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INSTRUMENTS

2015 Rhif 779 (Cy. 62)

2015 No. 779 (W. 62)

TRAFFIG FFYRDD, CYMRU

ROAD TRAFFIC, WALES

Rheoliadau Defnyddio Cerbydau
Pobl Anabl ar Briffyrdd (Diwygio)
(Cymru) 2015

The Use of Invalid Carriages on
Highways (Amendment) (Wales)
Regulations 2015

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae Rheoliadau Defnyddio Cerbydau Pobl Anabl ar Briffyrdd 1988 (“Rheoliadau 1988”) yn gwneud darpariaeth ynghylch y gofynion y mae’n rhaid i gerbydau pobl anabl gydymffurfio â hwy, a’r amodau y mae’n rhaid defnyddio cerbydau pobl anabl yn unol â hwy, er mwyn manteisio ar esemptiadau penodol rhag deddfwriaeth traffig ffyrdd a nodir yn adran 20 o Ddeddf Cleifion Cronig a Phersonau Anabl 1970.

The Use of Invalid Carriages on Highways Regulations 1988 (“the 1988 Regulations”) make provision regarding the requirements with which invalid carriages must comply, and the conditions in accordance with which invalid carriages must be used, in order to benefit from certain exemptions from road traffic legislation which are set out in section 20 of the Chronically Sick and Disabled Persons Act 1970.

Mae’r Rheoliadau hyn yn rhoi rheoliad newydd yn lle rheoliad 7 o Reoliadau 1988 er mwyn cyflwyno gofyniad newydd sy’n ymwneud â cherbydau pobl anabl sy’n cynnwys cyfarpar defnyddiwr angenrheidiol. Mae cyfarpar defnyddiwr angenrheidiol yn rhan o gerbyd pobl anabl, neu’n gysylltiedig ag ef, o adeg ei adeiladu neu ei addasu, ac yn angenrheidiol er mwyn cwrdd â gofynion clinigol y defnyddiwr arferol neu ei ofynion o ran ystum y corff, hylendid, gofalu neu nyrsio. Rhaid i gerbyd pobl anabl sy’n cynnwys cyfarpar defnyddiwr angenrheidiol ond nad yw’n fwy na’r terfyn pwysau heb lwyth ar gyfer ei Ddosbarth pan na fo pwysau’r cyfarpar defnyddiwr angenrheidiol wedi ei gynnwys fodloni’r gofyniad na chaiff ei bwysau heb lwyth fod yn fwy na 200 cilogram.

These Regulations substitute regulation 7 of the 1988 Regulations to introduce a new requirement which relates to invalid carriages which include necessary user equipment. Necessary user equipment is part of, or is attached to, an invalid carriage upon construction or adaption and is necessary to satisfy a clinical, postural, hygienic, caring or nursing requirement of the usual user. An invalid carriage which includes necessary user equipment but does not exceed the unladen weight limit for its Class when the weight of the necessary user equipment is not included must satisfy the requirement that its unladen weight must not exceed 200 kilograms.

Lluniwyd asesiad effaith rheoleiddiol mewn perthynas â’r Rheoliadau hyn. Gellir cael copïau oddi wrth Adran yr Economi, Gwyddoniaeth a Thrafnidiaeth, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

A regulatory impact assessment has been prepared in relation to these Regulations. Copies may be obtained from the Department for the Economy, Science and Transport Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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TRAFFIG FFYRDD, CYMRU

ROAD TRAFFIC, WALES

**Rheoliadau Defnyddio Cerbydau
Pobl Anabl ar Briffyrdd (Diwygio)
(Cymru) 2015**

**The Use of Invalid Carriages on
Highways (Amendment) (Wales)
Regulations 2015**

Gwnaed 18 Mawrth 2015
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 19 Mawrth 2015
Yn dod i rym 9 Ebrill 2015

Made 18 March 2015
*Laid before the National Assembly for
Wales* 19 March 2015
Coming into force 9 April 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol dros Ddrafnidiaeth gan adran 20 o Ddeddf Cleifion Cronig a Phersonau Anabl 1970(1) a drosglwyddwyd wedi hynny i Gynulliad Cenedlaethol Cymru(2) ac a freiniwyd bellach ynddynt hwy(3) yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State for Transport by section 20 of the Chronically Sick and Disabled Persons Act 1970(1) subsequently transferred to the National Assembly for Wales(2) and now vested in them(3) make the following Regulations.

Enwi, cychwyn a dehongli

1. Enw'r Rheoliadau hyn yw Rheoliadau Defnyddio Cerbydau Pobl Anabl ar Briffyrdd (Diwygio) (Cymru) 2015 a deuant i rym ar 9 Ebrill 2015.

Title, commencement and interpretation

1. The title of these Regulations is The Use of Invalid Carriages on Highways (Amendment) (Wales) Regulations 2015 and they come into force on 9 April 2015.

Cymhwyso

2. Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Application

2. These Regulations apply in relation to Wales.

(1) 1970 p. 44; diwygiwyd adran 20 gan Ddeddf Traffig Ffyrdd 1972 (p. 20), Atodlen 7; Deddf Priffyrdd 1980 (p. 66), Atodlen 24, paragraff 19; Deddf Rheoleiddio Traffig Ffyrdd 1984 (p. 27), Atodlen 13, paragraff 10; Deddf Traffig Ffyrdd (Darpariaethau Canlyniadol) 1988 (p. 54), Atodlen 3, paragraffau 7(a) a 7(b); Deddf Traffig Ffyrdd 1991 (p. 40), Rheoliadau Cilffyrdd Cyfyngedig (Cymhwyso Darpariaethau a Diwygiadau Canlyniadol i Ddarpariaethau) 2006 (O.S. 2006/1177), Yr Atodlen, Rhan 1.
(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol mewn perthynas ag adran 20 o Ddeddf Cleifion Cronig a Phersonau Anabl 1970 i Gynulliad Cenedlaethol Cymru o dan ddarpariaethau Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999 Rhif 672).
(3) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(1) 1970 c.44; section 20 has been amended by the Road Traffic Act 1972 (c.20), Schedule 7; the Highways Act 1980 (c.66), Schedule 24, paragraph 19; the Road Traffic Regulation Act 1984 (c.27), Schedule 13, paragraph 10; the Road Traffic (Consequential Provisions) Act 1988 (c.54), Schedule 3, paragraphs 7(a) and 7(b); the Road Traffic Act 1991 (c.40), Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), Schedule, Part 1.
(2) The functions of the Secretary of State in relation to section 20 Chronically Sick and Disabled Persons Act 1970 were transferred to the National Assembly for Wales under the provisions of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999 No. 672).
(3) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

Diwygio Rheoliadau Defnyddio Cerbydau Pobl Anabl ar Briffyrdd 1988

3.—(1) Mae Rheoliadau Defnyddio Cerbydau Pobl Anabl ar Briffyrdd 1988(1) wedi eu diwygio fel a ganlyn.

(2) Yn lle rheoliad 7 (Pwysau heb lwyth), rhodder—

“7.—(1) Subject to paragraph (2), the unladen weight of an invalid carriage must not exceed —

- (a) in the case of a Class 1 or Class 2 invalid carriage, 113.4 kilograms; and
- (b) in the case of a Class 3 invalid carriage, 150 kilograms.

(2) The unladen weight of an invalid carriage which satisfies the conditions in paragraph (3) must not exceed 200 kilograms.

(3) The conditions are that —

- (a) the invalid carriage includes necessary user equipment; and
- (b) the unladen weight of the invalid carriage, excluding the weight of necessary user equipment, does not exceed the weight limit for its Class as set out in paragraph (1).

(4) In this regulation —

- (a) “necessary user equipment” means equipment that —
 - (i) forms part of, or is attached to, the invalid carriage upon construction or adaptation; and
 - (ii) is necessary for the specific clinical, postural, hygienic, caring or nursing requirement of the usual user.
- (b) “unladen weight” means the weight of the invalid carriage —
 - (i) inclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for propulsion of the invalid carriage, loose tools, and any necessary user equipment; but

Amendment of the Use of the Invalid Carriages on Highways Regulations 1988

3.—(1) The Use of Invalid Carriages on Highways Regulations 1988(1) are amended as follows.

(2) For regulation 7 (Unladen weight), (substitute—

“7.—(1) Subject to paragraph (2), the unladen weight of an invalid carriage must not exceed —

- (a) in the case of a Class 1 or Class 2 invalid carriage, 113.4 kilograms; and
- (b) in the case of a Class 3 invalid carriage, 150 kilograms.

(2) The unladen weight of an invalid carriage which satisfies the conditions in paragraph (3) must not exceed 200 kilograms.

(3) The conditions are that —

- (a) the invalid carriage includes necessary user equipment; and
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(4) In this regulation —

- (a) “necessary user equipment” means equipment that —
 - (i) forms part of, or is attached to, the invalid carriage upon construction or adaptation; and
 - (ii) is necessary for the specific clinical, postural, hygienic, caring or nursing requirement of the usual user.
- (b) “unladen weight” means the weight of the invalid carriage —
 - (i) inclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for propulsion of the invalid carriage, loose tools, and any necessary user equipment; but

(ii) exclusive of any other load and the weight of the person carried by the invalid carriage.”.

(ii) exclusive of any other load and the weight of the person carried by the invalid carriage.”.

Edwina Hart

Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth, un o Weinidogion Cymru

18 Mawrth 2015

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

18 March 2015

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