



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2008 Rhif 613 (Cy.65)

2008 No. 613 (W.65)

TRAFFIG FFYRDD, CYMRU

ROAD TRAFFIC, WALES

Gorchymyn Gorfodi Sifil ar
Dramgwyddau Parcio (Canllawiau
ar Lefelau Taliadau) (Cymru)
2008

The Civil Enforcement of Parking
Contraventions (Guidelines on
Levels of Charges) (Wales) Order
2008

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae Rhan 3 (paragraffau 7 i 9) o Atodlen 9 i Ddeddf Rheoli Traffig 2004 yn gwneud darpariaeth i awdurdodau gorfodi y tu allan i Lundain Fwyaf osod lefelau taliadau o dan Ran 6 o'r Ddeddf honno (gorfodi sifil ar dramgwyddau traffig) ac yn ei gwneud yn ofynnol i'r lefelau hynny gyd fynd â chanllawiau a osodir gan yr awdurdod cenedlaethol priodol, ac eithrio pan fo'r awdurdod hwnnw yn caniatáu i awdurdod gorfodi wyro oddi wrth y canllawiau hynny.

Part 3 (paragraphs 7 to 9) of Schedule 9 to the Traffic Management Act 2004 provides for the setting by enforcement authorities outside Greater London of the levels of charges under Part 6 of that Act (civil enforcement of traffic contraventions) and requires those levels to accord with guidelines given by the appropriate national authority, except where that authority permits an enforcement authority to depart from the guidelines.

Drwy'r Gorchymyn hwn, mae Gweinidogion Cymru, sef yr awdurdod cenedlaethol priodol ar gyfer Cymru yn rhoi i awdurdodau gorfodi yng Nghymru y canllawiau ar daliadau am dramgwyddau parcio a geir yn yr Atodlen.

By this Order, the Welsh Ministers, as appropriate national authority for Wales, give to enforcement authorities in Wales, the guidelines on charges for parking contraventions as set out in the Schedule.

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Gwnaed 6 Mawrth 2008
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 10 Mawrth 2008
Yn dod i rym 31 Mawrth 2008

Made 6 March 2008
*Laid before the National
Assembly for Wales* 10 March 2008
Coming into force 31 March 2008

Mae Gweinidogion Cymru drwy arfer y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru gan baragraff 8 o Atodlen 9 i Ddeddf Rheoli Traffig 2004(1) ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Gorchymyn canlynol.

The Welsh Ministers, in exercise of the power conferred upon the National Assembly for Wales by paragraph 8 of Schedule 9 to the Traffic Management Act 2004(1), and now vested in them(2), make the following Order.

Enwi, cychwyn, cymhwyso a dehongli

Title, commencement, application and interpretation

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Rheoli Traffig (Canllawiau ar Lefelau Taliadau) (Cymru) 2008 a daw i rym ar 31 Mawrth 2008, ac mae'n gymwys i Gymru.

1.—(1) The title of this Order is the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2008, it comes into force on 31 March 2008, and applies in relation to Wales.

(2) Yn y Gorchymyn hwn: ystyr "y Rheoliadau Gorfodi a Dyfarnu" ("*the Enforcement and Adjudication Regulations*") yw Rheoliadau Gorfodi Sifil ar Dramgwyddau Parcio (Hysbysiadau Tâl Cosbau, Gorfodi a Dyfarnu) (Cymru) 2008(3).

(2) In this Order "the Enforcement and Adjudication Regulations" ("*y Rheoliadau Gorfodi a Dyfarnu*") means the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008(3).

(3) Yn y Gorchymyn hwn ystyr "y Rheoliadau Darpariaethau Cyffredinol" ("*the General Provisions Regulations*") yw Rheoliadau Gorfodi Sifil ar Dramgwyddau Parcio (Darpariaethau Cyffredinol) (Cymru) 2008(4).

(3) In this Order "the General Provisions Regulations" ("*y Rheoliadau Darpariaethau Cyffredinol*") means the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008(4).

(1) 2004 p.18

(2) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan Ddeddf Rheoli Traffig 2004 i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

(3) O.S. 2008/609.

(4) O.S. 2008/614 (Cy.66).

(1) 2004 c.18.

(2) The functions of the National Assembly for Wales under the Traffic Management Act 2004 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(3) S.I. 2008/609.

(4) S.I. 2008/614 (W.66).

Canllawiau

2. Y canllawiau a roddir gan Weinidogion Cymru, sef yr awdurdod cenedlaethol priodol ar gyfer Cymru o dan Ran 6 o Ddeddf Rheoli Traffig 2004 i awdurdodau gorfodi wrth osod lefelau taliadau ar gyfer tramgwyddau parcio yw'r rhai hynny a geir yn yr Atodlen.

Guidelines

2. The guidelines given by the Welsh Ministers, as appropriate national authority for Wales under Part 6 of the Traffic Management Act 2004, for the setting by enforcement authorities of the level of charges for parking contraventions, are those set out in the Schedule.

Ieuan Wyn Jones

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

Minister for the Economy and Transport, one of the Welsh Ministers

6 Mawrth 2008

6 March 2008

CANLLAWIAU I AWDURDODAU
GORFODI WRTH OSOD TALIADAU AM
DRAMGWYDDAU PARCIO

GUIDELINES FOR THE SETTING BY
ENFORCEMENT AUTHORITIES OF
CHARGES FOR PARKING
CONTRAVENTIONS

Taliadau cosb

1.—(1) Rhaid gosod taliadau cosb ar gyfer tramgwyddau parcio—

- (a) ar gyfer tramgwyddau lefel uwch, ar y lefel a bennir yng ngholofn (2) yn un o'r bandiau yn Nhabl 1; ac
- (b) ar gyfer pob tramgwydd arall, ar y lefel a bennir yng ngholofn (3) yn y band yn Nhabl 1 a ddewisir ar gyfer lefelau uwch o dramgwyddo.

(2) Rhaid gosod y lefel disgownt ar gyfer taliad cosb a delir yn gynnar (hynny yw o fewn 21 o ddiwrnodau yn achos taliadau cosb a osodwyd ar sail cofnod a gynhyrchwyd gan ddyfais a gymeradwyir o dan reoliad 6(1)(a) o'r Rheoliadau Gorfodi a Dyfarnu a 14 o ddiwrnodau ym mhob achos arall)—

- (a) ar gyfer tramgwyddau lefel uwch, ar y lefel a bennir yng ngholofn (4);
- (b) ar gyfer pob tramgwydd arall, ar y lefel a bennir yng ngholofn (5),

yn y band sy'n pennu lefelau'r taliadau cosb.

(3) Rhaid gosod lefel gordal taliad o dâl cosb wedi i dystysgrif codi tâl gael ei dyroddi—

- (a) ar gyfer tramgwyddau lefel uwch ar y lefel a bennir yng ngholofn (6);
- (b) ar gyfer pob tramgwydd arall ar y lefel a bennir yng ngholofn (7),

yn y band sy'n pennu lefelau'r taliadau cosb.

Penalty charges

1.—(1) Penalty charges for parking contraventions must be set—

- (a) for higher level contraventions, at the level specified in column (2) of one of the bands in Table 1; and
- (b) for all other contraventions, at the level specified in column (3) of the band in Table 1 selected for higher level contraventions.

(2) The discounted level for a penalty charge which is paid early (that is within 21 days in the case of penalty charges imposed on the basis of a record produced by an approved device under regulation 6(1)(a) of the Enforcement and Adjudication Regulations and 14 days in all other cases) must be set—

- (a) for higher level contraventions, at the level specified in column (4);
- (b) for all other contraventions, at the level set in column (5),

of the band specifying the levels of the penalty charges.

(3) The surcharged level for payment of a penalty charge after a charge certificate has been issued must be set—

- (a) for higher level contraventions at the level specified in column (6);
- (b) for all other contraventions at the level specified in column (7),

of the band specifying the levels of the penalty charges.

Tabl 1

(1) <i>Band</i>	(2) <i>Tâl</i>	(3) <i>Tâl</i>	(4) <i>Tâl</i>	(5) <i>Tâl</i>	(6) <i>Tâl</i>	(7) <i>Tâl</i>
	<i>cosb</i>	<i>cosb</i>	<i>cosb</i>	<i>cosb</i>	<i>cosb</i>	<i>cosb</i>
	<i>lefel</i>	<i>lefel</i>	<i>lefel</i>	<i>lefel</i>	<i>lefel</i>	<i>lefel</i>
	<i>uwch</i>	<i>is</i>	<i>uwch</i>	<i>is</i>	<i>uwch</i>	<i>is a</i>
			<i>a delir yn gynnar</i>	<i>a delir yn gynnar</i>	<i>a ar ôl ar ôl</i>	<i>delir ar ôl cyflwyno tystysgrif codi codi tâl</i>
1.	£60	£40	£30	£20	£90	£60
2.	£70	£50	£35	£25	£105	£75

(4) Caiff awdurdod gorfodi osod taliadau cosb yn unol â gwahanol fandiau yn y tabl mewn gwahanol rannau o'i ardal, cyn belled â bod pob taliad ym mhob rhan o'i ardal yn cael ei osod yn unol â'r un band.

(5) "Tramgwyddau Lefel Uwch" yw'r rhai hynny a restrir yn yr Atodiad.

Taliadau am symud ymaith, storio a gwaredu cerbydau

2. Y rhai hynny a geir yn nhabl 2 yw'r taliadau y mae'n rhaid eu codi am symud ymaith, storio a gwaredu cerbydau a ganfyddir mewn ardal orfodi sifil.

Tabl 2

(1) <i>Eitem</i>	(2) <i>Math o daliad</i>	(3) <i>Swm y taliad</i>
1.	Y taliad am symud cerbyd ymaith	£105.00
2.	Y taliad am storio cerbyd	£12 ar gyfer pob diwrnod, neu ran o ddiwrnod, pan fydd y cerbyd yn cael ei gadw
3.	Y taliad am waredu cerbyd	£50.00

Rhyddhau cerbyd o afael dyfais i'w rwystro rhag symud o dan Adran 79 o Ddeddf Rheoli Traffig 2004

3. Rhaid i'r tâl taladwy o dan reoliad 9(2)(b) o'r Rheoliadau Darpariaethau Cyffredinol ar gyfer rhyddhau cerbyd o afael dyfais i'w rwystro rhag symud fod yn £40.

Table 1

(1) <i>Band</i>	(2) <i>Higher level penalty charge</i>	(3) <i>Lower level penalty charge</i>	(4) <i>Higher level penalty charge</i>	(5) <i>Lower level penalty charge</i>	(6) <i>Higher level penalty charge</i>	(7) <i>Lower level penalty charge</i>
			<i>paid early</i>	<i>paid early</i>	<i>paid after service of charge certificate</i>	<i>paid after service of charge certificate</i>
1.	£60	£40	£30	£20	£90	£60
2.	£70	£50	£35	£25	£105	£75

(4) An enforcement authority may set penalty charges in accordance with different bands in the table in different parts of its area, provided that all the charges in each part of such area are set in accordance with the same band.

(5) "Higher level contraventions" are those listed in the Annex.

Charges for the removal, storage and disposal of vehicles

2. Charges for the removal, storage and disposal of vehicles found in a civil enforcement area must be those in Table 2.

Table 2

(1) <i>Item</i>	(2) <i>Type of charge</i>	(3) <i>Amount of charge</i>
1.	Vehicle removal charge	£105.00
2.	Vehicle storage charge	£12 for each day, or part of day, during which the vehicle is impounded
3.	Vehicle disposal charge	£50.00

Release of vehicle from an immobilisation device under Section 79 of the Traffic Management Act 2004

3. The charge payable under regulation 9(2)(b) of the General Provisions Regulations for the release of a vehicle from an immobilisation device must be £40.

Arbedion ar gyfer pwerau Gweinidogion Cymru

4. Nid oes dim yn y canllawiau hyn yn rhagfarnu nac yn effeithio ar bwerau Gweinidogion Cymru o dan baragraff 8(3) o Atodlen 9 i Ddeddf Rheoli Traffig 2004 i ganiatáu i awdurdod gorfodi i wyro oddi wrth y canllawiau hyn.

Atodiad

RHESTR O DRAMGWYDDAU LEFEL UWCH

1. Tramgwydd yn ymwneud â chyflawni trosedd y cyfeirir ato ym mharagraff 4(2)(b) (cyfyngiadau aros a llwytho) i Atodlen 7 o Ddeddf Rheoli Traffig 2004 ("Deddf 2004")

2. Tramgwydd yn ymwneud â gadael y cerbyd mewn man parcio ar-y-stryd ac eithrio man a awdurdodir gan unrhyw orchymyn yn ymwneud â'r man parcio yn unrhyw un o'r achosion a ganlyn, neu oddi tano—

- (a) heb fod yn dangos permit, taleb neu docyn talu ac arddangos;
- (b) mewn man lle mae parcio wedi cael ei atal;
- (c) pan fo'r cerbyd yn cael ei ddefnyddio mewn cysylltiad â gwerthu nwyddau neu gynnig neu arddangos nwyddau i'w gwerthu;
- (ch) pan nad yw'r cerbyd yn dod o fewn y dosbarth o gerbyd y caniateir iddo barcio yno.

3. Tramgwyddo'r gwaharddiad a osodir gan adran 85 (parcio dwbl etc.) o Ddeddf 2004.

4. Tramgwyddo'r gwaharddiad a osodir gan adran 86 (troetffyrdd a ostyngwyd) o Ddeddf 2004.

5. Tramgwydd sy'n cynnwys cyflawni trosedd o'r math y cyfeirir ato ym mharagraff 4(2)(h) o Atodlen 7 i Ddeddf 2004 (troseddau sy'n ymwneud â thraciau beicio).

6. Tramgwydd sy'n cynnwys trosedd o'r math y cyfeirir ato ym mharagraff 4(2)(g) o Atodlen 7 i Ddeddf 2004 (parcio Cerbydau Nwyddau Trymion ar leiniau ymyl, lleiniau canol neu droetffyrdd).

7. Tramgwydd sy'n cynnwys trosedd o'r math y cyfeirir ato ym mharagraff 4(2)(c) (peri i gerbydau aros ar groesfannau i gerddwyr neu gerllaw iddynt) neu 4(2)(i) (llinellau igam-ogam gerllaw croesfannau) o Atodlen 7 i Ddeddf 2004.

8. Tramgwydd sy'n cynnwys trosedd o'r math y cyfeirir ato ym mharagraff 4(2)(i)(ii) o Atodlen 7 i Ddeddf 2004 (marciau ar arosfannau bysiau neu fannau i fysiau sefyll ynddynt).

9. Tramgwydd sy'n cynnwys trosedd o'r math y cyfeirir ato ym mharagraff 4(2)(e) o Atodlen 7 i Ddeddf 2004 (parcio mewn mannau llwytho).

Saving for powers of the Welsh Ministers

4. Nothing in these guidelines prejudices or affects the power of the Welsh Ministers under paragraph 8(3) of Schedule 9 to the Traffic Management Act 2004 to permit an enforcement authority to depart from these guidelines.

Annex

LIST OF HIGHER LEVEL CONTRAVENTIONS

1. A contravention involving the commission of an offence of the kind referred to in paragraph 4(2)(b) (waiting and loading restrictions) of Schedule 7 to the Traffic Management Act 2004 ("the 2004 Act").

2. A contravention involving the leaving of a vehicle in an on-street parking place otherwise than as authorised by or under any order relating to the parking place in any of the following cases—

- (a) without displaying a permit, voucher or pay and display ticket;
- (b) in a place where parking has been suspended;
- (c) where the vehicle is used in connection with the sale of goods or the offering or exposure of goods for sale;
- (d) where the vehicle does not fall within the class of vehicle permitted to park there.

3. A contravention of the prohibition imposed by section 85 (double parking etc.) of the 2004 Act.

4. A contravention of the prohibition imposed by section 86 (dropped footways) of the 2004 Act.

5. A contravention consisting of the commission of an offence of the kind referred to in paragraph 4(2)(h) of Schedule 7 to the 2004 Act (offences relating to cycles tracks)

6. A contravention consisting of an offence of the kind referred to in paragraph 4(2)(g) of Schedule 7 to the 2004 Act (parking of HGVs on verges, central reservations or footways).

7. A contravention consisting of an offence of the kind referred to in paragraph 4(2)(c) (stopping vehicles on or near pedestrian crossings) or 4(2)(i)(i) (zig-zag lines near crossings) of Schedule 7 to the 2004 Act.

8. A contravention consisting of an offence of the kind referred to in paragraph 4(2)(i)(ii) of Schedule 7 to the 2004 Act (bus stop or bus stand markings).

9. A contravention involving an offence of the kind referred to in paragraph 4(2)(e) of Schedule 7 to the 2004 Act (parking in loading areas).

10. Tramgwydd sy'n ymwneud â throedd o'r math y cyfeirir ato ym mharagraff 4(2)(d) o Atodlen 7 i Ddeddf 2004 (mewn perthynas â man parcio oddi-ary-stryd) ac yn cynnwys unrhyw un neu rai o'r canlynol yn sgil gorchymyn yn eu gwahardd mewn perthynas â'r man parcio—

- (a) pan fo'r cerbyd yn cael ei ddefnyddio mewn cysylltiad â gwerthu nwyddau neu gynnig neu arddangos nwyddau i'w gwerthu;
- (b) parcio mewn man cyfyngedig;
- (c) parcio mewn man i bermit heb arddangos permit;
- (ch) parcio mewn man parcio i berson anabl heb arddangos yn gywir fathodyn dilys person anabl;
- (d) parcio cerbyd mewn man parcio pan nad yw'r cerbyd yn dod o fewn y dosbarth o gerbyd y caniateir iddo barcio yno.

10. A contravention involving an offence of the kind referred to in paragraph 4(2)(d) of Schedule 7 to the 2004 Act, (relating to an off-street parking place) and consisting of any of the following where prohibited by an order relating to the parking place—

- (a) using a vehicle in connection with the sale of goods or the offering or exposure of goods for sale;
- (b) parking in a restricted area;
- (c) parking in a permit bay without displaying a permit;
- (d) parking in a disabled person's parking place without correctly displaying a valid disabled person's badge;
- (e) parking a vehicle in a place where the vehicle does not fall within the class of vehicle permitted in that place.

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