

## OFFERYNNAU STATUDOL CYMRU

# 2008 Rhif 226 (Cy.28)

## TRAFFIG FFYRDD, CYMRU

### Gorchymyn Traffig Ffyrdd (Ardal Barcio a Ganiateir ac Ardal Barcio Arbennig) (Bwrdeistref Sirol Wrecsam) 2008

|                                   |         |                        |
|-----------------------------------|---------|------------------------|
| <i>Gwnaed</i>                     | - - - - | <i>5 Chwefror 2008</i> |
| <i>Gosodwyd gerbron Cynulliad</i> |         |                        |
| <i>Cenedlaethol Cymru</i>         | - -     | <i>6 Chwefror 2008</i> |

*Yn dod i rym* - - *1 Mawrth 2008*

Mae Cyngor Bwrdeistref Sirol Wrecsam wedi gwneud cais i Weinidogion Cymru am i Orchymyn gael ei wneud o dan baragraffau 1(1) a 2(1) o Atodlen 3 i Ddeddf Traffig Ffyrdd 1991(1) mewn cysylltiad â'r Fwrdeistref Sirol honno ac mae Gweinidogion Cymru wedi ymgynghori â Phrif Gwnstabl Heddlu Gogledd Cymru yn unol â gofynion paragraffau 1(3) a 2(3) o'r Atodlen honno ac â'r Cyngor ar Dribiwnlysoedd yn unol â gofynion adran 8 o Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992(2);

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan baragraffau 1(1), 2(1) a 3(3) o Atodlen 3 i Ddeddf Traffig Ffyrdd 1991(3) drwy hyn yn gwneud y Gorchymyn a ganlyn:

#### Enwi a chychwyn

1. Daw'r Gorchymyn hwn a enwir Gorchymyn Traffig Ffyrdd (Ardal Barcio a Ganiateir ac Ardal Barcio Arbennig) (Bwrdeistref Sirol Wrecsam) i rym ar 1 Mawrth 2008.

#### Dehongli

2. Yn y Gorchymyn hwn:

ystyr "yr ardal barcio" ("the parking area") yw'r ardal a ddynodir yn ardal barcio a ganiateir ac yn ardal barcio arbennig gan erthygl 4 o'r Gorchymyn hwn;

(1) [1991 p.40](#). Diwygiwyd Atodlen 3 gan Orchymyn Deddf Traffig Ffyrdd 1991 (Diwygio Atodlen 3) (Cymru a Lloegr) 1996 ([O.S. 1996/500](#)), gan Ddeddf Llywodraeth Leol (Cymru) [1994 \(c. 19\)](#), Atodlen 7, paragraff 43 a chan Ddeddf Llywodraeth Leol etc. (Yr Alban) [1994 \(p.39\)](#), Atodlen 13, paragraff 171.

(2) [1992 p.53](#).

(3) Trosglwyddwyd y pwerau i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ([O.S. 1999/672](#)). Mae'r pwerau hyn bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru [2006 \(p.32\)](#).

ystyr “Deddf 1984” (“*the 1984 Act*”) yw Deddf Rheoleiddio Traffig Ffyrdd 1984(4); ac ystyr “Deddf 1991” (“*the 1991 Act*”) yw Deddf Traffig Ffyrdd 1991.

### Cymhwysyo

**3.** Mae'r Gorchymyn hwn yn gymwys i fwrdeistref sirol Wrecsam yn ei chyfanwydd heblaw am—

- (a) y darn cyfan o'r A483, gan gynnwys ei slipffyrdd ymuno a'i slipffyrdd ymadael, sy'n dod o fewn y fwrdeistref sirol;
- (b) yr A5 tua'r de o'i chyffordd â'r A483 cyn belled â'r ffin sirol â Swydd Amwythig; ac
- (c) yr A5 tua'r gorllewin o'i chyffordd â'r A483 i'w chyffordd â'r B5070.

### Dynodi ardal barcio a ganiateir ac ardal barcio arbennig

**4.** Mae Gweinidogion Cymru drwy hyn yn dynodi'r ardal y mae'r Gorchymyn hwn yn gymwys iddi—

- (a) yn ardal barcio a ganiateir; a
- (b) yn ardal barcio arbennig.

### Addasu a chymhwysyo Rhan II o Ddeddf 1991

**5.** Mae adrannau 66, 69 i 74, 78, 79 ac 82 o Ddeddf 1991, ac Atodlen 6 iddi, yn gymwys mewn perthynas â'r ardal barcio ac yn ôl y cymhwysiad hwnnw maent yn effeithiol yn ddarostyngedig i'r addasiadau a bennir yn Atodlen 1 i'r Gorchymyn hwn.

### Addasu Deddf 1984

**6.** Caiff Deddf 1984 ei haddasu mewn perthynas â'r ardal barcio fel a bennir yn Atodlen 2 i'r Gorchymyn hwn.

*Ieuau Wyn Jones*

Y Gweinidog dros yr Economi a Thrafnidiaeth,  
un o Weinidogion Cymru

8 Chwefror 2008

(4) [1984 p.27](#). Diwygiwyd adran 32(4)(a), ac amnewidiwyd adran 45(1), gan Ddeddf Ffyrdd Newydd a Gwaith Stryd [1991 \(p.22\)](#), Atodlen 8, paragraffau 39 a 44. Mewnosodwyd adrannau 46(1A), 63A a 101(4A) a (5A) gan Ddeddf Traffig Ffyrdd 1991, adrannau 64(2), 44(1) a 67(4) a (6). Diwygiwyd adran 102(8) gan Ddeddf Traffig Ffyrdd 1991, adran 68(3).

ADDASIADAU I DDARPARIAETHAU RHAN II O DDEDDF TRAFFIG  
FFYRDD 1991 A GYMHWYSIR MEWN PERTHYNAS Â'R ARDAL BARCIO

- 1.—(1) Caiff adran 66 ei haddasu fel a ganlyn.

  - (2) Yn is-adran (1) hepgorir y geiriau “in a designated parking place”.
  - (3) Hepgorir is-adran (2).
  - (4) Yn is-adran (3)—
    - (a) ym mharagraff (d) yn lle'r geiriau “the specified proportion” rhoddir “one half”; a
    - (b) ym mharagraff (e) yn lle'r geiriau “the London authority” rhoddir “the parking authority”.
  - (5) Hepgorir is-adran (4).
  - (6) Yn is-adran (5) yn lle paragraff (b) rhoddir—  
“(b) the parking authority.”.
- 2.—(1) Caiff adran 69 ei haddasu fel a ganlyn.

  - (2) Yn lle is-adran (1) rhoddir—  
“(1) Where, in the case of a stationary vehicle, a parking attendant has reason to believe that it has been allowed to remain at rest in any of the circumstances in which a penalty charge is payable, the parking attendant or another person acting under the direction of the parking attendant may fix an immobilisation device to the vehicle.”.
  - (3) Yn lle is-adran (8) rhoddir—  
“(8) In this section “relevant authority” means the parking authority.”.
- 3.—(1) Caiff adran 71 ei haddasu fel a ganlyn.

  - (2) Yn is-adran (1) yn lle'r geiriau “a London authority” rhoddir “the parking authority”.
  - (3) Yn lle is-adran (4) rhoddir—  
“(4) The grounds are—
    - (a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest in the parking area in circumstances in which a penalty charge was payable;
    - (b) that the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;
    - (c) that the place where the vehicle was at rest was not in the parking area;
    - (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 did not apply to the vehicle at the time in question; or
    - (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.”.
- 4.—(1) Caiff adran 73 ei haddasu fel a ganlyn.

  - (2) Yn lle is-adrannau (1) i (3) rhoddir—  
“(1) The functions conferred on the parking authority by this section must be discharged by it through a joint committee (“the Joint Committee”) which has been set up in pursuance

of arrangements entered into under section 101(5) of the Local Government Act 1972(**5**) and of which the parking authority and at least two other local authorities are constituent authorities.

(2) In subsection (1) “local authorities” means authorities which are county or county borough councils in Wales or county or district councils in England in whose areas permitted parking areas or special parking areas have been designated under Schedule 3 to this Act.

(3) The parking authority must—

- (a) with the consent of the Lord Chancellor appoint persons to act as parking adjudicators for the purposes of this Part of this Act in relation to the parking area;
- (b) provide or secure the provision of accommodation and administrative staff for parking adjudicators so appointed; and
- (c) determine the places at which such parking adjudicators are to sit.”.

(3) Yn is-adran (5) yn lle'r geiriau “the appointing authorities” rhoddir “the parking authority”.

(4) Hepgorir is-adrannau (8) i (10).

(5) Yn is-adran (11) yn lle'r geiriau “The Secretary of State” rhoddir “The Welsh Ministers”.

(6) Ar ôl is-adran (12) mewnosodir yr is-adran ganlynol—

“(12A) The Road Traffic (Parking Adjudicators) (England and Wales) Regulations 1999 have effect as if made by the Welsh Ministers and apply to the parking area as they apply to the areas designated by the Orders listed in the Schedule to those Regulations.”.

(7) Yn is-adran (18) yn lle'r geiriau “the Secretary of State” rhoddir “the Welsh Ministers”.

**5.** Yn lle adran 74 rhoddir y canlynol—

“**74.**—(1) It is the duty of the parking authority to set the levels of additional parking charges to apply in the parking area.

(2) Different levels may be set for different parts of the parking area.

(3) In assessing the levels of additional parking charges to be set by the parking authority under this section the parking authority must have regard to the guidance given by the Welsh Ministers whether such guidance is given specifically to the parking authority or to local authorities in Wales generally.

(4) Guidance given by the Welsh Ministers under subsection (3) above may be varied at any time by the Welsh Ministers.

(5) The parking authority must publish, in such manner as the Welsh Ministers determine, the levels of additional parking charges which have been set under this section.

(6) In this section “additional parking charges” means penalty charges, charges made by the parking authority for the removal, storage and disposal of vehicles and charges for the release of vehicles from immobilisation devices fixed under section 69 of this Act.”.

**6.—(1)** Caiff adran 78 ei haddasu fel a ganlyn.

(2) Ar ôl is-adran (7) mewnosodir yr is-adran ganlynol:

“(8) Any order made under subsection (2), and any regulations made under subsection (4), of this section apply with necessary modifications, including in particular the substitution for references to a London authority of references to the parking authority, in relation to the recovery of Part II debts payable in relation to the parking area.”.

7.—(1) Caiff adran 82 ei haddasu fel a ganlyn.

(2) Yn lle is-adran (1) rhoddir—

- “(1) In this section and sections 66, 69 to 74, 78 and 79 of, and Schedule 6 to, this Act—  
“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;  
“the Joint Committee” has the meaning given by section 73(1) of this Act;  
“the parking area” means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of Wrexham) Order 2008(**6**);  
“parking attendant” has the same meaning as in section 63A of the Road Traffic Regulation Act 1984;  
“parking authority” means the Council of the County Borough of Wrexham;  
“penalty charge” means a penalty charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to this Act;  
“prescribe” and “prescribed” mean prescribe or, as the case may be, prescribed, by regulations made by the Welsh Ministers; and  
“vehicle hiring agreement” and “vehicle hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(**7**) (hired vehicles).”.

(3) Hepgorir is-adrannau (1A), (1B) ac (1C).

(4) Yn is-adran (5) yn lle'r geiriau “the London authority concerned” rhoddir “the parking authority”.

(5) Yn is-adran (6) hepgorir y geiriau “on a Minister of the Crown”.

(6) Yn is-adran (7) mewnosodir y geiriau “by the Lord Chancellor” ar ôl y geiriau “Any statutory instrument made”.

8.—(1) Caiff Atodlen 6 ei haddasu fel a ganlyn.

(2) Ym mharagraff 1(1) yn lle'r geiriau “the London authority concerned” rhoddir “the parking authority”.

(3) Ym mharagraff 1(3) yn lle'r geiriau “The Secretary of State” rhoddir “The Welsh Ministers”.

(4) Ym mharagraff 2—

- (a) yn is-baragraff (1) yn lle'r geiriau “the London authority who served the notice on him” rhoddir “the parking authority”;
- (b) yn is-baragraff (2) yn lle'r geiriau o “in such form as” hyd at ddiwedd yr is-baragraff rhoddir “in writing”;
- (c) yn is-baragraff (3) yn lle'r geiriau “The authority” rhoddir “The parking authority”;
- (ch) yn is-baragraff (4)(c) yn lle'r geiriau “the parking place” rhoddir “the place where it was”.
- (d) yn is-baragraff (4)(d) yn lle'r geiriau “relevant designation order” rhoddir “any relevant designation order”;
- (dd) yn is-baragraff (7) yn lle'r geiriau “an authority to whom representations are duly made” rhoddir “the parking authority when representations are duly made to it”.

(5) Ym mharagraff 3 yn lle'r geiriau “the London authority concerned” yn y ddau le y maent yn digwydd rhoddir “the parking authority”.

(6) O.S. 2008/ .

(7) 1988 p.53.

**Statws** This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

(6) Ym mharagraff 4 yn lle'r geiriau "the London authority concerned" ac yn lle'r geiriau "the authority" rhoddir "the parking authority".

(7) Ym mharagraff 5—

- (a) yn is-baragraff (1) yn lle'r geiriau "an authority" rhoddir "the parking authority" ac yn lle'r geiriau "the authority's decision" rhoddir "the parking authority's decision";
- (b) yn is-baragraff (2) yn lle'r geiriau "the London authority concerned" rhoddir "the parking authority"; ac
- (c) yn lle is-baragraff (3) rhoddir—

"(3) It is the duty of the parking authority to comply with any direction given to it under sub-paragraph (2) above forthwith.".

(8) Ym mharagraff 6—

- (a) yn is-baragraff (1) yn lle'r geiriau "the authority serving the notice" rhoddir "the parking authority"; a
- (b) yn is-baragraff (2)(b)(ii) yn lle'r geiriau "the authority concerned" rhoddir "the parking authority".

(9) Ym mharagraff 7, yn lle'r geiriau "the authority concerned" rhoddir "the parking authority".

(10) Ym mharagraff 8—

- (a) yn is-baragraffau (2)(b) a (5)(d) yn lle'r geiriau "the London authority concerned" rhoddir "the parking authority"; a
- (b) yn is-baragraffau (6) a (7) yn lle'r geiriau "the London authority" rhoddir "the parking authority".

ATODLEN 2

Erthygl 6

#### ADDASIADAU I DDEDDF RHEOLEIDDIO TRAFFIG FFYRDD 1984

**1.**—(1) Caiff adran 46 ei haddasu fel a ganlyn.

(2) Hepgorir is-adran (1).

(3) Yn is-adran (1A) yn lle "Greater London" rhoddir "the parking area".

**2.**—(1) Diwygir adran 55 fel a ganlyn.

(2) Yn lle is-adran (1) rhoddir—

"(1) A local authority must keep an account of—

- (a) their income and expenditure in respect of designated parking places for which they are the local authority and which are in the permitted parking area; and
- (b) their income from additional parking charges (within the meaning of section 74(6) of the Road Traffic Act 1991) received by them in respect of vehicles found within the special parking area and the expenditure incurred by them in relation to that area by virtue of any provision of Part II of the Road Traffic Act 1991 as it applies in relation to that area.

(1A) As soon as reasonably possible after the end of each financial year the local authority must forward to the Welsh Ministers a copy of the account for that year.".

(3) Hepgorir is-adrannau (3A) a (3B).

**3.** Yn is-adran 63A(4)—

- (a) yn lle'r geiriau "in Greater London" rhoddir "in the parking area"; a
- (b) yn lle'r geiriau "Greater London Authority" rhoddir "Welsh Ministers".

**4.**—(1) Caiff adran 101 ei haddasu fel a ganlyn.

- (2) Hepgorir is-adran (4).
- (3) Yn is-adran (4A) yn lle'r geiriau "Greater London" rhoddir "the parking area".
- (4) Hepgorir is-adran (5).
- (5) Yn is-adran (5A) yn lle'r geiriau "Greater London" rhoddir "the parking area".

**5.**—(1) Caiff adran 102 ei haddasu fel a ganlyn.

- (2) Yn lle is-adran (1) rhoddir—

“(1) If a vehicle is removed from the parking area in circumstances in which an offence would have been committed but for the provisions of paragraph 1(4) or 2(4) of Schedule 3 to the Road Traffic Act 1991, the local authority shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of the vehicle, as they may require.”.

- (3) Hepgorir is-adran (2).

- (4) Yn lle is-adran (4) rhoddir—

“(4) Without prejudice to subsection (3) above, where by virtue of subsection (1) above any sum is recoverable in respect of a vehicle by a local authority in whose custody the vehicle is, the local authority shall be entitled to retain custody of it until that sum has been paid.”.

- (5) Hepgorir is-adran (7).

- (6) Yn is-adran (8) hepgorir y diffiniad o "appropriate authority".

- (7) Hepgorir is-adran (9).

**6.** Yn adran 142(1) cyn y diffiniad o "parking device" mewn osodir—

““parking area” means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of Wrexham) Order 2008 and “permitted parking area” and “special parking area” are to be read accordingly;”.

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## EXPLANATORY NOTE

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

Mae Atodlen 3 i Ddeddf Traffig Ffyrrd 1991 yn gwneud darpariaeth ar gyfer dynodi ardaloedd parcio a ganiateir ac ardaloedd parcio arbennig. Mae paragraff 1(1) yn rhoi'r pŵer i Weinidogion Cymru i ddynodi'r cyfan neu unrhyw ran o ardal cyngor sir neu gyngor bwrdeistref sirol yng Nghymru yn ardal barcio a ganiateir yn dilyn cais gan yr awdurdod lleol. Mae paragraff 2(1) yn rhoi pŵer cyffelyb mewn perthynas ag ardaloedd parcio arbennig.

**Statws** This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

Caiff y Gorchymyn hwn ei wneud yn dilyn cais gan Gyngor Bwrdeistref Sirol Wrecsam ("yr awdurdod lleol") ac ymgynghoriad statudol â Phrif Gwnstabl Heddlu Gogledd Cymru ac â'r Cyngor ar Dribiwnlysoedd.

Effaith y Gorchymyn hwn yw dynodi'n ardal barcio a ganiateir ac yn ardal barcio arbennig y cyfan o fwrdeistref sirol Wrecsam heblaw am y darn cyfan o'r A483 sydd o fewn y fwrdeistref sirol, gan gynnwys ei slipffyrdd ymuno a'i slipffyrdd ymadael, ac heblaw hefyd am yr A5 tua'r de o'i chyffordd â'r A483 i'r ffin sirol â Swydd Amwythig ac am yr A5 tua'r gorllewin o'i chyffordd â'r A483 i'w chyffordd â'r B5070 ("yr ardal barcio"). Unwaith y bydd y Gorchymyn mewn grym, rhoddir y pŵer i swyddogion parcio a gyflogir gan yr awdurdod lleol (neu a gyflogir yn swyddogion parcio gan berson y mae'r awdurdod lleol wedi gwneud trefniadau ag ef) i osod hysbysiadau ffioedd cosb ar gerbydau sy'n torri rheoliadau parcio a chânt, mewn achosion priodol, awdurdodi llusgo ymaith neu barlysu cerbydau.

Yn rhinwedd y Gorchymyn, mae'r ffioedd cosb yn yr ardal barcio i'w gosod gan yr awdurdod lleol gan roi ystyriaeth i ganllawiau a roddir gan Weinidogion Cymru. Gall yr awdurdod lleol eu hadennill fel dyledion sifil. Gwneir darpariaeth ar gyfer gwneud sylwadau i'r awdurdod lleol os digwydd i ffi gosb gael ei rhoi neu os digwydd i gerbyd gael ei lusgo ymaith neu ei barlysu. Gwaith dyfarnwyr parcio a benodwyd gan gyd-bwyllgor a ffurfiwyd yn unol â threfniadau a wnaed o dan adran 101(5) o Ddeddf Llywodraeth Leol 1972 fydd dyfarnu os cyfyd anghytundebau.