



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 306 (Cy.25)

2007 No. 306 (W.25)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

Rheoliadau Deddf Priffyrdd 1980
(Gorchmynion Gatio) (Cymru)
2007

The Highways Act 1980 (Gating
Orders) (Wales) Regulations
2007

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gosod gweithdrefnau sydd i'w dilyn gan gynghorau yng Nghymru pan yn gwneud, yn amrywio neu yn dirymu gorchmynion gatio o dan adrannau 129A i 129G o Ddeddf Priffyrdd 1980 (p. 66) ("Deddf 1980").

These Regulations set out the procedures to be followed by councils in Wales when making, varying or revoking gating orders under sections 129A to 129G of the Highways Act 1980 (c. 66) ("the 1980 Act").

Mae adran 2 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (p. 16) yn mewnosod adrannau 129A i 129G yn Neddf 1980. Mae'r adrannau newydd hyn yn galluogi cynghorau i wneud, i amrywio neu i ddirymu gorchmynion sy'n cyfyngu ar hawl tramwy'r cyhoedd dros y priffyrdd y maent yn ymwneud â hwy (gorchmynion gatio). Ni cheir gwneud gorchmynion gatio mewn perthynas â ffyrdd arbennig, cefnffyrdd, ffyrdd dosbarthiadol neu brif ffyrdd, neu briffyrdd eraill o ddisgrifiad (os oes unrhyw un) a ragnodir gan reoliadau a wneir gan Gynulliad Cenedlaethol Cymru (y Cynulliad Cenedlaethol).

Section 2 of the Clean Neighbourhoods and Environment Act 2005 (c. 16) inserts sections 129A to 129G into the 1980 Act. These new sections empower councils to make, vary or revoke orders restricting the public right of way over the highways to which they relate (gating orders). Gating orders may not be made in respect of special roads, trunk roads, classified or principal roads, or other highways of a description (if any) prescribed by regulations made by the National Assembly for Wales (the National Assembly).

Caiff cynghorau wneud gorchmynion gatio pan fônt wedi eu bodloni bod mangreodd cyffiniol â neu gyfagos i'r briffordd yn cael eu heffeithio gan droseddau neu gan ymddygiad gwrthgymdeithasol; bod bodolaeth y briffordd yn hwyluso tramgwyddo troseddol neu ymddygiad gwrthgymdeithasol; a'i bod yn fuddiol o dan yr holl amgylchiadau i wneud y gorchmyn at y dibenion o leihau troseddau neu ymddygiad gwrthgymdeithasol.

Gating orders may be made by councils where they are satisfied that premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour; that the existence of the highway is facilitating the commission of criminal offences or anti-social behaviour; and that it is in all the circumstances expedient to make the order for the purposes of reducing crime or anti-social behaviour.

Caiff cynghorau amrywio gorchmynion gatio pan fônt wedi eu bodloni ei bod o dan yr holl amgylchiadau yn fuddiol gwneud hynny at y diben o leihau troseddau neu ymddygiad gwrthgymdeithasol.

Gating orders may be varied by councils where they are satisfied that in all the circumstances it is expedient to do so for the purpose of reducing crime or anti-social behaviour.

Caiff cynghorau ddirymu gorchmynion gatio pan fônt wedi eu bodloni nad yw'r cyfyngiad a osodir gan y gorchymyn bellach yn fuddiol o dan yr holl amgylchiadau at y diben o leihau troseddu neu ymddygiad gwrthgymdeithasol.

Gosodir rhai o'r gweithdrefnau y mae'n rhaid i'r cynghorau gydymffurfio â hwy mewn perthynas â gorchmynion gatio yn narpariaethau newydd Deddf 1980. Mae adrannau 129C ac 129F o Ddeddf 1980 yn ei gwneud yn ofynnol i'r Cynulliad Cenedlaethol wneud darpariaeth drwy reoliadau parthed y weithdrefn bellach y bydd rhaid i'r cynghorau gydymffurfio â hi mewn perthynas â gorchmynion gatio, ac mae adrannau 129A, 129C, 129E ac 129F o Ddeddf 1980 yn galluogi'r Cynulliad i wneud darpariaeth bellach berthnasol drwy reoliadau.

Yn benodol, mae'r Rheoliadau hyn yn gwneud darpariaeth parthed-

- (a) cyhoeddusrwydd sy'n ymwneud â chynnig i wneud, i amrywio neu i ddirymu gorchymyn gatio (rheoliadau 3, 4, 9 a 10);
- (b) sylwadau parthed gwneud, amrywio neu ddirymu gorchymyn gatio (rheoliadau 5 ac 11);
- (c) ymchwiliadau cyhoeddus (rheoliadau 6, 12, 14, 15 ac 16);
- (ch) cynnwys gorchmynion gatio (rheoliad 8); a
- (d) cofrestrï o orchmynion gatio (rheoliad 17).

Gating orders may be revoked by councils where they are satisfied that the restriction imposed by the order is no longer expedient in all the circumstances for the purpose of reducing crime or anti-social behaviour.

Certain of the procedures to be complied with by councils in relation to gating orders are set out in the new provisions of the 1980 Act. The National Assembly is required by sections 129C and 129F of the 1980 Act to make provision by regulations as to the further procedure to be complied with by councils in relation to gating orders, and is empowered by sections 129A, 129C, 129E and 129F of the 1980 Act to make further related provision by regulations.

In particular, these Regulations make provision with respect to-

- (a) publicity relating to a proposal to make, vary or revoke a gating order (regulations 3, 4, 9 and 10);
- (b) representations as to the making, varying or revocation of a gating order (regulations 5 and 11);
- (c) public inquiries (regulations 6, 12, 14, 15 and 16);
- (d) content of gating orders (regulation 8); and
- (e) registers of gating orders (regulation 17).

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DIOGELU'R AMGYLCHEDD,
CYMRUENVIRONMENTAL
PROTECTION, WALESRheoliadau Deddf Priffyrdd 1980
(Gorchmynion Gatio) (Cymru)
2007The Highways Act 1980 (Gating
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2007

Wedi'u gwneud 6 Chwefror 2007
Yn dod i rym 19 Chwefror 2007

Made 6 February 2007
Coming into force 19 February 2007

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 129C, 129E ac 129F o Ddeddf Priffyrdd 1980(1) yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 129C, 129E and 129F of the Highways Act 1980(1) makes the following Regulations:

Enwi, cychwyn a chymhwyso**Title, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Priffyrdd 1980 (Gorchmynion Gatio) (Cymru) 2007.

1.-(1) The title of these Regulations is the Highways Act 1980 (Gating Orders) (Wales) Regulations 2007.

(2) Daw'r Rheoliadau hyn i rym ar 19 Chwefror 2007.

(2) These Regulations come into force on 19 February 2007.

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

(3) These Regulations apply in relation to Wales.

Dehongli**Interpretation****2. Yn y Rheoliadau hyn-****2. In these Regulations-**

mae i "awdurdod tân ac achub" yr ystyr a roddir i "fire and rescue authority" yn adran 1 o Ddeddf y Gwasanaethau Tân ac Achub 2004(2);

"the Act" ("y Ddeddf") means the Highways Act 1980;

mae i "darparrydd dull cyfathrebu" yr ystyr a roddir i "communications provider" yn adran 405 o Ddeddf Cyfathrebiadau 2003(3);

"communications provider" ("*darparrydd dull cyfathrebu*") has the meaning given in section 405 of the Communications Act 2003(2);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Priffyrdd 1980;

"fire and rescue authority" ("*awdurdod tân ac achub*") has the meaning given in section 1 of the Fire and Rescue Services Act 2004(3);

ystyr "fforwm mynediad lleol" ("*local access forum*") yw fforwm mynediad lleol a sefydlwyd o dan adran 94 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000(4);

"local access forum" ("*fforwm mynediad lleol*") means a local access forum established under section 94 of the Countryside and Rights of Way Act 2000(4);

(1) 1980 p. 66. Mewnosodwyd adrannau 129A i 129G gan adran 2 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (p. 16).

(2) 2004 p. 21.

(3) 2003 p. 21.

(4) 2000 p. 37.

(1) 1980 c. 66. Sections 129A to 129G were inserted by section 2 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).

(2) 2003 c. 21.

(3) 2004 c. 21.

(4) 2000 c. 37.

ystyr "priffordd yr effeithir arni" ("*affected highway*") yw priffordd sy'n ddarostyngedig i orchymyn gatio neu i gais am orchymyn gatio;

ystyr "Ymddiriedolaeth GIG Gwasanaethau Ambiwylans Cymru" ("*Welsh Ambulance Services NHS trust*") yw Ymddiriedolaeth Gwasanaethau Ambiwylans Gwasanaeth Iechyd Gwladol Cymru a sefydlwyd gan Orchymyn Ymddiriedolaeth Gwasanaethau Ambiwylans Gwasanaeth Iechyd Gwladol Cymru (Sefydlu) 1998 (O.S. 1998/678);

mae i "ymgymerwr statudol" yr ystyr a roddir i "*statutory undertaker*" yn adran 98(6) o Ddeddf Diogelu'r Amgylchedd 1990(1).

"Welsh Ambulance Services NHS trust" ("*Ymddiriedolaeth GIG Gwasanaethau Ambiwylans Cymru*") means the Welsh Ambulance Services National Health Service Trust established by the Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998 (S.I. 1998/678);

"affected highway" ("*priffordd yr effeithir arni*") means the highway which is the subject of a gating order or a proposal for a gating order;

"statutory undertaker" ("*ymgymerwr statudol*") has the meaning given in section 98(6) of the Environmental Protection Act 1990(1).

Cyhoeddusrwydd yn ymwneud â chais i wneud gorchymyn gatio

3. Cyn gwneud gorchymyn gatio o dan adran 129A o'r Ddeddf, rhaid i gyngor-

- (a) peri i hysbysiad gael ei gyhoeddi ar ei wefan-
 - (i) sy'n dynodi'r briffordd yr effeithir arni drwy-
 - (aa) enw neu ddisgrifiad, a
 - (bb) cyfeirnod grid Arolwg Ordnans chwe ffigur o ran pob pen i'r briffordd yr effeithir arni;
 - (ii) sy'n gosod effaith gyffredinol gwneud y gorchymyn gatio;
 - (iii) yn dynodi llwybrau amgen (os oes rhai) a fyddai ar gael i gerddwyr ac i gerbydau pe bai'r gorchymyn arfaethedig yn cael ei wneud;
 - (iv) yn gosod drafft o'r gorchymyn arfaethedig; a
 - (v) yn gwahodd sylwadau ysgrifenedig parthed a ddylid gwneud gorchymyn gatio ai peidio, o fewn cyfnod a bennir yn yr hysbysiad (fydd yn gyfnod o ddim llai na 28 o ddiwrnodau o'r dyddiad pan gyhoeddir yr hysbysiad gyntaf yn unol â'r paragraff hwn);
- (b) peri gosod ar holl fynedfeydd cyhoeddus y briffordd yr effeithir arni hysbysiadau o fath y mae'n eu hystyried yn ddigonol i dynnu sylw aelodau o'r cyhoedd sy'n defnyddio'r briffordd honno at effaith gwneud y gorchymyn arfaethedig .

4. Rhaid i'r cyngor roi copïau o'r hysbysiad y cyfeirir ato yn rheoliad 3(a) i-

- (a) pob un o feddianwyr mangreoedd sy'n gyfagos i neu'n gyffiniol â'r briffordd yr effeithir arni;
- (b) pob cyngor cymuned y mae'r ffordd yr effeithir arni yn mynd drwy ei ardal;

Publicity relating to a proposal for the making of a gating order

3. Before making a gating order under section 129A of the Act, a council must-

- (a) cause to be published on its website a notice-
 - (i) identifying the affected highway by-
 - (aa) name or description; and
 - (bb) a six-figure Ordnance Survey grid reference in respect of each end of the affected highway;
 - (ii) setting out the general effect of the gating order being made;
 - (iii) identifying alternative routes (if any) which would be available to pedestrians and vehicular traffic if the proposed order were to be made;
 - (iv) setting out a draft of the proposed order; and
 - (v) inviting written representations as to whether or not a gating order should be made, within such period as is specified in the notice (being a period of not less than 28 days from the date on which the notice is first published in accordance with this paragraph);
- (b) cause to be posted at all public access points to the affected highway such notices as it considers sufficient to draw to the attention of members of the public using that highway the effect of the proposed order being made.

4. Copies of the notice referred to in regulation 3(a) must be given by the council to-

- (a) all the occupiers of premises adjacent to or adjoining the affected highway;
- (b) every community council through whose area the affected highway passes;

- (c) pob prif swyddog o heddlu y mae'r ffordd yr effeithir arni yn mynd drwy ardal ei heddlu;
- (ch) pob awdurdod tân ac achub y mae'r ffordd yr effeithir arni yn mynd drwy ei ardal;
- (d) Ymddiriedolaeth GIG Gwasanaethau Ambiwylans Cymru;
- (dd) unrhyw fforwm mynediad lleol y mae'r ffordd yr effeithir arni yn mynd drwy ei ardal;
- (e) unrhyw ymgwymerwr statudol sy'n cynnal gwasanaethau yn y man lle mae'r ffordd yr effeithir arni;
- (f) unrhyw ddarparwr gwasanaethau nwy, trydan neu ddwr yn y man lle mae'r ffordd yr effeithir arni;
- (ff) unrhyw ddarparwr dull cyfathrebu yn y man lle mae'r ffordd yr effeithir arni;
- (g) unrhyw berson y mae'r cyngor yn rhesymol ystyried y gall cael ei heffeithio gan y gorchymyn arfaethedig;
- (ng) unrhyw berson sy'n gofyn am gopi o'r hysbysiad; a
- (h) unrhyw berson sydd wedi gofyn am gael ei hysbysu o unrhyw orchymynion gatio arfaethedig.

- (c) every chief officer of a police force through whose police area the affected highway passes;
- (d) every fire and rescue authority through whose area the affected highway passes;
- (e) the Welsh Ambulance Services NHS trust;
- (f) any local access forum through whose area the affected highway passes;
- (g) any statutory undertaker who maintains services in the locality in which the affected highway is situated;
- (h) any provider of gas, electricity or water services in the locality in which the affected highway is situated;
- (i) any communications provider in the locality in which the affected highway is situated;
- (j) any person who the council reasonably considers might be affected by the proposed order;
- (k) any person who requests a copy of the notice; and
- (l) any person who has asked to be notified of any proposed gating orders.

Sylwadau yn ymwneud â chais i wneud gorchymyn gatio

5. Rhaid i gyngor ystyried unrhyw sylwadau y mae'n ei gael o fewn y cyfnod a bennir yn unol â rheoliad 3(a)(v) cyn gwneud gorchymyn gatio.

Ymchwiliadau cyhoeddus yn ymwneud â chais i wneud gorchymyn gatio

6.-(1) Yn ddarostyngedig i baragraff (2) caiff y cyngor beri cynnal ymchwiliad cyhoeddus mewn perthynas â gorchymyn gatio arfaethedig.

(2) Rhaid i'r cyngor beri cynnal ymchwiliad cyhoeddus os yw-

- (a) prif swyddog o heddlu y mae'r ffordd yr effeithir arni yn mynd drwy ardal ei heddlu;
- (b) awdurdod tân ac achub y mae'r ffordd yr effeithir arni yn mynd drwy ei ardal; neu
- (c) Ymddiriedolaeth GIG Gwasanaethau Ambiwylans Cymru,

yn gwrthwynebu'r gorchymyn gatio arfaethedig.

Gwneud gorchymyn gatio

7. Rhaid i gyngor beidio gwneud gorchymyn gatio cyn-

Representations relating to the making of a gating order

5. A council must consider any representations received by it within the period specified in accordance with regulation 3(a)(v) before making a gating order.

Public inquiries relating to the making of a gating order

6.-(1) Subject to paragraph (2) the council may cause a public inquiry to be held in relation to a proposed gating order.

(2) The council must cause a public inquiry to be held if-

- (a) the chief officer of a police force through whose police area the affected highway passes;
- (b) a fire and rescue authority through whose area the affected highway passes; or
- (c) the Welsh Ambulance Services NHS trust,

objects to the proposed gating order.

Making of a gating order

7. A council must not make a gating order before-

- (a) bod 28 o ddiwrnodau, sy'n cychwyn ar y diwrnod pan gyhoeddir y rhybudd gyntaf yn unol â rheoliad 3 wedi mynd heibio;
- (b) bod unrhyw ymchwiliad cyhoeddus a gynhelir o dan reoliad 6 wedi dod i ben.

- (a) the expiration of 28 days, beginning on the day on which notice is first published in accordance with regulation 3;
- (b) the conclusion of any public inquiry held under regulation 6.

Cynnwys gorchymynion gatio

8. Rhaid i orchymyn gatio-

- (a) dynodi'r briffordd yr effeithir arni drwy-
 - (i) enw neu ddisgrifiad, a
 - (ii) cyfeirnod grid Arolwg Ordnans chwe ffigur o ran pob pen i'r briffordd yr effeithir arni;
- (b) cynnwys datganiad fod y Cyngor wedi ei fodloni ei hun mewn perthynas â'r materion yn adran 129A(3) o'r Ddeddf;
- (c) pennu'r amseroedd, y dyddiau neu'r cyfnodau y mae hawl tramwy'r cyhoedd dros y briffordd yr effeithir arni wedi ei gyfyngu;
- (ch) pennu'r disgrifiad o bersonau (os oes rhai) sydd wedi'u heithrio rhag effaith y cyfyngiad a osodir gan y gorchymyn.

Content of gating orders

8. A gating order must-

- (a) identify the affected highway by-
 - (i) name or description; and
 - (ii) a six-figure Ordnance Survey grid reference in respect of each end of the affected highway;
- (b) contain a statement to the effect that the council has satisfied itself in respect of the matters set out in section 129A(3) of the Act;
- (c) specify the times, days or periods in respect of which the public right of way over the affected highway is restricted;
- (d) specify the description of persons (if any) who are excluded from the effect of the restriction imposed by the order.

Cyhoeddusrwydd yn ymwneud ag amrywio a dirymu gorchymynion gatio

9. Cyn amrywio neu ddirymu gorchymyn gatio rhaid i'r cyngor-

- (a) beri i hysbysiad gael ei gyhoeddi ar ei wefan-
 - (i) sy'n dynodi'r briffordd yr effeithir arni drwy-
 - (aa) enw neu ddisgrifiad, a
 - (bb) cyfeirnod grid Arolwg Ordnans chwe ffigur o ran pob pen i'r briffordd yr effeithir arni;
 - (ii) sy'n gosod effaith gyffredinol yr amrywiad neu'r dirymiad arfaethedig (yn ôl y digwydd) i'r gorchymyn gatio sy'n cael ei wneud;
 - (iii) sy'n gosod, yn achos cynnig i amrywio gorchymyn gatio, drafft o'r gorchymyn fel y byddai petai'r amrywiad arfaethedig yn cael ei wneud; a
 - (iv) sy'n gwahodd sylwadau ysgrifenedig o fewn cyfnod a bennir yn yr hysbysiad (nad yw yn llai na 28 o ddiwrnodau sy'n cychwyn gyda'r dyddiad y caiff yr hysbysiad ei gyhoeddi gyntaf yn unol â'r paragraff hwn), parthed a ddylai'r amrywiad neu'r dirymiad (yn ôl y digwydd) ddigwydd ai peidio;
- (b) peri gosod ym mhob mynedfa gyhoeddus i'r briffordd yr effeithir arni hysbysiadau o fath y mae'n eu hystyried yn ddigonol i dynnu sylw aelodau o'r cyhoedd sy'n defnyddio'r briffordd

Publicity relating to the variation and revocation of gating orders

9. Before varying or revoking a gating order, the council must-

- (a) cause to be published on its website a notice-
 - (i) identifying the affected highway by-
 - (aa) name or description; and
 - (bb) a six-figure Ordnance Survey grid reference in respect of each end of the affected highway;
 - (ii) setting out the general effect of the proposed variation or revocation (as the case may be) of the gating order being made;
 - (iii) setting out, in the case of a proposal to vary a gating order, a draft of the order as it would be if the variation proposed was made; and
 - (iv) inviting written representations within such period as is specified in the notice (being not less than 28 days beginning with the date on which the notice is first published in accordance with this paragraph), as to whether or not the variation or revocation (as the case may be) should take effect;
- (b) cause to be posted at all public access points to the affected highway such notices as it considers sufficient to draw to the attention of members of the public using the affected

yr effeithir arni at effaith digwydd y gorchymyn neu'r amrywiad arfaethedig (yn ôl y digwydd).

10. Mae'n rhaid i'r cyngor roi copïau o'r hysbysiad y cyfeirir ato yn rheoliad 9(a) i'r personau a bennir yn rheoliad 4 ac i unrhyw bersonau eraill (os oes rhai) sydd yn nhyb y cyngor yn debyg o gael eu heffeithio gan yr amrywiad neu'r dirymiad (yn ôl y digwydd).

Sylwadau yn ymwneud ag amrywio neu ddirymu gorchymyn gatio

11. Rhaid i gyngor ystyried unrhyw sylwadau y mae'n ei gael o fewn y cyfnod a bennir yn unol â rheoliad 9(a)(iv) cyn amrywio neu ddirymu (yn ôl y digwydd) gorchymyn gatio.

Ymchwiliadau Cyhoeddus yn ymwneud ag amrywio neu ddirymu gorchymyn gatio

12.-(1) Yn ddarostyngedig i baragraff (2) gall cyngor beri cynnal ymchwiliad cyhoeddus mewn perthynas â chynnig i amrywio neu i ddirymu gorchymyn gatio.

(2) Rhaid i gyngor gynnal ymchwiliad cyhoeddus os yw-

- (a) prif swyddog o heddlu y mae'r ffordd yr effeithir arni yn mynd drwy ardal ei heddlu;
- (b) awdurdod tân ac achub y mae'r ffordd yr effeithir arni yn mynd drwy ei ardal; neu
- (c) Ymddiriedolaeth GIG Gwasanaethau Ambiwylans Cymru,

yn gwrthwynebu'r amrywiad neu'r dirymiad arfaethedig (yn ôl y digwydd) i orchymyn gatio.

Amrywio neu ddirymu gorchymyn gatio

13. Rhaid i gyngor beidio ag amrywio na dirymu gorchymyn gatio-

- (a) cyn bod 28 o ddiwrnodau, sy'n cychwyn ar y diwrnod pan gyhoeddir y rhybudd gyntaf yn unol â rheoliad 9 wedi mynd heibio;
- (b) cyn bod unrhyw ymchwiliad cyhoeddus a gynhelir o dan reoliad 12 wedi dod i ben.

Gweithdrefnau yn ymwneud ag ymchwiliadau o dan reoliad 6 neu 12

14.-(1) Rhaid i ymchwiliad gychwyn dim llai na 42 o ddiwrnodau ar ôl dyddiad cyhoeddi gyntaf yr hysbysiad a roddir o dan reoliad 3 neu 9.

(2) Rhaid i gyngor-

- (a) cyhoeddi o leiaf unwaith mewn papur newydd lleol sy'n cylchredeg yn yr ardal lle mae'r briffordd yr effeithir arni hysbysiad sy'n cynnwys y manylion a bennir yn rheoliad 15;

highway the effect of the proposed variation or revocation (as the case may be) taking effect.

10. Copies of the notice referred to in regulation 9(a) must be given by the council to the persons specified in regulation 4 and to such other persons (if any) as it appears to the council are likely to be affected by the variation or revocation (as the case may be).

Representations relating to the variation or revocation of a gating order

11. A council must consider any representations received by it within the period specified in accordance with regulation 9(a)(iv) before varying or revoking (as the case may be) a gating order.

Public inquiries relating to the variation or revocation of a gating order

12.-(1) Subject to paragraph (2) a council may cause a public inquiry to be held in relation to a proposal to vary or revoke a gating order.

(2) A council must hold a public inquiry if-

- (a) the chief officer of a police force through whose police area the affected highway passes;
- (b) a fire and rescue authority through whose area the affected highway passes; or
- (c) the Welsh Ambulance Services NHS trust,

objects to the proposed variation or revocation (as the case may be) of a gating order.

Variation or revocation of a gating order

13. A council must not vary or revoke a gating order before-

- (a) the expiration of 28 days beginning on the day on which notice is first published in accordance with regulation 9;
- (b) the conclusion of any public inquiry held under regulation 12.

Procedure relating to public inquiries held under regulation 6 or 12

14.-(1) An inquiry must begin not less than 42 days after the first publication of the notice given under regulation 3 or 9.

(2) A council must-

- (a) publish at least once in a local newspaper circulating in the area in which the affected highway is situated a notice containing the particulars specified in regulation 15;

- (b) rhoi hysbysiad ysgrifenedig sy'n cynnwys y manylion a bennir yn rheoliad 15 i bob person sydd wedi gwneud sylwadau parthed gwneud, amrywio neu ddirymu (yn ôl y digwydd) gorchymyn gatio; ac
- (c) cymryd y fath gamau eraill ag y mae'n eu hystyried yn briodol er mwyn sicrhau bod cyhoeddusrwydd digonol ynglŷn â'r ymchwiliad yn cael ei roi i bersonau sy'n debyg o gael eu heffeithio gan ddarpariaethau'r gorchymyn y mae'n ymwneud ag ef, ac heb leihau cyffredinolrwydd yr is-baragraff hwn, gall camau eraill o'r fath gynnwys-
 - (i) arddangos hysbysiadau ar ffyrdd neu mewn mannau eraill y mae'r gorchymyn yn effeithio arnynt;
 - (ii) anfon hysbysiadau neu lythyrau i fangreoedd neu i fangreoedd a feddiennir gan bersonau yr ymddengys i'r cyngor y bydd unrhyw ddarpariaeth yn y gorchymyn yn effeithio arnynt;

15. Dyma'r manylion sydd i'w cynnwys yn yr hysbysiad a bennir yn rheoliad 14(2)-

- (a) enw'r gorchymyn gatio neu'r gorchymyn gatio arfaethedig
- (b) enw'r cyngor;
- (c) enw neu ddisgrifiad o'r briffordd yr effeithir arni;
- (ch) cyfeirnod grid Arolwg Ordnans chwe ffigur o ran pob pen i'r briffordd yr effeithir arni;
- (d) datganiad sy'n cyfeirio at yr hysbysiad o gynigion i wneud, i amrywio neu i ddirymu (yn ôl y digwydd) y gorchymyn gatio ac sy'n dweud y bydd ymchwiliad cyhoeddus yn cael ei gynnal ynglŷn â'r cynnig;
- (dd) datganiad cryno o natur gyffredinol ac effaith gwneud, amrywio neu ddirymu (yn ôl y digwydd) y gorchymyn gatio;
- (e) dyddiad, amser a lle'r ymchwiliad ac enw'r person sydd wedi'i hapwyntio i arwain yr ymchwiliad;
- (f) datganiad fod dogfennau sy'n rhoi manylion llawn o'r cynigion i wneud, i amrywio neu i ddirymu (yn ôl y digwydd) y gorchymyn gatio ar gael i'w harchwilio ac o'r cyfeiriadau lle gellir archwilio'r dogfennau hynny ac o'r amseroedd pryd y gall archwilio ddirymu ym mhob cyfeiriad;
- (ff) y cyfeiriad lle gall unrhyw berson sy'n dymuno gwneud sylwadau anfon unrhyw sylwadau ysgrifenedig iddo i gael eu hystyried gan y person sydd wedi'i hapwyntio i arwain yr ymchwiliad; ac
- (g) erbyn pa bryd y mae'n rhaid i unrhyw sylwadau ysgrifenedig a wneir o dan baragraff (i) neu fel arall fod wedi cyrraedd.

- (b) give notice in writing containing the particulars specified in regulation 15 to each person who has made representations as to the making, variation or revocation (as the case may be) of a gating order; and
- (c) take such other steps as it may consider appropriate for ensuring that adequate publicity about the inquiry is given to persons likely to be affected by the provisions of the order to which it relates and, without prejudice to the generality of this sub-paragraph, such other steps may include-
 - (i) the display of notices on roads or other places affected by the order;
 - (ii) the delivery of notices or letters to premises or premises occupied by persons appearing to the council to be likely to be affected by any provision in the order;

15. The particulars to be contained in the notice specified in regulation 14(2) are as follows-

- (a) the title of the gating order or proposed gating order;
- (b) the name of the council;
- (c) the name, or a description of, the affected highway;
- (d) a six-figure Ordnance Survey grid reference in respect of each end of the affected highway;
- (e) a statement which refers to the notice of proposals for the making, variation or revocation (as the case may be) of the gating order and which indicates that a public inquiry will be held in connection with the proposal;
- (f) a brief statement of the general nature and effect of the making, variation or revocation (as the case may be) of the gating order;
- (g) the date, time and place of the inquiry and the name of the person appointed to conduct the inquiry;
- (h) a statement that documents giving detailed particulars of the proposals for the making, variation or revocation (as the case may be) of the gating order are available for inspection and of the addresses at which those documents can be inspected and of the times when inspection can take place at each address;
- (i) the address to which any written representations for consideration by the person appointed to conduct the inquiry may be sent by any person wishing to make such representations; and
- (j) the time by which any written representations made under paragraph (i) or otherwise must be received.

16.-(1) Yn ddarostyngedig i baragraffau (2) i (4), y person sydd wedi'i hapwyntio i arwain yr ymchwiliad fydd yn penderfynu ar y weithdrefn mewn ymchwiliad cyhoeddus.

(2) Caiff unrhyw berson sydd â buddiant ym mhwn yr ymchwiliad cyhoeddus ymddangos yn yr ymchwiliad drosto'i hun neu drwy fargyfreithiwr, cyfreithiwr neu gynrychiolydd arall.

(3) Caiff unrhyw berson sydd â buddiant o'r fath p'un ai a yw'r person hwnnw yn bwriadu ymddangos yn yr ymchwiliad ai peidio, anfon sylwadau ysgrifenedig i gael eu hystyried gan y person sydd wedi'i hapwyntio i arwain yr ymchwiliad i'r cyfeiriad a roddir yn yr hysbysiad o dan reoliad 15(ff).

(4) Gall y person sydd wedi'i hapwyntio i arwain yr ymchwiliad wrthod rhoi gwrandawriad i unrhyw berson, neu wrthod ystyried unrhyw wrthwynebiad neu sylw, os yw ef neu hi o'r farn fod safbwyntiau'r person hwnnw neu honno neu'r gwrthwynebiad neu'r sylw yn amherthnasol neu fod eisoes ddigon o ddatgan wedi bod arnynt yn yr ymchwiliad.

Cofrestrï o orchmynion gatio

17.-(1) Rhaid i gyngor gadw cofrestr o orchmynion gatio dros ei ardal.

(2) Rhaid i gofrestr gynnwys mynegai a chopïau wedi'u diweddarau o orchmynion gatio sydd mewn grym.

(3) Rhaid i gopi caled o gofrestr fod ar gael a bod yn agored i'w archwilio ym mhrrif swyddfa'r cyngor yn ystod oriau gwaith arferol.

(4) Rhaid i fersiwn electronig o gofrestr fod ar gael ar wefan cyngor.

(5) Rhaid i gyngor roi copi o orchmynion gatio i unrhyw berson sy'n gofyn am gopi ac sy'n talu ffi resymol.

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

6 Chwefror 2007

Llywydd y Cynulliad Cenedlaethol

16.-(1) Subject to paragraphs (2) to (4), the procedure at a public inquiry will be determined by the person appointed to conduct the inquiry.

(2) Any person interested in the subject matter of the public inquiry may appear at the inquiry in person or by counsel, a solicitor or other representative.

(3) Any person so interested may, whether or not that person proposes to appear at the inquiry, send written representations for the consideration of the person appointed to conduct the inquiry, to the address given in the notice given under regulation 15(ff).

(4) The person appointed to conduct the inquiry may refuse to hear any person, or to consider any objection or representation, if she or he considers that the views of that person or the objection or representation are irrelevant or have already been adequately stated at the inquiry.

Registers of gating orders

17.-(1) A council must maintain a register of gating orders for its area.

(2) A register must contain an index of, and up to date copies of, gating orders in force.

(3) A hard copy version of a register must be available and open to inspection at the council's principal office during normal business hours.

(4) An electronic version of a register must be made available on a council's website.

(5) A council must supply a copy of a gating order to any person who requests a copy and pays a reasonable charge.

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

6 February 2007

D. Elis-Thomas

The Presiding Officer of the National Assembly

OFFERYNNAU STATUDOL

2007 Rhif 306 (Cy.25)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

Rheoliadau Deddf Priffyrdd 1980
(Gorchmynion Gatio) (Cymru)
2007

STATUTORY INSTRUMENTS

2007 No. 306 (W.25)

**ENVIRONMENTAL
PROTECTION, WALES**

The Highways Act 1980 (Gating
Orders) (Wales) Regulations
2007

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