

Government response to the Legislation, Justice and Constitution Committee Report on The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020

Technical Scrutiny

1. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts

These are minor typographical errors in the Welsh text which we will correct.

Merits Scrutiny

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Committee has asked the Welsh Government to clarify why these Regulations follow the urgent procedure under section 45R of the Public Health (Control of Disease) Act 1984.

The urgency derived from repeated calls from Police Chief Constables and Police and Crime Commissioners in Wales to make changes to the amounts of fixed penalty. A decision was made to change this for repeat offenders and it became urgent to implement ahead of the Whitsun Bank Holiday. This was done in order to deter people from leaving their homes and from travelling into and across Wales.

This came as a result of the UK Government increasing the fixed penalty applicable in England for comparable offences, resulting in a greater difference between Wales and England. The increase in England took effect on 13 May.

Following their calls for changes to be made, Police and Crime Commissioners and Chief Constables in Wales were asked to provide evidence based on their experience of policing since the change to the English penalties. This information was given due consideration alongside other factors and Welsh Government decided the appropriate approach for Wales was to retain the level of fine for first and second offences but add multipliers for subsequent offences.

Ymateb y Llywodraeth i Adroddiad y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad ar Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) (Diwygio) (Rhif 4) 2020

Craffu Technegol

1. Rheol Sefydlog 21.2(vii) - ei bod yn ymddangos bod anghysondebau rhwng ystyr y testun Cymraeg a'r testun Saesneg

Mân wallau teipograffyddol yn y testun Cymraeg yw'r rhain a byddwn yn eu cywiro.

Craffu ar Rinweddau

1. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Mae'r Pwyllgor wedi gofyn i Lywodraeth Cymru egluro pam y mae'r Rheoliadau hyn yn dilyn y weithdrefn frys o dan adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984.

Daeth yn fater o frys oherwydd sawl galwad gan Brif Gwnstablaid yr Heddlu a Chomisiynwyr Heddlu a Throseddau yng Nghymru i newid symiau'r gosb benodedig. Gwnaed penderfyniad i newid y symiau hyn ar gyfer ad-droseddwy'r daeth yn fater o frys i'w weithredu cyn Gŵyl Banc y Sulgwyn. Gwnaed hyn er mwyn atal pobl rhag gadael eu cartrefi a rhag teithio i mewn i Gymru ac ar draws Cymru.

Cododd hyn oherwydd i Lywodraeth y DU gynyddu'r gosb benodedig a oedd yn gymwys yn Lloegr ar gyfer troseddau cymaradwy, gan arwain at wahaniaeth mwy rhwng Cymru a Lloegr. Cymerodd y cosbau uwch effaith yn Lloegr ar 13 Mai.

Yn dilyn eu galwadau i newidiadau gael eu gwneud, gofynnwyd i Gomisiynwyr Heddlu a Throseddau a Phrif Gwnstablaid yng Nghymru ddarparu tystiolaeth ar sail eu profiadau o blismona ers i'r cosbau yn Lloegr gael eu newid. Rhoddwyd ystyriaeth ddyladwy i'r wybodaeth hon ar y cyd â ffactorau eraill a phenderfynodd Llywodraeth Cymru mai'r dull priodol i Gymru oedd cadw lefel y ddirwy ar gyfer y drosedd gyntaf a'r ail drosedd ond ychwanegu lluosyddion ar gyfer troseddau wedi hynny.