



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 150 (Cy. 48)

2022 No. 150 (W. 48)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Coronafeirws, Gwybodaeth Iechyd
y Cyhoedd i Deithwyr ac
Atebolrwydd Gweithredwyr)
(Cymru) (Diwygio) 2022

The Health Protection
(Coronavirus, Public Health
Information to Travellers and
Operator Liability) (Wales)
(Amendment) 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 (SARS-CoV-2) 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 (SARS-CoV-2) 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 diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd ar gyfer Personau sy'n Teithio i Gymru etc.) 2020 (O.S. 2020/595 (Cy. 136)) ("y Rheoliadau Gwybodaeth Iechyd y Cyhoedd") a Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021 (O.S. 2021/48 (Cy. 11)) ("y Rheoliadau Atebolrwydd Gweithredwyr").

The Regulations amend the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/595 (W. 136)) ("the Public Health Information Regulations") and the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021 (S.I. 2021/48 (W. 11)) ("the Operator Liability Regulations").

Mae'r Rheoliadau Gwybodaeth Iechyd y Cyhoedd a'r Rheoliadau Atebolrwydd Gweithredwyr yn gosod gofynion ar bersonau sy'n gweithredu gwasanaethau teithwyr rhyngwladol sy'n cyrraedd Cymru o'r tu allan i'r ardal deithio gyffredin ("gweithredwyr").

The Public Health Information Regulations and the Operator Liability Regulations impose requirements on persons operating international passenger services arriving into Wales from outside the common travel area ("operators").

O ganlyniad i ddirymu Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 132)) a'u disodli gan Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2022 (O.S. 2022/126 (Cy. 41)), mae'r Rheoliadau hyn yn gwneud diwygiadau i'r Rheoliadau Gwybodaeth Iechyd y Cyhoedd a'r Rheoliadau Atebolrwydd Gweithredwyr.

Mae'r Rheoliadau Gwybodaeth Iechyd y Cyhoedd wedi eu diwygio hefyd i ddarparu mai dim ond gwybodaeth benodedig y mae rhaid i weithredwyr ei darparu i deithwyr cyn i daith ymadael ac ar y llestr neu'r awyren ar wasanaeth teithwyr rhyngwladol. Mae'r Atodlen wedi ei diwygio i ddiweddarau'r wybodaeth y mae rhaid ei darparu i deithwyr.

Yn ogystal, mae'r Rheoliadau Atebolrwydd Gweithredwyr wedi eu diwygio i roi yn lle'r gyfres bresennol o rwymedigaethau ar weithredwyr rwymedigaeth i gynnal prosesau a systemau digonol i sicrhau bod teithwyr yn meddu ar wybodaeth neu dystiolaeth benodol. Mae'n ofynnol hefyd i weithredwyr gadw unrhyw gofnodion a gwybodaeth sy'n ofynnol i ddangos eu bod wedi cynnal systemau a phrosesau digonol. Gwneir diwygiadau hefyd i sicrhau y gellir dyroddi hysbysiad cosb benodedig mewn cysylltiad â thorri'r ddyletswydd newydd yn barhaus pan fo hysbysiad cosb benodedig blaenorol a ddyroddwyd mewn cysylltiad â'r toriad wedi ei dalu.

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.

In consequence of the revocation and replacement of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) by the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022 (S.I. 2022/126 (W. 41)), these Regulations make amendments to the Public Health Information Regulations and Operator Liability Regulations.

The Public Health Information Regulations are also amended to provide that operators need only provide specified information to passengers pre-departure and on-board an international passenger service. The Schedule is amended to update the information that must be provided to passengers.

In addition, the Operator Liability Regulations are amended to replace the current suite of obligations on operators with an obligation to maintain adequate processes and systems to ensure that passengers possess certain information or evidence. Operators are also required to retain such records and information as are required to show that they have maintained adequate systems and processes. Amendments are also made to ensure that a fixed penalty notice can be issued in respect of an ongoing breach of the new duty where a previous fixed penalty notice issued in respect of the breach has been paid.

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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CYMRU**

PUBLIC HEALTH, WALES

Rheoliadau Diogelu Iechyd
(Coronafeirws, Gwybodaeth Iechyd
y Cyhoedd i Deithwyr ac
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(Cymru) (Diwygio) 2022

The Health Protection
(Coronavirus, Public Health
Information to Travellers and
Operator Liability) (Wales)
(Amendment) Regulations 2022

Gwnaed 16 Chwefror 2022
Gosodwyd gerbron *Senedd*
Cymru 17 Chwefror 2022
Yn dod i rym 18 Chwefror 2022

Made 16 February 2022
Laid before Senedd Cymru 17 February 2022
Coming into force 18 February 2022

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

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

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd i Deithwyr ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 18 Chwefror 2022.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, Public Health Information to Travellers and Operator Liability) (Wales) (Amendment) Regulations 2022.

(2) These Regulations come into force on 18 February 2022.

Diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd ar gyfer Personau sy'n Teithio i Gymru etc.) 2020

2. Mae Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd ar gyfer Personau sy'n Teithio i Gymru etc.) 2020(1) wedi eu diwygio yn unol â rheoliadau 3 i 9.

Amendment of the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020

2. The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020(1) are amended in accordance with regulations 3 to 9.

(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.

3. Yn rheoliad 2 (dehongli)—

- (a) yn y lle priodol mewnosoder—
 - (i) “ystyr “y gwefannau perthnasol” (“*the relevant websites*”) yw’r gwefannau a bennir yn Rhan 3 o’r Atodlen;”;
 - (ii) “ystyr “yr wybodaeth ofynnol” (“*the required information*”) yw’r wybodaeth a bennir yn Rhan 1 o’r Atodlen a hyperddolen at bob un o’r gwefannau perthnasol a bennir yn Rhan 3 o’r Atodlen.”;
- (b) yn y diffiniad o “y Rheoliadau Teithio Rhyngwladol” yn lle “Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020” rhodder “Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2022”;
- (c) hepgorer y diffiniad o “gofyniad i ynysu”;
- (d) yn y diffiniad o “gofyniad i ddarparu gwybodaeth” yn lle “4” rhodder “6”.

4. Hepgorer rheoliad 10.

5. Yn lle rheoliad 3 (darparu gwybodaeth cyn archebu ac wrth gofrestru) a 3A (darparu gwybodaeth cyn i daith ymadael) rhodder—

“Darparu gwybodaeth cyn i daith ymadael

3.—(1) Rhaid i weithredwr gwasanaeth teithwyr rhyngwladol sicrhau bod yr wybodaeth sy’n ofynnol gan baragraff (3) yn cael ei darparu i deithiwr sy’n cyrraedd porthladd yng Nghymru ar wasanaeth o’r fath, yn y modd sy’n ofynnol gan y rheoliad hwnnw ar yr adegau a bennir ym mharagraff (2).

(2) Yr adegau yw—

- (a) pan fo archeb wedi ei wneud i’r teithiwr deithio ar y gwasanaeth perthnasol fwy na 24 awr cyn i’r daith ymadael, o leiaf 24 awr cyn i’r daith ymadael;
- (b) pan fo archeb wedi ei wneud i’r teithiwr deithio ar y gwasanaeth perthnasol lai na 24 awr cyn i’r daith ymadael, ar unrhyw adeg cyn i’r daith ymadael.

(1) O.S. 2020/595 (Cy. 136), fel y’i diwygiwyd gan O.S. 2020/714 (Cy. 160), O.S. 2020/1118 (Cy. 253), O.S. 2020/1521 (Cy. 325), O.S. 2021/72 (Cy. 18), O.S. 2021/171 (Cy. 39), O.S. 2021/457 (Cy. 145), O.S. 2021/584 (Cy. 161), O.S. 2021/646 (Cy. 166), O.S. 2021/765 (Cy. 187), O.S. 2021/863 (Cy. 202), O.S. 2021/1109 (Cy. 265), O.S. 2021/1212 (Cy. 303), O.S. 2021/1342 (Cy. 346), O.S. 2021/1369 (Cy. 362), O.S. 2021/1433 (Cy. 371) ac O.S. 2022/16 (Cy. 8).

3. In regulation 2 (interpretation)—

- (a) in the appropriate place insert—
 - (i) ““the relevant websites” (“*y gwefannau perthnasol*”) means the websites specified in Part 3 of the Schedule;”;
 - (ii) ““the required information” (“*yr wybodaeth ofynnol*”) means the information specified in Part 1 of the Schedule and a hyperlink to each of the relevant websites specified in Part 3 of the Schedule;”;
- (b) in the definition of “the International Travel Regulations” for “the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020” substitute “the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022”;
- (c) omit the definition of “requirement to isolate”;
- (d) in the definition of “requirement to provide information” for “4” substitute “6”.

4. Omit regulation 10.

5. For regulation 3 (provision of information before booking and at check-in) and 3A (provision of information prior to departure) substitute—

“Provision of information prior to departure

3.—(1) The operator of an international passenger service must ensure that a passenger who arrives at a port in Wales on such a service is provided with the information required by paragraph (3) and in the manner required by that regulation at the times specified in paragraph (2).

(2) The times are—

- (a) where a booking was made for the passenger to travel on the relevant service more than 24 hours before departure, at least 24 hours before departure;
- (b) where a booking was made for the passenger to travel on the relevant service less than 24 hours before departure, at any time before departure.

(1) S.I. 2020/595 (W. 136), as amended by S.I. 2020/714 (W. 160), S.I. 2020/1118 (W. 253), S.I. 2020/1521 (W. 325), S.I. 2021/72 (W. 18), S.I. 2021/171 (W. 39), S.I. 2021/457 (W. 145), S.I. 2021/584 (W. 161), S.I. 2021/646 (W. 166), S.I. 2021/765 (W. 187), S.I. 2021/863 (W. 202), S.I. 2021/1109 (W. 265), S.I. 2021/1212 (W. 303), S.I. 2021/1342 (W. 346), S.I. 2021/1369 (W. 362), S.I. 2021/1433 (W. 371) and S.I. 2022/16 (W. 8).

(3) At ddibenion paragraff (1)—

(a) caniateir i'r wybodaeth ofynnol gael ei darparu ar lafar neu'n ysgrifenedig;

(b) os caiff ei darparu ar lafar, yr wybodaeth ofynnol yw'r wybodaeth a bennir yn Rhan 1 o'r Atodlen (gwybodaeth hanfodol er mwyn dod i mewn i'r DU);

(c) os caiff ei darparu yn ysgrifenedig, yr wybodaeth ofynnol yw'r wybodaeth a bennir yn Rhan 1 o'r Atodlen (gwybodaeth hanfodol er mwyn dod i mewn i'r DU) ac—

- (i) pan fo wedi ei darparu drwy ddull electronig, hyperddolen at bob un o'r gwefannau perthnasol;
- (ii) pan fo wedi ei darparu drwy ddull arall, destun neu URL pob un o'r gwefannau perthnasol;
- (iii) mewn unrhyw achos, rhaid ei darparu mewn ffordd sy'n tynnu sylw'r teithwyr ati drwy fod yn arbennig o amlwg ac yn wahanol i wybodaeth ysgrifenedig arall a ddarperir mewn perthynas â'r archeb.

(4) Pan fo person arall ("A") yn archebu taith ar wasanaeth teithwyr rhyngwladol ar ran teithiwr arall (pa un a yw A hefyd yn deithiwr ar y gwasanaeth hwnnw ai peidio), rhaid trin y gofyniad i ddarparu gwybodaeth yn unol â'r rheoliad hwn fel gofyniad y cydymffurfiwyd ag ef os darperir yr wybodaeth ofynnol i A yn y modd gofynnol ar yr adegau a bennir ym mharagraff (2), ynghyd â chais ysgrifenedig i A ddarparu'r wybodaeth honno i'r teithiwr.

(5) Pan na fo'r gweithredwr yn rheoli'r broses archebu neu gofrestru yn uniongyrchol, rhaid i'r gweithredwr gymryd pob mesur rhesymol i sicrhau bod y person sy'n rheoli'r broses yn cydymffurfio â pharagraff (1) ar ran y gweithredwr.

(6) Nid oes dim yn y rheoliad hwn nac yn rheoliad 4 yn ei gwneud yn ofynnol darparu gwybodaeth i berson sydd, yn rhinwedd oedran neu alluedd meddyliol, yn annhebygol o allu ei deall."

6. Yn rheoliad 4, ar ôl y gair "Atodlen" mewnosoder "(cyhoeddiad ar y llestr neu'r awyren)".

7. Yn rheoliad 5 (eithrio o ofynion rheoliadau 3, 3A a 4)—

- (a) yn y pennawd hepgorer "3A";
- (b) yn y rheoliad hepgorer "3A".

(3) For the purposes of paragraph (1), the required information—

(a) may be provided orally or in writing;

(b) if provided orally, is the information specified in Part 1 of the Schedule (essential information to enter the UK);

(c) if provided in writing, is the information specified in Part 1 of the Schedule (essential information to enter the UK) and—

- (i) where it is provided by electronic means, a hyperlink to each of the relevant websites;
- (ii) where it is provided by other means, the text or the URLs of each of the relevant websites;
- (iii) in any event, must be provided in a way that draws the passengers attention to it by being particularly prominent and distinct from other written information provided in relation to the booking.

(4) Where another person ("A") makes a booking on an international passenger service on behalf of another passenger (whether or not A is also a passenger on that service), the requirement to provide information in accordance with this regulation is to be treated as complied with if the required information is provided to A in the required manner at the times specified in paragraph (2), along with a written request that A provide that information to the passenger.

(5) Where the operator does not directly manage the booking or check in process, the operator must take all reasonable measures to ensure that the person managing the process complies with paragraph (1) on the operator's behalf.

(6) Nothing in this regulation or regulation 4 requires information to be provided to a person who, by virtue of age or mental capacity, is unlikely to be capable of understanding it."

6. In regulation 4, after the word "Schedule" insert "(on-board announcement)".

7. In regulation 5 (exception from requirements of regulations 3, 3A and 4)—

- (a) in the heading omit "3A";
- (b) in the regulation omit "3A".

8. Yn rheoliad 6 (troseddau)—

- (a) ym mharagraff (1) hepgorer “neu (3), rheoliad 3A(2) neu”;
- (b) ym mharagraff (2) hepgorer “, rheoliad 3A(2)”.

9. Yn lle'r Atodlen rhodder—

“YR ATODLEN Rheoliadau 3
a 4

RHAN 1

Gwybodaeth hanfodol er mwyn dod i
mewn i'r DU o dramor

Yr wybodaeth sydd i'w darparu at ddibenion
rheoliadau 3(3) a 4 yw—

“Essential information to enter the UK
from overseas

All persons arriving in the UK must fill
in a Passenger Locator Form before
arrival.

Before departure to the UK check if any
of the countries you have visited in the
last 10 days are on the red list.

If you have visited a country on the red
list you must follow the red list rules.

If you have not visited any countries on
the red list, what you have to do depends
on your vaccination status. Check the
rules before you travel at
gov.uk/coronavirus.

Public health requirements may vary
depending upon which nation of the UK
you are travelling to. Check the relevant
website if your final destination is in
Northern Ireland, Scotland or Wales.

Failure to comply with these measures is
a criminal offence and you could be
fined. There are a limited set of
exemptions from these measures. You
may be fined if you fraudulently claim an
exemption.”

8. In regulation 6 (offences)—

- (a) in paragraph (1) omit “or (3), regulation 3A(2) or”;
- (b) in paragraph (2) omit “, regulation 3A(2)”.

9. For the Schedule substitute—

“SCHEDULE Regulations 3
and 4

PART 1

Essential Information to enter the UK
from overseas

The information to be provided for the purposes
of regulations 3(3) and 4 is—

“Essential information to enter the UK
from overseas

All persons arriving in the UK must fill
in a Passenger Locator Form before
arrival.

Before departure to the UK check if any
of the countries you have visited in the
last 10 days are on the red list.

If you have visited a country on the red
list you must follow the red list rules.

If you have not visited any countries on
the red list, what you have to do depends
on your vaccination status. Check the
rules before you travel at
gov.uk/coronavirus.

Public health requirements may vary
depending upon which nation of the UK
you are travelling to. Check the relevant
website if your final destination is in
Northern Ireland, Scotland or Wales.

Failure to comply with these measures is
a criminal offence and you could be
fined. There are a limited set of
exemptions from these measures. You
may be fined if you fraudulently claim an
exemption.”

RHAN 2

Cyhoeddiad ar y llestr neu'r awyren

Y datganiad sydd i'w ddarparu at ddibenion rheoliad 4 yw—

(a) y fersiwn Gymraeg—

“Dyma neges iechyd y cyhoedd ar ran asiantaethau iechyd y cyhoedd y Deyrnas Unedig.

Os nad ydych wedi eich brechu'n llawn neu os nad ydych yn bodloni'r meini prawf cymhwysra, rhaid i chi gymryd prawf ar neu cyn diwrnod 2 ar ôl i chi gyrraedd.

Symptomau'r coronafeirws yw peswch cyson newydd, tymheredd uchel neu golli eich synnwyr blasu neu arogl arferol, neu newid yn eich synnwyr blasu neu arogl arferol. Os ydych yn profi unrhyw un o'r symptomau hyn, ni waeth pa mor ysgafn ydynt, fe'ch cynghorir i wneud eich hunan yn hysbys i'r criw.

Dilynwch y canllawiau Iechyd y Cyhoedd ar gyfer yr ardal yr ydych yn byw ynddi neu'n teithio ynddi.

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

(b) y fersiwn Saesneg—

“The following is a public health message on behalf of the UK's public health agencies.

If you are not fully vaccinated or do not meet the eligibility criteria, you must take a test on or before day 2 after you arrive.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit gov.uk/coronavirus for more advice.”

PART 2

On-board announcement

The statement to be provided for the purposes of regulation 4 is—

(a) Welsh language version—

“Dyma neges iechyd y cyhoedd ar ran asiantaethau iechyd y cyhoedd y Deyrnas Unedig.

Os nad ydych wedi eich brechu'n llawn neu os nad ydych yn bodloni'r meini prawf cymhwysra, rhaid i chi gymryd prawf ar neu cyn diwrnod 2 ar ôl i chi gyrraedd.

Symptomau'r coronafeirws yw peswch cyson newydd, tymheredd uchel neu golli eich synnwyr blasu neu arogl arferol, neu newid yn eich synnwyr blasu neu arogl arferol. Os ydych yn profi unrhyw un o'r symptomau hyn, ni waeth pa mor ysgafn ydynt, fe'ch cynghorir i wneud eich hunan yn hysbys i'r criw.

Dilynwch y canllawiau Iechyd y Cyhoedd ar gyfer yr ardal yr ydych yn byw ynddi neu'n teithio ynddi.

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

(b) English language version—

“The following is a public health message on behalf of the UK's public health agencies.

If you are not fully vaccinated or do not meet the eligibility criteria, you must take a test on or before day 2 after you arrive.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit gov.uk/coronavirus for more advice.”

RHAN 3

Gwefannau Perthnasol

Mae'r canlynol yn "gwefannau perthnasol"—

<https://www.gov.uk/provide-journey-contact-details-before-travel-uk>

<https://www.gov.uk/guidance/red-list-of-countries-and-territories>

<https://www.gov.uk/guidance/travel-to-england-from-another-country-during-coronavirus-covid-19>

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-travel-advice>

<https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine/>

<https://llyw.cymru/rheolau-ar-gyfer-teithio-rhyngwladol-coronafeirws.>"

PART 3

Relevant Websites

The following are "relevant websites"—

<https://www.gov.uk/provide-journey-contact-details-before-travel-uk>

<https://www.gov.uk/guidance/red-list-of-countries-and-territories>

<https://www.gov.uk/guidance/travel-to-england-from-another-country-during-coronavirus-covid-19>

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-travel-advice>

<https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine/>

<https://gov.wales/rules-international-travel-and-wales-coronavirus.>"

Diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021

10. Mae Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021(1) wedi eu diwygio yn unol â rheoliadau 11 i 14.

11.—(1) Hepgorer rheoliad 2 (dehongli).

(2) Hepgorer Rhan 2 (profion cyn ymadael).

(3) Yn rheoliad 4 (dehongli)—

(a) yn y lle priodol mewnosoder "mae i "ardal deithio gyffredin" yr ystyr a roddir i "common travel area" yn adran 1(3) o Ddeddf Mewnffudo 1971(2);";

(b) yn y lle priodol mewnosoder "ystyr "y Rheoliadau Teithio Rhyngwladol" ("*the International Travel Regulations*") yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2022(3);";

Amendment of the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021

10. The Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021(1) are amended in accordance with regulations 11 to 14.

11.—(1) Omit regulation 2 (interpretation).

(2) Omit Part 2 (pre-departure testing).

(3) In regulation 4 (interpretation)—

(a) in the appropriate place insert "common travel area" ("*ardal deithio gyffredin*") has the meaning given in section 1(3) of the Immigration Act 1971(2);

(b) in the appropriate place insert "the International Travel Regulations" ("*y Rheoliadau Teithio Rhyngwladol*") means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022(3);";

(1) O.S. 2021/48 (Cy. 11), fel y'i diwygiwyd gan O.S. 2021/72 (Cy. 18), O.S. 2021/171 (Cy. 39), O.S. 2021/305 (Cy. 78), O.S. 2021/584 (Cy. 161), O.S. 2021/646 (Cy. 166), O.S. 2021/826 (Cy. 193), O.S. 2021/915 (Cy. 208), O.S. 2021/926 (Cy. 211) ac O.S. 2021/1109 (Cy. 265).

(2) 1971 p. 77. Mae adran 1(3) 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) O.S. 2022/126 (Cy. 41).

(1) S.I. 2021/48 (W. 11), as amended by S.I. 2021/72 (W. 18), S.I. 2021/171 (W. 39), S.I. 2021/305 (W. 78), S.I. 2021/584 (W. 161), S.I. 2021/646 (W. 166), S.I. 2021/826 (W. 193), S.I. 2021/915 (W. 208), S.I. 2021/926 (W. 211) and S.I. 2021/1109 (W. 265).

(2) 1971 c. 77. Section 1(3) 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".

(3) S.I. 2022/126 (W. 41).

- (c) yn y lle priodol mewnosoder “mae i “teithiwr cymwys” (“*eligible traveller*”) yr ystyr a roddir yn rheoliad 3 o’r Rheoliadau Teithio Rhyngwladol;”;
- (d) yn y diffiniad o “person awdurdodedig” hepgorer “, ac eithrio yn rheoliad 5B,”;
- (e) hepgorer y diffiniad o “plentyn”;
- (f) yn y diffiniad o “gweithredwr” hepgorer “, ac eithrio yn rheoliad 5B,”;
- (g) hepgorer y diffiniad o “hysbysu am drefniadau profion ar ôl cyrraedd”;
- (h) hepgorer y diffiniad o “teithiwr rheoliad 2A”;
- (i) hepgorer y diffiniad o “teithiwr perthnasol”;
- (j) hepgorer y diffiniad o “hysbysiad gofynnol”;
- (k) yn y diffiniad o “y gofyniad i feddu ar hysbysiad o ganlyniad prawf negyddol”, yn lle “6A(1)” rhodder “7(3)”;
- (l) hepgorer y diffiniad o “unigolyn cyfrifol”;
- (m) hepgorer y diffiniad o “teithiwr Atodlen 3A”.

- (c) in the appropriate place insert “eligible traveller has the meaning given in regulation 3 of the International Travel Regulations;”;
- (d) in the definition of “authorised person” omit “, other than in regulation 5B,”;
- (e) omit the definition of “child”;
- (f) in the definition of “operator” omit “, other than in regulation 5B,”;
- (g) omit the definition of “notification of post arrival testing arrangements”;
- (h) omit the definition of “regulation 2A traveller”;
- (i) omit the definition of “relevant passenger”;
- (j) omit the definition of “required notification”;
- (k) in the definition of “the requirement to possess notification of a negative test result”, for “6A(1)” substitute “7(3)”;
- (l) omit the definition of “responsible individual”;
- (m) omit the definition of “Schedule 3A Passenger”.

12. Yn lle rheoliadau 5, 5A, 5B, 5C a 5D rhodder—

12. For regulations 5, 5A, 5B, 5C and 5D, substitute—

“Gofyniad i weithredu a chynnal prosesau a systemau

“Requirement to implement and maintain processes and systems

5.—(1) Rhaid i weithredwr weithredu a chynnal prosesau a systemau digonol i sicrhau bod teithwyr sy’n cyrraedd Cymru ar wasanaethau teithwyr rhyngwladol—

5.—(1) An operator must implement and maintain adequate processes and systems to ensure that passengers arriving in Wales on international passenger services—

- (a) wedi cydymffurfio â’r gofyniad yn rheoliad 6 (gofyniad i ddarparu gwybodaeth am deithiwr) o’r Rheoliadau Teithio Rhyngwladol, os ydynt yn deithwyr y mae’n ofynnol iddynt gydymffurfio â’r rheoliad hwnnw;
- (b) yn meddu ar dystiolaeth eu bod yn berson a ddisgrifir yn Atodlen 5 (personau esempt), os ydynt yn honni eu bod yn berson o’r fath ar gyfleuster y cyfeirir ato yn rheoliad 6(1) o’r Rheoliadau Teithio Rhyngwladol;
- (c) yn meddu ar hysbysiad gofynnol, os ydynt yn deithwyr y mae’n ofynnol iddynt gydymffurfio â rheoliad 7 (y gofyniad i feddu ar hysbysiad o ganlyniad prawf negatif) o’r Rheoliadau Teithio Rhyngwladol;

- (a) have complied with the requirement in regulation 6 (requirement to provide passenger information) of the International Travel Regulations, if they are passengers required to comply with that regulation;
- (b) are in possession of evidence that they are person described in Schedule 5 (exempt persons), if they claim to be such a person on a facility referred to in regulation 6(1) of the International Travel Regulations;
- (c) are in possession of a required notification, if they are passengers required to comply with regulation 7 (requirement to possess notification of a negative test result) of the International Travel Regulations;

(d) yn meddu ar dystiolaeth o gymhwysra, os ydynt wedi nodi ar gyfleuster y cyfeirir ato yn rheoliad 6(1) o'r Rheoliadau Teithio Rhyngwladol eu bod yn bodloni'r meini prawf cymhwysra o ran brechu yn erbyn COVID-19.

(2) At ddibenion paragraff (1), nid ystyrir ei bod yn ofynnol i deithiwr ("T") gydymffurfio â'r gofynion yn rheoliad 6 neu 7 o'r Rheoliadau Teithio Rhyngwladol pe bai gan y gweithredwr, neu berson sy'n gweithredu ar ran y gweithredwr, achos i gredu'n rhesymol—

- (a) nad yw'n ofynnol i T gydymffurfio â'r gofyniad perthnasol,
- (b) bod gan T esgus rhesymol a fyddai'n diogelu T rhag atebolrwydd am dorri'r gofyniad perthnasol o dan reoliad 13 (troseddau), neu
- (c) bod T yn cael ei orfodi'n gyfreithlon i deithio i'r Deyrnas Unedig yng nghwrs estraddodiad, dychweliad carcharor neu allgludiad.

(3) Rhaid i weithredwr gadw unrhyw gofnodion a gwybodaeth sy'n ofynnol i ddangos ei fod wedi cydymffurfio â pharagraff (1).

(4) Caiff person awdurdodedig ofyn i weithredwr am gopiâu o unrhyw gofnodion a gwybodaeth y mae'r person awdurdodedig yn ystyried eu bod yn ofynnol i benderfynu a yw'r gweithredwr wedi cydymffurfio â pharagraff (1).

(5) Rhaid i gais o dan baragraff (4) bennu'r cyfnod y mae rhaid i'r gweithredwr ddarparu'r cofnodion a'r wybodaeth y gofynnir amdanynt o'i fewn.

(6) Wrth benderfynu a yw gweithredwr wedi cydymffurfio â pharagraff (1), rhaid i berson awdurdodedig roi sylw i'r materion a ganlyn i'r graddau y mae ganddo wybodaeth amdanynt—

- (a) y drefn a ddefnyddir gan y gweithredwr i gydymffurfio â pharagraff (1), ynghyd â'r dull o gadw tystiolaeth gyfredol;
- (b) bodolaeth ac ansawdd unrhyw ganllawiau neu raglenni hyfforddi ar gyfer y rheini sy'n ymwneud â gweithredu'r prosesau a'r systemau o ddydd i ddydd;
- (c) pa un a yw'r gweithredwr—
 - (i) wedi penodi cyswllt a enwir i gynorthwyo'r person awdurdodedig wrth benderfynu a yw'r gweithredwr wedi cydymffurfio â pharagraff (1), a

(d) are in possession of eligibility evidence, if they have indicated on a facility referred to in regulation 6(1) of the International Travel Regulations that they meet the COVID-19 vaccination eligibility criteria.

(2) For the purposes of paragraph (1) a passenger ("P") is not considered to be required to comply with the requirements in regulation 6 or 7 of the International Travel Regulations if the operator, or a person acting behalf of the operator, would have cause to reasonably believe that—

- (a) P is not required to comply with the relevant requirement,
- (b) P has a reasonable excuse which would protect P from liability for breach of the relevant requirement under regulation 13 (offences), or
- (c) P is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation.

(3) An operator must retain such records and information as are required to show that they have complied with paragraph (1).

(4) An authorised person may request from an operator copies of such records and information as the authorised person considers are required to determine whether the operator has complied with paragraph (1).

(5) A request under paragraph (4) must specify the period within which the operator must provide the records and information requested.

(6) In determining whether an operator has complied with paragraph (1), an authorised person must have regard to the following matters so far as they have information about them—

- (a) the regime by which the operator complies with paragraph (1), together with the approach to retaining contemporaneous evidence;
- (b) the existence and quality of any guidance or training programmes for those involved in the day-to-day operation of the processes and systems;
- (c) whether the operator has—
 - (i) appointed a named contact to assist the authorised person in determining if the operator has complied with paragraph (1), and

- (ii) wedi hysbysu'r person awdurdodedig ynglŷn â phwy yw'r cyswllt hwnnw;
- (d) cyflymder ac effeithiolrwydd unrhyw ymateb gan y gweithredwr i unrhyw argymhellion a wneir gan y person awdurdodedig y bwriedir iddynt sicrhau cydymffurfedd y gweithredwr â pharagraff (1);
- (e) unrhyw fethiant i gydymffurfio â chais o dan baragraff (4);
- (f) unrhyw fater arall y mae'r person awdurdodedig yn ystyried ei fod yn briodol.

(7) Yn y rheoliad hwn, ystyr “tystiolaeth o gymhwystra” yw—

- (a) dystiolaeth a ddisgrifir yn rheoliad 3(3)(b), 3(4)(b) neu 3(6)(b) o'r Rheoliadau Teithio Rhyngwladol,
- (b) pan fo T yn bwriadu manteisio ar yr esemptiad yn rheoliad 3(6) o'r Rheoliadau Teithio Rhyngwladol (mae T o dan 18 oed), dystiolaeth o oedran T, neu
- (c) cyfleuster y cyfeirir ato yn rheoliad 6(1) o'r Rheoliadau Teithio Rhyngwladol sy'n nodi mai statws brechu T yw: “Vaccine Status: Verified Exempt/Full.”

13. Yn lle rheoliad 6 (troseddau) rhodder—

“Troseddau

6.—(1) Mae gweithredwr sy'n methu â chydymffurfio â gofyniad—

- (a) yn rheoliad 5(1),
- (b) yn rheoliad 5(3), neu
- (c) mewn cais o dan reoliad 5(4) i ddarparu cofnodion a gwybodaeth o fewn y cyfnod a bennir at ddibenion rheoliad 5(5),

yn cyflawni trosedd.

(2) Mae trosedd o dan baragraff (1) i'w chosbi ar euogfarn ddiannod drwy ddirwy.”

14. Ym mharagraff (2)(a) o reoliad 9 (pŵer i ddefnyddio ac i ddatgelu gwybodaeth), yn lle “6A, 6AB neu 12E(1)” rhodder “6 neu 7”.

(ii) notified the authorised person of the identity of that contact;

- (d) the speed and effectiveness of any response the operator makes to any recommendations made by the authorised person intended to secure the operator's compliance with paragraph (1);
- (e) any failure to comply with a request under paragraph (4);
- (f) any other matter the authorised person considers appropriate.

(7) In this regulation “eligibility evidence” means—

- (a) evidence described in regulation 3(3)(b), 3(4)(b) or 3(6)(b) of the International Travel Regulations,
- (b) where P intends to take advantage of the exemption in regulation 3(6) of the International Travel Regulations (P is under the age of 18), evidence of P's age, or
- (c) a facility referred to in regulation 6(1) of the International Travel Regulations which indicates that P's vaccine status is: “Vaccine Status: Verified Exempt/Full.”

13. For regulation 6 (offences) substitute—

“Offences

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

- (a) regulation 5(1),
- (b) regulation 5(3), or
- (c) a request under regulation 5(4) to provide records and information within the period specified for the purposes of regulation 5(5),

commits an offence.

(2) An offence under paragraph (1) is punishable on summary conviction by a fine.”

14. In paragraph (2)(a) of regulation 9 (power to use and disclose information), for “6A, 6AB or 12E(1)” substitute “6 or 7”.

15. Yn rheoliad 10 (adolygu) yn lle “reoliadau 5, 5A, 5B, 5C a 5D” rhodder “reoliad 5”.

15. In regulation 10 (review) for “regulations 5, 5A, 5B, 5C and 5D” substitute “regulation 5”.

Eluned Morgan

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
16 Chwefror 2022

Minister for Health and Social Services, one of the
Welsh Ministers
16 February 2022

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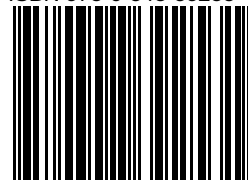
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