



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 180 (Cy. 59)

2022 No. 180 (W. 59)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
5) (Cymru) (Diwygio) (Rhif 6)
2022**

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 6) Regulations
2022**

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 i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol aciwt 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 sicrhau bod rheoliad 20 o'r Rheoliadau hynny yn parhau i fod yn gymesur.

Cyn y diwygiadau, roedd rheoliad 20 yn darparu ei bod yn ofynnol i berson 11 oed a throsodd wisgo gorchudd wyneb yn ardaloedd cyhoeddus o dan do unrhyw fangre y mae gan y cyhoedd fynediad iddi neu y caniateir i'r cyhoedd gael fynediad iddi (oni bai bod gan y person esgus rhesymol dros beidio â gwisgo gorchudd wyneb neu fod esemptiad penodol yn gymwys).

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 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 ensure the continued proportionality of regulation 20 of those Regulations.

Prior to the amendments, regulation 20 provided that a person aged 11 and over was required to wear a face covering in the indoor public areas of any premises to which the public have or are permitted access (unless the person had a reasonable excuse for not wearing a face covering or a specific exemption applied).

Mae'r diwygiadau yn culhau cwmpas rheoliad 20 drwy ddarparu rhestr hollgynhwysol o'r mangreoedd y mae'r gofyniad yn gymwys iddynt. Mae'r gofyniad bellach yn gymwys i ardaloedd cyhoeddus o dan do y mangreoedd a ganlyn, pan fydd gan y cyhoedd fynediad iddynt—

- mangreoedd manwerthu (mangreoedd unrhyw fusnes sy'n cynnig nwyddau neu wasanaethau ar gyfer eu gwerthu neu eu llogi, gan gynnwys darparwyr gwasanaethau ariannol, swyddfeydd post a chanolfannau siopa);
- mangreoedd milfeddygon a gwasanaethau tocio a golchi anifeiliaid;
- cyfleusterau storio a dosbarthu, gan gynnwys manau gollwng danfoniadau;
- mangreoedd asiantau eiddo neu asiantau gosod eiddo, swyddfeydd gwerthiant datblygwyr a chartrefi arddangos;
- mangreoedd gwasanaethau cysylltiad agos (salonau gwallt a barbwyr, salonau ewinedd a harddwch gan gynnwys gwasanaethau lliw haul ac electrolysis, a gwasanaethau tyllu'r corff a thatwio);
- mangreoedd a ddefnyddir ar gyfer darparu cludfwyd;
- mangreoedd a ddefnyddir ar gyfer darparu gwasanaethau meddygol neu iechyd;
- mangreoedd a ddefnyddir ar gyfer darparu gwasanaethau gofal cymdeithasol.

Mae'r diwygiadau yn golygu nad yw'r gofyniad i wisgo gorchudd wyneb yn gymwys mwyach i fathau penodol o fangreoedd sydd ar agor i'r cyhoedd (er enghraifft, mangreoedd hamdden ac adloniant, ac atyniadau i ymwelwyr).

Mae'r diwygiadau hefyd yn ei gwneud yn glir nad yw'r gofyniad i wisgo gorchudd wyneb yn gymwys i breswylwyr y mangreoedd gofal cymdeithasol a restrir pan fydd y preswylwyr yn y fangre. Mae'r Rheoliadau hefyd yn gwneud diwygiadau canlyniadol.

Er gwaethaf y diwygiadau a wneir gan y Rheoliadau hyn, mae'r prif Reoliadau yn parhau i ddarparu nad oes unrhyw lefel rhybudd yn gymwys i Gymru. Mae hyn yn golygu nad yw'r un o'r cyfyngiadau a'r gofynion yn Atodlenni 1 i 4 i'r prif Reoliadau yn gymwys (a phe bai rheoliadau yn y dyfodol yn symud Cymru i unrhyw un o lefelau rhybudd 1 i 4, gellid diwygio'r cyfyngiadau a'r gofynion yn Atodlenni 1 i 4 i'r prif Reoliadau cyn iddynt gymryd effaith).

The amendments narrow the scope of regulation 20 by providing an exhaustive list of the premises to which the requirement applies. The requirement now applies to the indoor public areas of the following, when the public have access to the premises—

- retail premises (premises of any business offering goods or services for sale or hire, including financial services providers, post offices and shopping centres);
- premises of veterinary surgeons and animal grooming services;
- storage and distribution facilities, including delivery drop off points;
- premises of estate or letting agents, developer sales offices and show homes;
- premises of close contact services (hair salons and barbers, nail and beauty salons including tanning and electrolysis services, and body piercing and tattooing services);
- premises used for the provision of takeaway food;
- premises used for the provision of medical or health services;
- premises used for the provision of social care services.

The amendments mean that the face covering requirement no longer applies to particular types of premises that are open to the public (for example, leisure and entertainment premises, and visitor attractions).

The amendments also clarify that the face covering requirement does not apply to residents of the social care premises listed when the residents are on the premises. The Regulations also make consequential amendments.

Despite the amendments made by these Regulations, the principal Regulations continue to provide that no alert level applies to Wales. This means that none of the restrictions and requirements in Schedules 1 to 4 to the principal Regulations applies (and if future regulations were to move Wales to any of alert levels 1 to 4, the restrictions and requirements in Schedules 1 to 4 to the principal Regulations could be amended before taking effect).

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 sicrhau bod cyfyngiadau a gofynion y prif Reoliadau yn parhau i fod yn gymesur.

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 ensure that the principal Regulations' restrictions and requirements continue to be proportionate.

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5) (Cymru) (Diwygio) (Rhif 6)
2022**

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 6) Regulations
2022**

Gwnaed 24 Chwefror 2022
*Gosodwyd gerbron Senedd
Cymru* 25 Chwefror 2022
Yn dod i rym 28 Chwefror 2022

Made 24 February 2022
Laid before Senedd Cymru 25 February 2022
Coming into force 28 February 2022

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

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

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

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

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.

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.

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 weir yn rhinwedd adran 45C(3)(c) 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(3)(c) 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.

(1) 1984 p. 22. Mewnosodwyd adrannau 45C a 45P 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.

(1) 1984 c. 22. Sections 45C and 45P 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.

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 6) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 28 Chwefror 2022.

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 20—

(a) ym mharagraff (1), yn lle'r geiriau o "mangreodd y mae gan y cyhoedd" hyd at y diwedd rhodder "—

(a) mangreodd busnesau sy'n cynnig nwyddau neu wasanaethau ar gyfer eu gwerthu neu eu llogi (mangreodd manwerthu), gan gynnwys mangre busnes neu wasanaeth a restrir ym mharagraffau (a) i (m) o baragraff 39 o Atodlen 7;

(b) canolfannau siopa ac arcedau siopa;

(c) mangreodd milfeddygon a gwasanaethau tocio a golchi anifeiliaid;

(d) cyfleusterau storio a dosbarthu, gan gynnwys manau gollwng danfoniadau;

(e) mangreodd asiantau eiddo neu asiantau gosod eiddo, swyddfeydd gwerthiant datblygwyr a chartrefi arddangos;

(f) mangreodd salonau gwallt a barbwyr, salonau ewinedd a harddwch gan gynnwys gwasanaethau lliw haul ac electrolysis, a gwasanaethau tyllu'r corff a thatwio;

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 6) Regulations 2022.

(2) These Regulations come into force on 28 February 2022.

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 20—

(a) in paragraph (1), for the words from "premises to which" to the end substitute "—

(a) premises of a business offering goods or services for sale or hire (retail premises), including the premises of a business or service listed in paragraphs (a) to (m) of paragraph 39 of Schedule 7;

(b) shopping centres and shopping arcades;

(c) premises of veterinary surgeons and animal grooming services;

(d) storage and distribution facilities, including delivery drop off points;

(e) premises of estate or letting agents, developer sales offices and show homes;

(f) premises of hair salons and barbers, nail and beauty salons including tanning and electrolysis services, and body piercing and tattooing services;

(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 (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), O.S. 2022/55 (Cy. 21), O.S. 2022/75 (Cy. 27), O.S. 2022/83 (Cy. 29) ac O.S. 2022/142 (Cy. 45).

(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), 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), S.I. 2022/55 (W. 21), S.I. 2022/75 (W. 27), S.I. 2022/83 (W. 29) and S.I. 2022/142 (W. 45).

- (g) mangreodd a ddefnyddir ar gyfer darparu bwyd sydd wedi ei baratoi i archeb benodol defnyddwyr ar gyfer ei ddanfôn neu ei gasglu i'w fwyta oddi ar y fangre;
- (h) mangreodd a ddefnyddir ar gyfer darparu gwasanaethau meddygol, iechyd neu ddeintyddol, gwasanaethau awdiolog, trin traed, ceiropractyddion, osteopathiaid, optometreg, ffisiotherapi neu aciwbigo, neu wasanaethau meddygol neu iechyd eraill gan gynnwys gwasanaethau sy'n ymwneud ag iechyd meddwl;
- (i) mangreodd a ddefnyddir ar gyfer darparu gwasanaeth gofal cymdeithasol, gan gynnwys gwasanaethau cartrefi gofal, gwasanaethau llety diogel, gwasanaethau canolfannau preswyl i deuluoedd a gwasanaethau gofal dydd i oedolion;
- (j) cerbyd, pan fydd yn cael ei ddefnyddio ar gyfer—
- (i) hyfforddiant am dâl mewn gyrru car modur yn unol ag adran 123 o Ddeddf Traffig Ffyrdd 1988(1), neu
- (ii) prawf cymhwysedd gyrru fel y disgrifir “test of competence to drive” yn adran 89(1)(a)(i) o'r Ddeddf honno.”;
- (b) ym mharagraff (2), hepgorer is-baragraff (aa);
- (c) ym mharagraff (3), ar y diwedd mewnosoder—
- “(i) mewn perthynas â mangre a ddisgrifir ym mharagraff (1)(i), pan fo P yn preswyl yn y fangre.”;
- (d) ar ôl paragraff (3) mewnosoder—
- “(3A) Nid yw paragraff (1) yn gymwys—
- (a) pan nad oes gan y cyhoedd fynediad i'r fangre;
- (b) pan fo P mewn mangre lle y gwerthir bwyd neu ddiod, neu lle y darperir bwyd neu ddiod fel arall, i'w fwyta neu i'w hyfed yn y fangre.”;
- (g) premises used for the provision of food that has been prepared to the specific order of consumers for delivery or collection to be consumed off the premises;
- (h) premises used for the provision of medical, health or dental services, audiology, chiropody, chiropractor, osteopath, optometry, physiotherapy or acupuncture services, or other medical or health services including services relating to mental health;
- (i) premises used for the provision of a social care service, including care home services, secure accommodation services, residential family centre services and adult day care services;
- (j) a vehicle, when it is being used for—
- (i) paid instruction in the driving of a motor car in accordance with section 123 of the Road Traffic Act 1988(1), or
- (ii) a test of competence to drive such as is described in section 89(1)(a)(i) of that Act.”;
- (b) in paragraph (2), omit sub-paragraph (aa);
- (c) in paragraph (3), at the end insert—
- “(i) in relation to premises described in paragraph (1)(i), where P is resident in the premises.”;
- (d) after paragraph (3) insert—
- “(3A) Paragraph (1) does not apply—
- (a) when the public do not have access to the premises;
- (b) where P is in premises where food or drink is sold, or otherwise provided, for consumption on the premises.”;

(e) ym mharagraff (4), yn y geiriau o flaen isbaragraff (a), yn lle “paragraff (1)” rhodder “paragraff (3A)(b);

(f) hepgorer paragraff (5);

(g) yn lle paragraff (6) rhodder—

“(6) Pan fo cerbyd yn cael ei ddefnyddio at ddiben a ddisgrifir ym mharagraff (1)(j), mae’r cerbyd cyfan i’w drin fel ardal gyhoeddus o dan do at ddibenion paragraff (1).”;

(h) ar ôl paragraff (6) mewnosoder—

“(7) At ddibenion paragraff (1)(i), mae i “gwasanaeth gofal cymdeithasol” yr un ystyr â “gwasanaeth rheoleiddiedig” yn adran 2(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1).”

(e) in paragraph (4), in the words before subparagraph (a), for “paragraph (1)” substitute “paragraph (3A)(b);

(f) omit paragraph (5);

(g) for paragraph (6) substitute—

“(6) Where a vehicle is being used for a purpose described in paragraph (1)(j), the entire vehicle is to be treated as an indoor public area for the purposes of paragraph (1).”;

(h) after paragraph (6) insert—

“(7) For the purposes of paragraph (1)(i), a “social care service” has the same meaning as a “regulated service” in section 2(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(1).”

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
24 Chwefror 2022

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First Minister, one of the Welsh Ministers
24 February 2022

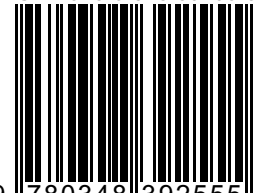
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