Rheoliadau a wnaed gan Weinidogion Cymru, a osodwyd gerbron Senedd Cymru o dan adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22), i'w cymeradwyo drwy benderfyniad gan Senedd Cymru o fewn wyth niwrnod ar hugain gan ddechrau â'r diwrnod y gwneir yr offeryn, yn ddarostyngedig i'w estyn dros gyfnodau o ddiddymu neu doriad am fwy na phedwar diwrnod.

O F F E R Y N N A U S T A T U D O L C Y M R U

2021 Rhif 1468 (Cy. 376)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 23) 2021

NODYN ESBONIADOL

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

Mae Rhan 2A o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 yn galluogi Gweinidogion Cymru, drwy reoliadau, i wneud darpariaeth at ddiben atal, diogelu rhag, rheoli neu ddarparu ymateb iechyd y cyhoedd i fynychder neu ledaeniad haint neu halogiad yng Nghymru.

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol acíwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 (O.S. 2020/1609 (Cy. 335)) ("y prif Reoliadau") er mwyn mewnosod rheoliad newydd 18B yn y prif Reoliadau i ddarparu na chaiff unrhyw berson ymadael â'r man lle y mae'n byw at ddibenion gwaith

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

W E L S H S T A T U T O R Y I N S T R U M E N T S

2021 No. 1468 (W. 376)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) ("the principal Regulations") to insert new regulation 18B into the principal Regulations to provide that no person may leave the place where they are living for the

pan fo'n rhesymol ymarferol i'r person weithio gartref. Mae rheoliad newydd 42A wedi ei fewnosod yn y prif Reoliadau i ddarparu ar gyfer trosedd o fethu â chydymffurfio â gofyniad rheoliad 18B.

Mae darpariaeth gysylltiedig wedi ei mewnosod yn rheoliad 16 o'r prif Reoliadau i ddarparu bod y mesurau rhesymol y gall person sy'n gyfrifol am fangre reoleiddiedig eu cymryd o dan y rheoliad hwnnw yn cynnwys caniatáu neu ei gwneud yn ofynnol i bersonau sydd fel arfer yn gweithio yn y fangre weithio gartref.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. Yn unol â'r Cod, ni chynhaliwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn, oherwydd bod angen eu rhoi yn eu lle ar frys i ymdrin â bygythiad difrifol ac uniongyrchol iechyd y cyhoedd.

purposes of work where it is reasonably practicable for the person to work from home. New regulation 42A is inserted into the principal Regulations to provide for an offence of failing to comply with the regulation 18B requirement.

A related provision is inserted into regulation 16 of the principal Regulations to provide that the reasonable measures that a person responsible for regulated premises may take under that regulation include allowing or requiring persons who ordinarily work at the premises to work from home.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. In accordance with the Code, a regulatory impact assessment as to the likely cost and benefit of complying with these Regulations has not been carried out, due to the need to put them in place urgently to deal with a serious and imminent threat to public health.

Rheoliadau a wnaed gan Weinidogion Cymru, a osodwyd gerbron Senedd Cymru o dan adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22), i'w cymeradwyo drwy benderfyniad gan Senedd Cymru o fewn wyth niwrnod ar hugain gan ddechrau â'r diwrnod y gwneir yr offeryn, yn ddarostyngedig i'w estyn dros gyfnodau o ddiddymu neu doriad am fwy na phedwar diwrnod.

O F F E R Y N N A U S T A T U D O L C Y M R U

2021 Rhif 1468 (Cy. 376)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 23) 2021

Gwnaed	*am 5.21 p.m. ar 17 Rhagfyr 2021*
Gosodwyd gerbron Senedd Cymru	*am 8.00 p.m. ar 17 Rhagfyr 2021*
Yn dod i rym	*20 Rhagfyr 2021*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 45C(1) a (3)(c) a 45F(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(**1**).

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol acíwt difrifol 2 (SARS-CoV-2) yng Nghymru.

(**1**) 1984 p. 22. Mewnosodwyd adrannau 45C a 45F gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaethau o dan yr adrannau hyn wedi eu rhoi i "the appropriate Minister" ("y Gweinidog priodol"). O dan adran 45T(6) o Ddeddf 1984, y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

W E L S H S T A T U T O R Y I N S T R U M E N T S

2021 No. 1468 (W. 376)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021

Made	*at 5.21 p.m. on 17 December 2021*
Laid before Senedd Cymru	*at 8.00 p.m. on 17 December 2021*
Coming into force	*20 December 2021*

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

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

(**1**) 1984 c. 22. Sections 45C and 45F were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on "the appropriate Minister". Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.

Mae Gweinidogion Cymru yn ystyried bod y cyfyngiadau a'r gofynion a osodir gan y Rheoliadau hyn yn gymesur â'r hyn y maent yn ceisio ei gyflawni, sef ymateb iechyd y cyhoedd i'r bygythiad hwnnw.

Yn unol ag adran 45R o'r Ddeddf honno, oherwydd brys, mae Gweinidogion Cymru o'r farn ei bod yn angenrheidiol gwneud yr offeryn hwn heb fod drafft wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 23) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 20 Rhagfyr 2021.

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

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

(2) Yn rheoliad 16(3), ar ôl is-baragraff (b) mewnosoder—

"(ba) caniatáu neu ei gwneud yn ofynnol i bersonau sydd fel arfer yn gweithio yn y fangre weithio gartref;".

(3) Ar ôl Rhan 4A mewnosoder—

"RHAN 4B

Gofyniad i weithio gartref pan fo'n ymarferol

Gofyniad i weithio gartref pan fo'n ymarferol

18B.—(1) O dan yr amgylchiadau y cyfeirir atynt ym mharagraff (2), ni chaiff unrhyw

The Welsh Ministers consider that restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021.

(2) These Regulations come into force on 20 December 2021.

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

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

(2) In regulation 16(3), after sub-paragraph (b) insert—

"(ba) allowing or requiring persons who ordinarily work at the premises to work from home;".

(3) After Part 4A insert—

"PART 4B

Requirement to work from home where practicable

Requirement to work from home where practicable

18B.—(1) In the circumstances referred to in paragraph (2), no person may leave the place

(**1**) O.S. 2020/1609 (Cy. 335) fel y'i diwygiwyd gan O.S. 2020/1610 (Cy. 336), O.S. 2020/1623 (Cy. 340), O.S. 2020/1645 (Cy. 345), O.S. 2021/20 (Cy. 7), O.S. 2021/46 (Cy. 10), O.S. 2021/57 (Cy. 13), O.S. 2021/66 (Cy. 15), O.S. 2021/95 (Cy. 26), O.S. 2021/103 (v. 28), O.S. 2021/172 (Cy. 40), O.S. 2021/210 (Cy. 52), O.S. 2021/307 (Cy. 79), S.I. 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) ac O.S. 2021/1407 (Cy. 366).

(**1**) S.I. 2020/1609 (W. 335) as amended by S.I. 2020/1610 (W. 336), S.I. 2020/1623 (W. 340), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/46 (W. 10), S.I. 2021/57 (W. 13), S.I. 2021/66 (W. 15), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52), S.I. 2021/307 (W. 79), S.I. 2021/413 (W. 133), S.I. 2021/502 (W. 150), S.I. 2021/542 (W. 154), S.I. 2021/583 (W. 160), S.I. 2021/668 (W. 169), S.I. 2021/686 (W. 172), S.I. 2021/722 (W. 183), S.I. 2021/862 (W. 201), S.I. 2021/925 (W. 210), 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) and S.I. 2021/1407 (W. 366).

berson ymadael â'r man lle y mae'n byw, neu aros i ffwrdd o'r man hwnnw, at ddibenion gwaith neu i ddarparu gwasanaethau gwirfoddol neu elusennol.

(2) Yr amgylchiadau yw ei bod yn rhesymol ymarferol i'r person weithio neu ddarparu gwasanaethau gwirfoddol neu elusennol o'r man lle y mae'n byw.

(3) At ddibenion y rheoliad hwn, mae'r man lle y mae person yn byw yn cynnwys y fangre lle y mae'n byw ynghyd ag unrhyw ardd, iard, tramwyfa, gris, garej, tŷ allan neu unrhyw atodyn i fangre o'r fath."

(4) Ar ôl rheoliad 42 mewnosoder—

"Trosedd o fethu â gweithio gartref pan fo'n rhesymol ymarferol gwneud hynny

42A. Mae person sydd, heb esgus rhesymol, yn torri'r gofyniad yn rheoliad 18B yn cyflawni trosedd."

where they are living, or remain away from that place, for the purposes of work or to provide voluntary or charitable services.

(2) The circumstances are that it is reasonably practicable for the person to work or to provide voluntary or charitable services from the place where they are living.

(3) For the purposes of this regulation, the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises."

(4) After regulation 42 insert—

"Offence of failing to work from home where reasonably practicable to do so

42A. A person who, without reasonable excuse, contravenes the requirement in regulation 18B commits an offence."

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 5.21 p.m. ar 17 Rhagfyr 2021

First Minister, one of the Welsh Ministers
At 5.21 p.m. on 17 December 2021

©ⓗHawlfraint y Goron 2021

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2021

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

ISBN 978-0-348-39208-1

£4.90

http://www.legislation.gov.uk/id/wsi/2021/1468