



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 48 (Cy. 11)

2021 No. 48 (W. 11)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

TRAFNIDIAETH, CYMRU

TRANSPORT, WALES

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

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

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r perygl 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 (ymysg pethau eraill) atal perygl i iechyd y cyhoedd o lestrau, awyrennau, trenau neu gludiant arall sy'n cyrraedd unrhyw le ("vessels, aircraft, trains or other conveyances arriving at any place").

Mae Rhan 2 o'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 132)) ("y "Rheoliadau Teithio Rhyngwladol") i gyflwyno gofyniad i bersonau sy'n teithio i Gymru o'r tu allan i'r ardal ffiniau agored feddu ar hysbysiad o brawf coronafeirws negyddol wrth gyrraedd Cymru.

Mae rheoliad 3(2) o'r Rheoliadau hyn yn mewnosod rheoliad 6A newydd yn y Rheoliadau Teithio Rhyngwladol, sy'n nodi'r gofynion hysbysu ac yn rhoi manylion personau sy'n esempt rhag y gofynion hyn. Mae rheoliad 6A hefyd yn cyfeirio at Atodlen 1A newydd i'r Rheoliadau Teithio Rhyngwladol, a

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in response to the 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".

Part 2 of these Regulations amends the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) ("the International Travel Regulations") to introduce a requirement for persons travelling to Wales from outside the common travel area to possess a notification of a negative coronavirus test upon arrival in Wales.

Regulation 3(2) of these Regulations inserts a new regulation 6A into the International Travel Regulations, which sets out the notification requirements and provides details of persons who are exempt from these requirements. Regulation 6A also references a new Schedule 1A into the International

fewnosodir gan reoliad 3(6) ac sy'n rhoi manylion pellach ynghylch beth yw prawf a hysbysiad dilys at ddibenion rheoliad 6A ac sy'n rhoi manylion pellach mewn perthynas â chategorïau o bersonau esempt.

Mae rheoliad 3(3) yn diwygio rheoliad 14 o'r Reoliadau Teithio Rhyngwladol fel bod torri'r gofynion yn rheoliad 6A yn drosedd ac yn rhoi rhestr nad yw'n hollgynhwysfawr o esgusodion rhesymol y gellir eu cyflwyno fel amddiffyniad.

Mae rheoliad 3(4) yn diwygio rheoliad 16 o'r Reoliadau Teithio Rhyngwladol fel y gellir dyroddi hysbysiad cosb benodedig mewn perthynas â throedd a gyflawnwyd o dan reoliad 6A.

Mae Rhan 3 o'r Rheoliadau hyn yn cyflwyno gofyniad i bersonau sy'n gweithredu gwasanaethau rhyngwladol i deithwyr ("gweithredwyr") sy'n cyrraedd Cymru o'r tu allan i'r ardal deithio gyffredin i sicrhau bod teithwyr ar wasanaethau o'r fath yn meddu ar hysbysiad o ganlyniad prawf negyddol (rheoliad 5(1)). Mae torri'r gofyniad hwn yn drosedd (rheoliad 6(1)).

Mae rheoliad 7 yn caniatáu i berson awdurdodedig ymdrin â throedd o dan reoliad 6(1) drwy hysbysiad cosb benodedig. Rhaid i hysbysiad cosb benodedig roi manylion y drosedd, gan gynnwys enw'r teithiwr sydd wedi methu â darparu hysbysiad o ganlyniad prawf negyddol.

Nid oes asesiad effaith llawn wedi ei gwblhau oherwydd natur frys yr offeryn hwn. Mae Memorandwm Esboniadol wedi ei gyhoeddi ochr yn ochr â'r offeryn hwn ar www.legislation.gov.uk.

Travel Regulations, which is inserted by regulation 3(6) and provides further details as to what constitutes a valid test and notification for the purposes of regulation 6A and gives further details in relation to categories of exempt persons.

Regulation 3(3) amends regulation 14 of the International Travel Regulations so that a breach of the requirements in regulation 6A is a criminal offence and a non-exhaustive list of reasonable excuses that can be raised in defence are listed.

Regulation 3(4) amends regulation 16 of the International Travel Regulations so that a fixed penalty notice can be issued in relation to an offence committed under regulation 6A.

Part 3 of these Regulations introduces a requirement for persons operating international passenger services ("operators") arriving into Wales from outside the common travel area to ensure that passengers on such services possess notification of a negative test result (regulation 5(1)). A breach of this requirement is an offence (regulation 6(1)).

Regulation 7 allows an authorised person to deal with an offence under regulation 6(1) by way of fixed penalty notice. A fixed penalty notice must give details of the particulars of the offence, including the name of the passenger who has failed to provide notification of a negative test result.

A full impact assessment has not been completed due to the urgent nature of this instrument. An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk.

2021 Rhif 48 (Cy. 11)

2021 No. 48 (W. 11)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

TRAFNIDIAETH, CYMRU

TRANSPORT, WALES

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

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

Gwnaed am 3.00 p.m. ar 15 Ionawr 2021

Made at 3.00 p.m. on 15 January 2021

*Gosodwyd gerbron Senedd
Cymru am 5.30 p.m. ar 15 Ionawr 2021*

*Laid before Senedd
Cymru at 5.30 p.m. on 15 January 2021*

Yn dod i rym am 4.00 a.m. ar 18 Ionawr 2021

*Coming into force at 4.00 a.m. on 18 January
2021.*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 45B, 45F(2) 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 45B, 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984(1).

RHAN 1

PART 1

Cyffredinol

General

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021.

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021.

(2) Daw'r Rheoliadau hyn i rym am 4.00 a.m. ar 18 Ionawr 2021.

(2) These Regulations come into force at 4.00 a.m. on 18 January 2021.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) These Regulations apply in relation to Wales.

(1) 1984 p. 22. Mewnosodwyd Rhan 2A gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14).

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

Dehongli

2. Yn y Rheoliadau hyn—

mae i “ardal deithio gyffredin” yr ystyr a roddir i “*common travel area*” yn adran 1(3) o Ddeddf Mewnfudo 1971(1);

ystyr “y Rheoliadau Teithio Rhyngwladol” (“*the International Travel Regulations*”) yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020(2).

RHAN 2

Profion cyn Ymadael

Diwygio'r Rheoliadau Teithio Rhyngwladol

3.—(1) Mae'r Rheoliadau Teithio Rhyngwladol wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli) yn y man priodol, mewnosoder—

- (a) “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) Reoliadau Dyfeisiadau Meddygol 2002(3);”;
- (b) “ystyr “*prawf cymhwysol*” (“*qualifying test*”) yw *prawf sy'n brawf cymhwysol at ddbenion rheoliad 6A;*”;
- (c) “ystyr “*sensitifrwydd*” (“*sensitivity*”), mewn perthynas â *dyfais*, yw pa mor aml y mae'r ddyfais yn cynhyrchu canlyniad positif yn gywir;”;
- (d) “ystyr “*penodolrwydd*” (“*specificity*”) mewn perthynas â *dyfais*, yw pa mor aml y mae'r ddyfais yn cynhyrchu canlyniad negyddol yn gywir;”.

(1) 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”.

(2) 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) ac O.S. 2021/24 (Cy. 8).

(3) O.S. 2002/618, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

Interpretation

2. In these Regulations—

“common travel area” (“*ardal deithio gyffredin*”) has the meaning given in section 1(3) of the Immigration Act 1971(1);

“the International Travel Regulations” (“*y Rheoliadau Teithio Rhyngwladol*”) means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(2).

PART 2

Pre-Departure Testing

Amendment of the International Travel Regulations

3.—(1) The International Travel Regulations are amended as follows.

(2) In regulation 2(1) (interpretation) at the appropriate place, insert—

- (a) ““*device*” (“*dyfais*”) means an in vitro diagnostic medical device within the meaning given in regulation 2(1) of the Medical Devices Regulations 2002(3);”;
- (b) ““*qualifying test*” (“*prawf cymhwysol*”) means a test that is a qualifying test for the purposes of regulation 6A;”;
- (c) ““*sensitivity*” (“*sensitifrwydd*”), in relation to a device, means how often the device correctly generates a positive result;”;
- (d) ““*specificity*” (“*penodolrwydd*”), in relation to a device, means how often the device correctly generates a negative result;”.

(1) 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”.

(2) 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) and S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7) and S.I. 2021/24 (W. 8).

(3) S.I. 2002/618, to which there are amendments not relevant to these Regulations.

(3) Ar ôl rheoliad 6 (gwybodaeth am deithiwr nad yw ym meddiant neu o dan reolaeth person), mewnosoder—

“RHAN 2A

Hysbysiad o ganlyniad prawf negyddol etc.

Gofyniad i feddu ar hysbysiad o ganlyniad prawf negyddol

6A.—(1) Rhaid i berson (“P”) sy’n 11 oed neu drosodd sy’n cyrraedd Cymru o’r tu allan i’r ardal deithio gyffredin feddu wrth gyrraedd—

- (a) ar hysbysiad dilys o ganlyniad negyddol i brawf cymhwysol a gymerwyd gan P, a
- (b) pan fo P yn oedolyn sy’n cyrraedd Cymru gyda phlentyn sy’n 11 oed neu drosodd y mae gan P gyfrifoldeb drosto, ar hysbysiad dilys o ganlyniad negyddol o brawf cymhwysol a gymerwyd gan y plentyn.

(2) O ran P—

- (a) pan fo’n meddu ar hysbysiad y cyfeirir ato ym mharagraff (1), a
- (b) pan ofynnir iddo wneud hynny gan swyddog mewnfudo,
rhaid i P ddangos yr hysbysiad, naill ai’n ffisegol neu’n ddigidol, os gofynnir iddo wneud hynny gan swyddog mewnfudo.

(3) Nid yw paragraffau (1) a (2) yn gymwys i P os yw P yn blentyn o dan 11 oed sy’n cyrraedd Cymru gydag oedolyn sydd â chyfrifoldeb dros P.

(4) Ym mharagraffau (1) a (2), nid yw cyfeiriadau at P yn cynnwys—

- (a) person a ddisgrifir ym mharagraff 2, 3, 4, 7, 8, 9, 10, 11, 12 neu 28 o Atodlen 2,
- (b) gweithiwr cludiant ffyrdd fel y’i disgrifir ym mharagraff 6 o Atodlen 2.
- (c) person a ddisgrifir mewn unrhyw isbaragraff o baragraff 3(1) o Atodlen 1A.

(3) After regulation 6 (passenger information not in a person’s possession or control), insert—

“PART 2A

Notification of a negative test result etc.

Requirement to possess notification of a negative test result

6A.—(1) A person (“P”) aged 11 or over who arrives in Wales from outside the common travel area must, possess on arrival —

- (a) valid notification of a negative result from a qualifying test taken by P, and
- (b) where P is an adult who arrives in Wales accompanied by a child aged 11 or over for whom P has responsibility, valid notification of a negative result from a qualifying test taken by the child.

(2) Where P—

- (a) possesses a notification referred to in paragraph (1), and
- (b) is requested by an immigration officer to do so,
P must produce, physically or digitally, the notification, if requested to do so by an immigration officer.

(3) Paragraphs (1) and (2) do not apply to P if P is a child aged under 11 who arrives in Wales accompanied by an adult who has responsibility for P.

(4) In paragraphs (1) and (2), references to P do not include—

- (a) a person described in paragraph 2, 3, 4, 7, 8, 9, 10, 11, 12 or 28 of Schedule 2,
- (b) a road haulage worker as described in paragraph 6 of Schedule 2,
- (c) a person described in any subparagraph of paragraph 3(1) of Schedule 1A.

- (5) At ddibenion y rheoliad hwn—
- (a) mae prawf yn brawf cymhwysol os yw'n cydymffurfio â pharagraff 1 o Atodlen 1A,
 - (b) mae hysbysiad o ganlyniad negyddol yn ddilys os yw'n cynnwys yr wybodaeth a bennir ym mharagraff 2 o Atodlen 1A.”
- (4) Yn rheoliad 14 (troseddau)—
- (a) ar ôl paragraff (1)(a), mewnosoder —
“(aa) 6A(1) neu (2),”
 - (b) ar ôl paragraff (1), mewnosoder—
“(1A) Ond nid yw person yn cyflawni trosedd pan fo'n torri gofyniad yn rheoliad 6A(1), os oedd yn credu'n rhesymol ar adeg y toriad fod hysbysiad o ganlyniad negyddol yn ei feddiant yn ymwneud â'r person neu â phlentyn y mae gan y person gyfrifoldeb drosto (yn ôl y digwydd), yn ddilys ac o brawf cymhwysol (at ddibenion y rheoliad hwnnw).”
 - (c) ar ôl paragraff (5), mewnosoder—
“(5A) Mewn perthynas â throedd o dorri rheoliad 6A(1), mae'r amgylchiadau y mae gan berson esgus rhesymol oddi tanynt yn cynnwys—
- (a) pan oedd person yn anffit yn feddygol i ddarparu sampl ar gyfer prawf cymhwysol cyn teithio i Gymru ac yn meddu ar ddogfen, wedi ei llofnodi gan ymarferydd meddygol sydd â hawl i ymarfer yn y wlad neu'r diriogaeth y mae'r ymarferydd hwnnw wedi ei leoli ynddi, i'r perwyl hwnnw,
 - (b) 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,
 - (c) pan oedd person yn mynd gyda pherson a ddisgrifir yn is-baragraff (b) er mwyn darparu cymorth (boed feddygol neu fel arall) ac nad oedd yn rhesymol ymarferol i'r person a oedd yn mynd gydag ef gael prawf cymhwysol cyn teithio i Gymru,
- (5) For the purposes of this regulation—
- (a) a test is a qualifying test if it complies with paragraph 1 of Schedule 1A,
 - (b) a notification of a negative result is valid if it includes the information specified in paragraph 2 of Schedule 1A.”
- (4) In regulation 14 (offences)—
- (a) after paragraph (1)(a), insert—
“(aa) 6A(1) or (2),”
 - (b) after paragraph (1), insert—
“(1A) But a person does not commit an offence where they contravene a requirement in regulation 6A(1), if they reasonably believed at the time of the contravention that a notification in their possession of a negative result relating to the person or to a child for whom the person has responsibility (as the case may be) was valid and from a qualifying test (for the purposes of that regulation).”
 - (c) after paragraph (5), insert—
“(5A) In relation to an offence of contravening regulation 6A(1), the circumstances under which a person has a reasonable excuse include where—
- (a) 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,
 - (b) 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
 - (c) 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,

- (d) pan oedd person wedi dechrau ar ei daith i Gymru mewn gwlad neu diriogaeth lle nad oedd prawf cymhwysol ar gael i'r cyhoedd (gyda thaliad neu hebddo) neu 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'n wahanol i'r fan lle y dechreuodd ei daith,
- (e) pan oedd yr amser y mae wedi ei gymryd i berson deithio o'r wlad neu'r diriogaeth lle y dechreuodd ar 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(c) o Atodlen 1A, ac nad oedd yn rhesymol ymarferol iddo gael prawf cymhwysol yn ei fan ymadael diwethaf.”.
- (5) Yn rheoliad 16 (hysbysiadau cosb benodedig)—
- (a) ym mharagraff (1)(a)(i), ar ôl “5(2),” mewnosoder “6A(1) neu (2)”.
- (b) Ar ôl paragraff (6)(a), mewnosoder—
- “(aa) o dorri gofyniad a osodir gan reoliad 6A,”.
- (6) Ar ôl Atodlen 1, mewnosoder—

“ATODLEN 1A

Rheoliad 6A

Profion cyn cyrraedd Cymru

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

- (a) os yw'n brawf ar gyfer canfod y coronafeirws, sy'n—
- (i) prawf adwaith cadwynol polymerasau, neu
- (ii) prawf 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, a
- (cc) terfyn canfod o lai na 100,000 o gopïau SARS-CoV-2 y mililitr neu'n hafal i hynny,

- (d) 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,
- (e) 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(c) of Schedule 1A, and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure.”.
- (5) In regulation 16 (fixed penalty notices)—
- (a) In paragraph (1)(a)(i), after “5(2)”, insert “6A(1) or (2)”
- (b) After paragraph (6)(a), insert—
- “(aa) of contravening a requirement imposed by regulation 6A,”.
- (6) After Schedule 1, insert—

“SCHEDULE 1A

Regulation 6A

Testing before arrival in Wales

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 SARS-CoV-2 copies per millilitre,

- (b) os nad yw'n brawf a ddarperir neu a weinyddir o dan Ddeddf y Gwasanaeth Iechyd Gwladol 2006(1), Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(2), Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(3), neu Orchymyn Gwasanaethau Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(4), a
- (c) os cymerir sampl y prawf o berson ddim mwy na 72 o oriau cyn—
 - (i) yn achos person sy'n teithio i Gymru ar wasanaeth trafndiaeth masnachol, yr amser a amserlennwyd ar gyfer ymadawiad y gwasanaeth, neu
 - (ii) mewn unrhyw achos arall, amser ymadael gwirioneddol y llestr neu'r awyren y mae'r person hwnnw yn teithio arni i Gymru.

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

- (a) enw'r person y cymerwyd y sampl ohono,
- (b) dyddiad geni'r person hwnnw,
- (c) canlyniad (negyddol) y prawf,
- (d) y dyddiad y casglwyd sampl y prawf neu'r dyddiad y cafodd darparwr y prawf ef,
- (e) datganiad bod y prawf yn—
 - (i) prawf adwaith cadwynol polymerasau, neu
 - (ii) prawf a gynhaliwyd gan ddefnyddio dyfais sydd â sensitifrwydd o 80% o leiaf a phenodolrwydd o 97% o leiaf, a therfyn canfod o lai na 100,000 o gopiâu SARS-CoV-2 y mililitr neu'n hafal i hynny,
- (f) enw gweithgynhyrhydd y ddyfais brofi a ddefnyddiwyd,
- (g) enw darparwr y prawf.

- (b) it is not a test provided or administered under the National Health Service Act 2006(1), the National Health Service (Wales) Act 2006(2), the National Health Service (Scotland) Act 1978(3), or the Health and Personal Social Services (Northern Ireland) Order 1972(4), and
- (c) the test sample is taken from the person no more than 72 hours before—
 - (i) in the case of that person travelling to Wales on a commercial transport service, the service's scheduled time of departure, or
 - (ii) in any other case, the actual time of departure of the vessel or aircraft on which that person is travelling to Wales.

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,
- (c) the (negative) result of the test,
- (d) the date the test sample was collected or received by the test provider,
- (e) a statement that the test was—
 - (i) a polymerase chain reaction test, or
 - (ii) undertaken using a device which has a sensitivity of at least 80%, a specificity of at least 97%, and a limit of detection of less than or equal to 100,000 SARS-CoV-2 copies per millilitre,
- (f) the name of the manufacturer of the test device that was used,
- (g) the name of the test provider.

(1) 2006 p. 41.
 (2) 2006 p. 42.
 (3) 1978 p. 29.
 (4) 1972 Rhif 1265 (G.I. 14).

(1) 2006 c. 41.
 (2) 2006 c. 42.
 (3) 1978 c. 29.
 (4) 1972 No. 1265 (N.I. 14).

3.—(1) Y personau y cyfeirir atynt yn rheoliad 6A(4)(a) (nad yw'n ofynnol iddynt gydymffurfio â'r rheoliad hwnnw) yw—

- (a) person a ddisgrifir ym mharagraff 8 o Atodlen 2, hyd yn oed os nad ydynt yn teithio i'r Deyrnas Unedig yng nghwrs eu gwaith neu eu dychweliad i'r Deyrnas Unedig yn unol â'r naill na'r llall o'r confensiynau y cyfeirir atynt yn y paragraff hwnnw,
- (b) person a ddisgrifir yn—
 - (i) paragraff 13(1)(b) o Atodlen 2 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 6A, neu
 - (ii) paragraff 13A o Atodlen 2 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 6A,
- (c) gwas i'r Goron neu gontractwr llywodraeth ("C") 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 P ymadael i'r Deyrnas Unedig, wedi ardystio ei fod yn bodloni'r disgrifiad hwn ac nad yw'n ofynnol iddo gydymffurfio â rheoliad 6A,
- (d) cynrychiolydd ("C") gwlad 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 tiriogaeth dramor yn y Deyrnas Unedig, neu Lywodraethwr tiriogaeth 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

3.—(1) The persons referred to in regulation 6A(4)(a) (as not being required to comply with that regulation) are—

- (a) a person described in paragraph 8 of Schedule 2, even if their travel to the United Kingdom in the course of their work or repatriation to the United Kingdom is not in accordance with either of the conventions referred to in that paragraph,
- (b) a person described in—
 - (i) paragraph 13(1)(b) of Schedule 2 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 6A, or
 - (ii) paragraph 13A of Schedule 2 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 6A,
- (c) 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 6A,
- (d) 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

genhadaeth neu'r swyddfa gonsylaidd, y diriogaeth dramor a gynrychiolir gan y swyddfa neu'r diriogaeth dramor Brydeinig, a

(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 6A,

(e) gweithiwr sydd â sgiliau technegol arbenigol, pan fo angen y sgiliau technegol arbenigol hynny ar gyfer gwaith neu wasanaethau brys (gan gynnwys comisiynu, cynnal a chadw, ac atgyweirio a gwiriadau diogelwch) i sicrhau y parheir i gynhyrchu, cyflenwi, symud, gweithgynhyrchu, storio neu gadw nwyddau neu wasanaethau, pan fo'r gweithiwr wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith neu fel arall i ddechrau neu aildechrau gweithio.

(2) Yn is-baragraff (1)—

mae i "contractwr llywodraeth" ("*government contractor*"), "gwaith llywodraeth hanfodol" ("*essential government work*") a "gwas i'r Goron" ("*Crown servant*") a "plismona hanfodol" ("*essential policing*") yr ystyron a roddir ym mharagraff 13(2) o Atodlen 2;

mae i "swyddfa gonsylaidd" ("*consular post*") yr ystyr a roddir ym mharagraff 1(3) o Atodlen 2."

RHAN 3

Atebolrwydd gweithredwyr mewn cysylltiad â chyrraedd

Dehongli

4. Yn y Rhan hon—

ystyr "y gofyniad i feddu ar hysbysiad o ganlyniad prawf negyddol" ("*the requirement to possess notification of a negative test result*") yw'r

by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and

(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 6A,

(e) a worker with specialist technical skills, where those specialist technical skills are required for emergency works or services (including commissioning, maintenance, and repairs and safety checks) to ensure the continued production, supply, movement, manufacture, storage or preservation of goods or services, where they have travelled to the United Kingdom in the course of their work or otherwise to commence or resume their work.

(2) In sub-paragraph (1)—

"consular post" ("*swyddfa gonsylaidd*") has the meaning given in paragraph 1(3) of Schedule 2;

"Crown servant" ("*gwas i'r Goron*"), "essential government work" ("*gwaith llywodraeth hanfodol*"), "essential policing" ("*plismona hanfodol*") and "government contractor" ("*contractwr llywodraeth*") have the meanings given in paragraph 13(2) of Schedule 2."

PART 3

Operator liability in respect of arrivals

Interpretation

4. In this Part—

"authorised person" ("*person awdurdodedig*") means—

gweithredu ar ran y gweithredwr, wybod nad oedd yn hysbysiad gofynnol.

Hysbysiadau cosb benodedig

7.—(1) Caiff person awdurdodedig ddyroddi hysbysiad cosb benodedig i unrhyw weithredwr y mae'r person awdurdodedig yn credu'n rhesymol ei fod wedi cyflawni trosedd o dan reoliad 6(1).

(2) Hysbysiad yw hysbysiad cosb benodedig sy'n cynnig i'r gweithredwr 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 sydd wedi ei ddynodi gan Weinidogion Cymru at ddibenion cael taliad o dan y rheoliad hwn.

(3) Pan ddyroddir hysbysiad i weithredwr o dan baragraff (1) mewn cysylltiad â throsedd—

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

(4) Rhaid i hysbysiad cosb benodedig—

- (a) rhoi manylion rhesymol fanwl yr amgylchiadau yr honnir eu bod yn ffurfio'r drosedd, gan gynnwys enw'r teithiwr perthnasol;
- (b) datgan y cyfnod pan (oherwydd paragraff (3)(a)) na ddygir achos am y drosedd;
- (c) pennu swm y gosb benodedig;
- (d) datgan enw a chyfeiriad y person y caniateir talu'r cosb benodedig iddo neu y mae tystiolaeth o'r amddiffyniad i'w darparu iddo; ac
- (e) pennu dulliau o dalu a ganiateir.

(5) Swm yr hysbysiad cosb benodedig at ddibenion paragraff (4)(c) yw £1,000.

(6) Mewn unrhyw achos, mae tystysgrif—

- (a) sy'n honni ei bod wedi ei llofnodi ar ran—
 - (i) Gweinidogion Cymru, neu
 - (ii) unrhyw berson sydd wedi ei ddynodi gan Weinidogion Cymru o dan baragraff (2)(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 ddatgenir.

have been expected to know was not a required notification.

Fixed penalty notices

7.—(1) An authorised person may issue a fixed penalty notice to any operator who the authorised person reasonably believes has committed an offence under regulation 6(1).

(2) A fixed penalty notice is a notice offering the operator 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.

(3) Where an operator is issued with a notice under paragraph (1) in respect of an offence—

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

(4) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence, including the name of the relevant passenger;
- (b) state the period during which (because of paragraph (3)(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 payment of the fixed penalty may be paid or evidence of the defence is to be provided; and
- (e) specify permissible methods of payment.

(5) The amount of the fixed penalty for the purposes of paragraph (4)(c) is £1,000.

(6) In any proceedings, a certificate that—

- (a) purports to be signed on behalf of—
 - (i) the Welsh Ministers, or
 - (ii) any person designated by the Welsh Ministers under paragraph (2)(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.

Prosecutions

8. Proceedings for an offence under regulation 6(1) may only be brought by an authorised person.

Power to use and disclose information

9.—(1) This regulation applies to any person (“P”) who holds information described in paragraph (2) relating to a relevant passenger (“relevant information”).

(2) The information referred to in paragraph (1) is—

- (a) information provided by, or on behalf of, the relevant passenger by way of explanation for failing to comply with regulation 6A of the International Travel Regulations,
- (b) information about the steps taken, pursuant to the International Travel Regulations, in relation to the relevant passenger, including details of any fixed penalty notice issued under those Regulations,
- (c) personal details of the relevant passenger, including their—
 - (i) full name,
 - (ii) date of birth,
 - (iii) passport number, or travel document reference number (as appropriate), issue and expiry dates and issuing authority,
 - (iv) home address,
 - (v) telephone number,
 - (vi) email address,
- (d) journey details of the relevant passenger, including—
 - (i) their time and date of arrival in Wales,
 - (ii) the name of the operator of the international passenger service on which they arrived or through which their booking was made,
 - (iii) the flight number or vessel name,
 - (iv) the departure and arrival locations of the international passenger service.

(3) P may only use relevant information where it is necessary for the purpose of carrying out a function under these Regulations.

(4) P may only disclose relevant information to another person (“the recipient”) where it is necessary for the recipient to have the relevant information for the purpose of carrying out a function under these Regulations.

(5) This regulation does not limit the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.

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

(7) For the purposes of this regulation “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018⁽¹⁾.

Review

10. The Welsh Ministers must review the need for the requirement imposed by regulation 5 of these Regulations by 8 February 2021 and at least once every 28 days after that date.

Expiry

11.—(1) These Regulations expire at the end of 7 June 2021.

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

Vaughan Gething

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

At 3.00 p.m. on 15 January 2021

(1) 2018 c. 12.



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

©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.

©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.

Printed pages	Cover Price (mono)
1-6	£4.90
7-31	£6.90
32-60	£11.50
61-71	£12.65
72-84	£16.40
85-96	£18.40
97-112	£18.95
113-128	£21.85
129-144	£23.85
145-164	£26.75
165-180	£29.35
181-220	£31.60
221-260	£34.20
261-299	£37.65
300-399	£45.15
400-499	£53.20
500+	£0.070 per printed page

NOTE: Printed Pages includes the Back Page

1234567890

£0.00

