



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2003 Rhif 300 (Cy.42)**

**2003 No. 300 (W.42)**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**ENVIRONMENTAL  
PROTECTION, WALES**

**Rheoliadau Traffig Ffyrdd  
(Allyriadau Cerbydau) (Cosbau  
Penodedig) (Cymru) 2003**

**The Road Traffic (Vehicle  
Emissions) (Fixed Penalty) (Wales)  
Regulations 2003**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae adran 87(1) o Ddeddf yr Amgylchedd 1995 yn rhoi'r pŵer i Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") wneud rheoliadau sy'n gwneud darpariaeth mewn cysylltiad â Chymru, mewn perthynas ag asesu neu reoli ansawdd aer.

Section 87(1) of the Environment Act 1995 gives the National Assembly for Wales ("the National Assembly") the power to make regulations making provision, in relation to Wales, with respect to the assessment or management of the quality of air.

Rhoddodd Rheoliadau Traffig Ffyrdd (Allyriadau Cerbydau) (Cosbau Penodedig) 1997 ("Rheoliadau 1997"), a wnaed o dan y pŵer uchod, hawl i rai awdurdodau lleol yng Nghymru, Lloegr a'r Alban ("awdurdodau sy'n cymryd rhan") i ddyroddi hysbysiadu cosb benodedig i ddefnyddwyr cerbydau o fewn eu hardaloedd a oedd wedi torri neu'n methu â chydymffurfio â rheoliad 61, 61A neu 98 o Reoliadau Cerbydau Ffyrdd (Eu Hadeiladwaith a'u Defnydd) 1986 ("Rheoliadau 1986"). Mae rheoliadau 61 a 61A o Reoliadau 1986 yn ymwneud ag allyriadau mwg, anwedd, nwyon, sylweddau olewog, a.y.y.b. Mae rheoliad 98 o Reoliadau 1986 yn ei gwneud hi'n ofynnol i beiriannau cerbydau gael eu diffodd pan nad yw'r cerbydau yn symud (heblaw am resymau sy'n ymwneud â thraffig a.y.y.b.). Mae'r Rheoliadau hyn yn disodli Rheoliadau 1977, mewn perthynas â Chymru.

The Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations 1997 ("the 1997 Regulations"), made under the above power, empowered certain local authorities in England, Scotland and Wales ("participating authorities") to issue fixed penalty notices to users of vehicles within their areas who contravened or failed to comply with regulations 61, 61A or 98 of the Road Vehicles (Construction and Use) Regulations 1986 ("the 1986 Regulations"). Regulations 61 and 61A of the 1986 Regulations are concerned with emissions of smoke, vapour, gases, oily substances, etc. Regulation 98 of the 1986 Regulations requires vehicle engines to be stopped when the vehicles are stationary (other than owing to the necessities of traffic etc.). These Regulations replace the 1997 Regulations, in relation to Wales.

O dan y Rheoliadau hyn gall awdurdod lleol yng Nghymru y mae ei ardal yn cynnwys ardal a ddynodwyd o dan adran 83 o Ddeddf yr Amgylchedd 1995 fel ardal rheoli ansawdd aer wneud cais i'r Cynulliad Cenedlaethol i gael ei ddynodi o dan y Rheoliadau hyn. Gall awdurdod lleol a ddynodwyd felly ddefnyddio, mewn perthynas ag ardal rheoli ansawdd aer, hysbysion cosbau penodedig i gosbi

Under these Regulations a local authority in Wales whose area includes an area designated under section 83 of the Environment Act 1995 as an air quality management area may apply to the National Assembly for designation under these Regulations. A local authority so designated may, in relation to an air quality management area, use fixed penalty notices to enforce offences under regulations 61 or 61A of the

tramgwyddau o dan reoliadau 61, 61A o Reoliadau 1986 a thramgwyddau o dan reoliad 98 o'r Rheoliadau hynny sy'n ymwneud ag allyriadau nwyon llosg.

Yn Rhan 1 o'r Rheoliadau hyn, mae rheoliad 2 yn diffinio'r termau a ddefnyddir yn y Rheoliadau.

Yn Rhan 2, mae rheoliad 3 yn pennu'r amgylchiadau pan y gellir gwneud cais am ddynodiad, a'r dogfennau y dylid eu cyflwyno law yn llaw â'r cais. Mae rheoliad 4 yn nodi'r meini prawf ar gyfer dynodiad a rheoliad 5 yn darparu ar gyfer diddymu dynodiadau.

Yn Rhan 3, mae rheoliad 6 yn cynnwys darpariaethau sy'n ymwneud ag awdurdodi personau i gynnal profion allyriadau ar gerbydau, er mwyn sicrhau eu bod yn cydymffurfio â diffodd peiriannau cerbydau llonydd ac i ddyroddi hysbysiaidau cosb benodedig.

Yn Rhan 4, mae rheoliad 7 yn rhagnodi dau dramgwydd o dan Reoliadau 1986 fel cosbau penodedig at ddibenion y Rheoliadau hyn. Mae'r cyntaf yn cael ei briodoli i reoliadau 61 a 61A o Reoliadau 1986, ac mae iddo gosb benodedig o £60 o dan reoliad 8. Mae'r ail yn cael ei briodoli i'r hynny o reoliad 98 o Reoliadau 1986 sy'n delio ag atal allyriadau nwyon llosg, ac mae i'r dramgwydd hwnnw gosb benodedig o £20 o dan reoliad 8. (Gellir cynyddu'r symiau yn unol â rheoliad 17, neu eu gostwng neu eu hepgor yn unol â rheoliad 19.).

Mae rhan 5 yn cynnwys darpariaethau (rheoliadau 9 i 11) sy'n rhoi pŵer i gynnal profion allyriadau ac i ddelio â materion eraill sy'n berthnasol i'r cyntaf o'r tramgwyddau cosb benodedig.

Mae Rhan 6 yn cynnwys darpariaethau (rheoliadau 12 i 14) sy'n rhoi pŵer i ddiffodd peiriant cerbyd llonydd ac i ddelio â materion eraill sy'n berthnasol i'r ail o'r tramgwyddau cosbau penodedig.

Yn Rhan 7, mae rheoliadau 15 ac 16 yn darparu ar gyfer amseru dyroddi'r hysbysiaidau cosb benodedig a'u cynnwys. Mae rheoliad 17 yn delio ag effaith hysbysiaidau cosb benodedig, ac yn darparu ar gyfer cynyddu'r gosb pan na chaiff taliad ei wneud yn unol â'r hysbysiad. Mae rheoliad 18 yn galluogi person y mae hysbysiad cosb benodedig wedi'i ddyroddi iddo i ofyn am wrandawriad mewn perthynas â'r tramgwydd y mae'r hysbysiad yn ymwneud ag ef. Mae rheoliad 19 yn darparu ar gyfer gwneud cais i ostwng swm cosb benodedig neu ei hepgor yn llwyr. Mae rheoliad 20 yn delio â thynnu hysbysiaidau cosbau penodedig yn ôl.

Yn Rhan 8, mae rheoliadau 21 a 22 yn delio â chasglu cosbau penodedig nad ydynt wedi'u talu ac mae rheoliad 23 yn gwneud darpariaeth mewn cysylltiad â dyroddi hysbysiaidau o dan y Rheoliadau. Mae rheoliad 25 yn diddymu Rheoliadau 1997 mewn perthynas â Chymru.

1986 Regulations and offences under regulation 98 of those Regulations which relate to exhaust emissions.

In Part 1, of these Regulations, regulation 2 defines terms used in the Regulations.

In Part 2, regulation 3 specifies the circumstances in which an application for designation under these Regulations can be made, and the documents that must accompany the application. Regulation 4 sets out the criteria for designation and regulation 5 provides for the revocation of designations.

In Part 3, regulation 6 contains provisions relating to the authorisation of persons to carry out emission tests on vehicles, to ensure compliance with the stopping of engines of stationary vehicles and to issue fixed penalty notices.

In Part 4, regulation 7 prescribes two offences under the 1986 Regulations as fixed penalty offences for the purposes of these Regulations. The first is referable to regulations 61 and 61A of the 1986 Regulations, and attracts a fixed penalty of £60 under regulation 8. The second is referable to so much of regulation 98 of the 1986 Regulations as deals with the prevention of exhaust emissions, and attracts a fixed penalty of £20 under regulation 8. (The amounts may be increased in accordance with regulation 17, or reduced or waived in accordance with regulation 19.).

Part 5 contains provisions (regulations 9 to 11) which confer power to conduct emission tests and deal with other matters relevant to the first of the fixed penalty offences.

Part 6 contains provisions (regulations 12 to 14) which confer power to stop the running of the engine of a stationary vehicle and deal with other matters relevant to the second of the fixed penalty offences.

In Part 7, regulations 15 and 16 provide for the timing of the issue of fixed penalty notices and their content. Regulation 17 deals with the effect of fixed penalty notices, and provides for the increase of the penalty where payment is not made in accordance with the notice. Regulation 18 enables a person who has been issued with a fixed penalty notice to ask for a hearing in respect of the offence to which the notice relates. Regulation 19 provides for the making of an application to reduce the amount of the fixed penalty or to waive it altogether. Regulation 20 deals with the withdrawal of fixed penalty notices.

In Part 8, regulations 21 and 22 deal with the recovery of unpaid fixed penalties and regulation 23 makes provision in connection with the issue of notices under the Regulations. Regulation 25 revokes the 1997 Regulations in relation to Wales.

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Rheoliadau Traffig Ffyrdd  
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*Wedi'u gwneud*                      *13 Chwefror 2003*  
*Yn dod i rym*                        *1 Mai 2003*

*Made*                                      *13th February 2003*  
*Coming into force*                      *1st May 2003*

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Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 87(1), (2) a (5) o Ddeddf yr Amgylchedd 1995(a) a pharagraff 5 o Atodlen 11 iddi, ac sydd bellach yn arferadwy, mewn

(a) 1995 p.25. *Gweler* adran 91(1) am y diffiniadau o "prescribed" a "regulations".

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The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon the Secretary of State by sections 87(1), (2) and (5) of, and paragraph 5 of Schedule 11 to, the Environment Act 1995(a), and now exercisable, in relation to Wales,

(a) 1995 c.25. *See* section 91(1) for the definitions of "prescribed" and "regulations".

perthynas â Chymru, gan y Cynulliad Cenedlaethol(a), ac ar ôl ymgynghori ag Asiantaeth yr Amgylchedd a chyda'r cyrff a'r personau hynny y mae'r Cynulliad Cenedlaethol yn ystyried eu bod yn briodol yn unol ag adran 87(7) o'r Ddeddf drwy hyn yn gwneud y Rheoliadau canlynol:

## RHAN 1 CYFLWYNIAD

### Enwi, cychwyn a chymhwyso

1. -(1) Enw'r Rheoliadau hyn yw Rheoliadau Traffig Ffyrdd (Allyriadau Cerbydau) (Cosbau Penodedig) (Cymru) 2003 a deuant i rym ar 1 Mai 2003.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru.

### Dehongli

2. -(1) Yn y Rheoliadau hyn -

ystyr "awdurdod lleol dynodedig" ("*designated local authority*") yw awdurdod lleol sy'n cael ei ddynodi am y tro o dan reoliad 4(1);

ystyr "awdurdod priodol" ("*appropriate authority*") -

(a) mewn perthynas â hysbysiad cosb benodedig, yw'r awdurdod lleol y mae'r hysbysiad yn cael ei ddyroddi ar ei ran;

(b) mewn perthynas â pherson awdurdodedig, yw'r awdurdod lleol y mae'r person hwnnw yn cael ei awdurdodi ganddo;

ystyr "Deddf 1995" ("*the 1995 Act*") yw Deddf yr Amgylchedd 1995;

ystyr "hysbysiad cosb benodedig" ("*fixed penalty notice*") yw hysbysiad o dan reoliad 10 neu 13;

ystyr "hysbysiad yn gofyn am wrandawriad" ("*notice requesting a hearing*") yw hysbysiad o ddisgrifiad y cyfeirir ato yn rheoliad 18(1);

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(a) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Cynulliad Cenedlaethol gan Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosgwyddo Swyddogaethau) (O.S. 1999/672) ac Atodlen 1 iddo.

by the National Assembly(a), and after consultation with the Environment Agency and with such bodies appearing to the National Assembly to be representative of the interests of local government and of industry and with such other bodies and persons as the National Assembly considers appropriate in accordance with section 87(7) of that Act, hereby makes the following Regulations:

## PART 1 INTRODUCTORY

### Citation, commencement and application

1. -(1) These Regulations may be cited as the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003 and come into force on the 1st May 2003.

(2) These Regulations apply in relation to Wales.

### Interpretation

2. -(1) In these Regulations -

"the 1995 Act" ("*Deddf 1995*") means the Environment Act 1995;

"the 1986 Regulations" ("*Rheoliadau 1986*") means the Road Vehicles (Construction and Use) Regulations 1986(b);

"appropriate authority" ("*awdurdod priodol*") -

(a) in relation to a fixed penalty notice, means the local authority on whose behalf the notice is issued;

(b) in relation to an authorised person, means the local authority by which that person is authorised;

"authorised person" ("*person awdurdodedig*") -

(a) in relation to the investigation or prosecution of an emissions offence means a person authorised under regulation 6(1);

(b) in relation to the investigation or prosecution of a stationary idling offence means a person authorised under regulation 6(3);

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(a) The powers of the Secretary of State have, so far as exercisable in relation to Wales, been transferred to the National Assembly by Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) S.I. 1986/1078; relevant amending instruments relating to emissions are S.I. 1990/1131, 1992/2137, 1993/2199, 1995/2210, 1997/1544, 1998/1, 1998/1563, 2000/3197, 2001/306, 2001/1825 and 2001/3208.

ystyr "person awdurdodedig" ("*authorised person*") -

- (a) mewn perthynas ag ymchwilio i dramgwydd neu erlyn am dramgwydd allyriad yw person a awdurdodwyd o dan reoliad 6(1);
- (b) mewn perthynas ag ymchwilio i dramgwydd neu erlyn am dramgwydd segura llonydd yw person a awdurdodwyd o dan reoliad 6(3);

ystyr "Rheoliadau 1986" ("*the 1986 Regulations*") yw Rheoliadau Traffig Ffyrdd (Eu Hadeiladwaith a'u Defnydd) 1986(a);

ystyr "tramgwydd allyriad" ("*emissions offence*") yw defnyddio cerbyd modur ar ffordd nad yw'n cydymffurfio â gofyniad rheoliad 61 neu 61A (allyriad mwg a.y.y.b.) Rheoliadau 1986;

ystyr "tramgwydd segura llonydd" ("*stationary idling offence*") yw torri, neu fethiant i gydymffurfio â chymaint o reoliad 98 (diffodd peiriant pan yn llonydd) o Reoliadau 1986 sy'n ymwneud ag atal allyriadau nwyon llosg.

(2) Oni bai fod y cyd-destun yn darparu fel arall, mae unrhyw gyfeiriad yn y Rheoliadau hyn -

- (a) at adran â rhif yn gyfeiriad at yr adran o Ddeddf 1995 sy'n dwyn y rhif hwnnw; a
- (b) at reoliad â rhif yn gyfeiriad at y rheoliad yn y Rheoliadau hyn sy'n dwyn y rhif hwnnw.

## RHAN 2

### DYNODI AWDURDODAU LLEOL

#### Cais am ddynodiad

3. -(1) Pan fo unrhyw ran o ardal awdurdod lleol yn cael ei dynodi am y tro yn ardal rheoli ansawdd aer yn unol ag adran 83, gall yr awdurdod hwnnw wneud cais i'r Cynulliad Cenedlaethol fod yn awdurdod lleol dynodedig.

(2) Rhaid i gais o dan baragraff (1) fod yn gais ysgrifenedig a rhaid sicrhau bod copi o bob un o'r dogfennau canlynol yn mynd gydag ef -

- (a) yr adolygiad diweddaraf a gynhaliwyd ganddo, a'r asesiad diweddaraf y mae wedi'i wneud, yn unol ag adran 82; a
- (b) y gorchymyn sy'n dynodi ei ardal rheoli ansawdd aer yn unol ag adran 83.

"designated local authority" ("*awdurdod lleol dynodedig*") means a local authority that is designated for the time being under regulation 4(1);

"emissions offence" ("*tramgwydd allyriad*") means using on a road a motor vehicle which does not comply with a requirement of regulation 61 or 61A (emissions of smoke etc) of the 1986 Regulations;

"fixed penalty notice" ("*hysbysiad cosb benodedig*") means a notice under regulation 10 or 13;

"notice requesting a hearing" ("*hysbysiad yn gofyn am wrandawriad*") means a notice of a description referred to in regulation 18(1);

"stationary idling offence" ("*tramgwydd segura llonydd*") means a contravention of, or failure to comply with so much of regulation 98 (stopping of engine when stationary) of the 1986 Regulations as relates to the prevention of exhaust emissions.

(2) Unless the context otherwise provides, any reference in these Regulations -

- (a) to a numbered section is a reference to the section of the 1995 Act bearing that number; and
- (b) to a numbered regulation is a reference to the regulation in these Regulations bearing that number.

## PART 2

### DESIGNATION OF LOCAL AUTHORITIES

#### Application for designation

3. -(1) Where any part of the area of a local authority is for the time being designated as an air quality management area in accordance with section 83, that authority may apply to the National Assembly to be a designated local authority.

(2) An application under paragraph (1) must be in writing and must be accompanied by a copy of each of the following documents -

- (a) the latest review it has conducted, and the latest assessment it has made, pursuant to section 82; and
- (b) the order designating its air quality management area pursuant to section 83.

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(a) O.S. 1986/1078; yr offerynnau diwygio perthnasol sy'n ymwneud ag allyriadau yw O.S. 1990/1131, 1992/2137, 1993/2199, 1995/2210, 1997/1544, 1998/1, 1998/1563, 2000/3197, 2001/306, 2001/1825 a 2001/3208.

## **Dynodi**

4.-(1) Os yw'r Cynulliad Cenedlaethol, ag yntau wedi derbyn ffurflen gais oddi wrth awdurdod lleol o dan reoliad 3, wedi'i fodloni mewn perthynas â'r materion y cyfeirir atynt ym mharagraff (2), rhaid iddo, drwy offeryn ysgrifenedig, ddynodi'r awdurdod hwnnw.

(2) Y materion y cyfeirir atynt ym mharagraff (1) yw -

- (a) bod yr allyriadau mwg ac anweddu a sylweddau eraill o gerbydau yn, neu'n debygol o ddod yn arwyddocaol wrth benderfynu a lwyddir i gyflawni safonau neu amcanion ansawdd aer o fewn ardal yr awdurdod hwnnw neu, pan mai dim ond rhan o'i ardal sydd am y tro wedi'i dynodi fel ardal rheoli ansawdd aer yn unol ag adran 83, y rhan honno; a
- (b) bydd yr awdurdod yn darparu hyfforddiant priodol a digonol, neu'n sicrhau bod hynny'n cael ei ddarparu, ar gyfer y personau allai gael eu hawdurdodi ganddo at ddibenion y Rheoliadau hyn.

(3) Gall awdurdod lleol dynodedig, mewn perthynas â'i ardal neu, pan mai dim ond rhan o'i ardal sy'n cael ei dynodi am y tro fel ardal rheoli ansawdd aer yn unol ag adran 83, mewn perthynas â'r rhan honno, arfer y pwerau hynny a roddir gan ddarpariaethau canlynol y Rheoliadau hyn mewn perthynas â thrangwyddau allyriad.

## **Terfynu dynodiad**

5. -(1) Os nad yw'r Cynulliad Cenedlaethol yn fodlon mewn perthynas ag awdurdod dynodedig -

- (a) mewn perthynas â'r materion y cyfeirir atynt yn rheoliad 4(2); neu
- (b) bod unrhyw ganllaw y mae wedi'i gyhoeddi mewn perthynas ag adran 88 yn cael ei barchu,

gall, yn ddarostyngedig i baragraff (2), drwy hysbysiad a gyflwynir ar yr awdurdod, ddiddymu ei ddynodiad.

(2) Rhaid i'r Cynulliad Cenedlaethol beidio â chyflwyno hysbysiad o dan baragraff (1) oni bai ei fod wedi hysbysu'r awdurdod drwy hysbysiad-

- (a) o'i fwriad i ddiddymu dynodiad yr awdurdod;
- (b) o'i resymau dros fwriadu diddymu'r dynodiad; ac
- (c) y gellir cyflwyno sylwadau iddo ynghylch y diddymiad arfaethedig cyn diwedd cyfnod a bennir yn yr hysbysiad o dan y paragraff hwn (a'r cyfnod hwnnw ddim llai na 28 diwrnod gan ddechrau â dyddiad cyflwyno'r hysbysiad hwnnw).

(3) Rhaid i hysbysiad o dan baragraff (1) bennu'r

## **Designation**

4.-(1) If the National Assembly, having received an application from a local authority under regulation 3, is satisfied as to the matters referred to in paragraph (2), it must, by an instrument in writing, designate that authority.

(2) The matters referred to in paragraph (1) are -

- (a) that the emission of smoke and other vapours and substances from vehicles is such that it is, or is likely to become, significant in determining whether or not the air quality standards or objectives will be achieved within that authority's area or, where part only of its area is for the time being designated as an air quality management area in accordance with section 83, that part; and
- (b) that the authority will provide, or secure the provision of, proper and adequate training for persons who may be authorised by it for the purposes of these Regulations.

(3) A designated local authority may, in relation to its area or, where part only of its area is for the time being designated as an air quality management area in accordance with section 83, in relation to that part, exercise such of the powers conferred by the following provisions of these Regulations as relate to emissions offences.

## **Cessation of designation**

5. -(1) If in respect of a designated authority the National Assembly is not satisfied -

- (a) in relation to the matters referred to in regulation 4(2); or
- (b) that regard is being had to any guidance it has issued pursuant to section 88,

it may, subject to paragraph (2), by notice served on the authority, revoke its designation.

(2) The National Assembly must not serve a notice under paragraph (1) unless it has by notice informed the authority-

- (a) of its proposal to revoke the authority's designation;
- (b) of its reasons for proposing to revoke the designation; and
- (c) that representations may be made to it about the proposed revocation before the end of such period as may be specified in the notice under this paragraph (being not less than 28 days beginning with the date of service of the notice).

(3) A notice under paragraph (1) must specify the

dyddiad y mae'r diddymiad i gael effaith, a rhaid bod datganiad o resymau'r Cynulliad Cenedlaethol dros ddiddymu'r dynodiad yn mynd gydag ef.

(4) Pan, o ganlyniad bod awdurdod lleol dynodedig wedi diddymu'r gorchymyn y mae ei ardal neu ran ohoni (yn ôl fel y digwydd) yn ardal rheoli ansawdd aer trwy rinwedd y gorchymyn hwnnw, nad yw unrhyw ran o ardal yr awdurdod yn ardal rheoli ansawdd aer, bydd yr awdurdod drwy hynny yn peidio â chael y pwerau a roddwyd iddo o dan baragraff (3) o reoliad 4, a dylid trin ei ddynodiad o dan baragraff (1) o'r rheoliad hwnnw fel pe bai wedi'i ddiddymu.

### RHAN 3

#### AWDURDODIADAU

##### Awdurdodiadau

6. -(1) Gall awdurdod lleol dynodedig, yn ddarostyngedig i baragraff (2), awdurdodi unrhyw swyddog o'r awdurdod, neu unrhyw berson arall, ar ôl cyflwyno tystiolaeth o awdurdodiad y person hwnnw -

- (a) i gynnal, yn unol â rheoliad 9, brofion ar gerbydau sydd mewn, neu sydd ar fin pasio drwy, neu sydd wedi pasio drwy, ardal a ddynodwyd gan yr awdurdod fel ardal rheoli ansawdd aer; a
- (b) i ddyroddi hysbysiadu cosb benodedig mewn perthynas â thramgwyddau allyriad a gyflawnir mewn perthynas â cherbydau o'r fath.

(2) Ni chaiff person ei awdurodi o dan baragraff (1) oni bai fod yr awdurdod wedi'i fodloni bod y person sydd i gael ei awdurdodi wedi cwblhau cwrs hyfforddi ar brofi allyriadau yn llwyddiannus a'r cwrs hwnnw wedi'i gymeradwyo gan y Cynulliad Cenedlaethol.

(3) Gall awdurdod lleol (p'un a ydyw yn awdurdod lleol dynodedig ai peidio) awdurdodi unrhywun o swyddogion yr awdurdod hwnnw, neu unrhyw berson arall, mewn unrhyw ardal o'r awdurodd hwnnw -

- (a) yn unol â rheoliad 12, i stopio comisiynu tramgwyddau segura llonydd; a
- (b) i ddyroddi hysbysiadu cosb benodedig mewn perthynas â thramgwydd o'r fath a gyflawnir yn ei ardal.

### RHAN 4

#### TRAMGWYDDAU COSB BENODEDIG

##### Tramgwyddau cosb benodedig

7. Rhagnodir drwy hyn dramgwyddau allyriad a thramgwyddau segura llonydd o dan adran 42 o Ddeddf Traffig Ffyrdd 1998(a) fel tramgwyddau cosb benodedig at ddibenion y Rheoliadau hyn.

(a) 1988 c.52. Y mae diwygiadau nad ydynt yn berthnasol i'r Rheoliadau hyn.

date on which the revocation is to take effect, and must be accompanied by a statement of the National Assembly's reasons for revoking the designation.

(4) Where, in consequence of the revocation by a designated local authority of the order by virtue of which its area or part of it (as the case may be), is an air quality management area, no part of the authority's area is an air quality management area, the authority will thereby cease to have the powers conferred under paragraph (3) of regulation 4, and its designation under paragraph (1) of that regulation is to be treated as revoked.

### PART 3

#### AUTHORISATIONS

##### Authorisations

6. -(1) A designated local authority may, subject to paragraph (2), authorise any officer of the authority, or any other person, on production of evidence of that person's authorisation -

- (a) to carry out, in accordance with regulation 9, tests on vehicles which are in, or which are about to pass through, or which have passed through, an area designated by the authority as an air quality management area; and
- (b) to issue fixed penalty notices in respect of emissions offences committed in relation to such vehicles.

(2) A person may not be authorised under paragraph (1) unless the authority is satisfied that the person to be authorised has successfully completed a course of training on testing emissions which has been approved by the National Assembly.

(3) A local authority (whether or not a designated local authority) may authorise any officer of the authority, or any other person, in any area of that authority -

- (a) in accordance with regulation 12, to stop the commission of stationary idling offences; and
- (b) to issue a fixed penalty notice in respect of such an offence committed in its area.

### PART 4

#### FIXED PENALTY OFFENCES

##### Fixed penalty offences

7. Emission offences and stationary idling offences under section 42 of the Road Traffic Act 1988(a) are hereby prescribed as fixed penalty offences for the purposes of these Regulations.

(a) 1988 c.52. There are amendments not relevant to these Regulations.



## Swm y gosb

8. Yn ddarostyngedig i reoliad 17, gall person gyflawni unrhyw atebolrwydd i gollfarn -

- (a) am dramgwydd allyriad, yn ddarostyngedig i reoliad 19, drwy dalu £60;
- (b) am dramgwydd segura llonydd, drwy dalu £20.

RHAN 5

PROFION

## Profion allyriad yn y fan a'r lle a phroffion gohiriedig

9. -(1) Gall person awdurdodedig ei gwneud hi'n ofynnol i berson sy'n gyrru cerbyd modur ar ffordd ac sydd mewn, neu sydd ar fin pasio drwy, neu sydd wedi pasio drwy, ardal rheoli ansawdd aer yr awdurdod priodol ganiatáu i'r cerbyd y mae'r person hwnnw yn ei yrru i fod yn ddarostyngedig i brawf at y diben o benderfynu p'un a oes tramgwydd allyriad yn cael ei gyflawni neu wedi'i gyflawni.

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r prawf y cyfeirir ato ym mharagraff (1) gael ei gyflawni ar unwaith gan berson awdurdodedig.

(3) Gall person awdurdodedig, yn hytrach na bwrw ymlaen ar unwaith i gynnal y prawf -

- (a) ei gwneud hi'n ofynnol bod person awdurdodedig yn cyflawni'r prawf a hynny mewn man ac ar adeg (heb fod yn hwyrach na 14 diwrnod gan ddechrau â'r diwrnod y cafodd gofyniad paragraff (1) ei osod) y bydd y person awdurdodedig yn eu pennu wrth osod y gofyniad hwnnw; neu
- (b) ei gwneud hi'n ofynnol i'r person y mae gofyniad paragraff (1) yn cael ei osod arno i gyflwyno'r cerbyd i gael ei archwilio o dan adran 45 (profion i weld a yw cerbydau mewn cyflwr boddhaol) o Ddeddf Traffig Ffyrdd 1988.

(4) Wrth osod gofyniad o dan baragraff (3)(b), rhaid i berson awdurdodedig hefyd -

- (a) ei gwneud hi'n ofynnol i yrrwr y cerbyd dan sylw gyflwyno, mewn perthynas â'r cerbyd hwnnw, naill ai dystysgrif a ddyroddwyd o dan adran 45(2)(b) o Ddeddf Traffig Ffyrdd 1988 neu hysbysiad methiant; a
- (b) bennu'r canlynol mewn perthynas â chyflwyno'r dystysgrif neu hysbysiad -
  - (i) y dyddiad, a'r amser;
  - (ii) y lleoliad ar gyfer ei chyflwyno; a
  - (iii) y person y mae i'w chyflwyno iddo

(5) Rhaid i'r dyddiad a bennir o dan baragraff (4)(b)

## Amount of penalty

8. Subject to regulation 17, a person may discharge any liability to conviction -

- (a) for an emissions offence, subject to regulation 19, on payment of £60;
- (b) for a stationary idling offence, on payment of £20.

PART 5

TESTS

## On-the-spot and deferred emissions tests

9. -(1) An authorised person may require a person driving on a road a motor vehicle which is in, or which is about to pass through, or which has passed through, an air quality management area of the appropriate authority to permit the vehicle that person is driving to be the subject of a test for the purpose of determining whether an emissions offence is being or has been committed.

(2) Subject to paragraph (3), the test referred to in paragraph (1) must be carried out immediately by an authorised person.

(3) An authorised person may, instead of proceeding immediately with the test -

- (a) require the test to be carried out by an authorised person at such place and time (being not later than 14 days beginning with the day on which the paragraph (1) requirement is imposed) as the authorised person specifies when imposing that requirement; or
- (b) require the person on whom the paragraph (1) requirement is imposed to present the vehicle for examination under section 45 (tests of satisfactory condition of vehicles) of the Road Traffic Act 1988.

(4) When imposing a requirement under paragraph (3)(b), the authorised person must also -

- (a) require the driver of the vehicle concerned to produce, in respect of that vehicle, either a test certificate issued under section 45(2)(b) of the Road Traffic Act 1988 or a notice of failure; and
- (b) specify -
  - (i) the date on which, and the time at which;
  - (ii) the place at which; and
  - (iii) the person to whom,

the certificate or notice is to be produced.

fod o fewn 21 diwrnod i'r diwrnod pan fo'r person awdurdodedig yn gosod y gofyniad o dan baragraff (3)(b).

(6) Ni chaiff gofyniad i gyflwyno tystysgrif neu hysbysiad gael ei drin fel gofyniad a fodlonwyd oni bai fod dyddiad dyroddi'r ddogfen a gyflwynwyd yn cyfateb i'r dyddiad pan osodwyd y gofyniad neu wedi hynny.

(7) Bydd person sy'n methu â chydymffurfio â -

(a) gofyniad paragraff (1), neu

(b) gofyniad paragraff (3)(a) neu 4(a),

yn euog o dramgwydd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol.

(8) Yn y rheoliad hwn -

ystyr "gofyniad paragraff (1)" ("*paragraph (1) requirement*") yw gofyniad a osodir drwy rinwedd paragraff (1) o'r rheoliad hwn; ac

ystyr "hysbysiad methiant" ("*notice of failure*") yw hysbysiad, o dan adran 45(4) o Ddeddf Traffig Ffyrdd 1988, bod tystysgrif brawf yn cael ei wrthod nad yw'r seiliau a nodir fel seiliau pam y bu i'r cerbyd fethu'r archwiliad o dan yr adran honno yn cynnwys eitem 28 ym mharagraff 3(b) o Atodlen 2 i Reoliadau Cerbydau Modur (Profion) 1981(a) (gan gynnwys yr eitem honno fel y caiff ei chymhwyso fel y crybwyllir ym mharagraffau 3A i 6 o'r Atodlen honno).

### **Dyroddi hysbysiadau cosbau penodedig: tramgwydd allyriad**

10. Pan -

(a) fo prawf ar gerbyd wedi'i gyflawni fel y crybwyllwyd ym mharagraff (2) neu (3)(a) o reoliad 9; a

(b) o ganlyniad i'r prawf hwnnw bod person awdurdodedig yn ystyried bod tramgwydd allyriad wedi'i gyflawni gan y person sy'n defnyddio'r cerbyd hwnnw,

gall y person awdurdodedig, yn unol â Rhan 7, ddyroddi hysbysiad cosb benodedig i'r person hwnnw.

### **Cyflenwi gwybodaeth at ddibenion Rhan 5**

11.-(1) Mewn cysylltiad â chyflawni swyddogaethau o dan y Rhan hon, gall person awdurdodedig ei gwneud hi'n ofynnol i yrrwr cerbyd y mae gofyniad o dan reoliad 9(1) wedi'i osod mewn perthynas ag ef ddatgelu i'r person awdurdodedig -

(a) enw a chyfeiriad y gyrrwr;

(5) The date specified under paragraph (4)(b) must be within 21 days of the day on which the authorised person imposes the requirement under paragraph (3)(b).

(6) A requirement for the production of a certificate or notice is not to be treated as satisfied unless the date of issue of the document produced is on or after the date on which the requirement was imposed.

(7) A person who fails to comply with -

(a) a paragraph (1) requirement, or

(b) a requirement of paragraph (3)(a) or 4(a),

is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) In this regulation -

"notice of failure" means a notification, under section 45(4) of the Road Traffic Act 1988, of the refusal of a test certificate in which the grounds specified as those on which the vehicle failed the examination under that section do not include item 28 in paragraph 3(b) of Schedule 2 to the Motor Vehicles (Tests) Regulations 1981(a) (including that item as applied as mentioned in paragraphs 3A to 6 of that Schedule); and

"paragraph (1) requirement" means a requirement imposed by virtue of paragraph (1) of this regulation.

### **Issue of fixed penalty notice: emissions offence**

10. Where -

(a) a test on a vehicle has been carried out as mentioned in paragraph (2) or (3)(a) of regulation 9; and

(b) in consequence of that test an authorised person considers that an emissions offence has been committed by the person using that vehicle,

the authorised person may, in accordance with Part 7, issue a fixed penalty notice to that person.

### **Furnishing information for the purposes of Part 5**

11.-(1) In connection with the discharge of functions under this Part, an authorised person may require the driver of a vehicle in respect of which a requirement under regulation 9(1) is imposed to disclose to the authorised person -

(a) the driver's name and address;

(a) O.S. 1981/1078; amnewidiwyd Atodlen 2 gan O.S. 1991/2229 a'i diwygio gan O.S. 1992/3160 a 1998/1672.

(a) S.I. 1981/1078; Schedule 2 was substituted by S.I. 1991/2229 and amended by S.I. 1992/3160 and 1998/1672.

- (b) dyddiad geni y gyrrwr; ac
- (c) os nad y gyrrwr yw'r person y mae'r cerbyd wedi'i gofrestru yn ei enw o dan Ddeddf Trethu a Chofrestru 1999(a) ar yr adeg pan osodwyd y gofyniad, enw'r person hwnnw.

(2) Mae person sy'n methu â chydymffurfio â gofyniad o dan baragraff (1) yn euog o dramgwydd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol.

- (b) the driver's date of birth; and
- (c) if the driver is not the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994(a) at the time that the requirement is imposed, the name of that person.

(2) A person who fails to comply with a requirement to furnish information under paragraph (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## RHAN 6

### DIFFODD PEIRIANNAU

#### Diffodd peiriannau pan fo cerbyd yn llonydd

**12.** -(1) Gall person awdurdodedig sydd â rheswm rhesymol dros gredu bod gyrrwr cerbyd sy'n llonydd ar ffordd yn cyflawni tramgwydd segura llonydd fynnu, ar ôl cyflwyno tystiolaeth o awdurdodiad o dan reoliad 6(3), bod y gyrrwr yn diffodd peiriant y cerbyd hwnnw.

(2) Mae person sy'n methu â chydymffurfio â gofyniad o dan baragraff (1) yn euog o dramgwydd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol.

#### Dyroddi hysbysiad cosb benodedig: tramgwydd segura llonydd

**13.** Gall person awdurdodedig sy'n ystyried bod tramgwydd segura llonydd wedi'i gyflawni, yn unol â pharagraff 7, ddyroddi hysbysiad cosb benodedig i yrrwr y cerbyd hwnnw.

#### Cyflenwi gwybodeth at ddibenion Rhan 6

**14.**-(1) Mewn cysylltiad â chyflawni swyddogaethau o dan y Rhan hon, gall person awdurdodedig fynnu bod gyrrwr cerbyd y gosodwyd gofyniad o dan reoliad 12(1) mewn perthynas ag ef i ddatgelu i'r person awdurdodedig -

- (a) enw a chyfeiriad y gyrrwr;
- (b) dyddiad geni y gyrrwr; ac
- (c) os nad y gyrrwr yw'r person y mae'r cerbyd wedi'i gofrestru yn ei enw o dan Ddeddf Trethu a Chofrestru Cerbydau 1994 ar yr adeg pan gaiff y gofyniad ei osod, enw'r person hwnnw.

(2) Bydd person sy'n methu â chydymffurfio â gofyniad i gyflenwi gwybodaeth o dan baragraff (1) yn euog o dramgwydd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol.

## PART 6

### STOPPING OF ENGINES

#### Stopping of engine when vehicle stationary

**12.** -(1) An authorised person who has reasonable cause to believe that the driver of a vehicle that is stationary on a road is committing a stationary idling offence may, upon production of evidence of authorisation under regulation 6(3), require the driver to stop the running of the engine of that vehicle.

(2) A person who fails to comply with a requirement under paragraph (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Issue of fixed penalty notice: stationary idling offence

**13.** An authorised person who considers that a stationary idling offence has been committed may, in accordance with Part 7, issue a fixed penalty notice to the driver of the vehicle.

#### Furnishing information for the purposes of Part 6

**14.**-(1) In connection with the discharge of functions under this Part, an authorised person may require the driver of a vehicle in respect of which a requirement under regulation 12(1) is imposed to disclose to the authorised person -

- (a) the driver's name and address;
- (b) the driver's date of birth; and
- (c) if the driver is not the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 at the time that the requirement is imposed, the name of that person.

(2) A person who fails to comply with a requirement to furnish information under paragraph (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(a) 1994 p.22.

(a) 1994 c.22.

**Yr amser ar gyfer dyroddi hysbysiad**

**15.** -(1) Rhaid i hysbysiad cosb benodedig o dan reoliad 10 gael ei ddyroddi cyn gynted ag y bo hynny'n rhesymol ymarferol a chyn pen 24 awr wedi i'r prawf y mae paragraff (a) o'r rheoliad hwnnw yn cyfeirio ato gael ei gwblhau.

(2) Rhaid i hysbysiad cosb benodedig o dan reoliad 13 gael ei ddyroddi cyn gynted ag y bo hynny'n rhesymol ymarferol a chyn pen 24 awr ar ôl i'r tramgwydd segura llonydd gael ei gyflawni.

**Cynnwys yr hysbysiad**

**16.** Rhaid i hysbysiad cosb benodedig roi'r manylion hynny ynghylch yr amgylchiadau yr honmir eu bod yn creu'r dramgwydd cosb benodedig y mae'r hysbysiad yn ymwneud ag ef ag sy'n angenrheidiol i roi gwybodaeth resymol ynghylch y dramgwydd a rhaid iddo ddatgan -

- (a) enw a chyfeiriad y person y mae'r hysbysiad yn cael ei ddyroddi iddo;
- (b) rhif cofrestredig y cerbyd dan sylw;
- (c) dyddiad y dramgwydd;
- (ch) swm y gosb benodedig sydd i'w dalu;
- (d) y person y mae'r gosb benodedig i gael ei thalu iddo, a'r cyfeiriad ar gyfer talu'r gosb ac ar gyfer anfon unrhyw ohebiaeth sy'n ymwneud â'r hysbysiad cosb benodedig;
- (dd) y person, y cyfeiriad, a'r cyfnod mewn perthynas ag anfon;
  - (i) cais am wrandawriad;
  - (ii) cais i ostwng neu hepgor y gosb benodedig;
- (e) y dull neu'r dulliau ar gyfer talu'r gosb benodedig;
- (f) y cyfnod ar gyfer talu'r gosb benodedig, na fydd yn llai na 28 diwrnod gan ddechrau â diwrnod dyroddi'r hysbysiad; a
- (ff) canlyniadau peidio â thalu'r gosb benodedig cyn i'r cyfnod ar gyfer ei thalu ddod i ben.

**Effaith dyroddi hysbysiad cosb benodedig**

**17.** -(1) Mae'r rheoliad hwn yn gymwys pan gaiff hysbysiad cosb benodedig ei ddyroddi o dan reoliad 10 neu 13.

(2) Mae cyfeiriadau yn narpariaethau canlynol y rheoliad hwn at y derbynydd yn gyfeiriadau at y

**Time for issue of notice**

**15.** -(1) A fixed penalty notice under regulation 10 must be issued as soon as reasonably practicable and not later than 24 hours after the completion of the test to which paragraph (a) of that regulation refers.

(2) A fixed penalty notice under regulation 13 must be issued as soon as reasonably practicable and not later than 24 hours after the commission of the stationary idling offence.

**Contents of notice**

**16.** A fixed penalty notice must give such particulars of the circumstances alleged to constitute the fixed penalty offence to which the notice relates as are necessary to give reasonable information as to the offence and must state -

- (a) the name and address of the person to whom the notice is issued;
- (b) the registered number of the vehicle concerned;
- (c) the date of the offence;
- (d) the amount of the fixed penalty which may be paid;
- (e) the person to whom, and the address at which, the fixed penalty may be paid and any correspondence relating to the fixed penalty notice may be sent;
- (f) the person to whom, the address at which, and the period within which;
  - (i) a request for a hearing;
  - (ii) an application for the reduction or waiver of the fixed penalty, may be sent;
- (g) the method or methods by which payment of the fixed penalty may be made;
- (h) the period for paying the fixed penalty, which must be not less than 28 days beginning with the date of issue of the notice; and
- (i) the consequences of the fixed penalty not being paid before the expiration of the period for paying it.

**Effect of issue of fixed penalty notice**

**17.** -(1) This regulation applies where a fixed penalty notice is issued under regulation 10 or 13.

(2) References in the following provisions of this regulation to the recipient are references to the person

person y mae'r hysbysiad cosb benodedig i gael ei ddyroddi iddo.

(3) Ni ellir cychwyn achosion yn erbyn y derbynnydd am y dramgwydd y mae'r hysbysiad cosb benodedig yn ymwneud ag ef cyn i'r cyfnod ar gyfer talu'r ddirwy ddod i ben oni bai fod y derbynnydd wedi rhoi hysbysiad yn gofyn am wrandawriad.

(4) Ni ellir collfarnu person am dramgwydd y dyroddwyd hysbysiad cosb benodedig mewn perthynas ag ef os caiff y gosb benodedig ei thalu cyn y daw'r cyfnod ar gyfer ei thalu i ben.

(5) Pan -

- (a) nad yw'r derbynnydd wedi rhoi hysbysiad yn gofyn am wrandawriad; a
- (b) nad yw'r gosb benodedig wedi cael ei thalu cyn diwedd y cyfnod ar gyfer ei thalu caiff y gosb benodedig ei chynyddu fel y crybwyllwyd ym mharagraff (6).

(6) Caiff cosb benodedig -

- (a) sydd wedi'i gostwng o dan reoliad 19(4) i £30, ei chynyddu i £60;
- (b) o £60 mewn unrhyw achos arall o dramgwydd allyriad, ei chynyddu i £90;
- (c) o £20, yn achos tramgwydd segura llonydd, ei chynyddu i £40.

(7) Pan fo hysbysiad o dan reoliad 19(6) yn cynnwys datganiad o'r math y cyfeirir ato yn rheoliad 19(7), dylid trin y cyfeiriadau ym mharagraffau (3) a (4) o'r rheoliad hwn at y cyfnod ar gyfer talu'r gosb benodedig fel cyfeiriadau at y cyfnod sy'n dod i ben ar y dyddiad a nodwyd yn unol â rheoliad 19(7)(b).

### Hysbysiad yn gwneud cais am wrandawriad

**18.** -(1) Gall person y mae hysbysiad cosb benodedig wedi'i ddyroddi iddo, o fewn y cyfnod a chan ddilyn y dull a nodir -

- (a) yn yr hysbysiad hwnnw, neu
- (b) pan fo hysbysiad wedi cael ei roi o dan reoliad 19(6), yn yr hysbysiad hwnnw,

roi hysbysiad yn gofyn am wrandawriad mewn perthynas â'r dramgwydd y mae'r hysbysiad cosb benodedig yn ymwneud ag ef.

(2) Pan roddir hysbysiad sy'n gwneud cais am wrandawriad -

- (a) nid yw'r gosb benodedig yn daladwy; a
- (b) gellir trin yr hysbysiad cosb benodedig fel hysbysiaeth at ddibenion erlyn ar gyfer y dramgwydd y cafodd ei ddyroddi mewn perthynas ag ef.

to whom the fixed penalty notice is issued.

(3) No proceedings may be instituted against the recipient for the offence to which the fixed penalty notice relates before the expiry of the period for paying the penalty unless the recipient has given notice requesting a hearing.

(4) A person may not be convicted for an offence in connection with which a fixed penalty notice has been issued if the fixed penalty is paid before the expiry of the period for paying it.

(5) Where -

- (a) the recipient has not given a notice requesting a hearing; and
- (b) the fixed penalty has not been paid before the end of the period for paying it, the fixed penalty is increased as mentioned in paragraph (6).

(6) A fixed penalty -

- (a) reduced under regulation 19(4) to £30, is increased to £60;
- (b) of £60 in any other case of an emissions offence, is increased to £90;
- (c) of £20, in the case of a stationary idling offence, is increased to £40.

(7) Where a notice under regulation 19(6) includes such a statement as is mentioned in regulation 19(7), references in paragraphs (3) and (4) of this regulation to the period for paying the fixed penalty are to be treated as references to the period ending with the date specified in accordance with regulation 19(7)(b).

### Notice requesting a hearing

**18.** -(1) A person to whom a fixed penalty notice has been issued may, within the period and in the manner specified -

- (a) in that notice, or
- (b) where notice has been given under regulation 19(6), in that notice,

give notice requesting a hearing in respect of the offence to which the fixed penalty notice relates.

(2) Where notice requesting a hearing is given -

- (a) the fixed penalty is not payable; and
- (b) the fixed penalty notice may be treated as an information for the purposes of a prosecution for the offence in connection with which it was issued.

## **Gostwng neu roi heibio cosb benodedig ar gyfer tramgwydd allyriad**

19. -(1) Gall person y mae hysbysiad cosb benodedig wedi'i ddyroddi iddo mewn perthynas â thramgwydd allyriad, o fewn y cyfnod a chan ddilyn y dull a nodwyd yn yr hysbysiad hwnnw, wneud cais i'r awdurdod priodol i'r gosb benodedig gael ei gostwng neu ei rhoi heibio.

(2) Rhaid i gais o dan baragraff (1) fod yn gais ysgrifenedig a rhaid iddo -

- (a) gynnwys cyfryw wybodaeth, a
- (b) rhaid anfon tystiolaeth ddogfennol gydag ef,

sydd ym marn y ceisydd yn debygol o fodloni'r awdurdod ynghylch un neu fwy o'r materion a bennir ym mharagraff (3).

(3) Y materion y cyfeirir atynt ym mharagraff (2) yw -

- (a) bod y nam a barodd i'r cerbyd fethu'r prawf a gyflawnwyd yn unol â pharagraff (2) neu, yn ôl fel y digwydd, baragraff (3)(a) o reoliad 9 ("methu prawf rheoliad 9"), wedi cael ei gywiro o fewn 14 diwrnod i ddyddiad y methiant hwnnw;
- (b) bod, o fewn y cyfnod o 6 mis a oedd yn rhagflaenu yn union y methiant prawf rheoliad 9 -
  - (i) y cerbyd wedi pasio archwiliad o dan adran 45 o Ddeddf Traffig Ffyrdd 1988; neu
  - (ii) bod y cerbyd wedi methu archwiliad o'r fath, ond nad oedd yr un o'r seiliau y bu iddo fethu yn ymwneud â gofyniad rheoliad 61 neu 61A o Reoliadau 1986; neu
  - (iii) bod pob cam rhesymol wedi'i gymryd cyn y methiant prawf rheoliad 9 i gynnal a chadw'r cerbyd mewn cyflwr sy'n ddigonol i gydymffurfio â gofynion y rheoliadau 61 a 61A hynny.

(4) Os bydd yr awdurdod wedi'i fodloni mewn perthynas â mater a nodir yn unrhywun o baragraffau (a) i (c) o baragraff (3), gall ostwng y gosb benodedig i £30.

(5) Os yw'r awdurdod yn fodlon mewn perthynas â'r materion a nodir -

- (a) yn is-baragraff (a) o'r paragraff hwnnw; a
- (b) yn naill ai is-baragraff (b) neu is-baragraff (c) o'r paragraff hwnnw,

gall rhoi heibio'r gosb benodedig yn ei chyfanrwydd.

(6) Cyn gynted ag y bo hynny'n ymarferol ar ôl penderfynu ar gais o dan baragraff (1), rhaid i'r awdurdod, drwy hysbysiad, hysbysu'r ceisydd am ei benderfyniad.

## **Reduction or waiver of fixed penalty for emissions offence**

19. -(1) A person to whom a fixed penalty notice has been issued in respect of an emissions offence may, within the period and in the manner specified in that notice, apply to the appropriate authority for the reduction or waiver of the fixed penalty.

(2) An application under paragraph (1) must be in writing and must -

- (a) contain such information, and
- (b) be accompanied by such documentary evidence,

as the applicant considers likely to satisfy the authority as to one or more of the matters specified in paragraph (3).

(3) The matters referred to in paragraph (2) are -

- (a) that the defect by reason of which the vehicle failed the test carried out pursuant to paragraph (2) or, as the case may be, paragraph (3)(a) of regulation 9 ("the regulation 9 test failure"), was rectified not later than 14 days after the date of that failure;
- (b) that in the period of 6 months immediately preceding the regulation 9 test failure -
  - (i) the vehicle passed an examination under section 45 of the Road Traffic Act 1988; or
  - (ii) the vehicle failed such an examination, but none of the grounds on which it failed related to a requirement of regulation 61 or 61A of the 1986 Regulations; or
  - (iii) all reasonable steps had been taken prior to the regulation 9 test failure to maintain the vehicle in a condition sufficient to comply with the requirements of those regulations 61 and 61A.

(4) If the authority is satisfied as to a matter specified in any of sub-paragraphs (a) to (c) of paragraph (3), it may reduce the fixed penalty to £30.

(5) If the authority is satisfied as to the matters specified -

- (a) in sub-paragraph (a) of that paragraph; and
- (b) in either sub-paragraph (b) or sub-paragraph (c) of that paragraph,

it may waive the fixed penalty in its entirety.

(6) As soon as practicable after determining an application under paragraph (1), the authority must, by notice, inform the applicant of its decision.

(7) Heblaw mewn achos pan fo'r awdurdod wedi rhoi heibio'r gosb benodedig yn ei chyfanrwydd, rhaid i hysbysiad yr awdurdod o dan baragraff (6) gynnwys datganiad -

- (a) o swm y gosb benodedig (p'un ai ar ffurf y swm wreiddiol neu ar ffurf y gostyngiad o dan baragraff (4));
- (b) o'r dyddiad y mae'r gosb benodedig i'w thalu, sef p'un bynnag yw'r olaf o'r canlynol -
  - (i) y diwrnod olaf yn y cyfnod a bennwyd, yn unol â rheoliad 16(f), yn yr hysbysiad cosb benodedig, a
  - (ii) y diwrnod sy'n dod 14 diwrnod ar ôl y diwrnod y mae'r hysbysiad o dan baragraff (6) yn cael ei ddyroddi; a
  - (iii) am y person y dylid anfon yr hysbysiad sy'n gwneud cais am wrandawriad ato, y cyfeiriad ar gyfer gwneud hynny a'r cyfnod ar gyfer gwneud hynny.

### **Tynnu hysbysiad cosb benodedig yn ôl**

**20.** -(1) Gellir tynnu hysbysiad cosb benodedig yn ôl mewn unrhyw achos pan fo'r awdurdod priodol yn penderfynu -

- (a) na ddylai fod wedi cael ei ddyroddi, neu
- (b) na ddylai fod wedi cael ei ddyroddi i'r person a enwyd fel y person y cafodd ei ddyroddi iddo.

(2) Pan fo hysbysiad cosb benodedig wedi cael ei dynnu yn ôl yn unol â pharagraff (1) -

- (a) rhaid rhoi hysbysiad ei fod wedi cael ei dynnu'n ôl i'r person y cafodd yr hysbysiad ei ddyroddi iddo;
- (b) rhaid i unrhyw swm a dalwyd trwy gyfrwng cosb benodedig yn unol â'r hysbysiad hwnnw gael ei ad-dalu i'r person a dalodd y swm; ac
- (c) ni ellir parhau neu gychwyn unrhyw achos yn erbyn y person hwnnw am y dramgwydd y cafodd yr hysbysiad tynnu yn ôl ei ddyroddi mewn perthynas ag ef.

RHAN 8  
AMRYWIOL

### **Casglu cosbau penodedig na chawsant eu talu**

**21.** Pan fo cosb benodedig nad ydyw wedi cael ei thalu erbyn y dyddiad a bennwyd ar gyfer ei thalu yn unol â rheoliad 16(f) neu, yn ôl fel y digwydd, rheoliad 19(7)(b), yn cael ei chynyddu fel y crybwyllir yn rheoliad 17(6), gellir, os bydd llys sirol yn gorchymyn hynny, ei chasglu drwy atafaeleb a roddir gan lys sirol neu fel arall fel pe bai'n daladwy o dan orchymyn y llys hwnnw.

(7) Except in a case in which the authority has waived the fixed penalty in its entirety, the authority's notice under paragraph (6) must include a statement -

- (a) of the amount of the fixed penalty (whether in the original amount or as reduced under paragraph (4));
- (b) of the date by which the fixed penalty is to be paid, being whichever is the later of -
  - (i) the last day in the period specified, in accordance with regulation 16(h), in the fixed penalty notice, and
  - (ii) the day that falls 14 days after that on which the notice under paragraph (6) is issued; and
- (iii) of the person to whom, the address at which, and the period within which a notice requesting a hearing may be sent.

### **Withdrawal of fixed penalty notice**

**20.** -(1) A fixed penalty notice may be withdrawn in any case in which the appropriate authority determines that it -

- (a) ought not to have been issued, or
- (b) ought not to have been issued to the person named as the person to whom it was issued.

(2) Where a fixed penalty notice has been withdrawn in accordance with paragraph (1) -

- (a) notice of the withdrawal must be given to the person to whom the notice was issued;
- (b) any amount paid by way of fixed penalty in pursuance of that notice must be repaid to the person who paid it; and
- (c) no proceedings may be continued or instituted against that person for the offence in connection with which the withdrawn notice was issued.

PART 8  
MISCELLANEOUS

### **Recovery of unpaid fixed penalties**

**21.** Where a fixed penalty which has not been paid by the date specified for its payment in accordance with regulation 16(h) or, as the case may be, regulation 19(7)(b), is increased as mentioned in regulation 17(6), it is, if a county court so orders, recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court.

## Gorfodi drwy atafaelu

22. -(1) Mae cosb benodedig nad ydyw wedi cael ei thalu y mae modd ei chasglu yn unol â rheoliad 21 fel pe bai'n daladwy o dan orchymyn llys sirol i gael ei thrin, yn ddarostyngedig i baragraff (2), at ddibenion gorfodi drwy atafaeleb fel pe bai'n ddyled benodedig a grybwyllir yn erthygl 2(1) o Orchymyn Gorfodi Dyledion Traffig Ffyrdd 1993 ("Gorchymyn 1993")(a).

(2) At ddibenion gorfodi taliad cosb benodedig na chafodd ei dalu -

- (a) mae unrhyw gyfeiriad yng Ngorchymyn 1993 at "the authority" yn gyfeiriad at yr awdurdod priodol; a
- (b) mae'r cyfeiriad yn erthygl 3(1) o Orchymyn 1993 at y cyfnod ar gyfer cyflwyno datganiad statudol yn gyfeiriad at (yn ôl fel y digwydd) -
  - (i) y cyfnod o 21 diwrnod a ganiateir gan reoliad 23(1)(c); neu
  - (ii) pan fo cyfnod hirach wedi cael ei ganiatáu yn unol â rheoliad 23(3), y cyfnod hwnnw.

## Hysbysiadau a wnaed yn ddi-rym

23. -(1) Mae'r rheoliad hwn yn gymwys pan fo -

- (a) llys sirol yn gwneud gorchymyn o dan reoliad 21;
- (b) bod y person y mae'n cael ei wneud yn ei erbyn yn gwneud datganiad statudol sy'n cydymffurfio â pharagraff (2); ac
- (c) bod y datganiad, cyn diwedd y cyfnod o 21 diwrnod gan ddechrau â'r dyddiad pan gaiff hysbysiad o orchymyn y llys sirol ei gyflwyno ar y person hwnnw, yn cael ei gyflwyno ar y llys sirol a wnaeth y gorchymyn.

(2) Rhaid i'r datganiad statudol ddatgan (yn ôl fel y digwydd) ar gyfer y person sy'n ei wneud -

- (a) na dderbyniodd y person hwnnw yr hysbysiad cosb benodedig dan sylw; neu
- (b) ei fod wedi gwneud cais o dan reoliad 19(1) ond nad oedd wedi derbyn hysbysiad bod swm y gosb benodedig wedi'i ostwng neu (yn ôl fel y digwydd) bod y cais wedi cael ei wrthod nac am y swm sy'n daladwy.

(3) Pan ei bod yn ymddangos i llys sirol, ar gais person y mae hysbysiad cosb benodedig wedi'i gyflwyno iddo, y byddai'n afresymol o dan amgylchiadau'r achos i fynnu bod y person hwnnw yn cyflwyno datganiad statudol o fewn y cyfnod a grybwyllir ym mharagraff (1)(c), gall y llys sirol ganiatáu cyfnod hirach ar gyfer cyflwyno'r datganiad statudol ag y bydd yn ei ystyried yn briodol.

(4) Pan gaiff datganiad statudol ei gyflwyno o dan baragraff (1)(c) -

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(a) O.S. 1993/2073; *Gweler* y diffiniad o "specified debts" yn erthygl 1(2), ac erthygl 2(1), a ddiwygiwyd gan O.S. 2001/1386.

## Enforcement by execution

22. -(1) An unpaid fixed penalty which is recoverable in accordance with regulation 21 as if it were payable under a county court order is, subject to paragraph (2), to be treated for purposes of enforcement by execution as if it were a specified debt mentioned in article 2(1) of the Enforcement of Road Traffic Debts Order 1993 ("the 1993 Order")(a).

(2) For the purposes of the enforcement of payment of an unpaid fixed penalty -

- (a) any reference in the 1993 Order to "the authority" is a reference to the appropriate authority; and
- (b) the reference in article 3(1) of the 1993 Order to the time for serving a statutory declaration is a reference to (as the case may be) -
  - (i) the period of 21 days allowed by regulation 23(1)(c); or
  - (ii) where a longer period has been allowed pursuant to regulation 23(3), that period.

## Notices rendered void

23. -(1) This regulation applies where -

- (a) a county court makes an order under regulation 21;
- (b) the person against whom it is made makes a statutory declaration complying with paragraph (2); and
- (c) the declaration is, before the end of the period of 21 days beginning with the date on which notice of the county court's order is served on that person, served on the county court that made the order.

(2) The statutory declaration must state (as the case may be) that the person making it -

- (a) did not receive the fixed penalty notice in question; or
- (b) made an application under regulation 19(1) but did not receive notification that the amount of the fixed penalty had been reduced or (as the case may be) that the application had been refused nor of the amount that was payable.

(3) Where it appears to a county court, on the application of a person on whom a fixed penalty notice has been served, that it would be unreasonable in the circumstances of the case to insist on that person serving a statutory declaration within the period mentioned in paragraph (1)(c), the county court may allow such longer period for service of the statutory declaration as it considers appropriate.

(4) Where a statutory declaration is served under paragraph (1)(c) -

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(a) S.I. 1993/2073; *See* the definition of "specified debts" in article 1(2), and article 2(1), amended by S.I. 2001/1386.



- (a) bydd yr hysbysiad cosb benodedig yn cael ei ddirymu;
- (b) mae gorchymyn y llys i gael ei drin fel pe bai wedi'i ddi-ddymu;
- (c) mae'r gosb benodedig y mae'r hysbysiad cosb benodedig yn ymwneud â hi i gael ei thrin fel pe bai wedi'i chanslo;
- (ch) rhaid i'r llys sirol gyflwyno hysbysiad ysgrifenedig o effaith cyflwyno'r datganiad ar y person sy'n ei wneud ac ar yr awdurdod priodol; a
- (d) er gwaethaf rheoliad 15, gall yr awdurdod priodol gyflwyno hysbysiad cosb benodedig newydd ar y person sy'n gwneud y datganiad neu unrhyw berson arall.

- (a) the fixed penalty notice is rendered void;
- (b) the order of the court is to be treated as revoked;
- (c) the fixed penalty to which the fixed penalty notice relates is to be treated as cancelled;
- (d) the county court must serve written notice of the effect of service of the declaration on the person making it and on the appropriate authority; and
- (e) notwithstanding regulation 15, the appropriate authority may serve a fresh fixed penalty notice on the person making the declaration or any other person.

### Dyrodidi hysbysiadau

24. Gall hysbysiad a ddyroddir at unrhywun o ddibenion y Rheoliadau hyn gan awdurdod lleol neu berson awdurdodedig gael ei ddyrodidi -

- (a) drwy ei roi i'r person y mae'n cael ei ddyrodidi ar ei gyfer; neu
- (b) drwy gyfeirio yn briodol llythyr wedi'i dalu o flaen llaw sy'n cynnwys yr hysbysiad, a'i bostio at y person hwnnw,

a dylid cymryd bod hysbysiad o'r fath wedi cael ei ddyrodidi ar yr adeg pan gaiff ei roi felly neu pan gaiff y llythyr sy'n ei gynnwys ei bostio.

### Diddymu

25. Caiff Rheoliadau Traffig Ffyrdd (Allyriadau Cerbydau) (Cosb Benodedig) 1997(a) eu diddymu mewn perthynas â Chymru.

### Issue of notices

24. A notice issued for any purpose of these Regulations by a local authority or an authorised person may be issued -

- (a) by giving it to the person to whom it is issued; or
- (b) by properly addressing, pre-paying and posting a letter containing the notice to that person,

and such a notice is to be taken to have been issued at the time when it is so given or the letter containing it is posted.

### Revocation

25. The Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations 1997(a) are revoked in relation to Wales.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(b).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(b).

13 Chwefror 2003

13th February 2003

*Rhodri Morgan*

Prif Weinidog y Cynulliad Cenedlaethol

First Minister of the National Assembly

(a) O.S. 1997/3058.  
(b) 1998 p.38.

(a) S.I. 1997/3058.  
(b) 1998 c.38.





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OFFERYNNAU STATUDOL

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**2003 Rhif 300 (Cy.42)**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

Rheoliadau Traffig Ffyrdd  
(Allyriadau Cerbydau) (Cosbau  
Penodedig) (Cymru) 2003

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STATUTORY INSTRUMENTS

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**2003 No. 300 (W.42)**

**ENVIRONMENTAL  
PROTECTION, WALES**

The Road Traffic (Vehicle  
Emissions) (Fixed Penalty) (Wales)  
Regulations 2003

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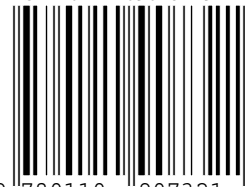
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