2.

(6) Where P is a person described in paragraph 6(2)(d)(ii) (holder of a Community licence) and is not ordinarily resident in the United Kingdom, P is not required to comply with an isolation requirement while undertaking the work referred to in that paragraph.”

(1) EUR 2006/561, a ddiwygiwyd gan O.S. 2019/453 a 2021/135 a 1658.

(1) EUR 2006/561, amended by S.I. 2019/453 and 2021/135 and 1658.

Diwygiadau i reoliad 10

9.—(1) Mae rheoliad 10 (gofynion ynysu: eithriadau) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl paragraff (4)(n) mewnosoder—

“(o) os yw’n ynysu mewn cerbyd nwyddau yn rhinwedd rheoliad 9(4)—

- (i) am resymau glanweithdra,
- (ii) i wneud ymarfer corff yn yr awyr agored,
- (iii) pan fo’n ofynnol neu y caniateir gwneud hynny gan y paragraff hwnnw, i symud i le arall i ynysu,
- (iv) i edrych ar y cerbyd neu ei lwyth neu i ymgymryd ag unrhyw dasg arall sy’n ofynnol er mwyn defnyddio’r cerbyd yn ddiogel a pharhau i’w ddefnyddio, gan gynnwys ail-lenwi â thanwydd, a
- (v) am unrhyw reswm neu ddiben arall a bennir yn y paragraff hwn;
- (p) i gymryd prawf gweithlu sy’n ofynnol gan reoliad 6K.”

Diwygiadau i reoliad 12E

10.—(1) Mae rheoliad 12E (mesurau ychwanegol sy’n gymwys i bersonau sy’n teithio o wlad neu diriogaeth a restrir yn Atodlen 3A) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl paragraff (2)(d)(i) mewnosoder—

“(iaa) paragraff 6;”.

(3) Ar ôl paragraff (2)(d), mewnosoder—

“(e) yn berson—

- (i) sy’n blentyn, neu a oedd yn blentyn, ar 1 Medi 2020,
- (ii) sydd wedi teithio i’r Deyrnas Unedig at ddibenion cael addysg mewn ysgol fyrddio yng Nghymru y bwriedir darparu addysg a llety ar gyfer P ynndi, a
- (iii) nad yw’n dod i’r Deyrnas Unedig yng nghwmni unigolyn sydd â chyfrifoldeb dros P, neu os yw P yn 18 oed, a fyddai wedi bod â chyfrifoldeb o’r fath pe bai P yn blentyn.”

Amendments to regulation 10

9.—(1) Regulation 10 (isolation requirements: exceptions) is amended as follows.

(2) After paragraph (4)(n) insert—

“(o) if isolating in a goods vehicle by virtue of regulation 9(4)—

- (i) for sanitary reasons,
- (ii) to take exercise outside,
- (iii) where required or permitted by that paragraph, to move to a different place for isolation,
- (iv) to inspect the vehicle or its load or to carry out any other task required for the safe and continued operation of the vehicle, including refuelling, and
- (v) for any other reason or purpose specified in this paragraph;
- (p) to undertake a workforce test required by regulation 6K.”

Amendments to regulation 12E

10.—(1) Regulation 12E (additional measures applicable to persons travelling from a country or territory listed in Schedule 3A) is amended as follows.

(2) After paragraph (2)(d)(i) insert—

“(iaa) paragraph 6;”.

(3) After paragraph (2)(d), insert—

“(e) a person—

- (i) who is, or was on 1 September 2020, a child,
- (ii) who has travelled to the United Kingdom for the purposes of receiving education at a boarding school in Wales at which education and accommodation is due to be provided for P, and
- (iii) who is not accompanied into the United Kingdom by an individual who has responsibility for P, or if P is aged 18, would have had such responsibility if P were a child.”

(4) Ar ôl paragraff (4), mewnosoder—

“(5) Yn y rheoliad hwn—

(a) ystyr “ysgol fyrddio” yw ysgol neu goleg—

(i) sy’n darparu llety ar gyfer ei disgyblion neu ei ddisgyblion neu, yn ôl y digwydd, ei myfyrwyr neu ei fyfyrwyr, yn ei mangre neu ei fangre ei hun, neu

(ii) sy’n trefnu llety ar gyfer ei disgyblion neu ei ddisgyblion neu ei myfyrwyr neu ei fyfyrwyr sydd i’w ddarparu yn rhywle arall (ac eithrio mewn cysylltiad â thaith breswyl i ffwrdd o’r ysgol);

(b) ystyr “ysgol” yw—

(i) ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol neu ysgol arbennig gymunedol neu sefydledig o fewn ystyr “community school”, “foundation school”, “voluntary school”, “community special school” a “foundation special school” yn adran 20 o Ddeddf Safonau a Fframwaith Ysgolion 1998(1),

(ii) ysgol annibynnol sydd wedi ei chynnwys yn y gofrestr o ysgolion annibynnol yng Nghymru (a gedwir o dan adran 158 o Ddeddf Addysg 2002(2)),

(iii) ysgol arbennig nas cynhelir (fel y diffinnir “non-maintained special school”) yn adran 337A o Ddeddf Addysg 1996(3), neu

(iv) uned cyfeirio disgyblion o fewn ystyr “pupil referral unit” yn adran 19(2) o Ddeddf Addysg 1996;

(c) ystyr “coleg” yw sefydliad o fewn y sector addysg bellach o fewn ystyr “institutions within the further education sector” yn adran 91 o Ddeddf Addysg Bellach ac Uwch 1992(4).”

(5) Ym mharagraff (3E), yn yr addasiad i reoliad 9, yn lle “rheoliad 12E(2)” rhodder “rheoliad 12E(2)(a) i (d)”.

(4) After paragraph (4), insert—

“(5) In this regulation—

(a) “boarding school” means a school or college, which—

(i) provides accommodation for its pupils or, as the case may be, students on its own premises, or

(ii) arranges accommodation for its pupils or students to be provided elsewhere (other than in connection with a residential trip away from the school);

(b) “school” means—

(i) a community, foundation or voluntary school or a community or foundation special school within the meaning of section 20 of the School Standards and Framework Act 1998(1),

(ii) an independent school included in the register of independent schools in Wales (kept under section 158 of the Education Act 2002(2)),

(iii) a non-maintained special school (as defined in section 337A of the Education Act 1996(3)), or

(iv) a pupil referral unit within the meaning of section 19(2) of the Education Act 1996;

(c) “college” means an institution within the further education sector within the meaning of section 91 of the Further and Higher Education Act 1992(4).”

(5) In paragraph (3E), in the modification to regulation 9, for “regulation 12E(2)” substitute “regulation 12E(2)(a) to (d)”.

(1) 1998 p. 31.

(2) 2002 p. 32.

(3) 1996 p. 56.

(4) 1992 p. 13.

(1) 1998 c. 31.

(2) 2002 c. 32.

(3) 1996 c. 56.

(4) 1992 c. 13.

Diwygiadau i reoliad 14

11.—(1) Mae rheoliad 14 (troseddau) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (1)—

- (a) yn is-baragraff (h) hepgorer “neu”;
- (b) yn is-baragraff (i), ar y diwedd mewnosoder “neu”;
- (c) ar ôl is-baragraff (i) mewnosoder—
“(j) 6K”.

(3) Ym mharagraff (1B) yn lle “neu 6C” rhodder “, 6C neu 6K”.

(4) Ar ôl paragraff (1D) mewnosoder—

“(1E) At ddibenion rheoliad 6K, mae esgus rhesymol yn cynnwys, yn benodol—

- (a) pan na fo’n rhesymol ymarferol i P gymryd prawf oherwydd anabledd,
- (b) pan fo angen triniaeth feddygol ar P â’r fath frys fel nad yw cymryd prawf yn rhesymol ymarferol,
- (c) pan fo prawf yn cael ei ganslo am resymau y tu hwnt i reolaeth P,
- (d) pan fo P wedi ymadael â Chymru.”

Diwygiadau i reoliad 16

12.—(1) Mae rheoliad 16 (hysbysiadau cosb benodedig) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (6), ar ôl is-baragraff (ab) mewnosoder—

“(ac) o dorri gofyniad yn Atodlen 1D.”.

(3) Ar ôl paragraff (6AB) mewnosoder—

“(6AC) Pan ddyroddir yr hysbysiad cosb benodedig i berson mewn cysylltiad â throsedd a ddisgrifir yn rheoliad 14(1)(j) am dorri gofyniad yn rheoliad 6K, yna rhaid i’r swm a bennir o dan baragraff (5)(c) fod—

- (a) yn achos hysbysiad cosb benodedig cyntaf, £1,000;
- (b) yn achos ail hysbysiad cosb benodedig, £2,000;
- (c) yn achos trydydd hysbysiad cosb benodedig a hysbysiad cosb benodedig a geir wedi hynny, £3,000.”

Atodlen 1D newydd

13. Ar ôl Atodlen 1C (profi mandadol ar ôl cyrraedd Cymru) mewnosoder—

Amendments to regulation 14

11.—(1) Regulation 14 (offences) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (h) omit “or”;
- (b) in sub-paragraph (i), at the end insert “or”;
- (c) after sub-paragraph (i) insert—
“(j) 6K”.

(3) In paragraph (1B) for “or 6C” substitute “, 6C or 6K”.

(4) After paragraph (1D) insert—

“(1E) For the purposes of regulation 6K, a reasonable excuse includes, in particular, where—

- (a) it is not reasonably practicable for P to undertake a test due to a disability,
- (b) P requires medical treatment with such urgency that undertaking a test is not reasonably practicable,
- (c) a test is cancelled for reasons beyond P’s control,
- (d) P has left Wales.”

Amendments to regulation 16

12.—(1) Regulation 16 (fixed penalty notices) is amended as follows.

(2) In paragraph (6), after sub-paragraph (ab) insert—

“(ac) of contravening a requirement in Schedule 1D.”.

(3) After paragraph (6AB) insert—

“(6AC) Where the fixed penalty notice is issued to a person in respect of an offence described in regulation 14(1)(j) for contravening a requirement in regulation 6K, then the amount specified under paragraph (5)(c) must be—

- (a) in the case of a first fixed penalty notice, £1,000;
- (b) in the case of a second fixed penalty notice, £2,000;
- (c) in the case of a third and subsequent fixed penalty notice, £3,000.”

New Schedule 1D

13. After Schedule 1C (mandatory testing after arriving in Wales) insert—

Profion gweithlu

Dehongli Atodlen 1D

1. Yn yr Atodlen hon—

ystyr “P” (“*P*”) yw person y mae’n ofynnol iddo gymryd profion gweithlu o dan reoliad 6K (profi’r gweithlu);

ystyr “prawf gweithlu” (“*workforce test*”) yw unrhyw neu ragor o’r categorïau o brawf gweithlu a ddisgrifir yn rheoliad 6K(6).

Gofyniad ar ôl methiant i gymryd prawf

2.—(1) Mae is-baragraff (2) yn gymwys pan fo P yn methu â chymryd prawf gweithlu y mae’n ofynnol i P ei gymryd o dan reoliad 6K.

(2) Pan fo’r is-baragraff hwn yn gymwys, rhaid i P ynysu mewn mangre addas tan y cynharaf o’r canlynol—

- (a) diwedd y 14eg diwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru; neu
- (b) yr adeg y mae P yn cael canlyniad prawf gweithlu negyddol.

(3) Rhaid i P gydymffurfio ag unrhyw rwymedigaethau cymwys yn rheoliad 6K(2) yn ystod unrhyw gyfnod y mae’n ofynnol i P ynysu yn unol ag is-baragraff (2).

(4) Pan fo’n ofynnol i P ynysu yn unol ag is-baragraff (2), mae rheoliad 10(4) yn gymwys.

Goblygiadau canlyniadau prawf

3.—(1) Pan fo prawf gweithlu a gymerir gan P yn unol â rheoliad 6K yn cynhyrchu canlyniad positif—

- (a) rhaid i P, cyn gynted ag y bo’n rhesymol ymarferol, gymryd prawf pellach sy’n cydymffurfio â’r gofynion ar gyfer prawf diwrnod 2 a bennir ym mharagraff 1 o Atodlen 1C;
- (b) rhaid i P ynysu mewn mangre addas hyd ddiwedd y 10fed diwrnod ar ôl y diwrnod y cymerodd P y prawf.

(2) Pan fo’n ofynnol i P ynysu yn unol ag is-baragraff (1)(b), mae rheoliad 10(4) yn gymwys.

(3) Pan fo prawf gweithlu a gymerir gan P yn unol â rheoliad 6K yn cynhyrchu canlyniad positif—

Workforce tests

Interpretation of Schedule 1D

1. In this Schedule—

“P” means a person required to undertake workforce tests under regulation 6K (workforce testing);

“workforce test” means any of the categories of workforce test described in regulation 6K(6).

Requirement after failure to undertake test

2.—(1) Sub-paragraph (2) applies where P fails to undertake a workforce test that P is required by regulation 6K to undertake.

(2) Where this sub-paragraph applies, P must isolate at a suitable premises until the earlier of—

- (a) the end of the 14th day after the day on which they arrived in Wales; or
- (b) the time P obtains a negative result from a workforce test.

(3) P must comply with any applicable obligations in regulation 6K(2) during any period that P is required to isolate in accordance with sub-paragraph (2).

(4) Where P is required to isolate in accordance with sub-paragraph (2), regulation 10(4) applies.

Consequences of test results

3.—(1) Where a workforce test undertaken by P in accordance with regulation 6K generates a positive result—

- (a) P must as soon as reasonably practicable undertake a further test which complies with the requirements for a day 2 test specified in paragraph 1 of Schedule 1C;
- (b) P must isolate at a suitable premises until the end of the 10th day after the day P undertook the test.

(2) Where P is required to isolate in accordance with sub-paragraph (1)(b), regulation 10(4) applies.

(3) Where a workforce test undertaken by P in accordance with regulation 6K generates a positive result—

- (a) os oedd y prawf hwnnw yn brawf gweithlu a gymerwyd ar gyfer diwrnod 2, nid yw'n ofynnol i P gymryd prawf gweithlu ar gyfer diwrnod 5 na diwrnod 8;
- (b) os oedd y prawf hwnnw yn brawf gweithlu a gymerwyd ar gyfer diwrnod 5, nid yw'n ofynnol i P gymryd prawf gweithlu ar gyfer diwrnod 8.

(4) Pan fo prawf pellach a gymerir yn unol ag is-baragraff (1)(a) yn cynhyrchu canlyniad negyddol, mae'r paragraff hwn yn gymwys i P o'r adeg yr hysbysir P am y canlyniad negyddol hwnnw fel pe bai'r prawf gweithlu a gymerwyd gan P yn unol â rheoliad 6K wedi cynhyrchu canlyniad negyddol (ac, yn unol â hynny, o'r adeg honno, nid yw'n ofynnol i P ynysu mwyach).

(5) Pan fo prawf gweithlu a gymerir gan P yn unol â rheoliad 6K yn cynhyrchu canlyniad amhendant, rhaid i P, cyn gynted ag y bo'n rhesymol ymarferol, gynnal prawf gweithlu pellach ac mae'r prawf gweithlu pellach hwnnw i'w drin fel prawf gweithlu arall o fewn ystyr rheoliad 6K(4) (gofyniad i gymryd profion gweithlu).

Dyletswyddau ar gyflogwyr

4.—(1) Rhaid i gyflogwr sydd â mwy na 50 o gyflogeion sy'n gyflogwr i unrhyw berson y mae'n ofynnol iddo gymryd profion gweithlu neu sydd â chyfrifoldeb dros unrhyw weithiwr asiantaeth y mae'n ofynnol iddo gymryd profion gweithlu, gymryd camau rhesymol i hwyluso cymryd y profion hynny gan y person neu'r gweithiwr asiantaeth hwnnw yn unol â'r Rheoliadau hyn.

(2) Wrth gyflawni'r ddyletswydd o dan is-baragraff (1), rhaid i gyflogwr roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru at ddibenion y paragraff hwn.

(3) Ym mharagraff (1) mae gan gyflogwr gyfrifoldeb dros weithiwr asiantaeth—

- (a) os yw'r gweithiwr asiantaeth yn cael ei gyflenwi neu y mae i'w gyflenwi gan berson ("asiant") i'r cyflogwr o dan contract neu drefniadau eraill a wneir rhwng yr asiant a'r cyflogwr; a
- (b) os nad yw'r gweithiwr asiantaeth—
 - (i) yn weithiwr oherwydd absenoldeb contract gweithiwr rhwng y gweithiwr asiantaeth a'r asiant neu'r cyflogwr, neu

- (a) if that test was a workforce test undertaken for day 2, P is not required to undertake a workforce test for day 5 or day 8;
- (b) if that test was a workforce test undertaken for day 5, P is not required to undertake a workforce test for day 8.

(4) Where a further test undertaken in accordance with sub-paragraph (1)(a) generates a negative result, this paragraph applies to P from the time P is notified of that negative result as if the workforce test undertaken by P in accordance with regulation 6K had generated a negative result (and accordingly, from that time, P is no longer required to isolate).

(5) Where a workforce test undertaken by P in accordance with regulation 6K generates an inconclusive result, P must as soon as reasonably practicable undertake a further workforce test and that further workforce test is to be treated as a replacement workforce test within the meaning of regulation 6K(4) (requirement to undertake workforce tests).

Duties on employers

4.—(1) An employer with more than 50 employees who is the employer of any person who is required to undertake workforce tests or has responsibility for any agency worker who is required to undertake workforce tests, must take reasonable steps to facilitate the taking of those tests by that person or agency worker in accordance with these Regulations.

(2) In the discharge of the duty under sub-paragraph (1), an employer must have regard to any guidance issued by the Welsh Ministers for the purposes of this paragraph.

(3) In paragraph (1) an employer has responsibility for an agency worker if—

- (a) the agency worker is supplied or to be supplied by a person (an "agent") to the employer under a contract or other arrangements made between the agent and the employer; and
- (b) the agency worker is not—
 - (i) a worker because of the absence of a worker's contract between the agency worker and the agent or the employer, or

- (ii) yn barti i contract y mae'r gweithiwr asiantaeth yn ymrwymo oddi tano i wneud y gwaith ar gyfer parti arall i contract y mae ei statws, yn rhinwedd y contract, yn statws cleient neu gwsmer i unrhyw broffesiwn neu ymgymeriad busnes a gynhelir gan y gweithiwr asiantaeth."

Diwygiadau i Atodlen 2

14.—(1) Mae Atodlen 2 (personau esempt) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 6—

- (a) yn is-baragraff (1) hepgorer y geiriau "neu weithiwr cludiant teithwyr ffyrdd";
- (b) mae is-baragraff (2)(c) wedi ei hepgor;
- (c) mae is-baragraff (2)(e) wedi ei hepgor.

(3) Ar ôl paragraff 6, mewnosoder—

“6A.—(1) Gweithiwr cludiant teithwyr ffyrdd.

(2) At ddibenion y paragraff hwn—

- (a) ystyr "gweithiwr cludiant teithwyr ffyrdd" yw—
 - (i) gyrrwr cerbyd gwasanaeth cyhoeddus, neu
 - (ii) person a gyflogir gan ddeiliad trwydded Gymunedol a ddyroddwyd o dan Erthygl 4 o Reoliad (EC) Rhif 1073/2009 Senedd Ewrop a'r Cyngor(1), ac sy'n gweithredu yng nghwrs ei gyflogaeth;
- (b) mae "gyrrwr" yn cynnwys person sy'n teithio mewn cerbyd fel gyrrwr wrth gefn;
- (c) mae i "cerbyd gwasanaeth cyhoeddus" yr ystyr a roddir i "public service vehicle" yn adran 1 o Ddeddf Cerbydau Cyhoeddus i Deithwyr 1981(2)."

Diwygiadau i Atodlen 3A

15. Yn Atodlen 3A (gwledydd a thiriogaethau sy'n ddarostyngedig i fesurau ychwanegol), yn y lleoedd priodol mewnosoder—

- (ii) a party to a contract under which the agency worker undertakes to do the work for another party to a contract whose status is, by virtue of the contract, that of a client or customer of any profession or business undertaking carried on by the agency worker."

Amendments to Schedule 2

14.—(1) Schedule 2 (exempt persons) is amended as follows.

(2) In paragraph 6—

- (a) in sub-paragraph (1) omit the words "or a road passenger transport worker";
- (b) sub-paragraph (2)(c) is omitted;
- (c) sub-paragraph (2)(e) is omitted.

(3) After paragraph 6, insert—

“6A.—(1) A road passenger transport worker.

(2) For the purposes of this paragraph—

- (a) "road passenger transport worker" means—
 - (i) the driver of a public service vehicle, or
 - (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council(1), and who is acting in the course of their employment;
- (b) "driver" includes a person who is travelling in a vehicle as a relief driver;
- (c) "public service vehicle" has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(2)."

Amendments to Schedule 3A

15. In Schedule 3A (countries and territories subject to additional measures), at the appropriate places insert—

(1) OJ Rhif L 300, 14.11.2009, t. 88.

(2) 1981 p. 14. Diwygiwyd adran 1 gan adran 139(3) o Ddeddf Trafnidiaeth 1985 (p. 67).

(1) OJ No. L 300, 14.11.2009, p. 88.

(2) 1981 c. 14. Section 1 was amended by section 139(3) of the Transport Act 1985 (c. 67).

“Bangladesh”
“Kenya”
“Pakistan”
“Ynysydd Philippines”.

“Bangladesh”
“Kenya”
“Pakistan”
“Philippines”.

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
Am 3.15 p.m. ar 8 Ebrill 2021

Minister for Health and Social Services, one of the
Welsh Ministers
At 3.15 p.m. on 8 April 2021

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Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr
Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Jeff James,
Controller of Her Majesty’s Stationery Office and Queen’s Printer of
Acts of Parliament.

£6.90

<http://www.legislation.gov.uk/id/wsi/2021/454>

ISBN 978-0-348-39061-2



9 780348 390612