



OFFERYNNAU STATUDOL CYMRU

2022 Rhif 126 (Cy. 41)

IECHYD Y CYHOEDD, CYMRU

**Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol)
(Cymru) 2022**

<i>Gwnaed</i>	<i>am 2.56 p.m. ar 10 Chwefror 2022</i>
<i>Gosodwyd gerbron Senedd Cymru</i>	<i>am 4.45 p.m. ar 10 Chwefror 2022</i>
<i>Yn dod i rym</i>	<i>am 4.00 a.m. ar 11 Chwefror 2022</i>

WELSH STATUTORY INSTRUMENTS

2022 No. 126 (W. 41)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus, International Travel) (Wales)
Regulations 2022**

<i>Made</i>	<i>at 2.56 p.m. on 10 February 2022</i>
<i>Laid before Senedd Cymru</i>	<i>at 4.45 p.m. on 10 February 2022</i>
<i>Coming into force</i>	<i>at 4.00 a.m. on 11 February 2022</i>

£11.50



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(Coronafeirws, Teithio
Rhyngwladol) (Cymru) 2022**

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(Coronavirus, International Travel)
(Wales) Regulations 2022**

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 wedi eu gwneud mewn ymateb i'r perygl parhaus i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 ("y coronafeirws") yng Nghymru. Mae adran 45B o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 yn galluogi Gweinidogion Cymru, drwy reoliadau, i wneud darpariaeth at ddiben (ymhlith pethau eraill) atal perygl i iechyd y cyhoedd o lestrau, cerbydau awyr, trenau neu gludiant arall sy'n cyrraedd unrhyw le ("vessels, aircraft, trains or other conveyances arriving at any place").

These Regulations are made in response to the ongoing danger to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 ("coronavirus") in Wales. Section 45B of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of (amongst other things) preventing danger to public health from "vessels, aircraft, trains or other conveyances arriving at any place".

Mae'r Rheoliadau yn dirymu ac yn disodli Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 132)) ("Rheoliadau 2020").

The Regulations revoke and replace the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) ("the 2020 Regulations").

Ar gyfer personau sy'n cyrraedd Cymru a ddechreuodd eu taith y tu allan i'r ardal deithio gyffredin, mae'r Rheoliadau yn ei gwneud yn ofynnol iddynt ddarparu gwybodaeth ynghylch ble y maent yn byw, eu statws brechu, a materion cysylltiedig eraill (drwy "ffurflen lleoli teithwyr"). Mae categorïau penodol o berson wedi eu hesemptio rhag y gofyniad hwn.

For persons arriving in Wales who began their journey outside of the common travel area, the Regulations require that they provide information about where they live, their vaccination status, and other related matters (via "a passenger locator form"). Certain categories of person are exempt from this requirement.

Mae'r Rheoliadau yn gosod gofynion pellach ar oedolion sy'n cyrraedd Cymru nad ydynt yn bodloni'r diffiniad o "teithiwr cymwys" (neu esemptiadau penodol eraill) ac a ddechreuodd eu taith y tu allan i'r ardal deithio gyffredin. Rhaid i bersonau o'r fath—

- feddu ar ganlyniad prawf negatiff am y coronafeirws cyn iddynt gyrraedd Cymru,
- trefnu i gymryd prawf am y coronafeirws ar ôl cyrraedd Cymru ("prawf diwrnod 2"), a
- chymryd y prawf diwrnod 2 hwnnw.

Mae rheoliad 1 yn dirymu Rheoliadau 2020 a Rhan 3 o Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol a Hysbysu) (Cymru) (Diwygiadau Amrywiol) 2021 (O.S. 2021/1063 (Cy. 250)) ("y Rheoliadau Diwygio"). Mae'r ail ddirymiad hwn yn dychwelyd Rheoliadau Diogelu Iechyd (Hysbysu) (Cymru) 2010 (O.S. 2010/1546 (Cy. 144)) i'r sefyllfa cyn y diwygiadau a wnaed gan Ran 3 o'r Rheoliadau Diwygio.

Mae rheoliad 3 yn nodi'r diffiniad o "teithiwr cymwys", sy'n cynnwys personau sydd wedi eu brechu'n llawn o wledydd penodedig, a phlant.

Mae rheoliad 4 yn gwneud darpariaeth drosiannol ar gyfer personau o wledydd penodedig a gyrhaeddodd Gymru cyn i'r Rheoliadau hyn ddod i rym.

Mae rheoliadau 5 a 6 yn darparu bod rhaid i bersonau sy'n cyrraedd Cymru a ddechreuodd eu taith y tu allan i'r ardal deithio gyffredin lenwi ffurflen lleoli teithwyr. Mae Atodlen 1 yn nodi'r wybodaeth y mae rhaid ei chynnwys yn y ffurflen honno.

Mae rheoliad 7 yn ei gwneud yn ofynnol i bersonau a ddechreuodd eu taith y tu allan i'r ardal deithio gyffredin ac nad ydynt yn deithwyr cymwys (neu wedi eu hesemptio fel arall) feddu ar ganlyniad prawf negatiff am y coronafeirws wrth gyrraedd Cymru. Mae Atodlen 2 yn rhoi manylion am y gofynion y mae rhaid i brawf o dan reoliad 7 eu bodloni.

Mae rheoliad 8 yn darparu bod rhaid i bersonau a ddechreuodd eu taith y tu allan i'r ardal deithio gyffredin ac nad ydynt yn deithwyr cymwys (neu wedi eu hesemptio fel arall) feddu ar archeb am brawf diwrnod 2 wrth gyrraedd Cymru. Rhaid i bersonau o'r fath gymryd y prawf hwnnw cyn diwedd eu hail ddiwrnod ar ôl cyrraedd Cymru. Mae Atodlen 3 yn rhoi manylion am yr wybodaeth archebu y mae rhaid i bersonau sy'n archebu prawf diwrnod 2 ei darparu i ddarparwyr prawf. Mae Atodlen 4 yn rhoi manylion am y gofynion y mae rhaid i brawf diwrnod 2 eu bodloni.

Mae Atodlen 5 yn nodi'r categorïau o berson sydd wedi eu hesemptio rhag rhai o'r gofynion yn rheoliadau 5 i 8 neu'r holl ofynion yn y rheoliadau hynny.

The Regulations impose further requirements on adults arriving in Wales who do not meet the definition of "eligible traveller" (or other, specific exemptions) and who began their journey outside the common travel area. Such persons must—

- possess a negative test result for coronavirus before they arrive in Wales,
- arrange a test for coronavirus to be taken after arriving in Wales ("a day 2 test"), and
- take that day 2 test.

Regulation 1 revokes the 2020 Regulations and Part 3 of the Health Protection (Coronavirus, International Travel and Notification) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1063 (W. 250)) ("the Amendment Regulations"). This second revocation returns the Health Protection (Notification) (Wales) Regulations 2010 (S.I. 2010/1546 (W. 144)) to the position prior to the amendments made by Part 3 of the Amendment Regulations.

Regulation 3 sets out the definition of "eligible traveller", which includes fully vaccinated persons from specified countries, and children.

Regulation 4 makes transitional provision for persons from certain specified countries who arrived in Wales before these Regulations come into force.

Regulations 5 and 6 provide that persons arriving in Wales who began their journey outside the common travel area must complete a passenger locator form. Schedule 1 sets out the information which must be included in that form.

Regulation 7 requires that persons who began their journey outside the common travel area and are not eligible travellers (or otherwise exempt) must possess a negative test result for coronavirus on arrival in Wales. Schedule 2 provides details on the requirements that a test under regulation 7 must satisfy.

Regulation 8 provides that persons who began their journey outside the common travel area and are not eligible travellers (or otherwise exempt) must possess a booking for a day 2 test on arrival in Wales. Such persons must take that test before the end of their second day after arrival in Wales. Schedule 3 provides details on the booking information which persons booking a day 2 test must provide to test providers. Schedule 4 provides details on the requirements that a day 2 test must satisfy.

Schedule 5 sets out the categories of person who are exempt from some or all of the requirements in regulations 5 to 8.

Mae rheoliad 9 yn darparu bod rhaid i weithwyr cludiant ffyrdd nad ydynt yn deithwyr cymwys gymryd profion gweithlu.

Mae rheoliad 10 yn gosod dyletswydd ar gyflogwyr gweithwyr cludiant ffyrdd nad ydynt yn deithwyr cymwys i hwyluso profion gweithlu.

Mae rheoliadau 11 a 12 yn nodi, yn y drefn honno, oblygiadau canlyniad amhendiant neu bositif mewn prawf diwrnod 2. Mae rheoliad 11 yn darparu bod rhaid i bersonau sy'n cael canlyniad prawf positif gydymffurfio â Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 (O.S. 2020/1609 (Cy. 335)).

Mae rheoliad 13 yn darparu bod torri gofynion penodol a osodir gan y Rheoliadau hyn yn drosedd, fel y mae rhwystro person rhag arfer swyddogaethau o dan y Rheoliadau hyn. Gall person sy'n cael ei ddyfarnu'n euog o drosedd o dan y Rheoliadau hyn gael dirwy.

Mae rheoliad 14 yn darparu na chaniateir dwyn achos o dan y Rheoliadau hyn ac eithrio gan y Cyfarwyddwr Erlyniadau Cyhoeddus neu unrhyw berson sydd wedi ei ddynodi gan Weinidogion Cymru.

Mae rheoliad 15 yn darparu y caniateir gosod cosbau penodedig ar bersonau yr amheuir eu bod wedi cyflawni trosedd o dan y Rheoliadau hyn yn lle eu herlyn.

Mae rheoliad 16 yn nodi'r amgylchiadau pan ganiateir i wybodaeth a ddarperir o dan y Rheoliadau hyn (a Rheoliadau cyfatebol a wneir o ran Lloegr, yr Alban neu Ogledd Iwerddon) gael ei datgelu neu ei defnyddio. Mae rheoliad 17 yn atal gwybodaeth a ddarperir o dan y Rheoliadau hyn rhag cael ei defnyddio i argyhuddo person, mewn achos am unrhyw drosedd ac eithrio un o dan y Rheoliadau hyn, o drosedd o wneud datganiad anwir ac eithrio o dan lw.

Rhaid adolygu'r angen am y Rheoliadau hyn a'u cymesuredd bob 21 o ddiwrnodau (rheoliad 18).

Mae rheoliad 19 yn darparu y bydd y Rheoliadau hyn yn dod i ben ar 31 Mai 2022.

Ni chynhaliwyd asesiad effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn oherwydd yr angen i'w rhoi yn eu lle ar frys i ymdrin â bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd.

Regulation 9 provides that road haulage workers who are not eligible travellers must undertake workforce testing.

Regulation 10 places a duty on employers of road haulage workers who are not eligible travellers to facilitate workforce tests.

Regulations 11 and 12 set out, respectively, the consequences of an inconclusive or positive result to a day 2 test. Regulation 11 provides that persons receiving a positive test result must comply with the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)).

Regulation 13 provides that contravention of certain requirements imposed by these Regulations is an offence, as is the obstruction of a person exercising functions under these Regulations. A person found guilty of an offence under these Regulations may be fined.

Regulation 14 provides that no proceedings under these Regulations may be brought other than by the Director of Public Prosecutions or any person designated by the Welsh Ministers.

Regulation 15 provides that fixed penalties may be imposed on persons who are suspected of committing an offence under these Regulations as an alternative to prosecution.

Regulation 16 sets out the circumstances in which information provided under these Regulations (and equivalent Regulations made as respects England, Scotland or Northern Ireland) may be disclosed or used. Regulation 17 prevents information provided under these Regulations from being used to incriminate a person in proceedings for any offence other than one under these Regulations of the offence of making a false statement other than under oath.

The necessity and proportionality of these Regulations must be reviewed every 21 days (regulation 18).

Regulation 19 provides that these Regulations will expire on 31 May 2022.

There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.

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(Coronavirus, International Travel)
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Gwnaed am 2.56 p.m. ar 10 Chwefror 2022

Made at 2.56 p.m. on 10 February 2022

*Gosodwyd gerbron Senedd
Cymru am 4.45 p.m. ar 10 Chwefror 2022*

*Laid before Senedd
Cymru at 4.45 p.m. on 10 February 2022*

Yn dod i rym am 4.00 a.m. ar 11 Chwefror 2022

*Coming into force at 4.00 a.m. on 11 February
2022*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 45B, 45C, 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, 45C, 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984(1), make the following Regulations.

Yn unol ag adran 45Q(3) o'r Ddeddf honno mae Gweinidogion Cymru o'r farn nad yw'r offeryn yn cynnwys unrhyw ddarpariaeth a wneir yn rhinwedd adran 45C o'r Ddeddf sy'n gosod neu'n galluogi gosod cyfyngiad neu ofyniad arbennig, neu unrhyw gyfyngiad neu ofyniad arall sy'n cael neu a fyddai'n cael effaith sylweddol ar hawliau person.

In accordance with section 45Q(3) of that Act the Welsh Ministers are of the opinion that the instrument does not contain any provision made by virtue of section 45C of the Act which imposes or enables the imposition of a special restriction or requirement, or any other restriction or requirement which has or would have a significant effect on a person's rights.

RHAN 1

PART 1

Cyffredinol

General

Enwi, dod i rym a dirymu

Title, coming into force and revocations

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2022.

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022.

(1) 1984 p. 22. ("Deddf 1984"). 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" ("y Gweinidog priodol"). O dan adran 45T(6) o Ddeddf 1984 y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

(1) 1984 c. 22. ("the 1984 Act"). 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.

(2) Daw'r Rheoliadau hyn i rym am 4.00 a.m. ar 11 Chwefror 2022.

(3) Mae Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020(1) wedi eu dirymu.

(4) Mae Rhan 3 o Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol a Hysbysu) (Cymru) (Diwygiadau Amrywiol) 2021(2) wedi ei dirymu.

Dehongli cyffredinol

2.—(1) Yn y Rheoliadau hyn—

mae i “cerbyd nwyddau” yr ystyr a roddir i “goods vehicle” yn adran 192 o Ddeddf Traffig Ffyrdd 1988(3);

mae i “contractwr llywodraeth” yr ystyr a roddir i “government contractor” yn adran 12(2) o Ddeddf Cyfrinachau Swyddogol 1989;

ystyr “coronafeirws” (“*coronavirus*”) yw coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2);

ystyr “darparwr prawf” (“*test provider*”) yw darparwr prawf cyhoeddus neu ddarparwr prawf preifat;

ystyr “darparwr prawf cyhoeddus” (“*public test provider*”) yw person sy'n darparu neu'n gweinyddu prawf gan arfer pwerau o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(4), Deddf y Gwasanaeth Iechyd Gwladol 2006, Deddf

(2) These Regulations come into force at 4.00 a.m. on 11 February 2022.

(3) The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(1) are revoked.

(4) Part 3 of the Health Protection (Coronavirus, International Travel and Notification) (Wales) (Miscellaneous Amendments) Regulations 2021(2) is revoked.

General interpretation

2.—(1) In these Regulations—

“the 2020 Regulations” (“*Rheoliadau 2020*”) means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020;

“child” (“*plentyn*”) means a person under 18 years of age and any reference to an “adult” (“*oedolyn*”) is to be interpreted accordingly;

“coronavirus” (“*coronafeirws*”) means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“the Coronavirus Restrictions Regulations” (“*y Rheoliadau Cyfyngiadau Coronafeirws*”) means

(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), O.S. 2021/361 (Cy. 110), O.S. 2021/454 (Cy. 144), O.S. 2021/500 (Cy. 149), O.S. 2021/568 (Cy. 156), O.S. 2021/584 (Cy. 161), O.S. 2021/646 (Cy. 166), O.S. 2021/669 (Cy. 170), O.S. 2021/765 (Cy. 187), O.S. 2021/826 (Cy. 193), O.S. 2021/863 (Cy. 202), O.S. 2021/867 (Cy. 203), O.S. 2021/915 (Cy. 208), O.S. 2021/926 (Cy. 211), O.S. 2021/967 (Cy. 227), O.S. 2021/1063 (Cy. 250), O.S. 2021/1109 (Cy. 265), O.S. 2021/1126 (Cy. 273), O.S. 2021/1212 (Cy. 303), O.S. 2021/1321 (Cy. 336), O.S. 2021/1330 (Cy. 343), O.S. 2021/1342 (Cy. 346), O.S. 2021/1354 (Cy. 352), O.S. 2021/1366 (Cy. 361), O.S. 2021/1369 (Cy. 362), O.S. 2021/1433 (Cy. 371), ac O.S. 2022/16 (Cy. 8).

(2) O.S. 2021/1212 (Cy. 250).

(3) 1988 p. 52. Mae diwygiadau i adran 192 ond nid yw'r un ohonynt yn berthnasol.

(4) 2006 p. 42.

(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), S.I. 2021/361 (W. 110), S.I. 2021/454 (W. 144), S.I. 2021/500 (W. 149), S.I. 2021/568 (W. 156), S.I. 2021/584 (W. 161), S.I. 2021/646 (W. 166), S.I. 2021/669 (W. 170), S.I. 2021/765 (W. 187), S.I. 2021/826 (W. 193), S.I. 2021/863 (W. 202), S.I. 2021/867 (W. 203), S.I. 2021/915 (W. 208), S.I. 2021/926 (W. 211), S.I. 2021/967 (W. 227), S.I. 2021/1063 (W. 250), S.I. 2021/1109 (W. 265), S.I. 2021/1126 (W. 273), S.I. 2021/1212 (W. 303), S.I. 2021/1321 (W. 336), S.I. 2021/1330 (W. 343), S.I. 2021/1342 (W. 346), S.I. 2021/1354 (W. 352), S.I. 2021/1366 (W. 361), S.I. 2021/1369 (W. 362), S.I. 2021/1433 (W. 371), and S.I. 2022/16 (W. 8).

(2) S.I. 2021/1212 (W. 250).

y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(1), neu Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(2);

ystyr “darparwr prawf preifat” (“*private test provider*”) yw darparwr prawf ac eithrio darparwr prawf cyhoeddus;

ystyr “dyfais” (“*device*”) yw dyfais feddygol ddiagnostig *in vitro* o fewn yr ystyr a roddir i “*in vitro diagnostic medical device*” yn rheoliad 2(1) o Reoliadau Dyfeisiadau Meddygol 2002(3);

ystyr “GIG” (“*NHS*”) yw’r gwasanaeth iechyd a barheir o dan adran 1(1) o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(4);

mae i “*gwas i’r goron*” yr ystyr a roddir i “*crown servant*” yn adran 12(1)(a) i (e) o Ddeddf Cyfrinachau Swyddogol 1989(5);

ystyr “*gweithiwr cludiant ffyrdd*” (“*road haulage worker*”) yw—

- (a) gyrrwr cerbyd nwyddau sy’n cael ei ddefnyddio mewn cysylltiad â chludo nwyddau, ac eithrio nwyddau at ddefnydd personol anfasnachol y gyrrwr, neu
- (b) person a gyflogir gan ddeiliad trwydded Gymunedol a ddyroddwyd o dan Erthygl 4 o Reoliad (EC) Rhif 1072/2009 Senedd Ewrop a’r Cyngor(6), ac sy’n gweithredu yng nghwrs ei gyflogaeth;

ystyr “*gwybodaeth am deithiwr*” (“*passenger information*”) yw—

- (a) pan fo P yn deithiwr cymwys, yr wybodaeth a bennir yn Rhan 1 o Atodlen 1;
- (b) pan na fo P yn deithiwr cymwys, yr wybodaeth a bennir yn Rhannau 1 a 2 o Atodlen 1;

mae “*gyrrwr*” (“*driver*”) yn cynnwys person sy’n teithio mewn cerbyd fel gyrrwr wrth gefn;

the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020(1);

“*crown servant*” (“*gwas i’r goron*”) has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989(2);

“*day 2 test*” (“*prawf diwrnod 2*”) means a test which complies with regulation 8(5) and paragraph 1 of Schedule 4;

“*device*” (“*dyfais*”) means an *in vitro* diagnostic medical device within the meaning given in regulation 2(1) of the Medical Devices Regulations 2002(3);

“*driver*” (“*gyrrwr*”) includes a person who is travelling in a vehicle as a relief driver;

“*eligible traveller*” (“*teithiwr cymwys*”) has the meaning given in regulation 3;

“*EU Digital COVID Certificate*” (“*Tystysgrif COVID Ddigidol yr UE*”) means a certificate of COVID-19 records issued by an EEA state, a member State of the European Free Trade Association, Andorra, Monaco, San Marino or the Vatican City State;

“*goods vehicle*” (“*cerbyd nwyddau*”) has the meaning given in section 192 of the Road Traffic Act 1988(4);

“*government contractor*” (“*contractwr llywodraeth*”) has the meaning given in section 12(2) of the Official Secrets Act 1989;

“*immigration officer*” (“*swyddog mewnfudo*”) means a person appointed by the Secretary of State

(1) 1978 p. 29.
(2) O.S. 1972/1265 (G.I. 14).
(3) O.S. 2002/618, a ddiwygiwyd gan O.S. 2008/2936.
(4) 2006 p. 41.
(5) 1989 p. 6. Diwygiwyd adran 12 gan baragraff 22 o Atodlen 10 i Ddeddf Lluoedd wrth Gefn 1996 (p. 14), gan baragraff 30 o Atodlen 12 i Ddeddf Llywodraeth Cymru 1998 (p. 38), gan baragraff 26 o Atodlen 8 i Ddeddf yr Alban 1998 (p. 46), gan baragraff 9(3) o Atodlen 13 i Ddeddf Gogledd Iwerddon 1998 (p. 47), gan baragraff 9 o Atodlen 6 i Ddeddf yr Heddlu (Gogledd Iwerddon) 2000 (p. 32), gan baragraff 6 o Atodlen 14 i Ddeddf Ynni 2004 (p. 20), gan baragraff 58 o Atodlen 4 i Ddeddf Troseddau Cyfundrefnol Difrifol a’r Heddlu 2005, gan baragraff 34 o Atodlen 10 i Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 1 o Atodlen 12 iddi, a chan baragraff 36 o Atodlen 8 i Ddeddf Troseddau a’r Llysoedd 2013 (p. 22).
(6) OJ Rhif L 300, 14.11.2009, t. 72.

(1) S.I. 2020/1609 (W. 335), 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), S.I. 2021/970 (W. 228), S.I. 2021/1119 (W. 271), S.I. 2021/1131 (W. 274), S.I. 2021/1212 (W. 303), S.I. 2021/1304 (W. 334), S.I. 2021/1363 (W. 358), S.I. 2021/1407 (W. 366), S.I. 2021/1468 (W. 376), S.I. 2021/1477 (W. 379), S.I. 2021/1485 (W. 386), S.I. 2021/1490 (W. 390), S.I. 2022/39 (W. 16) and S.I. 2022/55 (W. 21).
(2) 1989 c. 6. Section 12 was amended by paragraph 22 of Schedule 10 to the Reserve Forces Act 1996 (c. 14), by paragraph 30 of Schedule 12 to the Government of Wales Act 1998 (c. 38), by paragraph 26 of Schedule 8 to the Scotland Act 1998 (c. 46), by paragraph 9(3) of Schedule 13 to the Northern Ireland Act 1998 (c. 47), by paragraph 9 of Schedule 6 to the Police (Northern Ireland) Act 2000 (c. 32), by paragraph 6 of Schedule 14 to the Energy Act 2004 (c. 20), by paragraph 58 of Schedule 4 to the Serious Organised Crime and Police Act 2005, by paragraph 34 of Schedule 10, and paragraph 1 of Schedule 12, to the Government of Wales Act 2006 (c. 32) and by paragraph 36 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).
(3) S.I. 2002/618, amended by S.I. 2008/2936.
(4) 1988 c. 52. There are amendments to section 192 but none is relevant.

ystyr “penodolrwydd” (“*specificity*”), mewn perthynas â dyfais, yw pa mor aml y mae’r ddyfais yn cynhyrchu canlyniad negatiff yn gywir;

ystyr “plentyn” (“*child*”) yw person o dan 18 oed ac mae unrhyw gyfeiriad at “oedolyn” (“*adult*”) i’w ddehongli yn unol â hynny;

ystyr “prawf cymhwysol” (“*qualifying test*”) yw prawf sy’n brawf cymhwysol at ddibenion rheoliad 7;

ystyr “prawf diwrnod 2” (“*day 2 test*”) yw prawf sy’n cydymffurfio â rheoliad 8(5) a pharagraff 1 o Atodlen 4;

ystyr “prawf gweithlu” (“*workforce test*”) yw prawf a gymerir ar gyfer canfod y coronafeirws, a ddarperir neu a weinyddir o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

ystyr “prawf gweithlu arall” (“*replacement workforce test*”) yw prawf a gymerir ar gyfer canfod y coronafeirws, a ddarperir neu a weinyddir o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ac a gymerir yn unol â rheoliad 9(4) neu reoliad 11(3);

ystyr “Rheoliadau 2020” (“*the 2020 Regulations*”) yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020;

ystyr “y Rheoliadau Cyfyngiadau Coronafeirws” (“*the Coronavirus Restrictions Regulations*”) yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020(1);

ystyr “sensitifrwydd” (“*sensitivity*”), mewn perthynas â dyfais, yw pa mor aml y mae’r ddyfais yn cynhyrchu canlyniad positif yn gywir;

ystyr “swyddog mewnfudo” (“*immigration officer*”) yw person a benodwyd gan yr Ysgrifennydd Gwladol yn swyddog mewnfudo o dan baragraff 1 o Atodlen 2 i Ddeddf Mewnfudo 1971(2);

as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971(1);

“NHS” (“*GIG*”) means the health service continued under section 1(1) of the National Health Service Act 2006(2);

“passenger information” (“*gwybodaeth am deithiwr*”) means—

- (a) where P is an eligible traveller, the information specified in Part 1 of Schedule 1;
- (b) where P is not an eligible traveller, the information specified in Parts 1 and 2 of Schedule 1;

“private test provider” (“*darparwr prawf preifat*”) means a test provider other than a public test provider;

“public test provider” (“*darparwr prawf cyhoeddus*”) means a person who provides or administers a test exercising powers under the National Health Service (Wales) Act 2006(3), the National Health Service Act 2006, the National Health Service (Scotland) Act 1978(4), or the Health and Personal Social Services (Northern Ireland) Order 1972(5);

“qualifying test” (“*prawf cymhwysol*”) means a test that is a qualifying test for the purposes of regulation 7;

“replacement workforce test” (“*prawf gweithlu arall*”) means a test which is taken for the detection of coronavirus which are provided or administered under the National Health Service (Wales) Act 2006 and which is taken in accordance with regulation 9(4) or regulation 11(3);

“road haulage worker” (“*gweithiwr chudiant ffyrdd*”) means—

- (a) a driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or
- (b) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council(6), and who is acting in the course of their employment;

(1) O.S. 2020/1609 (Cy. 335), a ddiwygiwyd 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), O.S. 2021/970 (Cy. 228), O.S. 2021/1119 (Cy. 271), O.S. 2021/1131 (Cy. 274), O.S. 2021/1212 (Cy. 303), O.S. 2021/1304 (Cy. 334), O.S. 2021/1363 (Cy. 358), O.S. 2021/1407 (Cy. 366), O.S. 2021/1468 (Cy. 376), O.S. 2021/1477 (Cy. 379), O.S. 2021/1485 (Cy. 386), O.S. 2021/1490 (Cy. 390), O.S. 2022/39 (Cy. 16) ac O.S. 2022/55 (Cy. 21).

(2) 1971 p. 77. Diwygiwyd paragraff 1 gan baragraff 3 o Atodlen 3 i Ddeddf yr Asiantaeth Diogelu Iechyd 2004 (p. 17), a chan O.S. 1993/1813.

(1) 1971 c. 77. Paragraph 1 was amended by paragraph 3 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17), and by S.I. 1993/1813.

(2) 2006 c. 41.

(3) 2006 c. 42.

(4) 1978 c. 29.

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

(6) OJ No. L 300, 14.11.2009, p. 72.

mae i “teithiwr cymwys” (“*eligible traveller*”) yr ystyr a roddir yn rheoliad 3;

ystyr “Tystysgrif COVID Ddigidol yr UE” (“*EU Digital COVID Certificate*”) yw tystysgrif o gofnodion COVID-19 a ddyroddir gan wladwriaeth AEE, Aelod-wladwriaeth o’r Gymdeithas Fasnach Rydd Ewropeaidd, Andorra, Gwladwriaeth Dinas y Fatican, Monaco neu San Marino.

(2) At ddiben y Rheoliadau hyn, mae gan berson gyfrifoldeb dros blentyn os oes gan y person—

- (a) gwarchodaeth neu ofal am y plentyn, neu
- (b) cyfrifoldeb rhiant dros y plentyn (o fewn ystyr Deddf Plant 1989(1)).

(3) Yn y Rheoliadau hyn, mae i—

“yr ardal deithio gyffredin”(2);

“cerbyd awyr”(3);

“llog”(4);

“porthladd”(5),

yr un ystyr ag a roddir i “the common travel area”, “aircraft”, “ship” a “port” yn Neddf Mewnfudo 1971.

(4) At ddibenion y Rheoliadau hyn, nid yw person sy’n teithio ar gerbyd awyr neu long i’w drin fel pe bai wedi bod mewn man oni bai—

- (a) bod y person yn dod oddi ar y cerbyd awyr neu’r llog pan fo yn y man, neu
- (b) pan na fo’r person yn dod oddi ar y cerbyd awyr neu’r llog pan fo yn y man, bod unrhyw deithwyr eraill yn mynd ar y cerbyd awyr neu’r llog yn y man.

(5) At ddibenion y Rheoliadau hyn, mae person wedi dechrau ei daith i Gymru y tu allan i’r ardal deithio gyffredin os oedd y man ymadael gwreiddiol y tu allan i’r ardal deithio gyffredin, pa un a oedd y man ymadael diwethaf ar y daith honno o fewn yr ardal deithio gyffredin ai peidio.

“sensitivity” (“*sensitifrwydd*”), in relation to a device, means how often the device correctly generates a positive result;

“specificity” (“*penodolrwydd*”), in relation to a device, means how often the device correctly generates a negative result;

“test provider” (“*darparwr prawf*”) means a public test provider or a private test provider;

“workforce test” (“*prawf gweithlu*”) means a test which is taken for the detection of coronavirus which is provided or administered under the National Health Service (Wales) Act 2006.

(2) For the purpose of these Regulations, a person has responsibility for a child if—

- (a) the person has custody or charge of the child, or
- (b) the person has parental responsibility for the child (within the meaning of the Children Act 1989(1)).

(3) In these Regulations—

“aircraft” (“*cerbyd awyr*”)(2);

“the common travel area” (“*yr ardal deithio gyffredin*”)(3);

“port” (“*porthladd*”)(4);

“ship” (“*llog*”)(5),

have the same meaning as they have in the Immigration Act 1971.

(4) For the purposes of these Regulations, a person travelling by aircraft or ship is not to be treated as having been in a place unless—

- (a) the person disembarks from the aircraft or ship while it is at the place, or
- (b) where the person remains on the aircraft or ship while it is at the place, any other passengers embark on the aircraft or ship at the place.

(5) For the purposes of these Regulations, a person has begun their journey to Wales outside the common travel area if the original place of departure was outside the common travel area, whether or not the last place of departure on that journey was inside the common travel area.

(1) 1989 p. 41.

(2) Gweler adran 1(3). Mae’n yn darparu y cyfeirir at y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw a Gweriniaeth Iwerddon gyda’i gilydd yn y Ddeddf honno fel “the common travel area”.

(3) Gweler adran 33(1).

(4) Gweler adran 33(1).

(5) Gweler adran 33(1).

(1) 1989 c. 41.

(2) See section 33(1).

(3) See section 1(3). It provides that the United Kingdom, the Channel Islands, the Isle of Man, and the Republic of Ireland are collectively referred to in that Act as “the common travel area”.

(4) See section 33(1).

(5) See section 33(1).

Esemptiadau ar gyfer teithwyr cymwys

3.—(1) Yn y Rheoliadau hyn, mae person (“P”) yn deithiwr cymwys os yw P yn bodloni gofynion paragraff (2) ac unrhyw un neu ragor o’r gofynion ym mharagraffau (3) i (7) o’r rheoliad hwn.

(2) Mae P yn cyrraedd Cymru ar ôl dechrau ei daith y tu allan i’r ardal deithio gyffredin.

(3) O ran P—

- (a) mae wedi cwblhau cwrs o ddosau o frechlyn awdurdodedig a chafwyd y dos olaf o leiaf 14 o ddiwrnodau cyn iddo gyrraedd Cymru,
- (b) os yw’n ofynnol gan swyddog mewnfudo neu weithredwr gwasanaeth masnachol y mae P yn teithio arno i Gymru o’r tu allan i’r ardal deithio gyffredin, mae’n gallu darparu prawf ei fod yn bodloni’r gofyniad yn is-baragraff (a) ar ffurf—
 - (i) pàs COVID y GIG, neu bàs cyfatebol oddi wrth GIG yr Alban, GIG Cymru neu’r Adran Iechyd yng Ngogledd Iwerddon,
 - (ii) tystysgrif COVID Ddigidol yr UE,
 - (iii) tystysgrif o gofnodion COVID-19 a ddyroddir gan drydedd wlad neu diriogaeth a gymeradwywyd,
 - (iv) Tystysgrif Gogledd America,
 - (v) cerdyn brechu’r Canolfannau Rheoli ac Atal Clefydau, neu
 - (vi) tystysgrif brechlyn, ac
- (c) mae wedi datgan bod P wedi cwblhau cwrs o frechlyn awdurdodedig gan ddefnyddio cyfleuster y cyfeirir ato yn rheoliad 6(1).

(4) O ran P—

- (a) mae wedi cymryd rhan, neu yn cymryd rhan, mewn treial clinigol o frechlyn awdurdodedig ar gyfer brechu yn erbyn y coronafeirws a gynhaliwyd neu a gynhelir yn unol â gofynion Rheoliadau Meddyginiaethau i’w Defnyddio gan Bobl (Treialon Clinigol) 2004(1),
- (b) mae’n gallu darparu prawf o’r cymryd rhan hwnnw os yw hynny’n ofynnol gan swyddog mewnfudo neu weithredwr gwasanaeth masnachol y mae P yn teithio arno i Gymru o’r tu allan i’r ardal deithio gyffredin, ac
- (c) mae wedi datgan bod P wedi cymryd rhan neu yn cymryd rhan mewn treial clinigol o’r fath gan ddefnyddio cyfleuster y cyfeirir ato yn rheoliad 6(1).

(1) O.S. 2004/1031.

Exemptions for eligible travellers

3.—(1) In these Regulations, a person (“P”) is an eligible traveller if P meets the requirements of paragraph (2) and any of the requirements in paragraphs (3) to (7) of this regulation.

(2) P arrives in Wales having begun their journey outside the common travel area.

(3) P—

- (a) has completed a course of doses of an authorised vaccine with the final dose having been received at least 14 days prior to arriving in Wales,
- (b) if required by an immigration officer or the operator of a commercial service on which P travels to Wales from outside the common travel area, is able to provide proof of meeting the requirement in sub-paragraph (a) in the form of—
 - (i) the NHS COVID pass or equivalent from NHS Scotland, NHS Wales or the Department of Health in Northern Ireland,
 - (ii) the EU Digital COVID certificate,
 - (iii) a certificate of COVID-19 records issued by an approved third country or territory,
 - (iv) a North American Certificate,
 - (v) the Centers for Disease Control and Prevention vaccination card, or
 - (vi) a vaccine certificate, and
- (c) has declared that P has completed a course of an authorised vaccine using a facility referred to in regulation 6(1).

(4) P—

- (a) has participated in, or is participating in, a clinical trial of an authorised vaccine for vaccination against coronavirus carried out in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004(1),
- (b) is able to provide proof of such participation if required by an immigration officer or the operator of a commercial service on which P travels to Wales from outside the common travel area, and
- (c) has declared that P has participated in or is participating in such a clinical trial using a facility referred to in regulation 6(1).

(1) S.I. 2004/1031.

(5) O ran P—

- (a) mae wedi cymryd rhan, neu yn cymryd rhan, mewn treial clinigol yn Unol Daleithiau America gan y Weinyddiaeth Bwyd a Diod o frechlyn ar gyfer brechu yn erbyn y coronafeirws, a
- (b) mae'n gallu darparu prawf o'r cymryd rhan hwnnw drwy gerdyn brechu'r Canolfannau Rheoli ac Atal Clefydau os yw hynny'n ofynnol gan swyddog mewnfudo neu weithredwr gwasanaeth masnachol y mae P yn teithio arno i Gymru o'r tu allan i'r ardal deithio gyffredin.

(6) Mae P o dan 18 oed pan fo'n cyrraedd Cymru.

(7) O ran P—

- (a) mae wedi cwblhau cwrs o ddosau o frechlyn o dan raglen frechu'r Deyrnas Unedig dramor, a chafwyd y dos olaf o leiaf 14 o ddiwrnodau cyn iddo gyrraedd Cymru,
- (b) mae'n gallu darparu prawf, os yw hynny'n ofynnol gan swyddog mewnfudo, ei fod yn bodloni'r gofynion yn is-baragraff (a), ac
- (c) mae wedi datgan bod P wedi cwblhau cwrs o ddosau o frechlyn fel y'i disgrifir yn is-baragraff (a) gan ddefnyddio cyfleuster y cyfeirir ato yn rheoliad 6(1).

(8) At ddibenion paragraff (3), mae P wedi cwblhau cwrs o ddosau os yw P wedi cael y cwrs cyflawn o ddosau a bennir—

- (a) yn y crynodeb o nodweddion y cynnyrch a gymeradwywyd fel rhan o'r awdurdodiad marchnata ar gyfer y brechlyn awdurdodedig, neu
- (b) 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 Meddyginiaethau Dynol 2012(1) ar gyfer y brechlyn awdurdodedig.

(9) At ddibenion paragraff (3)—

- (a) pan fo P wedi cael dos o un brechlyn awdurdodedig a dos o frechlyn awdurdodedig gwahanol, bennir bod P wedi cwblhau cwrs o ddosau o frechlyn awdurdodedig;
- (b) pan fo P wedi cael o leiaf dau ddos o unrhyw un o'r brechlynnau y cyfeirir atynt ym mharagraff (d) o'r diffiniad o "brechlyn awdurdodedig", bennir bod P wedi cwblhau cwrs o ddosau o frechlyn awdurdodedig.

(5) P—

- (a) has participated or is participating in a clinical trial in the United States of America by the Food and Drugs Administration of a vaccine for vaccination against coronavirus, and
- (b) is able to provide proof of such participation through the Centers for Disease Control and Prevention vaccination card if required by an immigration officer or the operator of a commercial service on which P travels to Wales from outside the common travel area.

(6) P is under the age of 18 upon arrival in Wales.

(7) P—

- (a) has completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas, with the final dose having been received at least 14 days prior to arriving in Wales,
- (b) is able to provide proof if required by an immigration officer of meeting the requirements in sub-paragraph (a), and
- (c) has declared that P has completed a course of doses of a vaccine as described in sub-paragraph (a) using a facility referred to in regulation 6(1).

(8) For the purposes of paragraph (3), P has completed a course of doses if P has received the complete course of doses specified—

- (a) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
- (b) 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(1) for the authorised vaccine.

(9) For the purposes of paragraph (3)—

- (a) where P has received a dose of one authorised vaccine and a dose of a different authorised vaccine, P is deemed to have completed a course of doses of an authorised vaccine;
- (b) where P has received at least two doses of any of the vaccines referred to in paragraph (d) of the definition of "authorised vaccine", P is deemed to have completed a course of doses of an authorised vaccine.

(1) O.S. 2012/1916.

(1) S.I. 2012/1916.

(10) At ddibenion paragraff (7), mae P wedi cwblhau cwrs o ddosau o frechlyn os yw P wedi cael y cwrs cyflawn o ddosau o'r brechlyn fel y'i pennir yng nghanllawiau'r gweithgynhyrhydd ar gyfer y brechlyn hwnnw.

(11) At ddibenion paragraff (7), pan fo P wedi cael—

- (a) dos o frechlyn awdurdodedig, a
- (b) dos o frechlyn o dan raglen frechu'r Deyrnas Unedig dramor,

bernir bod P wedi cwblhau cwrs o ddosau o frechlyn o dan raglen frechu'r Deyrnas Unedig dramor.

(12) At ddibenion paragraff (7), pan fo P wedi cael—

- (a) dos o un brechlyn o dan raglen frechu'r Deyrnas Unedig dramor, a
- (b) dos o frechlyn gwahanol o dan raglen frechu'r Deyrnas Unedig dramor,

bernir bod P wedi cwblhau cwrs o ddosau o frechlyn o dan raglen frechu'r Deyrnas Unedig dramor.

(13) At ddibenion y rheoliad hwn, mae plentyn i'w drin fel pe bai'n gwneud datganiad gan ddefnyddio cyfleuster y cyfeirir ato yn rheoliad 6(1), ac yn darparu unrhyw brawf sy'n ofynnol, os gwneir y datganiad hwnnw, ac os darperir y prawf, gan berson sy'n teithio gyda'r plentyn hwnnw ac sydd â chyfrifoldeb drosto.

(14) Yn y rheoliad hwn—

mae i "yr awdurdod trwyddedu" yr ystyr a roddir i "the licensing authority" yn rheoliad 6(2) o Reoliadau Meddyginiaethau Dynol 2012;

ystyr "awdurdodiad marchnata" ("*marketing authorisation*")—

- (a) 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 Meddyginiaethau Dynol 2012;
- (b) mewn perthynas â brechlyn a awdurdodwyd i'w gyflenwi mewn gwlad berthnasol a restrir yng ngholofn gyntaf y tabl ym mharagraff (15) ac eithrio Aelod-wladwriaeth, yw awdurdodiad marchnata a roddwyd gan y rheoleiddiwr perthnasol ar gyfer y wlad;

ystyr "brechlyn awdurdodedig" ("*authorised vaccine*") yw cynnyrch meddyginiaethol ar gyfer brechu yn erbyn y coronafeirws—

- (a) mewn perthynas â dosau a geir yn y Deyrnas Unedig—

(10) For the purposes of paragraph (7), P has completed a course of doses of a vaccine if P has received the complete course of doses of the vaccine as specified in the manufacturer's guidance for that vaccine.

(11) For the purposes of paragraph (7), where P has received—

- (a) a dose of an authorised vaccine, and
- (b) a dose of a vaccine under the United Kingdom vaccine roll-out overseas,

P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.

(12) For the purposes of paragraph (7), where P has received—

- (a) a dose of one vaccine under the United Kingdom vaccine roll-out overseas, and
- (b) a dose of a different vaccine under the United Kingdom vaccine roll-out overseas,

P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.

(13) For the purposes of this regulation, a child is to be treated as making a declaration using a facility referred to in regulation 6(1), and providing any proof required, if that declaration is made, and the proof provided, by a person who is travelling with and has responsibility for that child.

(14) In this regulation—

"authorised vaccine" ("*brechlyn awdurdodedig*") means a medical product for vaccination against coronavirus—

- (a) in relation to doses received in the United Kingdom, authorised—
 - (i) for supply in the United Kingdom in accordance with a marketing authorisation, or
 - (ii) by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012;
- (b) in relation to doses received in a relevant country listed in the first column of the table in paragraph (15), authorised for supply in that country following evaluation by the relevant regulator for the country;
- (c) in relation to doses received in any other country or territory (including a relevant country listed in paragraph (16)), which would be authorised as provided for in paragraph (a)(i) or (ii) if the doses were received in the United Kingdom;

- (i) a awdurdodwyd i'w gyflenwi yn y Deyrnas Unedig yn unol ag awdurdodiad marchnata, neu
- (ii) a awdurdodwyd gan yr awdurdod trwyddedu ar sail dros dro o dan reoliad 174 o Reoliadau Meddyginiaethau Dynol 2012;
- (b) mewn perthynas â dosau a geir mewn gwlad berthnasol a restrir yng ngholofn gyntaf y tabl ym mharagraff (15), a awdurdodwyd i'w gyflenwi yn y wlad honno yn dilyn gwerthusiad gan y rheoleiddiwr perthnasol ar gyfer y wlad;
- (c) mewn perthynas â dosau a geir mewn unrhyw wlad neu diriogaeth arall (gan gynnwys gwlad berthnasol a restrir ym mharagraff (16)), a fyddai'n awdurdodedig fel y darperir ar ei gyfer ym mharagraff (a)(i) neu (ii) pe bai'r dosau wedi eu cael yn y Deyrnas Unedig;
- (d) mewn perthynas â dosau a geir mewn unrhyw wlad yn y byd, y brechlynnau hynny sydd—
 - (i) wedi eu rhestru yn llinellau 10, 11, 12, 13 neu 14 o'r Ddogfen Ganllaw "Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process" a gyhoeddwyd gan Sefydliad Iechyd y Byd ar 23 Rhagfyr 2021, a
 - (ii) wedi eu hawdurdodi neu eu hardystio mewn gwlad reoleiddiedig a restrir ym mharagraff (16);

ystyr "GIG yr Alban" ("*NHS Scotland*") yw'r gwasanaeth iechyd a barheir o dan adran 1(1) o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978;

ystyr "GIG Cymru" ("*NHS Wales*") yw'r gwasanaeth iechyd a barheir o dan adran 1(1) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

ystyr "gwlad berthnasol" ("*relevant country*") yw gwlad neu diriogaeth a restrir yng ngholofn gyntaf y tabl ym mharagraff (15) neu wlad neu diriogaeth a restrir ym mharagraff (16);

ystyr "pàs COVID y GIG" ("*NHS COVID pass*") yw'r cofnodion COVID-19 ar ap ffôn clyfar y GIG a ddatblygir ac a weithredir gan yr Ysgrifennydd Gwladol drwy'r wefan ar NHS.uk neu drwy lythyr ar ôl brechiad COVID-19 a geir oddi wrth y GIG;

ystyr "rhaglen frechu'r Deyrnas Unedig dramor" ("*United Kingdom vaccine roll-out overseas*") yw gweinyddu'r brechlyn yn erbyn y coronafeirws i—

- (a) gweision i'r goron, contractwyr y llywodraeth neu bersonél arall sydd wedi eu lleoli neu eu seilio dramor a'u dibynnyddion o dan y cynllun

- (d) in relation to doses received in any country in the world, those vaccines which are—
 - (i) listed in lines 10, 11, 12, 13 or 14 of the Guidance Document "Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process" published by the World Health Organisation on 23 December 2021, and
 - (ii) authorised or certified in a regulated country listed in paragraph (16);

"clinical trial" ("*treial clinigol*") has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004;

"the licensing authority" ("*yr awdurdod trwyddedu*") has the meaning given in regulation 6(2) of the Human Medicines Regulations 2012;

"marketing authorisation" ("*awdurdodiad marchnata*")—

- (a) 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;
- (b) in relation to a vaccine authorised for supply in a relevant country listed in the first column of the table in paragraph (15) other than a member State, means a marketing authorisation granted by the relevant regulator for the country;

"NHS COVID pass" ("*pàs COVID y GIG*") means the COVID-19 records on the NHS smartphone app developed and operated by the Secretary of State through the website at NHS.uk or a COVID-19 post vaccination letter obtained from the NHS;

"NHS Scotland" ("*GIG yr Alban*") means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978;

"NHS Wales" ("*GIG Cymru*") means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006;

"North American Certificate" ("*Tystysgrif Gogledd America*") means—

- (a) Excelsior Pass Plus (New York);
- (b) Digital COVID-19 Vaccine Record (California);
- (c) WA Verify (Washington state);

"relevant country" ("*gwlad berthnasol*") means a country or territory listed in the first column of the table in paragraph (15) or a country or territory listed in paragraph (16);

"relevant regulator" ("*rheoleiddiwr perthnasol*"), in relation to a relevant country, means the regulator identified in the corresponding row of the

o'r enw rhaglen frechu COVID-19 staff y Swyddfa Dramor, y Gymanwlad a Datblygu, neu

- (b) personél milwrol neu siflaidd, contractwyr y llywodraeth a'u dibynyddion 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;

ystyr “rheoleiddiwr perthnasol” (“*relevant regulator*”), mewn perthynas â gwlad berthnasol, yw'r rheoleiddiwr a nodir yn y rhes gyfatebol o ail golofn y tabl ym mharagraff (15), 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;

mae i “treial clinigol” yr ystyr a roddir i “clinical trial” yn rheoliad 2(1) o Reoliadau Meddyginiaethau i'w Defnyddio gan Bobl (Treialon Clinigol) 2004;

ystyr “tystysgrif brechlyn” (“*vaccine certificate*”) yw tystysgrif mewn Saesneg, Ffrangeg neu Sbaeneg a ddyroddir gan awdurdod iechyd cymwys gwlad berthnasol, ac eithrio gwlad neu diriogaeth Ewropeaidd a restrir yn y tabl ym mharagraff (15) neu Unol Daleithiau America, sy'n cynnwys—

- (a) enw llawn P;
- (b) dyddiad geni P;
- (c) enw a gweithgynhyrchydd y brechlyn y mae P wedi ei gael;
- (d) y dyddiad y cafodd P bob dos o'r brechlyn;
- (e) manylion ynghylch naill ai pwy yw dyroddwr y dystysgrif neu'r wlad y rhoddwyd y brechlyn ynddi, neu'r ddau;

ystyr “Tystysgrif Gogledd America” (“*North American Certificate*”) yw—

- (a) Excelsior Pass Plus (Efrog Newydd);
- (b) Cofnod Brechlyn COVID-19 Digidol (California);
- (c) WA Verify (talaith Washington).

second column of the table in paragraph (15), 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;

“United Kingdom vaccine roll-out overseas” (“*rhaglen frechu'r Deyrnas Unedig dramor*”) means the administration of vaccination against coronavirus to—

- (a) crown servants, government contractors 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, or
- (b) 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;

“vaccine certificate” (“*tystysgrif brechlyn*”) means a certificate in English, French or Spanish issued by the competent health authority of a relevant country, other than a European country or territory listed in the table in paragraph (15) or the United States of America, which contains—

- (a) P's full name;
- (b) P's date of birth;
- (c) the name and manufacturer of the vaccine that P has received;
- (d) the date that P received each dose of the vaccine;
- (e) details of either the identity of the issuer of the certificate or the country of vaccination, or both.

(15) 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 Feddyginiaethau Ewropeaidd
Andorra	Yr Asiantaeth Feddyginiaethau Ewropeaidd
Awstralia	Y Weinyddiaeth Nwyddau Therapiwtig
Canada	Iechyd Canada
Gwlad yr Iâ	Yr Asiantaeth Feddyginiaethau Ewropeaidd
Gwladwriaeth Dinas y Fatican	Yr Asiantaeth Feddyginiaethau Ewropeaidd
Liechtenstein	Yr Asiantaeth Feddyginiaethau Ewropeaidd
Monaco	Yr Asiantaeth Feddyginiaethau Ewropeaidd
Norwy	Yr Asiantaeth Feddyginiaethau Ewropeaidd
San Marino	Yr Asiantaeth Feddyginiaethau Ewropeaidd
Y Swistir	Swissmedic
Unol Daleithiau America	Gweinyddiaeth Bwyd a Chyffuriau yr Unol Daleithiau

(16) Y gwledydd a'r tiriogaethau y cyfeirir atynt yn y diffiniad o "gwlad berthnasol" yw—

Yr Aifft
Albania
Algeria
Angola
Anguilla
Antigua a Barbuda
Ardaloedd Safleoedd Sofran Akrotiri a
Dhekelia ar Ynys Cyprus
Yr Ariannin
Armenia
Azerbaijan
Y Bahamas
Bahrain

(15) 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
Australia	The Therapeutic Goods Administration
Canada	Health Canada
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

(16) The countries and territories referred to in the definition of "relevant country" are—

Albania
Algeria
Angola
Anguilla
Antigua and Barbuda
Argentina
Armenia
Azerbaijan
The Bahamas
Bahrain
Bangladesh
Barbados
Belarus

Bangladesh	Belize
Barbados	Bermuda
Belarws	Bhutan
Belize	Bolivia
Bermuda	Bosnia & Herzegovina
Bhutan	Botswana
Bolivia	Brazil
Bosnia a Herzegovina	British Antarctic Territory
Botswana	British Indian Ocean Territory
Brasil	British Virgin Islands
Brunei	Brunei
Cambodia	Cambodia
Cameroon	Cameroon
Chile	Cayman Islands
Colombia	Chile
Costa Rica	China
Cote d'Ivoire	Colombia
De Affrica	Costa Rica
De Georgia ac Ynysoedd Sandwich y De	Cote d'Ivoire
De Korea	Democratic Republic of the Congo
De Sudan	Djibouti
Djibouti	Dominica
Dominica	Dominican Republic
Dwyrain Timor	Ecuador
Ecuador	Egypt
Yr Emiradau Arabaidd Unedig	Eswatini
Eswatini	Falkland Islands
Fietnam	Fiji
Ffiji	The Gambia
Y Gambia	Georgia
Georgia	Ghana
Ghana	Gibraltar
Gibraltar	Grenada
Gogledd Cyprus	Guatemala
Gogledd Macedonia	Guernsey
Grenada	Guyana
Guatemala	Honduras
Guernsey	Hong Kong
Guyana	India
Gweriniaeth Dominica	Indonesia
Gweriniaeth Ddemocrataidd Congo	Iran
Gwlad yr Iorddonen	Iraq
Gwlad Thai	Isle of Man

Honduras	Israel
Hong Kong	Jamaica
India	Japan
Indonesia	Jersey
Irac	Jordan
Iran	Kazakhstan
Israel	Kenya
Jamaica	Kosovo
Japan	Kuwait
Jersey	Kyrgyzstan
Kazakhstan	Laos
Kenya	Lebanon
Kosovo	Lesotho
Kuwait	Liberia
Kyrgyzstan	Libya
Laos	Macao SAR
Lesotho	Madagascar
Libanus	Malawi
Liberia	Malaysia
Libya	Maldives
Madagascar	Mali
Malawi	Mauritania
Malaysia	Mauritius
Maldives	Mexico
Mali	Moldova
Mauritania	Mongolia
Mauritius	Montenegro
Mecsico	Montserrat
Moldofa	Morocco
Mongolia	Mozambique
Montenegro	Namibia
Montserrat	Nepal
Morocco	New Zealand
Mozambique	Niger
Namibia	Nigeria
Nepal	The north of Cyprus
Niger	North Macedonia
Nigeria	Occupied Palestinian Territories
Oman	Oman
Pacistan	Pakistan
Palau	Palau
Panama	Panama
Papua Guinea Newydd	Papua New Guinea

Paraguay
Periw
Qatar
Rwanda
Rhanbarth Gweinyddol Arbennig Macao
Saint Helena, Ascension a Tristan da Cunha
Samoa
Sao Tome a Principe
Saudi Arabia
Seland Newydd
Senegal
Serbia
Seychelles
Sierra Leone
Singapore
Sri Lanka
St Kitts a Nevis
St Lucia
St Vincent a'r Grenadines
Suriname
Taiwan
Tanzania
Tiriogaeth Brydeinig yr Antarctig
Tiriogaeth Brydeinig Cefnfor India
Tiriogaethau Meddianedig Palesteina
Tonga
Trinidad a Tobago
Tsieina
Tunisia
Turkmenistan
Twrci
Uganda
Uruguay
Uzbekistan
Vanuatu
Wcrain
Ynys Manaw
Ynysoedd Cayman
Ynysoedd Falkland
Ynysoedd Philippines
Ynysoedd Pitcairn, Henderson, Ducie ac Oeno
Ynysoedd Prydeinig y Wryf

Paraguay
Peru
Philippines
Pitcairn, Henderson, Ducie and Oeno Islands
Qatar
Rwanda
Saint Helena, Ascension and Tristan da Cunha
Samoa
Sao Tome and Principe
Saudi Arabia
Senegal
Serbia
Seychelles
Sierra Leone
Singapore
Solomon Islands
South Africa
South Georgia and the South Sandwich Islands
South Korea
South Sudan
The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus
Sri Lanka
St Kitts and Nevis
St Lucia
St Vincent and the Grenadines
Suriname
Taiwan
Tanzania
Thailand
Timor-Leste
Tonga
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Turks and Caicos Islands
Uganda
Ukraine
United Arab Emirates
Uruguay
Uzbekistan

Ynysoedd Solomon
Ynysoedd Turks a Caicos
Zambia
Zimbabwe.

(17) Mae'r gwledydd a'r tiriogaethau a ganlyn yn drydydd gwledydd neu diriogaethau a gymeradwywyd at ddibenion y Rhan hon—

Albania
Armenia
Cape Verde
El Salvador
Gogledd Macedonia
Israel
Morocco
Panama
Togo
Twrci
Wcrain
Ynysoedd Ffaro.

(18) Pan fo cwsr o ddosau o frechlyn awdurdodedig wedi ei weinyddu i berson (“P”) gan berson sy'n gweithredu ar ran y Cenhedloedd Unedig ac sydd wedi ei awdurdodi i weinyddu'r brechlyn yn y rhinwedd honno, mae P i'w drin fel pe bai wedi cael y dosau hynny mewn gwlad berthnasol a restrir ym mharagraff (16), ac mae unrhyw gyfeiriad at berson o wlad berthnasol yn y Rheoliadau hyn i'w ddehongli yn unol â hynny.

Darpariaeth drosiannol

4.—(1) Mae paragraff (2) yn gymwys—

- (a) pan fo'n ofynnol i berson (“P”), yn union cyn i'r Rheoliadau hyn ddod i rym, beidio ag ymadael â mangre benodedig yng Nghymru, neu beidio â bod y tu allan i'r fangre benodedig honno, yn unol â rheoliad 7(1) neu reoliad 8(1) o Reoliadau 2020 (“y gofyniad i ynysu”), a
- (b) pan na fyddai'r gofyniad i ynysu wedi bod yn gymwys i P pe bai'r gwledydd a'r tiriogaethau a restrir ym mharagraff (3) wedi eu cynnwys yn rheoliad 2A(12) o Reoliadau 2020 yn union cyn i P gyrraedd Cymru.

(2) Mae'r gofyniad i ynysu yn peidio â bod yn gymwys i P pan ddaw'r Rheoliadau hyn i rym.

(3) Y gwledydd a'r tiriogaethau y cyfeirir atynt ym mharagraff (1)(b) yw—

Algeria
Cape Verde

Vanuatu
Vietnam
Zambia
Zimbabwe.

(17) The following countries and territories are approved third countries or territories for the purposes of this Part—

Albania
Armenia
Cape Verde
El Salvador
Faroe Islands
Israel
Morocco
North Macedonia
Panama
Togo
Turkey
Ukraine.

(18) Where a course of doses of an authorised vaccine has been administered to a person (“P”) by a person acting on behalf of the United Nations and authorised to administer the vaccination in that capacity, P is to be treated as if they have received those doses in a relevant country listed in paragraph (16), and any reference to a person from a relevant country in these Regulations is to be construed accordingly.

Transitional provision

4.—(1) Paragraph (2) applies where—

- (a) a person (“P”), immediately before these Regulations come into force, is required not to leave or be outside of specified premises in Wales in accordance with regulation 7(1) or regulation 8(1) of the 2020 Regulations (“the isolation requirement”), and
- (b) the isolation requirement would not have applied to P had the countries and territories listed in paragraph (3) been included in regulation 2A(12) of the 2020 Regulations immediately before P's arrival in Wales.

(2) The isolation requirement ceases to apply to P when these Regulations come into force.

(3) The countries and territories referred to in paragraph (1)(b) are—

Algeria
Cape Verde

De Sudan
Dwyrain Timor
El Salvador
Guatemala
Iran
Kazakhstan
Kyrgyzstan
Mecsico
Rhanbarth Gweinyddol Arbennig Macao
Sao Tome a Principe
Togo
Tonga
Tsieina
Turkmenistan.

China
El Salvador
Guatemala
Iran
Kazakhstan
Kyrgyzstan
Macao SAR
Mexico
Sao Tome and Principe
South Sudan
Timor-Leste
Togo
Tonga
Turkmenistan.

RHAN 2

Gofyniad i ddarparu gwybodaeth

Personau sy'n cyrraedd o'r tu allan i'r ardal deithio gyffredin

5.—(1) Yn y Rhan hon, mae cyfeiriadau at “P” yn gyfeiriadau at berson sy'n cyrraedd Cymru ar ôl dechrau ei daith y tu allan i'r ardal deithio gyffredin.

(2) Ond nid yw cyfeiriadau at P yn cynnwys person a ddisgrifir yn unrhyw un neu ragor o baragraffau 1 i 11 o Atodlen 5.

Gofyniad i ddarparu gwybodaeth am deithiwr

6.—(1) Rhaid i P gyflwyno'r wybodaeth a ganlyn i'r Ysgrifennydd Gwladol yn electronig heb fod yn fwy na 3 diwrnod cyn cyrraedd Cymru, gan ddefnyddio cyfleuster a ddarperir gan yr Ysgrifennydd Gwladol at y diben hwn—

- (a) gwybodaeth am deithiwr ar gyfer P, a
- (b) pan fo P yn cyrraedd Cymru gyda phlentyn y mae gan P gyfrifoldeb drosto, gwybodaeth am deithiwr ar gyfer y plentyn.

(2) Pan fo P yn cyrraedd Cymru drwy borthladd—

- (a) rhaid i P gydymffurfio â pharagraff (1) cyn gadael y porthladd, a
- (b) rhaid i swyddog mewnfudo yn y porthladd ddarparu i P unrhyw gynorthwy y mae'r swyddog yn ei ystyried yn angenrheidiol i alluogi P i gydymffurfio â pharagraff (1).

PART 2

Requirement to provide information

Persons arriving from outside the common travel area

5.—(1) In this Part, references to “P” are to a person who arrives in Wales having begun their journey outside the common travel area.

(2) But references to P do not include a person described in any of paragraphs 1 to 11 of Schedule 5.

Requirement to provide passenger information

6.—(1) P must submit the following information to the Secretary of State electronically not more than 3 days before arriving in Wales, using a facility provided by the Secretary of State for this purpose—

- (a) P's passenger information, and
- (b) where P arrives in Wales accompanied by a child for whom P has responsibility, the child's passenger information.

(2) Where P arrives in Wales at a port—

- (a) P must comply with paragraph (1) before leaving the port, and
- (b) an immigration officer at the port must provide P with any assistance the officer considers necessary to enable P to comply with paragraph (1).

(3) Rhaid i P ddarparu tystiolaeth i'r swyddog mewnfudo bod yr wybodaeth am deithiwr wedi ei darparu, os gofynnir iddo wneud hynny gan y swyddog.

(4) Pan fo P yn blentyn y mae gwybodaeth am deithiwr mewn cysylltiad ag ef wedi ei darparu gan berson sydd â chyfrifoldeb dros P yn unol â pharagraff (1)(b), nid yw paragraff (1)(a) yn ei gwneud yn ofynnol i P ddarparu gwybodaeth am deithiwr ar gyfer P.

(5) Nid oes dim yn y rheoliad hwn sy'n ei gwneud yn ofynnol i berson ddarparu gwybodaeth am deithiwr os nad yw'r wybodaeth ym meddiant y person neu o dan ei reolaeth.

(3) P must, if requested by an immigration officer to do so, provide the officer with evidence that the passenger information has been provided.

(4) Where P is a child in respect of whom passenger information has been provided by a person with responsibility for P in accordance with paragraph (1)(b), P is not required by paragraph (1)(a) to provide P's passenger information.

(5) Nothing in this regulation requires a person to provide passenger information if the information is not within the person's possession or under the person's control.

RHAN 3

Gofynion profi

Gofyniad i feddu ar hysbysiad o ganlyniad prawf negatiff

7.—(1) Mae'r rheoliad hwn yn gymwys i berson ("P") sy'n cyrraedd Cymru ar ôl dechrau ei daith y tu allan i'r ardal deithio gyffredin.

(2) Ond nid yw cyfeiriadau at P yn cynnwys—

- (a) teithiwr cymwys;
- (b) person a ddisgrifir ym mharagraff 3(1) o Atodlen 2;
- (c) person a ddisgrifir yn unrhyw un neu ragor o baragraffau 2, 3, 4, 6, 8, 9, 10, 11, 12 neu 18 o Atodlen 5.

(3) Rhaid i P, wrth gyrraedd, feddu ar hysbysiad dilys o ganlyniad negatiff o brawf cymhwysol a gymerwyd gan P.

(4) Rhaid i P ddangos yr hysbysiad y cyfeirir ato ym mharagraff (3), naill ai'n ffisegol neu'n ddigidol, os gofynnir iddo wneud hynny gan swyddog mewnfudo.

(5) At ddibenion y rheoliad hwn—

- (a) mae prawf yn brawf cymhwysol os yw'n cydymffurfio â pharagraff 1 o Atodlen 2;
- (b) mae hysbysiad o ganlyniad prawf negatiff yn ddilys—
 - (i) os yw wedi ei ddarparu drwy Dystysgrif COVID Ddigidol yr UE, neu
 - (ii) os yw'n cynnwys yr wybodaeth a bennir ym mharagraff 2 o Atodlen 2.

PART 3

Testing requirements

Requirement to possess notification of a negative test result

7.—(1) This regulation applies to a person ("P") who arrives in Wales having begun their journey outside the common travel area.

(2) But references to P do not include—

- (a) an eligible traveller;
- (b) a person described in paragraph 3(1) of Schedule 2;
- (c) a person described in any of paragraphs 2, 3, 4, 6, 8, 9, 10, 11, 12 or 18 of Schedule 5.

(3) P must possess on arrival a valid notification of a negative result from a qualifying test taken by P.

(4) P must produce, physically or digitally, the notification referred to in paragraph (3), if requested to do so by an immigration officer.

(5) For the purposes of this regulation—

- (a) a test is a qualifying test if it complies with paragraph 1 of Schedule 2;
- (b) a notification of a negative test result is valid if—
 - (i) it is provided through the EU Digital COVID Certificate, or
 - (ii) it includes the information specified in paragraph 2 of Schedule 2.

Gofyniad i archebu a chymryd prawf diwrnod 2

8.—(1) Mae'r rheoliad hwn yn gymwys i berson ("P") sy'n cyrraedd Cymru ar ôl dechrau ei daith y tu allan i'r ardal deithio gyffredin.

(2) Ond nid yw cyfeiriadau at P yn cynnwys—

- (a) teithiwr cymwys;
- (b) person a ddisgrifir ym mharagraff 1(1)(a) i (i) o Atodlen 5 sy'n bodloni'r amodau ym mharagraff 1(2) o'r Atodlen honno;
- (c) person a ddisgrifir yn unrhyw un neu ragor o baragraffau 2 i 18 o Atodlen 5.

(3) Rhaid i P, wrth gyrraedd Cymru, feddu ar archeb am brawf diwrnod 2 wedi ei drefnu gyda darparwr prawf.

(4) Rhaid i P gymryd y prawf diwrnod 2.

(5) Nid yw prawf diwrnod 2 i'w drin fel pe bai'n cydymffurfio â'r rheoliad hwn oni bai—

- (a) bod P yn cymryd y prawf heb fod yn hwyrach na diwedd yr ail ddiwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru,
- (b) bod y person sy'n trefnu'r prawf wedi hysbysu darparwr y prawf fod y profion yn cael eu trefnu at ddibenion y rheoliad hwn, ac
- (c) bod yr wybodaeth yn Atodlen 3 wedi ei darparu i ddarparwr y prawf mewn perthynas â P.

(6) Pan fo prawf diwrnod 2 wedi ei drefnu, rhaid i ddarparwr y prawf ddarparu cyfeirnod prawf i'r canlynol—

- (a) P, a
- (b) unrhyw berson sy'n trefnu profion ar ran P.

(7) Pan fo P yn oedolyn sy'n cyrraedd Cymru heb feddu ar y prawf diwrnod 2 sy'n ofynnol o dan baragraff (3), rhaid i P gael y prawf hwnnw neu'r profion hynny cyn gynted ag y bo'n rhesymol ymarferol.

(8) Pan na fo P yn cymryd prawf fel sy'n ofynnol gan y rheoliad hwn am fod ganddo esgus rhesymol (gweler rheoliad 13(2) a (4)), rhaid i P, cyn gynted ag y bo'n rhesymol ymarferol pan na fydd y materion sy'n arwain at yr esgus rhesymol yn gymwys mwyach, gymryd prawf ("prawf arall") sy'n cydymffurfio â'r gofynion (ac eithrio'r gofyniad ym mharagraff (5)(a)) sy'n gymwys i'r prawf nas cynhaliwyd.

(9) Pan gymerir prawf arall, mae P i'w drin fel pe bai wedi cymryd prawf diwrnod 2 yn unol â'r rheoliad hwn.

(10) Rhaid i berson sydd wedi trefnu prawf diwrnod 2 ddarparu tystiolaeth ohono os yw swyddog mewnffudo neu gwnstabl yn gofyn amdani.

Requirement to book and undertake day 2 test

8.—(1) This regulation applies to a person ("P") who arrives in Wales having begun their journey outside of the common travel area.

(2) But references to P do not include—

- (a) an eligible traveller;
- (b) a person described in paragraph 1(1)(a) to (i) of Schedule 5 who satisfies the conditions in paragraph 1(2) of that Schedule;
- (c) a person described in any of paragraphs 2 to 18 of Schedule 5.

(3) P must on arrival in Wales possess a booking for a day 2 test arranged with a test provider.

(4) P must undertake the day 2 test.

(5) A day 2 test is not to be treated as complying with this regulation unless—

- (a) P undertakes the test no later than the end of the second day after the day on which P arrived in Wales,
- (b) the person arranging the test notified the test provider that the tests were being arranged for the purposes of this regulation, and
- (c) the information in Schedule 3 was provided to the test provider in relation to P.

(6) When a day 2 test has been arranged, the test provider must provide a test reference number to—

- (a) P, and
- (b) any person who arranges tests on P's behalf.

(7) Where P is an adult who arrives in Wales without possessing the day 2 test required under paragraph (3), P must as soon as is reasonably practicable obtain that test or those tests.

(8) Where P does not undertake a test as required by this regulation by reason of a reasonable excuse (see regulation 13(2) and (4)), P must, as soon as is reasonably practicable after the matters giving rise to the reasonable excuse no longer apply, undertake a test ("a replacement test") complying with the requirements (with the exception of the requirement at paragraph (5)(a)) that apply to the test that was missed.

(9) Where a replacement test is undertaken, P is to be treated as if they had undertaken a day 2 test in accordance with this regulation.

(10) A person who has arranged a day 2 test must provide evidence of it if requested by an immigration officer or a constable.

Profion gweithlu ar gyfer gweithwyr cludiant ffyrdd

9.—(1) Mae'r rheoliad hwn yn gymwys i berson ("P")—

- (a) sy'n weithiwr cludiant ffyrdd, a
- (b) a ddechreuodd ei daith y tu allan i'r ardal deithio gyffredin.

(2) Ond nid yw cyfeiriadau at P yn cynnwys teithiwr cymwys.

(3) Rhaid i P gymryd—

- (a) prawf gweithlu cyn diwedd diwrnod 2,
- (b) prawf gweithlu ar ôl diwrnod 2 ond cyn diwedd diwrnod 5, ac
- (c) prawf gweithlu ar ôl diwrnod 5 ond cyn diwedd diwrnod 8.

(4) Pan na fo P yn cymryd unrhyw un neu ragor o'r profion gweithlu fel sy'n ofynnol gan baragraff (3) am fod ganddo esgus rhesymol (gweler rheoliad 13(2) a (5)), rhaid i P, cyn gynted ag y bo'n rhesymol ymarferol pan na fydd y materion sy'n arwain at yr esgus rhesymol yn gymwys mwyach, gymryd prawf gweithlu arall neu brofion gweithlu eraill.

(5) Pan fo P yn cymryd prawf gweithlu arall yn unol â pharagraff (4), mae P i'w drin fel pe bai wedi cydymffurfio â pharagraff (3).

(6) At ddibenion y rheoliad hwn—

ystyr "diwrnod 2" ("*day 2*") yw'r ail ddiwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru;

ystyr "diwrnod 5" ("*day 5*") yw'r pumed diwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru;

ystyr "diwrnod 8" ("*day 8*") yw'r wythfed diwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru.

Dyletswyddau ar gyflogwyr gweithwyr cludiant ffyrdd i hwyluso profion gweithlu

10.—(1) Mae paragraff (2) yn gymwys—

- (a) pan fo cyflogwr ("E") yn cyflogi mwy na 50 o bersonau, a
- (b) pan fo rhaid i unrhyw berson y mae E yn ei gyflogi gymryd profion gweithlu yn unol â rheoliad 9.

(2) Rhaid i E gymryd camau rhesymol i hwyluso cymryd y profion gweithlu hynny.

(3) Wrth gyflawni'r dyletswydd ym mharagraff (2), rhaid i E roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru at ddibenion y rheoliad hwn.

(4) At ddibenion y rheoliad hwn—

- (a) mae "cyflogi" yn cynnwys bod â chyfrifoldeb dros weithwyr asiantaeth;

Workforce testing for road haulage workers

9.—(1) This regulation applies to a person ("P") who—

- (a) is a road haulage worker, and
- (b) began their journey outside the common travel area.

(2) But references to P do not include an eligible traveller.

(3) P must undertake—

- (a) a workforce test before the end of day 2,
- (b) a workforce test after day 2 but before the end of day 5, and
- (c) a workforce test after day 5 but before the end of day 8.

(4) Where P does not undertake any of the workforce tests as required by paragraph (3) by reason of a reasonable excuse (see regulation 13(2) and (5)), P must, as soon as is reasonably practicable after the matters giving rise to the reasonable excuse no longer apply, undertake a replacement workforce test or tests.

(5) Where P takes a replacement workforce test in accordance with paragraph (4), P is to be treated as if they had complied with paragraph (3).

(6) For the purposes of this regulation—

"day 2" ("*diwrnod 2*") means the second day after the day on which P arrives in Wales;

"day 5" ("*diwrnod 5*") means the fifth day after the day on which P arrives in Wales;

"day 8" ("*diwrnod 8*") means the eighth day after the day on which P arrives in Wales.

Duties on employers of road haulage workers to facilitate workforce testing

10.—(1) Paragraph (2) applies where—

- (a) an employer ("E") employs more than 50 persons, and
- (b) any person E employs must undertake workforce tests in accordance with regulation 9.

(2) E must take reasonable steps to facilitate the taking of those workforce tests.

(3) In discharge of the duty in paragraph (2), E must have regard to any guidance issued by the Welsh Ministers for the purposes of this regulation.

(4) For the purposes of this regulation—

- (a) "employs" includes having responsibility for agency workers;

- (b) mae gan berson gyfrifoldeb dros weithwyr asiantaeth—
 - (i) os yw'r gweithiwr asiantaeth yn cael ei gyflenwi neu i'w gyflenwi gan berson ("asiant") i'r cyflogwr o dan gontract neu drefniadau eraill a wneir rhwng yr asiant a'r cyflogwr, a
 - (ii) os nad yw'r gweithiwr asiantaeth—
 - (aa) yn weithiwr oherwydd absenoldeb contract gweithiwr rhwng y gweithiwr asiantaeth a'r asiant neu'r cyflogwr, neu
 - (bb) yn barti i gontract y mae'r gweithiwr asiantaeth yn ymrwymo oddi tano i wneud y gwaith ar gyfer parti arall i gontract 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.

- (b) a person has responsibility for agency workers if—
 - (i) 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
 - (ii) the agency worker is not—
 - (aa) a worker because of the absence of a worker's contract between the agency worker and the agent or the employer, or
 - (bb) 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.

Goblygiadau cael canlyniad amhendant

11.—(1) Mae'r rheoliad hwn yn gymwys pan fo person ("P") wedi cymryd prawf yn unol â rheoliad 8 neu reoliad 9 a bod canlyniad y prawf hwnnw yn amhendant.

(2) Pan fo'r prawf wedi ei gymryd yn unol â rheoliad 8, rhaid i P, cyn gynted ag y bo'n rhesymol ymarferol, drefnu a chymryd prawf pellach sy'n cydymffurfio â gofynion prawf diwrnod 2, ac eithrio'r gofyniad yn rheoliad 8(5)(a).

(3) Pan fo'r prawf wedi ei gymryd yn unol â rheoliad 9, rhaid i P, cyn gynted ag y bo'n rhesymol ymarferol, drefnu a chymryd prawf gweithlu arall.

Goblygiadau cael canlyniad positif

12.—(1) Mae paragraff (2) yn gymwys pan fo canlyniad prawf a gymerwyd gan berson ("P") yn unol â rheoliad 8, rheoliad 9 neu reoliad 11 yn positif.

(2) Mae'r Rheoliadau Cyfyngiadau Coronafeirws yn gymwys i P fel pe bai P wedi cael ei hysbysu gan swyddog olrhain cysylltiadau fod P wedi cael canlyniad positif am y coronafeirws.

(3) O ran canlyniad positif P o dan baragraff (1)—

- (a) pan ddaeth o brawf gweithlu neu brawf gweithlu arall, a
- (b) pan nad oedd y prawf gweithlu neu'r prawf gweithlu arall hwnnw yn brawf adwaith cadwynol polymerasau,

Consequences of an inconclusive result

11.—(1) This regulation applies where a person ("P") has taken a test in accordance with regulation 8 or regulation 9 and that test has returned an inconclusive result.

(2) Where the test was taken in accordance with regulation 8, P must, as soon as is reasonably practicable, arrange and undertake a further test which complies with the requirements of a day 2 test, with the exception of the requirement in regulation 8(5)(a).

(3) Where the test was taken in accordance with regulation 9, P must, as soon as is reasonably practicable, arrange and undertake a replacement workforce test.

Consequences of a positive result

12.—(1) Paragraph (2) applies where a test taken by a person ("P") in accordance with regulation 8, regulation 9 or regulation 11 returns a positive result.

(2) The Coronavirus Restrictions Regulations apply to P as if P had been notified by a contact tracer that P had tested positive for coronavirus.

(3) Where P's positive result under paragraph (1)—

- (a) came from a workforce test or replacement workforce test, and
- (b) that workforce test or replacement workforce test was not a polymerase chain reaction test,

rheid i P gymryd prawf sy'n cydymffurfio â gofynion prawf diwrnod 2, ac eithrio'r gofyniad yn rheoliad 8(5)(a).

(4) Pan fo canlyniad prawf a gymerwyd yn unol â pharagraff (3) yn negatiff, mae paragraff (2) yn peidio â bod yn gymwys i P.

(5) Mae i "swyddog olrhain cysylltiadau" yr ystyr a roddir yn y Rheoliadau Cyfyngiadau Coronafeirws.

RHAN 4

Gorfodi a throseddau

Troseddau

13.—(1) Mae person sy'n torri gofyniad yn rheoliad—

- (a) 6(1),
- (b) 6(3),
- (c) 7(3),
- (d) 7(4),
- (e) 8,
- (f) 9,
- (g) 10(2) neu
- (h) 11,

yn cyflawni trosedd.

(2) Ond nid yw person yn cyflawni trosedd pan fo ganddo esgus rhesymol dros dorri rheoliadau y cyfeirir atynt ym mharagraff (1).

(3) At ddibenion trosedd o dan baragraff (1)(c), mae esgus rhesymol yn cynnwys, yn benodol—

- (a) pan oedd person yn credu'n rhesymol ar adeg torri'r gofyniad fod hysbysiad o ganlyniad negatiff yn ei feddiant yn ymwneud â'r person yn ddilys ac o brawf cymhwysol (at ddibenion rheoliad 7);
- (b) pan oedd person yn anffit yn feddygol i ddarparu sampl ar gyfer prawf cymhwysol cyn teithio i Gymru a'i fod yn meddu ar ddogfen, wedi ei llofnodi gan ymarferydd meddygol sydd â hawlogaeth i ymarfer yn y wlad neu'r diriogaeth y mae'r ymarferydd hwnnw wedi ei leoli ynddi, i'r perwyl hwnnw;
- (c) pan nad oedd yn rhesymol ymarferol i berson gael prawf cymhwysol cyn teithio i Gymru oherwydd—
 - (i) anabledd;
 - (ii) yr angen i gael triniaeth feddygol frys;

P must undertake a test that complies with the requirements of a day 2 test, with the exception of the requirement at regulation 8(5)(a).

(4) Where a test taken in accordance with paragraph (3) returns a negative result, paragraph (2) ceases to apply to P.

(5) "Contact tracer" has the meaning given in the Coronavirus Restrictions Regulations.

PART 4

Enforcement and offences

Offences

13.—(1) A person who contravenes a requirement in regulation—

- (a) 6(1),
- (b) 6(3),
- (c) 7(3),
- (d) 7(4),
- (e) 8,
- (f) 9,
- (g) 10(2), or
- (h) 11,

commits an offence.

(2) But a person does not commit an offence where they have a reasonable excuse for contravening regulations referred to in paragraph (1).

(3) For the purposes of an offence under paragraph (1)(c), a reasonable excuse includes, in particular, where—

- (a) a person reasonably believed at the time of the contravention that a notification in their possession of a negative result relating to the person was valid and from a qualifying test (for the purposes of regulation 7);
- (b) a person was medically unfit to provide a sample for a qualifying test before travelling to Wales and possesses a document, signed by a medical practitioner entitled to practise in the country or territory in which that practitioner was based, to that effect;
- (c) it was not reasonably practicable for a person to obtain a qualifying test before travelling to Wales due to—
 - (i) a disability;
 - (ii) the need to obtain urgent medical treatment;

- (d) pan oedd person yn mynd gyda pherson a ddisgrifir yn is-baragraff (b) er mwyn darparu cymorth (boed yn feddygol neu fel arall) a phan nad oedd yn rhesymol ymarferol i'r person a oedd yn mynd gydag ef gael prawf cymhwysol cyn teithio i Gymru;
- (e) pan ddechreuodd person ei daith i Gymru mewn gwlad neu diriogaeth lle nad oedd prawf cymhwysol ar gael i'r cyhoedd (gyda thaliad neu hebdo) neu lle nad oedd yn rhesymol ymarferol i berson gael prawf cymhwysol oherwydd diffyg mynediad rhesymol i brawf cymhwysol neu gyfleuster profi ac nad oedd yn rhesymol ymarferol iddo gael prawf cymhwysol yn ei fan ymadael diwethaf os oedd hwnnw yn wahanol i'r man lle y dechreuodd ei daith;
- (f) pan oedd yr amser y mae wedi ei gymryd i berson deithio o'r wlad neu'r diriogaeth lle y dechreuodd ei daith i wlad neu diriogaeth ei fan ymadael diwethaf cyn cyrraedd Cymru yn golygu nad oedd yn rhesymol ymarferol iddo fodloni'r gofyniad ym mharagraff 1(1)(c) o Atodlen 2, ac nad oedd yn rhesymol ymarferol iddo gael prawf cymhwysol yn ei fan ymadael diwethaf.

(4) At ddibenion trosedd o dan baragraff (1)(e), mae egsus rhesymol yn cynnwys, yn benodol—

- (a) pan nad oedd yn rhesymol ymarferol i berson archebu prawf oherwydd anabledd;
- (b) pan oedd person yn ystyried yn rhesymol cyn cyrraedd Cymru na fyddai'n rhesymol ymarferol i'r person ddarparu sampl ar gyfer prawf oherwydd anabledd;
- (c) pan oedd angen triniaeth feddygol ar berson â'r fath frys fel nad oedd archebu prawf yn rhesymol ymarferol;
- (d) pan oedd person yn mynd gyda pherson a ddisgrifir yn is-baragraff (a) neu (c), er mwyn darparu cymorth iddo, boed yn feddygol neu fel arall, pan nad oedd yn rhesymol ymarferol i'r person a oedd yn mynd gydag ef archebu prawf;
- (e) pan ddechreuodd person ei daith i Gymru mewn gwlad neu diriogaeth lle nad oedd gan y person fynediad rhesymol i'r cyfleusterau neu'r gwasanaethau sy'n ofynnol i archebu prawf, gyda thaliad neu hebdo, ac nad oedd cyfleusterau neu wasanaethau o'r fath yn rhesymol hygyrch yn ei fan ymadael diwethaf os oedd hwnnw yn wahanol i'r man lle y dechreuodd ei daith;

- (d) a person was accompanying, in order to provide support (whether medical or otherwise), a person described in subparagraph (b) and where it was not reasonably practicable for the accompanying person to obtain a qualifying test before travelling to Wales;
- (e) a person began their journey to Wales in a country or territory in which a qualifying test was not available to the public (with or without payment) or in which it was not reasonably practicable for a person to obtain a qualifying test due to a lack of reasonable access to a qualifying test or testing facility and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure if this was different to where they began their journey;
- (f) the time it has taken a person to travel from the country or territory where they began their journey to the country or territory of their last point of departure prior to arriving in Wales meant that it was not reasonably practicable for them to meet the requirement in paragraph 1(1)(c) of Schedule 2, and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure.

(4) For the purposes of an offence under paragraph (1)(e), a reasonable excuse includes, in particular, where—

- (a) it was not reasonably practicable for a person to book a test due to a disability;
- (b) a person reasonably considered before arriving in Wales that it would not be reasonably practicable for the person to provide a sample for a test due to a disability;
- (c) a person required medical treatment with such urgency that booking a test was not reasonably practicable;
- (d) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in subparagraph (a) or (c) where it was not reasonably practicable for the accompanying person to book a test;
- (e) a person began their journey to Wales in a country or territory in which the person did not have reasonable access to the facilities or services required to book a test, with or without payment, and such facilities or services were not reasonably accessible in their last point of departure if this was different to where they began their journey;

- (f) pan fo prawf yn cael ei ganslo am resymau y tu hwnt i reolaeth P;
- (g) pan fo darparwr prawf wedi cymryd pob cam rhesymol i ddarparu cyfeirnod prawf i P ac i unrhyw berson sy'n trefnu prawf ar gyfer P.

(5) At ddibenion trosedd o dan baragraff (1)(f), mae esgus rhesymol yn cynnwys, yn benodol—

- (a) pan nad yw'n rhesymol ymarferol i P gymryd prawf oherwydd anabledd;
- (b) pan fo angen triniaeth feddygol ar P â'r fath frys fel nad yw'n rhesymol ymarferol cymryd prawf;
- (c) pan fo P wedi gadael Cymru.

(6) Mae'n drosedd i berson ddarparu gwybodaeth anwir neu gamarweiniol i'r Ysgrifennydd Gwladol at ddibenion rheoliad 6—

- (a) pan fo'r person yn gwybod bod yr wybodaeth yn anwir neu'n gamarweiniol, neu
- (b) pan fo'r person yn ddi-hid ynghylch pa un a yw'r wybodaeth yn anwir neu'n gamarweiniol.

(7) Ond nid yw person yn cyflawni trosedd o dan baragraff (6) os oes ganddo esgus rhesymol dros ddarparu gwybodaeth anwir neu gamarweiniol i'r Ysgrifennydd Gwladol.

(8) Mae person sy'n rhwystro yn fwriadol unrhyw berson sy'n arfer swyddogaethau o dan y Rheoliadau hyn yn cyflawni trosedd.

(9) Mae person sy'n cyflawni trosedd o dan y rheoliad hwn yn agored ar euogfarn ddiannod i ddirwy.

(10) Mae adran 24 o Ddeddf yr Heddlu a Thystiolaeth Droseddol 1984(1) yn gymwys mewn perthynas â throsedd o dan y rheoliad hwn fel pe bai'r rhesymau yn is-adran (5) o'r adran honno yn cynnwys—

- (a) cynnal iechyd y cyhoedd;
- (b) cynnal trefn gyhoeddus.

Erlyn

14. Ni chaniateir dwyn achos am drosedd o dan y Rheoliadau hyn ond gan y Cyfarwyddwr Erlyniadau Cyhoeddus neu unrhyw berson sydd wedi ei ddynodi gan Weinidogion Cymru.

(f) a test is cancelled for reasons beyond P's control;

(g) a test provider took all reasonable steps to provide a test reference number to P and any person arranging a test for P.

(5) For the purposes of an offence under paragraph (1)(f), 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) P has left Wales.

(6) It is an offence for a person to provide false or misleading information to the Secretary of State for the purposes of regulation 6 where—

- (a) the person knows the information is false or misleading, or
- (b) the person is reckless as to whether the information is false or misleading.

(7) But a person does not commit an offence under paragraph (6) if they have a reasonable excuse for providing false or misleading information to the Secretary of State.

(8) A person who intentionally obstructs any person exercising functions under these Regulations commits an offence.

(9) A person who commits an offence under this regulation is liable on summary conviction to a fine.

(10) Section 24 of the Police and Criminal Evidence Act 1984(1) applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

- (a) to maintain public health;
- (b) to maintain public order.

Prosecutions

14. No proceedings for an offence under these Regulations may be brought other than by the Director of Public Prosecutions or any person designated by the Welsh Ministers.

(1) 1984 p. 60. Amnewidiwyd adran 24 gan adran 110(1) o Ddeddf Troseddu Cyfundrefnol Difrifol a'r Heddlu 2005 (p. 15).

(1) 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

Hysbysiadau cosb benodedig

15.—(1) Caiff swyddog mewnfudo ddyroddi hysbysiad cosb benodedig i unrhyw oedolyn y mae'r swyddog yn credu'n rhesymol ei fod wedi cyflawni trosedd—

- (a) o dan reoliad 13(1) neu (6), mewn perthynas â gofyniad yn rheoliad 6(1) neu (3), neu
- (b) o dan reoliad 13(8), pan gredir bod y person yn fwriadol wedi rhwystro person a oedd yn arfer swyddogaeth mewn perthynas ag un o'r gofynion hynny.

(2) Caiff cwnstabl ddyroddi hysbysiad cosb benodedig i unrhyw oedolyn y mae'r cwnstabl yn credu'n rhesymol ei fod wedi cyflawni trosedd o dan y Rheoliadau hyn.

(3) Hysbysiad yw hysbysiad cosb benodedig sy'n cynnig i'r person y'i dyroddir iddo y cyfle i gael ei ryddhau o unrhyw atebolrwydd am euogfarn am y drosedd drwy dalu cosb benodedig i—

- (a) Gweinidogion Cymru, neu
- (b) person a ddynodir gan Weinidogion Cymru at ddibenion cael taliad o dan y rheoliad hwn.

(4) Pan fo hysbysiad wedi ei ddyroddi i berson o dan y rheoliad hwn mewn cysylltiad â throsedd—

- (a) ni chaniateir dwyn achos am y drosedd cyn diwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y dyroddir yr hysbysiad;
- (b) ni chaniateir euogfarnu'r person o'r drosedd os yw'r person yn talu'r gosb benodedig cyn diwedd y cyfnod hwnnw.

(5) Rhaid i hysbysiad cosb benodedig—

- (a) disgrifio'r amgylchiadau yr honnir eu bod yn ffurfio'r drosedd,
- (b) datgan y cyfnod pan (oherwydd paragraff (4)(a)) na ddygir achos am y drosedd,
- (c) pennu swm y gosb benodedig,
- (d) datgan enw a chyfeiriad y person y caniateir talu'r gosb benodedig iddo, ac
- (e) pennu dulliau o dalu a ganiateir.

(6) Pan ddyroddir yr hysbysiad cosb benodedig mewn cysylltiad â throsedd o dan reoliad 13(1)(c) neu (d), rhaid i'r swm a bennir o dan baragraff (5)(c) fod—

- (a) yn achos yr hysbysiad cosb benodedig cyntaf a geir, yn £500;
- (b) yn achos yr ail hysbysiad cosb benodedig a geir, yn £1000;
- (c) yn achos y trydydd hysbysiad cosb benodedig a geir, yn £2000;

Fixed penalty notices

15.—(1) An immigration officer may issue a fixed penalty notice to any adult the officer reasonably believes has committed an offence—

- (a) under regulation 13(1) or (6), in relation to a requirement in regulation 6(1) or (3), or
- (b) under regulation 13(8), where the person is believed to have intentionally obstructed a person carrying out a function in relation to one of those requirements.

(2) A constable may issue a fixed penalty notice to any adult the constable reasonably believes has committed an offence under these Regulations.

(3) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to—

- (a) the Welsh Ministers, or
- (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation.

(4) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days beginning with the date the notice is issued;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

- (a) describe the circumstances alleged to constitute the offence,
- (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence,
- (c) specify the amount of the fixed penalty,
- (d) state the name and address of the person to whom the fixed penalty may be paid, and
- (e) specify permissible methods of payment.

(6) Where the fixed penalty notice is issued in respect of an offence under regulation 13(1)(c) or (d), the amount specified under paragraph (5)(c) is to be—

- (a) in the case of the first fixed penalty notice received, £500;
- (b) in the case of the second fixed penalty notice received, £1000;
- (c) in the case of the third fixed penalty notice received, £2000;

- (d) yn achos y pedwerydd hysbysiad cosb benodedig a geir, ac unrhyw hysbysiad cosb benodedig a geir wedi hynny, yn £4000.

(7) Pan ddyroddir yr hysbysiad cosb benodedig i berson mewn cysylltiad â throedd a ddisgrifir yn rheoliad 13(1)(e) yna rhaid i'r swm a bennir o dan baragraff (5)(c) fod—

- (a) yn achos hysbysiad cosb benodedig a ddyroddir mewn cysylltiad â methiant i drefnu profion yn unol â rheoliad 8(3), yn £1000;
- (b) yn achos yr hysbysiad cosb benodedig cyntaf a ddyroddir mewn cysylltiad â methiant i gymryd prawf yn unol â rheoliad 8(4), yn £1000;
- (c) yn achos yr ail hysbysiad cosb benodedig, ac unrhyw hysbysiad cosb benodedig wedi hynny, a ddyroddir mewn cysylltiad â methiant i gymryd prawf yn unol â rheoliad 8(4), yn £2000.

(8) Pan ddyroddir yr hysbysiad cosb benodedig mewn cysylltiad â throedd (“troedd gwybodaeth neu hysbysu”)—

- (a) o dorri gofyniad a osodir gan reoliad 6(1) neu (4), neu
- (b) o dan reoliad 13(8) pan gredir bod y person yn fwriadol wedi rhwystro person a oedd yn arfer swyddogaeth mewn perthynas ag un o'r gofynion hynny,

rhaid i'r swm a bennir o dan baragraff (5)(c) fod yn £60 (yn ddarostyngedig i baragraffau (9) a (10)).

(9) Caiff hysbysiad cosb benodedig a ddyroddir mewn cysylltiad â throedd gwybodaeth neu hysbysu bennu, os telir £30 cyn diwedd y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl y dyddiad y dyroddir yr hysbysiad, mai dyna yw swm y gosb benodedig.

(10) Ond os yw'r person y dyroddir hysbysiad cosb benodedig iddo mewn cysylltiad â throedd gwybodaeth neu hysbysu eisoes wedi cael hysbysiad cosb benodedig mewn cysylltiad â'r droedd honno—

- (a) nid yw paragraff (9) yn gymwys, a
- (b) rhaid i'r swm a bennir fel y gosb benodedig fod—
 - (i) yn achos yr ail hysbysiad cosb benodedig a geir, yn £120;
 - (ii) yn achos y trydydd hysbysiad cosb benodedig a geir, yn £240;
 - (iii) yn achos y pedwerydd hysbysiad cosb benodedig a geir, yn £480;
 - (iv) yn achos y pumed hysbysiad cosb benodedig a geir, yn £960;

- (d) in the case of the fourth and any subsequent fixed penalty notice received, £4000.

(7) Where the fixed penalty notice is issued to a person in respect of an offence described in regulation 13(1)(e) then the amount specified under paragraph (5)(c) must be—

- (a) in the case of a fixed penalty notice issued in respect of a failure to arrange tests in accordance with regulation 8(3), £1000;
- (b) in the case of the first fixed penalty notice issued in respect of a failure to take a test in accordance with regulation 8(4), £1000;
- (c) in the case of the second and any subsequent fixed penalty notice issued in respect of a failure to take a test in accordance with regulation 8(4), £2000.

(8) Where the fixed penalty notice is issued in respect of an offence (an “information or notification offence”)—

- (a) of contravening a requirement imposed by regulation 6(1) or (4), or
- (b) under regulation 13(8) where the person is believed to have intentionally obstructed a person carrying out a function in relation to one of those requirements,

the amount specified under paragraph (5)(c) must be £60 (subject to paragraphs (9) and (10)).

(9) A fixed penalty notice issued in respect of an information or notification offence may specify that if £30 is paid before the end of the period of 14 days beginning with the day after the date the notice is issued, that is the amount of the fixed penalty.

(10) But if the person to whom a fixed penalty notice in respect of an information or notification offence is issued has already received a fixed penalty notice in respect of such of such an offence—

- (a) paragraph (9) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
 - (i) in the case of the second fixed penalty notice received, £120;
 - (ii) in the case of the third fixed penalty notice received, £240;
 - (iii) in the case of the fourth fixed penalty notice received, £480;
 - (iv) in the case of the fifth fixed penalty notice received, £960;

- (v) yn achos y chweched hysbysiad cosb benodedig a geir, ac unrhyw hysbysiad cosb benodedig a geir wedi hynny, yn £1920.

(11) Pa dull bynnag arall a bennir o dan baragraff (5)(e), caniateir talu cosb benodedig drwy dalu ymlaen llaw a phostio llythyr sy'n cynnwys swm y gosb (mewn arian parod neu fel arall) i'r person y datgenir ei enw o dan baragraff (5)(d) i'r cyfeiriad a ddatgenir.

(12) Pan fo llythyr yn cael ei anfon fel y'i crybwyllir ym mharagraff (11), ystyrir bod taliad wedi ei wneud ar yr adeg y byddai'r llythyr hwnnw wedi cael ei ddanfôn yn nhrefn arferol y post.

(13) Mewn unrhyw achos, mae tystysgrif—

- (a) sy'n honni ei bod wedi ei llofnodi gan neu ar ran—
- (i) Gweinidogion Cymru, neu
- (ii) person a ddynodir gan Weinidogion Cymru o dan baragraff (3)(b), a
- (b) sy'n datgan bod y taliad am y gosb benodedig wedi dod i law, neu heb ddod i law, erbyn y dyddiad a bennir yn y dystysgrif,

yn dystiolaeth o'r ffeithiau a nodwyd.

RHAN 5

Rhannu gwybodaeth

Defnyddio a datgelu gwybodaeth

16.—(1) Yn y rheoliad hwn ac yn rheoliad 17, ystyr “gwybodaeth berthnasol” yw—

- (a) gwybodaeth am deithiwr o Gymru;
- (b) gwybodaeth am deithiwr o weddill y Deyrnas Unedig.

(2) At ddibenion y rheoliad hwn—

- (a) ystyr “gwybodaeth am deithiwr o Gymru” yw—
- (i) gwybodaeth am deithiwr a ddarperir i'r Ysgrifennydd Gwladol at ddiben rheoliad 6;
- (ii) pan fo person yn trefnu neu'n cymryd prawf o dan reoliad 8—
- (aa) gwybodaeth a gynhyrchir pan fo'r person yn trefnu neu'n cymryd prawf;
- (bb) gwybodaeth a gaiff darparwr prawf o dan reoliad 8;
- (cc) canlyniad y prawf;

- (v) in the case of the sixth and any subsequent fixed penalty notice received, £1920.

(11) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(12) Where a letter is sent as mentioned in paragraph (11), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(13) In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf of—
- (i) the Welsh Ministers, or
- (ii) a person designated by the Welsh Ministers under paragraph (3)(b), and
- (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

PART 5

Information sharing

Use and disclosure of information

16.—(1) In this regulation and regulation 17, “relevant information” means—

- (a) Welsh passenger information;
- (b) other UK passenger information.

(2) For the purposes of this regulation—

- (a) “Welsh passenger information” means—
- (i) passenger information provided to the Secretary of State for the purpose of regulation 6;
- (ii) where a person arranges or undertakes a test under regulation 8—
- (aa) information generated where the person arranges or takes a test;
- (bb) information obtained by a test provider under regulation 8;
- (cc) the results of the test;

- (dd) gwybodaeth a gofnodir gan ddarparwr prawf wrth weinyddu prawf a gymerir yn unol â rheoliad 8 (gan gynnwys cadarnhad bod y prawf wedi ei gymryd, manylion o ran pryd ac ymhle y'i cymerwyd, unrhyw resymau dros beidio â chymryd prawf a manylion unrhyw brawf arall sydd i'w gymryd yn ei le);
- (iii) gwybodaeth a ddarperir i swyddog mewnfudo yn unol â rheoliad 8(10);
- (iv) pan fo sampl a gymerwyd mewn cysylltiad â phrawf diwrnod 2 o dan reoliad 8 wedi ei dilyniannu, y ffeil BAM wedi ei didoli sy'n ymwneud â'r sampl honno sy'n cynnwys yr holl ddarlleniadau sy'n alinio i'r genom cyfeirio ar gyfer y coronafeirws gyda'r darlleniadau heb eu halinio a dynol wedi eu hepgor;
- (b) ystyr "gwybodaeth am deithiwr o weddill y Deyrnas Unedig" yw gwybodaeth a ddarperir i berson o dan ddarpariaeth mewn rheoliadau a wnaed o ran Lloegr, yr Alban neu Ogledd Iwerddon (yn ôl y digwydd) sy'n cyfateb i ddarpariaeth a grybwyllir yn is-baragraff (a).
- (3) Yn y rheoliad hwn, mae unrhyw gyfeiriad at ddeiliad gwybodaeth yn gyfeiriad at—
- (a) yr Ysgrifennydd Gwladol;
- (b) person y datgelwyd yr wybodaeth iddo o dan baragraff (4) neu (5);
- (c) darparwr prawf;
- (d) swyddog mewnfudo.
- (4) Caiff deiliad gwybodaeth am deithiwr o Gymru ddatgelu'r wybodaeth i berson arall ("y derbynnnydd") o dan amgylchiadau pan fo'n angenrheidiol i'r derbynnnydd gael yr wybodaeth—
- (a) at ddiben cyflawni unrhyw un neu ragor o swyddogaethau'r derbynnnydd o dan—
- (i) y Rheoliadau hyn, neu
- (ii) rheoliadau a wnaed o ran Lloegr, yr Alban neu Ogledd Iwerddon (yn ôl y digwydd) sy'n cyfateb i'r Rheoliadau hyn;
- (b) at ddiben—
- (i) atal perygl i iechyd y cyhoedd o ganlyniad i ledaeniad haint neu halogiad â'r coronafeirws,
- (ii) monitro lledaeniad haint neu halogiad â'r coronafeirws, neu
- (dd) information recorded by a test provider in the course of administering a test taken in accordance with regulation 8 (including confirmation that the test was taken, details of when and where it was taken, any reasons for a test not being taken and the details of any replacement test to be taken);
- (iii) information provided to an immigration officer pursuant to regulation 8(10);
- (iv) where a sample taken in respect of a day 2 test under regulation 8 has been sequenced, the sorted BAM file relating to that sample containing all reads aligning to the coronavirus reference genome with unaligned and human reads removed;
- (b) "other UK passenger information" means information provided to a person under provision in regulations made as respects England, Scotland or Northern Ireland (as the case may be) that is equivalent to provision mentioned in sub-paragraph (a).
- (3) In this regulation, any reference to the holder of information is a reference to—
- (a) the Secretary of State;
- (b) a person to whom the information was disclosed under paragraph (4) or (5);
- (c) a test provider;
- (d) an immigration officer.
- (4) The holder of Welsh passenger information may disclose it to another person ("the recipient") in circumstances where it is necessary for the recipient to have the information—
- (a) for the purpose of carrying out a function of the recipient under—
- (i) these Regulations, or
- (ii) regulations made as respects England, Scotland or Northern Ireland (as the case may be) that are equivalent to these Regulations;
- (b) for the purpose of—
- (i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
- (ii) monitoring the spread of infection or contamination with coronavirus, or

(iii) rhoi effaith i unrhyw gytundeb neu drefniant rhyngwladol sy'n ymwneud â lledaeniad haint neu halogiad â'r coronafeirws;

(c) at ddiben sy'n gysylltiedig â diben a ddisgrifir yn is-baragraff (a) neu (b), neu sydd fel arall yn gysylltiedig â'r diben hwnnw.

(5) Caiff deiliad gwybodaeth am deithiwr o weddill y Deyrnas Unedig ddatgelu'r wybodaeth i berson arall ("y derbynnydd") o dan amgylchiadau pan fo'n angenrheidiol i'r derbynnydd gael yr wybodaeth—

(a) at ddiben cyflawni unrhyw un neu ragor o swyddogaethau'r derbynnydd o dan y Rheoliadau hyn;

(b) at ddiben—

(i) atal perygl i iechyd y cyhoedd yng Nghymru o ganlyniad i ledaeniad haint neu halogiad â'r coronafeirws,

(ii) monitro lledaeniad haint neu halogiad â'r coronafeirws yng Nghymru, neu

(iii) rhoi effaith yng Nghymru i unrhyw gytundeb neu drefniant rhyngwladol sy'n ymwneud â lledaeniad haint neu halogiad â'r coronafeirws;

(c) at ddiben sy'n gysylltiedig â diben a ddisgrifir yn is-baragraff (a) neu (b), neu sydd fel arall yn gysylltiedig â'r diben hwnnw.

(6) Ni chaiff deiliad gwybodaeth berthnasol ddefnyddio'r wybodaeth ac eithrio—

(a) at ddiben cyflawni unrhyw un neu ragor o swyddogaethau'r deiliad o dan y Rheoliadau hyn;

(b) yn achos gwybodaeth am deithiwr o Gymru, at ddiben a ddisgrifir ym mharagraff (4)(b);

(c) yn achos gwybodaeth am deithiwr o weddill y Deyrnas Unedig, at ddiben a ddisgrifir ym mharagraff (5)(b);

(d) at ddiben sy'n gysylltiedig â diben a ddisgrifir yn is-baragraff (a), (b) neu (c), neu sydd fel arall yn gysylltiedig â'r diben hwnnw.

(7) Er gwaethaf paragraffau (4), (5) a (6), nid yw'r rheoliad hwn yn cyfyngu ar yr amgylchiadau pan ganiateir datgelu neu ddefnyddio gwybodaeth yn gyfreithlon fel arall o dan unrhyw ddeddfiad arall neu unrhyw reol gyfreithiol arall.

(8) Nid yw datgeliad a awdurdodir gan y rheoliad hwn yn torri—

(a) rhwymedigaeth o safbwynt cyfrinachedd sy'n ddyledus gan y person sy'n gwneud y datgeliad, neu

(iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus;

(c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a) or (b).

(5) The holder of other UK passenger information may disclose it to another person ("the recipient") in circumstances where it is necessary for the recipient to have the information—

(a) for the purpose of carrying out a function of the recipient under these Regulations;

(b) for the purpose of—

(i) preventing danger to public health in Wales as a result of the spread of infection or contamination with coronavirus,

(ii) monitoring the spread of infection or contamination with coronavirus in Wales, or

(iii) giving effect in Wales to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus;

(c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a) or (b).

(6) A holder of relevant information may not use the information otherwise than—

(a) for the purpose of carrying out a function of the holder under these Regulations;

(b) in the case of Welsh passenger information, for a purpose described in paragraph (4)(b);

(c) in the case of other UK passenger information, for a purpose described in paragraph (5)(b);

(d) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a), (b) or (c).

(7) Despite paragraphs (4), (5) and (6), this regulation does not limit the circumstances in which information may otherwise lawfully be disclosed or used under any other enactment or rule of law.

(8) Disclosure which is authorised by this regulation does not breach—

(a) an obligation of confidence owed by the person making the disclosure, or

(b) unrhyw gyfyngiad arall ar ddatgelu gwybodaeth (ym mha fodd bynnag y'i gorfodir).

(9) Nid oes dim yn y rheoliad hwn yn awdurdodi datgelu data personol pan fo gwneud hynny yn torri'r ddeddfwriaeth diogelu data.

(10) Ym mharagraff (9), mae i "data personol" a "y ddeddfwriaeth diogelu data" yr un ystyrion â "personal data" a "the data protection legislation" yn adran 3 o Ddeddf Diogelu Data 2018(1).

Hunanargyhuddo

17.—(1) Caniateir i wybodaeth berthnasol gael ei defnyddio fel tystiolaeth yn erbyn y person y mae'r wybodaeth yn ymwneud ag ef mewn achos troseddol.

(2) Pan fo'r wybodaeth yn cael ei defnyddio mewn achos o'r fath—

- (a) ni chaniateir i unrhyw dystiolaeth sy'n ymwneud â'r wybodaeth gael ei rhoi gan yr erlyniad nac ar ei ran, a
- (b) ni chaniateir i unrhyw gwestiwn sy'n ymwneud â'r wybodaeth gael ei ofyn gan yr erlyniad nac ar ei ran.

(3) Nid yw paragraff (2) yn gymwys os yw'r achos ar gyfer—

- (a) trosedd o dan y Rheoliadau hyn,
- (b) trosedd o dan adran 5 o Ddeddf Anudon 1911 (datganiadau anwir a wneir ac eithrio ar lw)(2),
- (c) trosedd o dan adran 1 o Ddeddf Twyll 2006 (twyll)(3), neu
- (d) trosedd o dan adran 2 neu 3 o Ddeddf Twyll a Ffugio 1981 (trosedd o gopïo neu ddefnyddio offeryn ffug)(4).

(4) Nid yw paragraff (2) yn gymwys—

- (a) os rhoddir tystiolaeth sy'n ymwneud â'r wybodaeth gan y person a'i darparodd, neu ar ei ran, yn ystod yr achos, neu
- (b) os gofynnir cwestiwn sy'n ymwneud â'r wybodaeth gan y person hwnnw, neu ar ei ran, yn ystod yr achos.

(b) any other restriction on the disclosure of information (however imposed).

(9) Nothing in this regulation authorises the disclosure of personal data where doing so contravenes the data protection legislation.

(10) In paragraph (9), "the data protection legislation" and "personal data" have the same meanings as in section 3 of the Data Protection Act 2018(1).

Self-incrimination

17.—(1) Relevant information may be used in evidence against the person to whom the information relates in criminal proceedings.

(2) Where the information is used in such proceedings—

- (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
- (b) no question relating to the information may be asked by or on behalf of the prosecution.

(3) Paragraph (2) does not apply if the proceedings are for—

- (a) an offence under these Regulations,
- (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath)(2),
- (c) an offence under section 1 of the Fraud Act 2006 (fraud)(3), or
- (d) an offence under section 2 or 3 of the Forgery and Counterfeiting Act 1981 (offence of copying or using a false instrument)(4).

(4) Paragraph (2) does not apply if, in the proceedings—

- (a) evidence relating to the information is adduced by or on behalf of the person who provided it, or
- (b) a question relating to the information is asked by or on behalf of that person.

(1) 2018 p. 12.

(2) 1911 p. 6. Diwygiwyd adran 5 gan adran 1(2) o Ddeddf Cyfiawnder Troseddol 1948 (p. 58).

(3) 2006 p. 35.

(4) 1981 p. 45.

(1) 2018 c. 12.

(2) 1911 c. 6. Section 5 was amended by section 1(2) of the Criminal Justice Act 1948 (c. 58).

(3) 2006 c. 35.

(4) 1981 c. 45.

RHAN 6

Adolygu a dod i ben

Adolygu'r gofynion

18. Rhaid i Weinidogion Cymru adolygu'r angen am y gofynion a osodir gan y Rheoliadau hyn, ac a yw'r gofynion hynny'n gymesur â'r hyn y mae Gweinidogion Cymru yn ceisio ei gyflawni drwyddynt—

- (a) o leiaf unwaith yn y cyfnod o 28 o ddiwrnodau sy'n dechrau â 11 Chwefror 2022;
- (b) o leiaf unwaith ym mhob cyfnod dilynol o 28 o ddiwrnodau.

Y Rheoliadau'n dod i ben

19.—(1) Daw'r Rheoliadau hyn i ben ar ddiwedd 31 Mai 2022.

(2) Nid yw'r ffaith bod y Rheoliadau hyn yn dod i ben yn effeithio ar ddilysrwydd unrhyw beth a wneir yn unol â'r Rheoliadau hyn cyn iddynt ddod i ben.

PART 6

Review and expiry

Review of requirements

18. The Welsh Ministers must review the need for the requirements imposed by these Regulations, and whether those requirements are proportionate to what the Welsh Ministers seek to achieve by them—

- (a) at least once in the period of 28 days beginning with 11 February 2022;
- (b) at least once in each subsequent period of 28 days.

Expiry of Regulations

19.—(1) These Regulations expire at the end of 31 May 2022.

(2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

Eluned Morgan

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
Am 2.56 p.m. ar 10 Chwefror 2022

Minister for Health and Social Services, one of the
Welsh Ministers
At 2.56 p.m. on 10 February 2022

RHAN 1

Gwybodaeth am deithiwr sydd i'w darparu gan deithwyr cymwys a phersonau nad ydynt yn deithwyr cymwys

1. Manylion personol—

- (a) enw llawn;
- (b) dyddiad geni;
- (c) rhif basbort, neu gyfeirnod dogfen deithio (fel y bo'n briodol), dyddiadau dyroddi a dod i ben a'r awdurdod dyroddi;
- (d) rhif ffôn;
- (e) cyfeiriad cartref;
- (f) cyfeiriad e-bost.

2. Manylion y daith—

- (a) y gweithredwr y mae P yn teithio gydag ef, neu wedi teithio gydag ef, neu'r gweithredwr a ddefnyddiodd P i archebu'r daith;
- (b) rhif y goets;
- (c) rhif yr heddiad neu enw'r llestr;
- (d) y lleoliad yn y Deyrnas Unedig y bydd P yn ei gyrraedd neu'r lleoliad yn y Deyrnas Unedig y mae wedi ei gyrraedd;
- (e) y wlad y mae P yn teithio ohoni neu wedi teithio ohoni;
- (f) unrhyw wlad neu diriogaeth arall y bydd P yn ynddi, neu y mae P wedi bod ynddi, fel rhan o'i daith i'r Deyrnas Unedig;
- (g) pan fo is-baragraff (f) yn gymwys, y dyddiadau yr oedd P yn y wlad arall neu'r diriogaeth arall neu y bydd P yn y wlad arall neu'r diriogaeth arall;
- (h) y dyddiad a'r amser y bydd P yn cyrraedd y Deyrnas Unedig neu y mae'n bwriadu cyrraedd y Deyrnas Unedig, fel y bo'n briodol;
- (i) a yw P yn teithio drwy'r Deyrnas Unedig fel rhan o siwrnai gysylltu i gyrchfan y tu allan i'r Deyrnas Unedig ac, os felly—
 - (i) y lleoliad lle y bydd P yn ymadael â'r Deyrnas Unedig,
 - (ii) y wlad sy'n gyrchfan derfynol i P,

PART 1

Passenger information to be provided by eligible travellers and persons who are not eligible travellers

1. Personal details—

- (a) full name;
- (b) date of birth;
- (c) passport number, or travel document reference number (as appropriate), issue and expiry dates and issuing authority;
- (d) telephone number;
- (e) home address;
- (f) email address.

2. Journey details—

- (a) the operator P is travelling, or travelled, with, or through which P's booking was made;
- (b) coach number;
- (c) flight number or vessel name;
- (d) the location at which P will arrive, or has arrived, in the United Kingdom;
- (e) the country P is travelling, or travelled, from;
- (f) any other country or territory P will be, or has been, in as part of their journey to the United Kingdom;
- (g) where sub-paragraph (f) applies, the dates on which P was or will be in the other country or territory;
- (h) the date and time, or planned date and time, as appropriate, of P's arrival in the United Kingdom;
- (i) whether P is connecting through the United Kingdom to a destination outside the United Kingdom and, if so—
 - (i) the location at which P will depart from in the United Kingdom,
 - (ii) P's final destination country,

- (iii) y gweithredwr y mae P yn teithio gydag ef ar y daith sy'n dilyn neu'r gweithredwr a ddefnyddiodd P i archebu'r daith sy'n dilyn, a
- (iv) rhif yr heddiad, enw'r llestr neu rif y goets ar gyfer y daith sy'n dilyn.

3. Pan fo P yn bwriadu manteisio ar esemptiad fel teithiwr cymwys—

- (a) cadarnhad bod P yn bodloni un o'r esemptiadau yn rheoliad 3, a
- (b) manylion ynghylch pa esemptiad yn rheoliad 3 y mae P yn dod odano.

4. Pan fo P yn teithio gyda phlentyn y mae ganddo gyfrifoldeb drosto, enw llawn a dyddiad geni'r plentyn hwnnw.

RHAN 2

Gwybodaeth ychwanegol am deithiwr sydd i'w darparu gan bersonau nad ydynt yn deithwyr cymwys

5. Enw darparwr prawf diwrnod 2 P.

6. Cyfeirnod y prawf a ddarperir i P gan ddarparwr y prawf yn unol â rheoliad 8(6).

- (iii) the operator P is travelling with or through which the booking was made for the onward journey, and

- (iv) the flight number, vessel name or coach number of the onward journey.

3. Where P intends to take advantage of an exemption as an eligible traveller—

- (a) confirmation that P meets one of the exemptions in regulation 3, and
- (b) details of which exemption in regulation 3 P falls under.

4. Where P is travelling with a child for whom they have responsibility, the full name and date of birth of that child.

PART 2

Additional passenger information to be provided by persons who are not eligible travellers

5. The name of the provider of P's day 2 test.

6. The reference number for the test provided to P by the test provider in accordance with regulation 8(6).

Profion cyn cyrraedd Cymru

1.—(1) Mae prawf yn cydymffurfio â'r paragraff hwn—

- (a) os yw'n brawf ar gyfer canfod y coronafeirws, sydd—
 - (i) yn brawf adwaith cadwynol polymerasau, neu
 - (ii) yn brawf a gynhaliwyd gan ddefnyddio dyfais y mae'r gweithgynhyrhydd yn datgan bod ganddi—
 - (aa) sensitifrwydd o 80% o leiaf,
 - (bb) penodolrwydd o 97% o leiaf, ac
 - (cc) terfyn canfod o lai na 100,000 copi coronafeirws y mililitr neu'n hafal i hynny,
- (b) os nad yw'n brawf a ddarperir neu a weinyddir o dan Ddeddf y Gwasanaeth Iechyd Gwladol 2006, Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006, Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978, neu Orchymyn Gwasanaethau Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972, ac
- (c) os cymerir sampl y prawf o'r person ddim mwy na 48 awr cyn—
 - (i) yn achos person sy'n teithio i Gymru ar wasanaeth trafnidiaeth masnachol, yr amser a amserlennwyd ar gyfer ymadawiad y gwasanaeth, heb gynnwys unrhyw daith dramwy, neu
 - (ii) mewn unrhyw achos arall, amser ymadael gwirioneddol y llestr neu'r cerbyd awyr y mae'r person hwnnw yn teithio arni neu arno i Gymru, heb gynnwys unrhyw daith dramwy.

(2) At ddibenion y paragraff hwn, mae person yn tramwyo drwy wlad neu diriogaeth os yw'n cyrraedd y wlad honno neu'r diriogaeth honno at ddiben parhau â thaith i Gymru, ac at y diben hwnnw yn unig—

- (a) ar gludiant ac eithrio'r cludiant y cyrhaeddodd arno, neu
- (b) ar yr un cludiant, ar ôl dod oddi arno dros dro.

2. Rhaid i hysbysiad o ganlyniad prawf negatif gynnwys yr wybodaeth a ganlyn yn Saesneg, Ffrangeg neu Sbaeneg—

- (a) enw'r person y cymerwyd y sampl ohono,
- (b) dyddiad geni neu oedran y person hwnnw,

Testing before arrival in Wales

1.—(1) A test complies with this paragraph if—

- (a) it is a test for the detection of coronavirus, which is—
 - (i) a polymerase chain reaction test, or
 - (ii) undertaken using a device which the manufacturer states has—
 - (aa) a sensitivity of at least 80%,
 - (bb) a specificity of at least 97%, and
 - (cc) a limit of detection of less than or equal to 100,000 coronavirus copies per millilitre,
- (b) it is not a test provided or administered under the National Health Service Act 2006, the National Health Service (Wales) Act 2006, the National Health Service (Scotland) Act 1978, or the Health and Personal Social Services (Northern Ireland) Order 1972, and
- (c) the test sample is taken from the person no more than 48 hours before—
 - (i) in the case of that person travelling to Wales on a commercial transport service, the service's scheduled time of departure, not including any transit, or
 - (ii) in any other case, the actual time of departure of the vessel or aircraft on which that person is travelling to Wales, not including any transit.

(2) For the purposes of this paragraph, a person transits through a country or territory if they arrive in that country or territory for the sole purpose of continuing a journey to Wales—

- (a) on a conveyance other than the conveyance on which they arrived, or
- (b) on the same conveyance, having temporarily disembarked from it.

2. Notification of a negative test result must include, in English, French, or Spanish, the following information—

- (a) the name of the person from whom the sample was taken,
- (b) that person's date of birth or age,

- (c) canlyniad negatif y prawf,
- (d) y dyddiad y casglwyd sampl y prawf neu'r dyddiad y cafodd darparwr y prawf sampl y prawf,
- (e) datganiad—
 - (i) bod y prawf yn brawf adwaith cadwynol polymerasau, neu
 - (ii) o enw'r ddyfais a ddefnyddiwyd ar gyfer y prawf, ac
- (f) enw darparwr y prawf.

3.—(1) Y personau y cyfeirir atynt yn rheoliad 7(2)(b) (nad yw'n ofynnol iddynt gydymffurfio â'r rheoliad hwnnw) yw—

- (a) person a ddisgrifir yn—
 - (i) paragraff 13(1)(b) o Atodlen 5 pan fo'r Adran berthnasol, cyn i'r person ymadael i'r Deyrnas Unedig, wedi ardystio ei fod yn bodloni'r disgrifiad hwn ac nad yw'n ofynnol iddo gydymffurfio â rheoliad 7, neu
 - (ii) paragraff 14 o Atodlen 5 pan fo'r Adran berthnasol, cyn i'r person ymadael i'r Deyrnas Unedig, hefyd wedi ardystio nad yw'n ofynnol iddo gydymffurfio â rheoliad 7;
- (b) gwas i'r goron neu gontractwr llywodraeth ("G") y mae'n ofynnol iddo ymgymryd â gwaith llywodraeth hanfodol neu blismona hanfodol yn y Deyrnas Unedig neu sy'n dychwelyd o wneud gwaith o'r fath y tu allan i'r Deyrnas Unedig pan fo'r Adran berthnasol, cyn i G ymadael i'r Deyrnas Unedig, wedi ardystio ei fod yn bodloni'r disgrifiad hwn ac nad yw'n ofynnol iddo gydymffurfio â rheoliad 7;
- (c) cynrychiolydd ("C") i wlad dramor neu diriogaeth dramor sy'n teithio i'r Deyrnas Unedig i gynnal busnes swyddogol gyda'r Deyrnas Unedig pan fo, cyn i C ymadael i'r Deyrnas Unedig—
 - (i) pennaeth perthnasol y genhadaeth, y swyddfa gonsylaidd neu'r swyddfa sy'n cynrychioli diriogaeth dramor yn y Deyrnas Unedig, neu Lywodraethwr i diriogaeth dramor Brydeinig (yn ôl y digwydd), neu berson sy'n gweithredu ar ei awdurdod, yn cadarnhau yn ysgrifenedig i'r Swyddfa Dramor, y Gymanwlad a Datblygu ei bod yn ofynnol i C wneud gwaith sy'n hanfodol i'r wlad dramor a gynrychiolir gan y genhadaeth neu'r swyddfa gonsylaidd, y diriogaeth dramor a gynrychiolir gan y swyddfa neu'r diriogaeth dramor Brydeinig, a

- (c) the negative result of the test,
- (d) the date the test sample was collected or received by the test provider,
- (e) a statement—
 - (i) that the test was a polymerase chain reaction test, or
 - (ii) of the name of the device that was used for the test, and
- (f) the name of the test provider.

3.—(1) The persons referred to in regulation 7(2)(b) (as not being required to comply with that regulation) are—

- (a) a person described in—
 - (i) paragraph 13(1)(b) of Schedule 5 where, prior to the person's departure to the United Kingdom, the relevant Department has certified that they meet this description and are not required to comply with regulation 7, or
 - (ii) paragraph 14 of Schedule 5 where, prior to person's departure to the United Kingdom, the relevant Department has also certified that they are not required to comply with regulation 7;
- (b) a crown servant or government contractor ("C") who is required to undertake essential government work or essential policing in the United Kingdom or is returning from conducting such work outside the United Kingdom where, prior to C's departure to the United Kingdom, the relevant Department has certified that they meet this description and are not required to comply with regulation 7;
- (c) a representative ("R") of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom where, prior to R's departure to the United Kingdom—
 - (i) the relevant head of the mission, consular post, or office representing a foreign territory in the United Kingdom, or a Governor of a British overseas territory (as the case may be), or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that R is required to undertake work which is essential to the foreign country represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and

- (ii) y Swyddfa Dramor, y Gymanwlad a Datblygu wedi cadarnhau yn ysgrifenedig wedi hynny i'r person sy'n rhoi'r hysbysiad yn is-baragraff (i)—
- (aa) ei bod wedi cael y cadarnhad hwnnw, a
- (bb) bod C yn teithio i'r Deyrnas Unedig i gynnal busnes swyddogol gyda'r Deyrnas Unedig ac nad yw'n ofynnol iddo gydymffurfio â rheoliad 7;
- (d) aelod o griw cerbyd awyr sy'n cael ei gludo ar hediad at ddiben cyflawni dyletswyddau sydd i'w haseinio gan y gweithredwr neu'r peilot sydd â rheolaeth o'r cerbyd awyr, er budd diogelwch y cerbyd awyr, pan fo wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith.
- (2) Yn is-baragraff (1)—
- mae i “gwaith llywodraeth hanfodol” (“*essential government work*”) a “plismona hanfodol” (“*essential policing*”) yr ystyron a roddir ym mharagraff 13(2) o Atodlen 5;
- mae i “swyddfa gonsylaidd” (“*consular post*”) yr ystyr a roddir ym mharagraff 1(3) o Atodlen 5.
- (ii) the Foreign, Commonwealth and Development Office has then confirmed in writing to the person giving the notification in sub-paragraph (i) that—
- (aa) it has received that confirmation, and
- (bb) R is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with regulation 7;
- (d) a member of aircraft crew carried on a flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft, in the interests of the safety of the aircraft, where they have travelled to the United Kingdom in the course of their work.
- (2) In sub-paragraph (1)—
- “consular post” (“*swyddfa gonsylaidd*”) has the meaning given in paragraph 1(3) of Schedule 5;
- “essential government work” (“*gwaith llywodraeth hanfodol*”) and “essential policing” (“*plismona hanfodol*”) have the meanings given in paragraph 13(2) of Schedule 5.

Gwybodaeth archebu ar gyfer profion
diwrnod 2

1.—(1) Manylion personol—

- (a) enw llawn;
- (b) rhyw;
- (c) ethnigrwydd;
- (d) dyddiad geni;
- (e) rhif pasbort, neu gyfeirnod dogfen deithio (fel y bo'n briodol);
- (f) rhif GIG (os yw'n hysbys ac yn gymwys);
- (g) rhif ffôn;
- (h) cyfeiriad cartref;
- (i) cyfeiriad e-bost.

(2) Manylion y daith—

- (a) y dyddiad y bydd P yn cyrraedd y Deyrnas Unedig;
- (b) rhif y goets, rhif yr heddiad neu enw'r llestr;
- (c) y dyddiad yr oedd P y tu allan i'r ardal deithio gyffredin ddiwethaf, neu y bydd wedi bod y tu allan iddi ddiwethaf;
- (d) enw'r wlad neu'r diriogaeth y bydd P yn teithio ohoni pan fydd P yn cyrraedd y Deyrnas Unedig, ac enw unrhyw wlad neu diriogaeth y bydd P wedi bod ynddi fel rhan o'r daith honno.

Booking information for day 2 tests

1.—(1) Personal details—

- (a) full name;
- (b) sex;
- (c) ethnicity;
- (d) date of birth;
- (e) passport number, or travel document reference number (as appropriate);
- (f) NHS number (if known and applicable);
- (g) telephone number;
- (h) home address;
- (i) email address.

(2) Journey details—

- (a) P's date of arrival in the United Kingdom;
- (b) coach number, flight number or vessel name;
- (c) the date on which P was last, or will last have been, outside of the common travel area;
- (d) the name of the country or territory P will be travelling from when P arrives in the United Kingdom, and the name of any country or territory P will have been in as part of that journey.

Gofynion ar gyfer profion diwrnod 2

Profion diwrnod 2: gofynion cyffredinol

1.—(1) Mae prawf diwrnod 2 yn cydymffurfio â'r paragraff hwn pan fo'r prawf yn cydymffurfio ag is-baragraffau (2) a (3).

(2) Mae'r prawf diwrnod 2—

- (a) yn cael ei ddarparu gan ddarparwr prawf cyhoeddus, neu
- (b) yn cael ei ddarparu gan ddarparwr prawf preifat pan fo'r darparwr prawf preifat yn cydymffurfio â pharagraff 2.

(3) Mae'r prawf diwrnod 2 yn cydymffurfio â'r is-baragraff hwn—

- (a) pan fo'n brawf lled-feintiol ar gyfer canfod y coronafeirws—
 - (i) sy'n targedu o leiaf ddau enyn coronafeirws y gellir gwahaniaethu rhyngddynt ac eithrio'r genyn S a rheolaethau cyfeirio perfformiad,
 - (ii) sy'n cynnwys rheolwaith sicrwydd in silico yn erbyn pob amrywiolyn sy'n destun pryder, a
 - (iii) sy'n cynhyrchu toddiant prawf sy'n darparu asid niwclëig a echdynnwyd sy'n addas ar gyfer dilyniannu genom cyfan gan ddefnyddio dull penodedig,
- (b) pan fo gweithgynhyrchydd unrhyw ddyfais a ddefnyddir at ddibenion y prawf yn datgan—
 - (i) bod y ddyfais yn defnyddio dull sefydledig o ganfod moleciwlau,
 - (ii) bod gan y ddyfais benodolrwydd a sensitifrwydd sy'n fwy na 99% neu'n hafal i hynny (neu gyfwng hyder dwyochrog o 95% sydd uwchben 97% yn llwyr),
 - (iii) bod gan y ddyfais derfyn canfod o lai na 1,000 copi coronafeirws y mililitr neu'n hafal i hynny, a
 - (iv) bod y ddyfais yn addas ar gyfer canfod pob amrywiolyn sy'n destun pryder, ac
- (c) pan fo unrhyw ddyfais a ddefnyddir at ddibenion y prawf—
 - (i) yn gallu cael ei defnyddio yn unol â Rhan 4 o Reoliadau Dyfeisiau Meddygol 2002, ac eithrio yn rhinwedd rheoliad 39(2) o'r Rheoliadau hynny yn unig, a
 - (ii) wedi ei dilysu ddim mwy na 18 mis cyn gweinyddu'r prawf neu ei ddarparu i P.

Requirements for day 2 tests

Day 2 tests: general requirements

1.—(1) A day 2 test complies with this paragraph where the test complies with sub-paragraphs (2) and (3).

(2) The day 2 test is—

- (a) provided by a public test provider, or
- (b) provided by a private test provider where the private test provider complies with paragraph 2.

(3) The day 2 test complies with this sub-paragraph where—

- (a) it is a semi-quantitative test for the detection of coronavirus which—
 - (i) targets a minimum of two distinguishable coronavirus genes other than the S gene and performance reference controls,
 - (ii) includes routine in silico assurance against every variant of concern, and
 - (iii) produces a test solution that provides extracted nucleic acid that is suitable for whole genome sequencing using a specified method,
- (b) the manufacturer of any device used for the purposes of the test states that the device—
 - (i) uses an established molecular detection method,
 - (ii) has a specificity and a sensitivity greater than or equal to 99% (or a 95% two-sided confidence interval entirely above 97%),
 - (iii) has a limit of detection of less than or equal to 1,000 coronavirus copies per millilitre, and
 - (iv) is suitable for identifying every variant of concern, and
- (c) any device used for the purposes of the test—
 - (i) can be put into service in accordance with Part 4 of the Medical Devices Regulations 2002, other than solely by virtue of regulation 39(2) of those Regulations, and
 - (ii) has been validated no more than 18 months before the test is administered or provided to P.

Profion diwrnod 2: gofynion cyffredinol o ran darparwyr preifat

2.—(1) At ddibenion paragraff 1(2)(b), mae darparwr prawf preifat yn cydymffurfio â'r paragraff hwn—

- (a) pan fo'n darparu profion diwrnod 2 mewn un gwasanaeth profi o'r dechrau i'r diwedd (pa un a yw'n trefnu gyda pherson arall ("X") i X ddarparu un neu ragor o elfennau'r gwasanaeth ar ei ran ai peidio);
- (b) pan fo ymarferydd meddygol cofrestredig yn goruchwyllo ac yn cymeradwyo arferion meddygol a gyflawnir gan y darparwr prawf preifat, ac yn gyfrifol am roi gwybod am faterion meddygol;
- (c) pan fo ganddo system effeithiol o lywodraethu clinigol yn ei lle sy'n cynnwys gweithdrefnau gweithredu safonol priodol mewn perthynas â chynnal profion diwrnod 2;
- (d) pan fo gwyddonydd clinigol cofrestredig yn goruchwyllo arferion clinigol a gyflawnir gan y darparwr prawf preifat, ac yn gyfrifol am roi gwybod am faterion clinigol;
- (e) pan fo ganddo systemau yn eu lle i nodi unrhyw ddioglyddiadau andwyol neu faterion rheoli ansawdd mewn perthynas â phroffion diwrnod 2 a gallu rhoi gwybod i Weinidogion Cymru amdanynt cyn gynted ag y bo'n rhesymol ymarferol;
- (f) os yw'r darparwr prawf preifat yn labordy sy'n cynnal gwerthusiadau profion diagnostig ar gyfer profi yn unol â'r Atodlen hon, pan fo wedi gwneud datganiad i'r Ysgrifennydd Gwladol ei fod yn cyrraedd y safonau gofynnol ar gyfer profion a ddarperir gan y sector preifat ar <https://support-covid-19-testing.dhsc.gov.uk/InternationalTesting>;
- (g) pan fo wedi darparu i'r Ysgrifennydd Gwladol restr o'r holl sefydliadau y mae'n gweithio gyda hwy (boed drwy is-gontract neu fel arall) i gynnal y gwasanaeth profi neu i gynnal dilyniannu genomaid, gan nodi natur y gwasanaeth y mae pob sefydliad yn ei ddarparu, ac wedi diweddarau'r rhestr honno fel y bo'n briodol;
- (h) pan fo'r person sy'n gyfrifol am gymryd y samplau yn bodloni'r gofynion perthnasol ar gyfer achrediad i safon ISO 15189 neu safon ISO/IEC 17025 mewn cysylltiad â chymryd samplau;

Day 2 tests: general private provider requirements

2.—(1) For the purposes of paragraph 1(2)(b), a private test provider complies with this paragraph where—

- (a) they provide day 2 tests in a single end-to-end testing service (whether or not they arrange with another person ("X") for X to provide one or more elements of the service on their behalf);
- (b) a registered medical practitioner has oversight and approval of medical practices undertaken by the private test provider, and responsibility for reporting medical issues;
- (c) they have an effective system of clinical governance in place which includes appropriate standard operating procedures in relation to the carrying out of day 2 tests;
- (d) a registered clinical scientist has oversight of clinical practices undertaken by the private test provider, and responsibility for reporting clinical issues;
- (e) they have systems in place to identify any adverse incidents or quality control issues in relation to day 2 tests and be able to report them as soon as is reasonably practicable to the Welsh Ministers;
- (f) if the private test provider is a laboratory that conducts diagnostic test evaluation for testing in accordance with this Schedule, they have made a declaration to the Secretary of State that they meet the minimum standards for private sector-provided testing at <https://support-covid-19-testing.dhsc.gov.uk/InternationalTesting>;
- (g) they have provided the Secretary of State with a list of all organisations that they work with (whether by sub-contract or otherwise) to carry out the testing service or to carry out genomic sequencing, indicating the nature of the service that each organisation is providing, and kept that list updated as appropriate;
- (h) the person responsible for the taking of samples meets the relevant requirements for accreditation to ISO standard 15189 or ISO/IEC standard 17025 in respect of the taking of samples;

- (i) pan fo'r labordy a ddefnyddir gan y darparwr prawf preifat i brosesu samplau yn bodloni'r gofynion perthnasol ar gyfer safon ISO 15189 neu safon ISO/IEC 17025 mewn cysylltiad â gwerthuso'r dull sefydledig o ganfod moleciwlau a dilyniannu genomaidd ar samplau;
- (j) pan fo'n cael yr wybodaeth sy'n ofynnol gan reoliad 8(5)(b) ac (c), ac yn gweinyddu neu'n darparu'r prawf i P heb fod yn hwyrach na diwedd yr ail ddiwrnod ar ôl y diwrnod y cyrhaeddodd P Gymru;
- (k) pan fo, bob dydd, yn hysbysu'r Ysgrifennydd Gwladol yn ysgrifenedig—
- (i) am nifer y profion a werthodd ar y diwrnod hwnnw, a
- (ii) mewn perthynas â phob prawf a werthwyd ar y diwrnod hwnnw—
- (aa) am y dyddiad y cyrhaeddodd y person y gwerthwyd y prawf mewn cysylltiad ag ef y Deyrnas Unedig;
- (bb) am y cyfeirnod prawf a roddwyd i P yn unol â rheoliad 8(6);
- (l) pan fo'n dilyniannu pob sampl gyda throthwy cylch o lai na 30 (sy'n cyfateb i 1,000 copi genom firsol y mililitr);
- (m) pan—
- (i) bo sampl i'w dilyniannu yn unol â pharagraff (l), a
- (ii) bo'r dilyniannu i ddigwydd mewn labordy ("y labordy dilyniannu") ac eithrio'r labordy y proseswyd y sampl ynddo yn y lle cyntaf ("y labordy diagnostig"),
- pan fo'n sicrhau bod y labordy dilyniannu yn cael y sampl heb fod yn hwyrach na 24 awr ar ôl i'r labordy diagnostig ddod i wybod am ganlyniad y prosesu cychwynnol;
- (n) mewn cysylltiad â dilyniannu samplau, pan fo rhaid iddo sicrhau lled rhychwant genom cyfeirio o 50% o leiaf a rhychwant o 30 o weithiau o leiaf;
- (o) pan fo, ar gais gan Weinidogion Cymru neu Gonsortium Genomeg COVID-19 y DU, yn rhoi samplau ar gael at ddiben dilyniannu deul;
- (p) pan fo'n cadw ac yn cludo samplau mewn modd sy'n galluogi dilyniannu genomau;
- (q) pan fo ganddo broses yn ei lle i ddileu darlleniadau dynol o unrhyw ddata a gyflwynir mewn hysbysiad i Iechyd
- (i) the laboratory used by the private test provider for the processing of samples meets the relevant requirements for ISO standard 15189 or ISO/IEC standard 17025 in respect of the evaluation of the established molecular detection method and the genome sequencing of samples;
- (j) they receive the information required by regulation 8(5)(b) and (c), and they administer or provide the test to P no later than the end of the second day after the day on which P arrived in Wales;
- (k) each day, they notify the Secretary of State in writing of—
- (i) the number of tests they sold on that day, and
- (ii) in relation to each test sold on that day—
- (aa) the date of arrival into the United Kingdom of the person in respect of whom the test was sold;
- (bb) the test reference number given to P in accordance with regulation 8(6);
- (l) they sequence each sample with a cycle threshold less than 30 (equivalent to 1,000 viral genome copies per millilitre);
- (m) where—
- (i) a sample is to be sequenced in accordance with paragraph (l), and
- (ii) the sequencing is to take place at a laboratory ("the sequencing laboratory") other than the laboratory at which the sample was initially processed ("the diagnostic laboratory"),
- they secure that the sample is received at the sequencing laboratory no later than 24 hours after the result of the initial processing becomes known to the diagnostic laboratory;
- (n) in respect of the sequencing of samples, they must secure a reference genome coverage breadth of at least 50% and at least 30 times coverage;
- (o) on a request by the Welsh Ministers or the COVID-19 Genomics UK Consortium, they make samples available for the purpose of dual sequencing;
- (p) they preserve and transport samples in a manner that enables genome sequencing;
- (q) they have in place a process to remove human reads from any data submitted in a notification to Public Health Wales pursuant

Cyhoeddus Cymru yn unol â Rheoliadau Diogelu Iechyd (Hysbysu) (Cymru) 2010(1);

- (r) os yw'n trefnu gyda pherson arall ("X") i X gyflawni unrhyw elfen o'r un gwasanaeth profi o'r dechrau i'r diwedd ar ei ran, pan fo'r darparwr prawf preifat yn sicrhau bod X yn cydymffurfio â'r canlynol i'r graddau y bônt yn berthnasol i gyflawni'r elfen honno—
- (i) paragraffau (b) i (e) ac (g) i (q) o'r is-baragraff hwn;
 - (ii) paragraff 4(2) a (3).

(2) At ddibenion is-baragraff (1)(h) ac (i), mae person neu labordy (yn ôl y digwydd) yn bodloni'r gofynion perthnasol ar gyfer achrediad i safon pan fo'r person sy'n weithredwr y labordy yn cydymffurfio â gofynion paragraff 3.

(3) Yn y paragraff hwn, ystyr "gwyddonydd clinigol cofrestredig" yw person sydd wedi ei gofrestru fel gwyddonydd clinigol â'r Cyngor Proffesiynau Iechyd a Gofal yn unol ag erthygl 5 o Orchymyn Proffesiynau Iechyd 2001(2).

Achrediad UKAS

3.—(1) Cyn darparu prawf diwrnod 2, rhaid i ddarparwr prawf preifat fod wedi ei achredu gan UKAS i'r safon ISO berthnasol.

(2) Os yw'r darparwr prawf preifat yn trefnu gyda pherson arall ("X") i X gyflawni unrhyw elfen o'r gwasanaeth profi ar ei ran, rhaid i'r darparwr prawf preifat—

- (a) sicrhau bod X yn cydymffurfio ag unrhyw ddarpariaeth yn y paragraff hwn sy'n berthnasol i gyflawni'r elfen honno, a
- (b) yn ddarostyngedig i is-baragraff (3), beidio â darparu profion o dan drefniant ag X os yw X yn methu â chydymffurfio ag unrhyw ddarpariaeth o'r fath.

(3) Nid yw is-baragraff (2)(b) yn gymwys i brawf a weinyddwyd cyn y dyddiad y methodd X â chydymffurfio â'r paragraff hwn.

(4) Yn y paragraff hwn—

ystyr "y safon ISO berthnasol" ("*the relevant ISO standard*") yw—

- (a) yn achos prawf y mae'n ofynnol ei brosesu mewn labordy, safon ISO 15189 neu safon ISO/IEC 17025, a
- (b) yn achos prawf yn y man lle y rhoddir gofal, safon ISO 15189 a safon ISO 22870, ac at y

to the Health Protection (Notification) (Wales) Regulations 2010(1);

- (r) if they arrange with another person ("X") for X to carry out any element of the single end-to-end testing service on their behalf, the private test provider ensures that X complies with the following so far as relevant to the carrying out of that element—
- (i) paragraphs (b) to (e) and (g) to (q) of this sub-paragraph;
 - (ii) paragraph 4(2) and (3).

(2) For the purposes of sub-paragraph (1)(h) and (i), a person or laboratory (as the case may be) meets the relevant requirements for accreditation to a standard where the person who is the operator of the laboratory complies with the requirements of paragraph 3.

(3) In this paragraph, "registered clinical scientist" means a person registered as a clinical scientist with the Health and Care Professions Council pursuant to article 5 of the Health Professions Order 2001(2).

UKAS accreditation

3.—(1) Before providing a day 2 test, a private test provider must have been accredited by UKAS to the relevant ISO standard.

(2) If the private test provider arranges with another person ("X") for X to carry out any element of the testing service on their behalf, the private test provider must—

- (a) ensure that X complies with any provision of this paragraph that is relevant to the carrying out of that element, and
- (b) subject to sub-paragraph (3), cease to provide tests under arrangement with X if X fails to comply with any such provision.

(3) Sub-paragraph (2)(b) does not apply to a test that was administered before the date that X failed to comply with this paragraph.

(4) In this paragraph—

"the relevant ISO standard" ("*y safon ISO berthnasol*") means—

- (a) in the case of a test which requires laboratory processing, ISO standard 15189 or ISO/IEC standard 17025, and
- (b) in the case of a point of care test, ISO standard 15189 and ISO standard 22870, and

(1) O.S. 2021/1546 (Cy. 144).

(2) O.S. 2002/254.

(1) S.I. 2010/1546 (W. 144).

(2) S.I. 2002/254.

diben hwn ystyr “prawf yn y man lle y rhoddir gofal” yw prawf a brosesir y tu allan i amgylchedd labordy;

ystyr “UKAS” (“UKAS”) yw Gwasanaeth Achredu'r Deyrnas Unedig, cwmni cyfyngedig drwy warant sydd wedi ei gorffori yng Nghymru a Lloegr o dan y rhif 3076190.

Hysbysu am ganlyniadau profion gan ddarparwyr preifat

4.—(1) Mae'r paragraff hwn yn gymwys i ddarparwr prawf preifat sy'n gweinyddu neu'n darparu prawf diwrnod 2 i P.

(2) Rhaid i'r darparwr prawf preifat, o fewn yr amserlen berthnasol—

- (a) hysbysu P a, phan fo'n gymwys, unrhyw berson sy'n trefnu'r prawf ar ran P, drwy e-bost, llythyr neu neges destun, am ganlyniad prawf P, neu
- (b) rhoi canlyniad prawf P ar gael i P a, phan fo'n gymwys, i unrhyw berson sy'n trefnu'r prawf ar ran P, drwy borthol diogel ar y we,

yn unol ag is-baragraff (3).

(3) Rhaid i'r hysbysiad o ganlyniad prawf P gynnwys enw, dyddiad geni, rhif pasbort, neu gyfeirnod dogfen deithio (fel y bo'n briodol) P, enw a manylion cyswllt y darparwr prawf preifat a chyfeirnod prawf P, a rhaid ei gyfleu mewn modd sy'n rhoi gwybod i P a oedd y prawf yn negatif, yn positif, neu'n amhendant.

(4) Yn y paragraff hwn, ystyr “amserlen berthnasol” yw heb fod yn hwyrach na 48 awr ar ôl i'r labordy diagnostig gael y sampl a gymerwyd at ddibenion y prawf.

Dehongli

5. Yn yr Atodlen hon—

ystyr “amrywiolyn sy'n destun pryder” (“*variant of concern*”) yw amrywiolyn o'r coronafeirws a nodwyd mewn dynodiad a wnaed gan y Grŵp arbenigol perthnasol yn y DU(1) at ddibenion y Rheoliadau hyn ac a gyhoeddir mewn ffordd y mae Gweinidogion Cymru yn ystyried ei bod yn briodol;

ystyr “dull penodedig” (“*specified method*”) yw dull dilyniant wedi ei dargedu sy'n benodol i'r coronafeirws neu—

- (a) dull amplicon cyfatebol, neu

for this purpose “point of care test” means a test processed outside a laboratory environment;

“UKAS” (“UKAS”) means the United Kingdom Accreditation Service, a company limited by guarantee and incorporated in England and Wales under number 3076190.

Notification of test results by private providers

4.—(1) This paragraph applies to a private test provider who administers or provides a day 2 test to P.

(2) The private test provider must, within the relevant timeframe—

- (a) notify P and, where applicable, any person who arranges the test on P's behalf, by email, letter or text message, the result of P's test, or
- (b) make P's test result available to P and, where applicable, any person who arranges the test on P's behalf, via a secure web portal,

in accordance with sub-paragraph (3).

(3) The notification of P's test result must include P's name, date of birth, passport number, or travel document reference number (as appropriate), the name and contact details of the private test provider and P's test reference number, and must be conveyed so as to inform P whether the test was negative, positive, or inconclusive.

(4) In this paragraph, “relevant timeframe” means no later than 48 hours after the sample taken for the purposes of the test is received by the diagnostic laboratory.

Interpretation

5. In this Schedule—

“single end-to-end testing service” (“*un gwasanaeth profi o'r dechrau i'r diwedd*”) means a service which comprises accepting the booking from the person to be tested, collecting and processing the sample to be tested, carrying out genomic sequencing and providing the test result to P;

“specified method” (“*dull penodedig*”) means a targeted sequence method specific to coronavirus or an equivalent—

- (a) amplicon method, or

(1) Ar adeg dod i rym, y Grŵp Cyngori ar Fygythiadau Feirysau Anadlol Newydd a Datblygol (“NERVTAG”) yw hwn.

(b) dull cipio abwyd dilyniant cyfatebol;
ystyr “un gwasanaeth profi o’r dechrau i’r diwedd” (“*single end-to-end testing service*”) yw gwasanaeth sy’n cwmpasu derbyn yr archeb gan y person sydd i’w brofi, casglu a phrosesu’r sampl sydd i’w phrofi, cynnal dilyniannu genomaidd a darparu canlyniad y prawf i P;

ystyr “wedi ei dilysu” (“*validated*”), mewn perthynas â dyfais, yw y cadarnhawyd bod gan y ddyfais sensitifrwydd o 97% o leiaf a phenodolrwydd o 99% o leiaf ar gyfer o leiaf 150 o samplau positif a 250 o samplau negatif, gan—

- (a) Gweinidogion Cymru,
- (b) y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal, neu
- (c) labordy sydd wedi ei achredu gan Wasanaeth Achredu’r Deyrnas Unedig (“UKAS”) i safon ISO 15189 neu safon ISO/IEC 17025, ac eithrio labordy sy’n prosesu profion a ddarperir gan ddarparwr y prawf at ddibenion yr Atodlen hon, neu sy’n eiddo i ddarparwr y prawf.

(b) sequence bait capture method;

“validated” (“*wedi ei dilysu*”), in relation to a device, means confirmed as having a sensitivity of at least 97% and a specificity of at least 99% for at least 150 positive samples and 250 negative samples, by—

- (a) the Welsh Ministers,
- (b) the National Institute for Health and Care Excellence, or
- (c) a laboratory which is accredited by the United Kingdom Accreditation Service (“UKAS”) to ISO standard 15189 or ISO/IEC standard 17025, other than a laboratory which processes tests provided by the test provider for the purposes of this Schedule or is owned by the test provider;

“variant of concern” (“*amrywiolyn sy’n destun pryder*”) means a variant of coronavirus identified in a designation made by the relevant expert UK Group⁽¹⁾ for the purposes of these Regulations and published in a way that the Welsh Ministers consider to be appropriate.

(1) At the time of coming into force, this is the New and Emerging Respiratory Virus Threats Advisory Group (“NERVTAG”).

ATODLEN 5

Rheoliadau 5(2), 7(2) ac 8(2)

Personau esempt

1.—(1) Person (“P”)—

- (a) sy’n aelod o genhadaeth ddiplomyddol yn y Deyrnas Unedig;
- (b) sy’n aelod o swyddfa gonsylaidd yn y Deyrnas Unedig;
- (c) sy’n swyddog neu’n was i sefydliad rhyngwladol;
- (d) a gyflogir gan sefydliad rhyngwladol fel arbenigwr neu ar genhadaeth;
- (e) sy’n gynrychiolydd i sefydliad rhyngwladol;
- (f) a ddisgrifir ym mharagraff (a) neu (b) sy’n pasio drwy’r Deyrnas Unedig i gychwyn ei swyddogaethau neu barhau â hwy ar genhadaeth ddiplomyddol neu mewn swyddfa gonsylaidd mewn gwlad neu diriogaeth arall, neu i ddychwelyd i wlad ei genedligrwydd;
- (g) sy’n gynrychiolydd i wlad dramor neu diriogaeth dramor sy’n teithio i’r Deyrnas Unedig i gynnal busnes swyddogol gyda’r Deyrnas Unedig;
- (h) sy’n gynrychiolydd i lywodraeth tiriogaeth dramor Brydeinig;
- (i) sy’n gludydd diplomyddol neu’n gludydd consylaidd;
- (j) sy’n aelod o’r teulu sy’n ffurfio rhan o aelwyd person sy’n dod o fewn unrhyw un neu ragor o baragraffau (a) i (i).

(2) Yr amodau y cyfeirir atynt yn rheoliad 8(2)(b) (personau nad yw rheoliad 8 yn gymwys iddynt) yw—

- (a) bod pennaeth perthnasol y genhadaeth, y swyddfa gonsylaidd, y sefydliad rhyngwladol, neu’r swyddfa sy’n cynrychioli tiriogaeth dramor yn y Deyrnas Unedig neu Lywodraethwr i diriogaeth dramor Brydeinig (yn ôl y digwydd), neu berson sy’n gweithredu ar ei awdurdod, yn cadarnhau yn ysgrifenedig i’r Swyddfa Dramor, y Gymanwlad a Datblygu—
 - (i) ei bod yn ofynnol i P ymgymryd â gwaith sy’n hanfodol i weithrediad y genhadaeth, y swyddfa gonsylaidd, y sefydliad rhyngwladol, neu’r swyddfa, neu ymgymryd â gwaith sy’n hanfodol i’r wlad dramor a gynrychiolir gan y genhadaeth neu’r swyddfa gonsylaidd, y diriogaeth dramor a gynrychiolir gan y swyddfa neu’r diriogaeth dramor Brydeinig, a

SCHEDULE 5

Regulations 5(2), 7(2) and 8(2)

Exempt persons

1.—(1) A person (“P”) who is—

- (a) a member of a diplomatic mission in the United Kingdom;
- (b) a member of a consular post in the United Kingdom;
- (c) an officer or servant of an international organisation;
- (d) employed by an international organisation as an expert or on a mission;
- (e) a representative to an international organisation;
- (f) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality;
- (g) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom;
- (h) a representative of the government of a British overseas territory;
- (i) a diplomatic courier or a consular courier;
- (j) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (i).

(2) The conditions referred to in regulation 8(2)(b) (persons to whom regulation 8 does not apply) are that—

- (a) the relevant head of the mission, consular post, international organisation, or office representing a foreign territory in the United Kingdom or a Governor of a British overseas territory (as the case may be), or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that—
 - (i) P is required to undertake work which is essential to the functioning of the mission, consular post, international organisation, or office, or to undertake work which is essential to the foreign country represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and

- (ii) na ellir ymgymryd â'r gwaith hwnnw tra bo P yn cydymffurfio â rheoliad 8, a
- (b) cyn i P gyrraedd y Deyrnas Unedig, fod y Swyddfa Dramor, y Gymanwlad a Datblygu—
- (i) wedi cadarnhau yn ysgrifenedig i'r person sy'n rhoi'r cadarnhad y cyfeirir ato ym mharagraff (a) ei fod wedi cael y cadarnhad hwnnw, a
- (ii) pan fo P yn gynrychiolydd i wlad dramor neu diriogaeth dramor, wedi cadarnhau yn ysgrifenedig wedyn i'r person sy'n rhoi'r cadarnhad y cyfeirir ato ym mharagraff (a) fod P yn teithio i'r Deyrnas Unedig i gynnal busnes swyddogol gyda'r Deyrnas Unedig ac nad yw'n ofynnol iddo gydymffurfio â rheoliad 8.
- (3) At ddiben y paragraff hwn—
- (a) ystyr “cludydd consylaidd” yw person sydd wedi cael dogfen swyddogol gan y Wladwriaeth y mae'n gweithredu ar ei rhan sy'n cadarnhau ei statws fel cludydd consylaidd yn unol ag Erthygl 35(5) o Gonfensiwn Fienna ar Gysylltiadau Consylaidd 1963;
- (b) ystyr “swyddfa gonsylaidd” yw unrhyw gonsyliaeth gyffredinol, consyliaeth, is-gonsyliaeth neu asiantaeth gonsylaidd;
- (c) ystyr “cludydd diplomyddol” yw person sydd wedi cael dogfen swyddogol gan y Wladwriaeth y mae'n gweithredu ar ei rhan sy'n cadarnhau ei statws fel cludydd diplomyddol yn unol ag Erthygl 27(5) o Gonfensiwn Fienna ar Gysylltiadau Diplomyddol 1961;
- (d) ystyr “sefydliad rhyngwladol” yw sefydliad rhyngwladol y rhoddwyd breintiau a breinryddidau iddo yn y Deyrnas Unedig;
- (e) ystyr “aelod o swyddfa gonsylaidd” yw swyddog consylaidd, cyflogai consylaidd ac aelod o staff y gwasanaeth fel y diffinnir “consular officer”, “consular employee” a “member of the service staff” yn Atodlen 1 i Ddeddf Cysylltiadau Consylaidd 1968(1), ac mae i “pennaeth swyddfa gonsylaidd” yr ystyr a roddir i “head of consular post” yn yr Atodlen honno;
- (ii) that work cannot be undertaken whilst P is complying with regulation 8, and
- (b) prior to P's arrival in the United Kingdom the Foreign, Commonwealth and Development Office—
- (i) has confirmed in writing to the person giving the confirmation referred to in paragraph (a) that it has received that confirmation, and
- (ii) where P is a representative of a foreign country or territory, has then confirmed in writing to the person giving the confirmation referred to in paragraph (a) that P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with regulation 8.
- (3) For the purpose of this paragraph—
- (a) “consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963;
- (b) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- (c) “diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961;
- (d) “international organisation” means an international organisation accorded privileges and immunities in the United Kingdom;
- (e) “member of a consular post” means a “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 to the Consular Relations Act 1968(1), and “head of consular post” has the meaning given in that Schedule;

(1) 1968 p. 18. Mae diwygiadau ond nid yw'r un ohonynt yn berthnasol.

(1) 1968 c. 18. There are amendments but none is relevant.

- (f) ystyr “aelod o genhadaeth ddiplomyddol” yw pennaeth y genhadaeth, aelodau o’r staff diplomyddol, aelodau o’r staff gweinyddol a thechnegol ac aelodau o staff y gwasanaeth fel y diffinnir “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” a “members of the service staff” yn Atodlen 1 i Ddeddf Breintiau Diplomyddol 1964(1).

(4) Nid yw’r paragraff hwn yn rhagfarnu unrhyw freinryddid rhag awdurdodaeth neu anhydoredd a roddir i unrhyw berson a ddisgrifir yn is-baragraff (1) o dan gyfraith Cymru a Lloegr ar wahân i’r Rheoliadau hyn.

2.—(1) Gwas i’r goron neu contractwr llywodraeth—

- (a) y mae’n ofynnol iddo ymgymryd â gwaith llywodraeth hanfodol sy’n gysylltiedig â ffin y Deyrnas Unedig yn y Deyrnas Unedig o fewn 10 niwrnod ar ôl cyrraedd y Deyrnas Unedig, neu
- (b) sy’n ymgymryd â gwaith llywodraeth hanfodol sy’n gysylltiedig â ffin y Deyrnas Unedig y tu allan i’r Deyrnas Unedig ond—
- (i) ei bod yn ofynnol iddo ddychwelyd i’r Deyrnas Unedig dros dro, a
- (ii) y bydd wedyn yn ymadael er mwyn ymgymryd â gwaith llywodraeth hanfodol sy’n gysylltiedig â ffin y Deyrnas Unedig y tu allan i’r Deyrnas Unedig.

(2) At ddibenion is-baragraff (1) a pharagraff 3, ystyr “gwaith llywodraeth hanfodol” yw gwaith sydd wedi ei ddynodi felly gan yr Adran berthnasol neu’r cyflogwr perthnasol.

3.—(1) Person sy’n was i’r goron, yn contractwr llywodraeth neu’n aelod o lu ar ymweliad—

- (a) y mae’n ofynnol iddo ymgymryd â gwaith sy’n angenrheidiol er mwyn i weithgareddau amddiffyn hanfodol gael eu cyflawni,
- (b) sydd wedi teithio o rywle o fewn yr ardal deithio gyffredin ar lestr neu gerbyd awyr a weithredir gan luoedd arfog Ei Mawrhydi, neu sy’n eu cefnogi, neu a weithredir gan lu ar ymweliad, neu sy’n ei gefnogi, ac nad yw’r llestr honno neu’r cerbyd awyr hwnnw wedi derbyn unrhyw bersonau, wedi docio mewn unrhyw borthladd nac wedi glanio mewn unrhyw fan y tu allan i’r ardal deithio gyffredin, neu

- (f) “member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in Schedule 1 to the Diplomatic Privileges Act 1964(1).

(4) This paragraph is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person described in sub-paragraph (1) under the law of England and Wales apart from these Regulations.

2.—(1) A crown servant or government contractor—

- (a) who is required to undertake essential government work related to the United Kingdom border in the United Kingdom within 10 days of arriving in the United Kingdom, or
- (b) who is undertaking essential government work related to the United Kingdom border outside the United Kingdom but—
- (i) is required to return to the United Kingdom temporarily, and
- (ii) will subsequently depart to undertake essential government work related to the United Kingdom border outside the United Kingdom.

(2) For the purposes of sub-paragraph (1) and paragraph 3, “essential government work” means work which has been designated as such by the relevant Department or employer.

3.—(1) A person who is a crown servant, a government contractor, or a member of a visiting force, who—

- (a) is required to undertake work necessary to the delivery of essential defence activities,
- (b) has travelled from within the common travel area on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force and that vessel or aircraft has not taken on any persons, docked in any port or landed in any place outside the common travel area, or

(1) 1964 p. 81. Mae diwygiadau ond nid yw’r un ohonynt yn berthnasol.

(1) 1964 c. 81. There are amendments but none is relevant.

- (c) sydd wedi ymgymryd â chyfnod parhaus o 10 niwrnod o leiaf, yn union cyn iddo gyrraedd, ar lestr a weithredir gan Wasanaeth Llyngesol Ei Mawrhydi, neu sy'n ei gefnogi, neu a weithredir gan lu ar ymweliad, neu sy'n ei gefnogi, ac nad yw'r llestr honno wedi derbyn unrhyw bersonau nac wedi docio mewn unrhyw borthladd y tu allan i'r ardal deithio gyffredin yn ystod y cyfnod hwnnw.

(2) At ddibenion is-baragraff (1)—

- (a) mae i "amddiffyn" yr ystyr a roddir i "defence" yn adran 2(4) o Ddeddf Cyfrinachau Swyddogol 1989;
- (b) ystyr "llu ar ymweliad" yw unrhyw gorfflu, criw neu adran o luoedd gwlad, sy'n gorfflu, yn griw neu'n adran sy'n bresennol am y tro yn y Deyrnas Unedig (gan gynnwys dyfroedd tiriogaethol y Deyrnas Unedig), ar wahoddiad Llywodraeth Ei Mawrhydi yn y Deyrnas Unedig.

4. Swyddog i Lywodraeth dramor y mae'n ofynnol iddo deithio i'r Deyrnas Unedig i ymgymryd â dyletswyddau diogelwch ffin hanfodol, neu gontractwr sy'n cefnogi'r dyletswyddau diogelwch ffin hanfodol hyn yn uniongyrchol—

- (a) pan fo'r swyddog neu'r contractwr yn meddu ar hysbysiad ysgrifenedig a lofnodwyd gan aelod uwch o'r Llywodraeth dramor sy'n cadarnhau ei bod yn ofynnol iddo ymgymryd â dyletswyddau diogelwch ffin hanfodol yn y Deyrnas Unedig o fewn 10 niwrnod ar ôl cyrraedd ac na ellir ymgymryd â'r gwaith hwnnw tra bo'r person yn cydymffurfio â rheoliadau 6, 7 ac 8, neu
- (b) pan fo lleoliad y swyddog neu'r contractwr yn unol â chytundeb dwyochrog neu amlochrog sefydlog â Llywodraeth Ei Mawrhydi ar weithredu rheolaethau ffin yn y Deyrnas Unedig.

5. Person sydd, ar ôl cyrraedd y Deyrnas Unedig, yn pasio drwodd i wlad neu diriogaeth arall heb ddod i mewn i'r Deyrnas Unedig.

6. Gweithiwr cludiant ffyrdd.

7.—(1) Gweithiwr cludiant teithwyr ffyrdd.

(2) At ddibenion y paragraff hwn—

- (a) ystyr "gweithiwr cludiant teithwyr ffyrdd" yw—
 - (i) gyrrwr cerbyd gwasanaeth cyhoeddus, neu

- (c) has, immediately before the person's arrival, been aboard a vessel operated by or in support of Her Majesty's Naval Service or by, or in support of, a visiting force for a continuous period of at least 10 days and that vessel has not taken on any persons or docked in any port outside the common travel area during that period.

(2) For the purposes of sub-paragraph (1)—

- (a) "defence" has the meaning given in section 2(4) of the Official Secrets Act 1989;
- (b) "visiting force" means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of Her Majesty's Government in the United Kingdom.

4. An official of a foreign Government required to travel to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties where—

- (a) the official or contractor is in possession of a written notice signed by a senior member of the foreign Government confirming that they are required to undertake essential border security duties in the United Kingdom within 10 days of arrival and that that work cannot be undertaken whilst the person is complying with regulations 6, 7 and 8, or
- (b) the official's or contractor's deployment is pursuant to a standing bilateral or multilateral agreement with Her Majesty's Government on the operation of border controls within the United Kingdom.

5. A person who, on arrival in the United Kingdom, passes through to another country or territory without entering the United Kingdom.

6. A road haulage worker.

7.—(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) person a gyflogir gan ddeiliad trwydded Gymunedol a ddyroddwyd o dan Erthygl 4 o Reoliad (EC) Rhif 1073/2009 Senedd Ewrop a'r Cyngor, ac sy'n gweithredu yng nghwrs ei gyflogaeth;

(b) mae i "cerbyd gwasanaeth cyhoeddus" yr ystyr a roddir i "public service vehicle" yn adran 1 o Ddeddf Cerbydau Cyhoeddus i Deithwyr 1981(1).

8.—(1) Meistri a morwyr, fel y diffinnir "master" a "seaman" yn adran 313(1) o Ddeddf Llongau Masnach 1995(2), pan fônt wedi teithio i'r Deyrnas Unedig yng nghwrs eu gwaith neu wedi eu dychwelyd i'r Deyrnas Unedig yn unol â Chonfensiwn Llafur Morwrol 2006 neu Gonfensiwn Gwaith mewn Pysgota 2007.

(2) At ddibenion is-baragraff (1)—

(a) ystyr "Confensiwn Llafur Morwrol 2006" yw'r Confensiwn a fabwysiadwyd ar 23 Chwefror 2006 gan Gynhadledd Gyffredinol y Sefydliad Llafur Rhyngwladol(3);

(b) ystyr "Confensiwn Gwaith mewn Pysgota 2007" yw'r Confensiwn a fabwysiadwyd yng Ngenefa ar 14 Mehefin 2007 gan y Sefydliad Llafur Rhyngwladol(4).

9. Peilot, fel y diffinnir "pilot" ym mharagraff 22(1) o Atodlen 3A i Ddeddf Llongau Masnach 1995(5), pan fo'r peilot wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith neu wedi ei dychwelyd i'r Deyrnas Unedig.

10. Arolygydd, neu syrfêwr llongau, a benodwyd o dan adran 256 o Ddeddf Llongau Masnach 1995 neu gan lywodraeth meddiant Prydeinig perthnasol fel y diffinnir "relevant British possession" yn adran 313(1) o'r Ddeddf honno, pan fo wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith.

11.—(1) Aelod o griw cerbyd awyr pan fo wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith neu y mae'n ofynnol iddo deithio i'r Deyrnas Unedig fel arall at ddibenion gwaith.

(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, and who is acting in the course of their employment;

(b) "public service vehicle" has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(1).

8.—(1) Masters and seamen, as defined in section 313(1) of the Merchant Shipping Act 1995(2), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom in accordance with the Maritime Labour Convention 2006 or the Work in Fishing Convention 2007.

(2) For the purposes of sub-paragraph (1)—

(a) "the Maritime Labour Convention 2006" means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation(3);

(b) "the Work in Fishing Convention 2007" means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation(4).

9. A pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995(5), where the pilot has travelled to the United Kingdom in the course of the pilot's work or has been repatriated to the United Kingdom.

10. An inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 or by a government of a relevant British possession as defined in section 313(1) of that Act, where they have travelled to the United Kingdom in the course of their work.

11.—(1) A member of aircraft crew where they have travelled to the United Kingdom in the course of their work or are otherwise required to travel to the United Kingdom for work purposes.

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

(2) 1995 p. 21. Mae diwygiadau i adran 313(1) ond nid yw'r un ohonynt yn berthnasol.

(3) Gorch. 7049. ISBN 978 010 1889 766.

(4) Gorch. 7375.

(5) Mewnosodwyd Atodlen 3A gan Atodlen 1 i Ddeddf Diogelwch Morol 2003 (p. 16).

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

(2) 1995 c. 21. There are amendments to section 313(1) but none is relevant.

(3) Cm. 7049. ISBN 978 010 1889 766.

(4) Cm 7375.

(5) Schedule 3A was inserted by Schedule 1 to the Marine Safety Act 2003 (c. 16).

(2) At ddibenion y paragraff hwn—

- (a) ystyr “aelod o griw cerbyd awyr” yw person—
- (i) sy'n gweithredu fel peilot, llywiwr hedfan, peiriannydd hedfan neu weithredwr radioteleffoni hedfan y cerbyd awyr,
 - (ii) sy'n cael ei gludo ar y dec hedfan ac yn cael ei benodi gan weithredwr y cerbyd awyr i roi neu i oruchwylio'r hyfforddiant, y profiad, yr ymarfer a'r profion cyfnodol sy'n ofynnol ar gyfer y criw hedfan o dan erthygl 114(2) o Orchymyn Llywio Awyr 2016(1), neu
 - (iii) sy'n cael ei gludo ar yr hediad at ddiben cyflawni dyletswyddau sydd i'w haseinio gan y gweithredwr neu'r peilot sydd â rheolaeth o'r cerbyd awyr er budd diogelwch teithwyr neu'r cerbyd awyr;
- (b) mae teithio at ddibenion gwaith yn cynnwys, yn benodol—
- (i) pan fo'r aelod o griw cerbyd awyr yn preswyllo y tu allan i'r Deyrnas Unedig, teithio i'r Deyrnas Unedig i weithio ar gerbyd awyr sy'n ymadael â'r Deyrnas Unedig;
 - (ii) teithio i fynychu hyfforddiant sy'n gysylltiedig â gwaith yn y Deyrnas Unedig;
 - (iii) dychwelyd i'r Deyrnas Unedig yn dilyn hyfforddiant sy'n gysylltiedig â gwaith y tu allan i'r Deyrnas Unedig.

12. Arolygwr hedfan sifil, fel y diffinnir “civil aviation inspector” yn Atodiad 9 i'r Confensiwn ar Hedfan Sifil Rhyngwladol a lofnodwyd yn Chicago ar 7 Rhagfyr 1944(2), pan fo'r arolygwr wedi teithio i'r Deyrnas Unedig wrth ymgymryd â dyletswyddau arolygu.

13.—(1) Unrhyw berson y mae'r Adran berthnasol wedi ardystio ei fod yn bodloni'r disgrifiadau ym mharagraff (a), (b) neu (c)—

- (a) gwas i'r goron neu gontractwr llywodraeth y mae'n ofynnol iddo ymgymryd â phlisma hanfodol neu waith llywodraeth hanfodol yn y Deyrnas Unedig;

(2) For the purposes of this paragraph—

- (a) “member of aircraft crew” means a person who—
- (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft,
 - (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016(1), or
 - (iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft;
- (b) travel for work purposes includes, in particular—
- (i) where the member of aircraft crew resides outside the United Kingdom, travelling to the United Kingdom to work on an aircraft departing from the United Kingdom;
 - (ii) travelling to attend work-related training in the United Kingdom;
 - (iii) returning to the United Kingdom following work-related training outside the United Kingdom.

12. A civil aviation inspector as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944(2), where the inspector has travelled to the United Kingdom when engaged on inspection duties.

13.—(1) Any person who the relevant Department has certified as meeting the descriptions in paragraph (a), (b) or (c)—

- (a) a crown servant or government contractor who is required to undertake essential policing or essential government work in the United Kingdom;

(1) O.S. 2016/765. Mae diwygiadau i Atodlen 1 ond nid yw'r un ohonynt yn berthnasol.

(2) Argraffiad diweddaraf Atodiad 9, a gyhoeddir gan y Sefydliad Hedfan Sifil Rhyngwladol, yw'r 15fed argraffiad, a oedd yn gymwys o 23 Chwefror 2018 (ISBN 978-92-9258-301-9).

(1) S.I. 2016/765. There are amendments to Schedule 1 but none are relevant.

(2) The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23 February 2018 (ISBN 978-92-9258-301-9).

- (b) person sy'n dychwelyd o gynnal busnes hanfodol y wladwriaeth y tu allan i'r Deyrnas Unedig;
- (c) person sy'n dychwelyd i'r Deyrnas Unedig pan fo hyn yn angenrheidiol er mwyn hwyluso gweithrediad cenhadaeth ddiplomyddol neu swyddfa gonsylaidd Ei Mawrhydi neu benodiad milwrol neu swyddogol arall ar ran Ei Mawrhydi.

(2) At ddibenion is-baragraff (1)—

- (a) ystyr “swyddfa gonsylaidd” yw unrhyw gonsyliaeth gyffredinol, consyliaeth, is-gonsyliaeth neu asiantaeth gonsylaidd;
- (b) ystyr “gwaith llywodraeth hanfodol” yw gwaith sydd wedi ei ddynodi felly gan Weinidogion Cymru neu'r Adran berthnasol, ac mae'n cynnwys, yn benodol, waith sy'n gysylltiedig â diogelwch gwladol, gwaith yr Asiantaeth Troseddu Cenedlaethol yn unol â'i swyddogaethau statudol, a gwaith sy'n gysylltiedig â mewnfudo, clefyd y coronafeirws neu unrhyw ymateb argyfwng arall, ond nid yw'n cynnwys gwaith o'r disgrifiad ym mharagraff 2(1);
- (c) ystyr “plismona hanfodol” yw gweithgarwch sydd wedi ei ddynodi felly ar ran y prif swyddog neu'r prif gwnstabl perthnasol;
- (d) ystyr “busnes hanfodol y wladwriaeth” yw gweithgarwch sydd wedi ei ddynodi'n hanfodol i'r Deyrnas Unedig neu Lywodraeth Ei Mawrhydi gan yr Adran berthnasol, ac mae'n cynnwys, yn benodol, drafodaethau dwyochrog neu amlochrog â gwladwriaeth arall neu sefydliad rhyngwladol arall ac ymweliadau â gwladwriaeth arall ar ran y Deyrnas Unedig neu Lywodraeth Ei Mawrhydi.

14.—(1) Person sy'n dychwelyd o ymgymryd â gwaith hanfodol neu waith brys y tu allan i'r Deyrnas Unedig, sydd wedi ei ardstyio gan yr Adran berthnasol yn angenrheidiol i hwyluso gwaith llywodraeth hanfodol neu fusnes hanfodol y wladwriaeth.

(2) At ddibenion is-baragraff (1), mae i “gwaith llywodraeth hanfodol” a “busnes hanfodol y wladwriaeth” yr un ystyr ag ym mharagraff 13.

15. Person a ddynodir gan y Gweinidog perthnasol o dan adran 5(3) o Ddeddf Dychwelyd Carcharorion i'w Gwlad eu Hunain 1984(1).

- (b) a person returning from undertaking essential state business outside of the United Kingdom;
- (c) a person returning to the United Kingdom where this is necessary to facilitate the functioning of a diplomatic mission or consular post of Her Majesty or of a military or other official posting on behalf of Her Majesty.

(2) For the purposes of sub-paragraph (1)—

- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- (b) “essential government work” means work which has been designated as such by the Welsh Ministers or the relevant Department, and includes, in particular, work related to national security, the work of the National Crime Agency in pursuance of its statutory functions, and work related to immigration, the coronavirus disease or any other crisis response, but does not include work of the description in paragraph 2(1);
- (c) “essential policing” means activity which has been designated as such on behalf of the relevant chief officer or chief constable;
- (d) “essential state business” means activity which has been designated as essential to the United Kingdom or Her Majesty's Government by the relevant Department, and includes, in particular, bilateral or multilateral discussions with another state or international organisation and visits to another state on behalf of the United Kingdom or Her Majesty's Government.

14.—(1) A person returning from undertaking essential or emergency work outside of the United Kingdom, which has been certified by the relevant Department as necessary to facilitate essential government work or essential state business.

(2) For the purposes of sub-paragraph (1), “essential government work” and “essential state business” have the same meaning as in paragraph 13.

15. A person designated by the relevant Minister under section 5(3) of the Repatriation of Prisoners Act 1984(1).

(1) 1984 p. 47.

(1) 1984 c. 47.

16. Person sy'n gyfrifol am hebrwng person a geisir i'w estraddodi yn unol â gwarant a ddyroddwyd o dan Ran 3 o Ddeddf Estraddodi 2003(1), neu berson a geisir i'w estraddodi yn unol ag unrhyw drefniadau estraddodi eraill.

17. Cynrychiolydd i unrhyw diriogaeth sy'n teithio i'r Deyrnas Unedig er mwyn cymryd i'r ddalfa berson y gorchmynnwyd ei ildio yn unol ag unrhyw ddarpariaeth yn Neddf Estraddodi 2003.

18.—(1) Person sydd wedi teithio i'r Deyrnas Unedig at ddiben cludo deunydd a ffurfir o gelloedd dynol neu waed, neu sy'n cynnwys hynny, ac sydd i'w ddefnyddio er mwyn darparu gwasanaeth iechyd gan ddarparwr gwasanaethau iechyd.

(2) At ddibenion is-baragraff (1)—

- (a) mae “gwaed” yn cynnwys cydrannau gwaed;
- (b) ystyr “gwasanaeth iechyd” yw gwasanaeth a ddarperir ar gyfer y canlynol neu mewn cysylltiad â'r canlynol—
 - (i) atal salwch, gwneud diagnosis o salwch neu ei drin, neu
 - (ii) hybu neu ddiogelu iechyd y cyhoedd.

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16. A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003(1) or sought for extradition pursuant to any other extradition arrangements.

17. A representative of any territory travelling to the United Kingdom in order to take into custody a person whose surrender has been ordered pursuant to any provision of the Extradition Act 2003.

18.—(1) A person who has travelled to the United Kingdom for the purpose of transporting material which consists of, or includes, human cells or blood and which is to be used for the provision of a health service by a provider of health services.

(2) For the purposes of sub-paragraph (1)—

- (a) “blood” includes blood components;
- (b) “health service” means a service provided for or in connection with—
 - (i) the prevention, diagnosis or treatment of illness, or
 - (ii) the promotion or protection of public health.

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(1) 2003 p. 41.

(1) 2003 c. 41.



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Ffôn Testun: 0333 202 5077

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Published by TSO (The Stationery Office), a Williams Lea company,
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Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

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ISBN 978-0-348-39247-0



9 780348 392470