OFFERYNNAU STATUDOL CYMRU

2007 Rhif 1901 (Cy.162)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Iechyd y Cyhoedd (Llongau) (Diwygio) (Cymru) 2007

Wedi'u gwneud - -	*3 Gorffenaf 2007*
Wedi'u gosod gerbron Cynulliad Cenedlaethol Cymru	*4 Gorffenaf 2007*
Yn dod i rym - -	*1 Awst 2007*

Mae Gweinidogion Cymru, gyda chydsyniad Comisiynwyr Cyllid a Thollau Ei Mawrhydi(**1**), yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddynt gan adran 13 o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(**2**):

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Iechyd y Cyhoedd (Llongau) (Diwygio) (Cymru) 2007 a deuant i rym ar 1 Awst 2007.

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

(3) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" yw Rheoliadau Iechyd y Cyhoedd (Llongau) 1979(**3**).

Diwygio rheoliad 2 o'r prif Reoliadau

2.—(1) Yn rheoliad 2(1) o'r prif Reoliadau (dehongli)—

(a) yn y diffiniad o "additional measures", yn lle "the diseases subject to the International Health Regulations" rhodder—

"plague, cholera, yellow fever or smallpox";

(**1**) Mae Adran 13(4) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 yn darparu ei bod yn ofynnol i reoliadau, i'r graddau y maent yn ymwneud â gorfodi a gweithredu gan swyddogion tollau tramor a chartref, gael cydsyniad y Comisiynwyr Tollau Tramor a Chartref. Trosglwyddwyd swyddogaethau'r Comisiynwyr Tollau Tramor a Chartref i Gomisiynwyr Cyllid a Thollau Ei Mawrhydi gan adran 5(2) o Ddeddf Comisiynwyr Cyllid a Thollau Ei Mawrhydi 2005 (p. 11). Yn ôl adran 50(1) o'r Ddeddf honno, bernir bod cyfeiriad mewn deddfiad at y Comisiynwyr Tollau Tramor a Chartref yn gyfeiriad at Gomisiynwyr Cyllid a Thollau Ei Mawrhydi.

(**2**) 1984 p.22. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, erthygl 2 ac Atodlen 1. Trosglwyddwyd y swyddogaethau hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.

(**3**) O.S. 1979/1435.

(b) yn y diffiniad o "authorised officer"—

(i) hepgorer "as described by paragraph 13 of Schedule 14 of the Local Government Act 1972," a

(ii) yn lle "health authority" rhodder "local authority";

(c) yn lle'r diffiniad o "customs officer" rhodder—

""customs officer" means an officer of Revenue and Customs;";

(ch) yn y diffiniad o "infected person", yn lle "a disease subject to the International Health Regulations" rhodder—

"plague, cholera, yellow fever or smallpox";

(d) yn y diffiniad o "infected ship", yn lle is-baragraff (a) rhodder—

"(a) a ship which has on board on arrival a case of plague, cholera, yellow fever, smallpox, rabies or viral haemorrhagic fever; or";

(dd) yn lle'r diffiniad o "infectious disease" rhodder—

""infectious disease" means any infectious or contagious disease other than venereal disease or tuberculosis;";

(e) yn y diffiniad o "medical officer", yn lle "health authority" rhodder "local authority";

(f) yn y diffiniad o "mooring station"—

(i) yn lle "health authority" rhodder "local authority", a

(ii) yn lle "collector of customs and excise" rhodder "customs officer";

(ff) yn lle'r diffiniad o "offshore installation" rhodder—

""offshore installation" has the meaning set out at section 44 of the Petroleum Act 1998(**4**) (meaning of "offshore installation");";

(g) yn lle'r diffiniad o "Secretary of State" rhodder—

""Secretary of State" means Welsh Ministers;";

(ng) yn lle'r diffiniad o "ship" rhodder—

""ship" has the same meaning as "ship" in the Merchant Shipping Act 1995(**5**) except that it includes a hovercraft within the meaning of the Hovercraft Act 1968(**6**);";

(h) mewnosoder y diffiniadau canlynol yn y mannau priodol yn ôl trefn yr wyddor—

""authorised port" means a port authorised to offer—

(a) the issuance of a Ship Sanitation Control Certificate and the provision of the services referred to—

(i) in Annex 1 to the IHR(**7**), and

(ii) the form reproduced at Schedule 3 to these Regulations;

(b) the issuance of a Ship Sanitation Control Exemption Certificate following inspection of the ship including a thorough inspection of the hold; or

(c) the extension of a ship sanitation certificate for a period of one month;

(**4**) 1998 p. 17.
(**5**) 1995 p. 21.
(**6**) 1968 p. 59.
(**7**) Gweler yr IHR a atgynhyrchir yn nogfen A58/55 deunawfed Cynulliad a deugain Iechyd y Byd ar wefan Sefydliad Iechyd y Byd yn www.who.int/est/ihr/IHRWHA58_3-en.pdf.

"competent authority" means a competent authority identified in accordance with Article 19 of the IHR (general obligations) and with a role as described at Article 22 of the IHR (role of competent authorities);

"IHR" means the International Health Regulations (2005) of the WHO adopted by the fifty-eighth World Health Assembly on 23 May 2005;

"local authority" means—

(a) in relation to a port health district the port health authority; and

(b) in relation to any other district in Wales—

(i) the county council,

(ii) the county borough council.

"National IHR Focal Point" means the body designated by the United Kingdom for communications with the WHO IHR Contact Point under the IHR;

"postal parcel" means an addressed article or package carried internationally by postal or courier services;

"ship sanitation certificate" means a Ship Sanitation Control Certificate or a Ship Sanitation Control Exemption Certificate;

"Ship Sanitation Control Certificate" means a certificate that conforms to the model in Annex 3 to the IHR reproduced at Schedule 3 to these Regulations that is issued in accordance with Article 39 of the IHR (ship sanitation certificates);

"Ship Sanitation Control Exemption Certificate" means a certificate that conforms to the model in Annex 3 to the IHR reproduced at Schedule 3 to these Regulations that is issued in accordance with Article 39 of the IHR;

"WHO IHR Contact Point" means the unit within WHO accessible for communications with the National IHR Focal Point;

"World Health Assembly" has the meaning set out in the Constitution of the World Health Organization adopted by the International Health Conference held in New York from 19 June to 22 July 1946 and signed on 22 July 1946;

"WHO" means the World Health Organization, a specialized agency within the terms of Article 57 of the Charter of the United Nations, established by the Constitution of the World Health Organization."; ac

(i) hepgorer y diffiniadau o "approved port", "Deratting Certificate", "Deratting Exemption Certificate", "designated approved port", "diseases subject to the International Health Regulations", "epidemic", "excepted area", "excepted port", "health authority", "infected area", "International Health Regulations", "valid" a "valid International Vaccination Certificate".

(2) Hepgorer rheoliad 2(2) a (3).

Amnewid rheoliad 3 o'r prif Reoliadau

3. Yn lle rheoliad 3 o'r prif Reoliadau (rheoliadau nad ydynt i fod yn gymwys i longau'r lluoedd arfog), rhodder—

"**Application of Regulations to ships of Her Majesty's armed forces**

3.—(1) Without prejudice to any enactment or rule of law which applies in relation to Her Majesty's armed forces or to any of the other armed forces mentioned in this regulation as part of Her Majesty's armed forces, nothing in these Regulations shall apply to any ship

forming part of Her Majesty's armed forces or of the armed forces of any country within the Commonwealth or of the armed forces of any other country for the time being designated for the purposes of all the provisions of the Visiting Forces Act 1952(**8**) under section 1(2) of that Act, or to the officers and crew of any such ship.

(2) Notwithstanding paragraph (1), at the request of the officer holding Her Majesty's commission who has command or charge of a ship forming part of Her Majesty's armed forces, an authorised officer may issue or cause to be issued a ship sanitation certificate in respect of the ship in accordance with the procedures set out at regulation 18A."

Diwygio rheoliad 4 o'r prif Reoliadau

4.—(1) Yn rheoliad 4(1) o'r prif Reoliadau (gorfodi a gweithredu rheoliadau), yn lle "health authority" rhodder—

"local authority".

(2) Yn lle paragraff (2) rhodder—

"(2) Any two local authorities may agree that one of them shall undertake the enforcement and execution of the whole or specified provisions of these Regulations in the district of the other, provided that they first obtain the approval of the Secretary of State to the terms of the agreement.

(3) The district in which a provision of these Regulations is enforced and executed under an agreement made under paragraph (2) shall be deemed to be the district of the authority which enforces and executes it.

(4) Where an agreement under paragraph (2) enables a local authority to enforce and execute the provisions relating to ship sanitation certificates in the district of another local authority, an authorised officer of the local authority shall have authority to issue or amend a ship sanitation certificate in the district of the other local authority.

(5) A local authority must—

(a) provide the National IHR Focal Point with the current contact details of each authorised port within its district;

(b) ensure that no ship sanitation certificate is issued without prior inspection by an authorised officer with appropriate expertise;

(c) ensure that any control measures required under regulations 18A(1)(a)(ii)(aa), 18B(3)(a)(i) and (4)(a)(i) are carried out by or under the supervision of an authorised officer with appropriate expertise.".

Amnewid rheoliad 5 o'r prif Reoliadau

5. Yn lle rheoliad 5 o'r prif Reoliadau (penodiad a dyletswyddau swyddogion awdurdodedig a'r gwasanaethau a ddarperir gan awdurdodau iechyd) rhodder—

"**Appointment and duties of authorised officers and provision of services by local authorities**

5. For the purposes of these Regulations a local authority may, and if so required by the Secretary of State shall—

(a) appoint such medical practitioners, in addition to their medical officer, as may be necessary for the proper enforcement and execution of these Regulations;

(**8**) 1952 p. 21.

(b) give directions from time to time as to the duties which are to be performed by any medical practitioner so appointed or any other officer authorised to enforce and execute these Regulations;

(c) provide or arrange for the provision of—

(i) premises or waiting rooms for the medical inspection and examination of persons;

(ii) premises for the temporary isolation of persons under these Regulations;

(iii) apparatus or other means for cleansing, disinfecting or disinsecting ships, persons or clothing and other articles;

(d) arrange for the reception into hospital of persons requiring to be removed to a hospital under these Regulations;

(e) arrange for the provision of means of transport for the conveyance of persons to any premises referred to in paragraph (c) or to a hospital;

(f) do all such other things as in its opinion or the opinion of the Secretary of State, as the case may be, are necessary to enable the provisions of these Regulations to be complied with.".

Hepgor rheoliad 6 o'r prif Reoliadau

6. Hepgorer rheoliad 6 o'r prif Reoliadau (rhestr o ardaloedd heintiedig)

Diwygio rheoliad 7 o'r prif Reoliadau

7.—(1) Yn rheoliad 7(2)(a) o'r prif Reoliadau (arolygu llongau), yn lle "health authority" rhodder —

"local authority".

(2) Yn lle paragraff (3) rhodder—

"(3) The inspection of a ship under paragraph (1) or (2) may include taking from the ship samples of food or water for analysis or examination.

(4) The analysis or examination under paragraph (3) must be—

(a) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases; or

(b) for preventing other danger to public health.".

Diwygio rheoliad 9 o'r prif Reoliadau

8.—(1) Yn rheoliad 9 o'r prif Reoliadau (archwilio, etc., personau ar longau)—

(a) hepgorer paragraffau (3) i (6) o'r prif Reoliadau; a

(b) ym mharagraff 7 dileer "or customs officer" act yn lle "health authority", rhodder—

"local authority".

Diwygio rheoliad 10 o'r prif Reoliadau

9. Yn lle rheoliad 10(1)(a) o'r prif Reoliadau (pwerau mewn perthynas â phersonau penodol ar longau), rhodder—

"(a) in the case of an infectious disease—