

ATODLEN 1

Erthygl 5

ADDASIADAU I DDARPARIAETHAU RHAN II O DDEDDF TRAFFIG
FFYRDD 1991 A GYMHWYSIR MEWN PERTHYNAS A'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

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of arrangements entered into under section 101(5) of the Local Government Act 1972(1) 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 National Assembly for Wales”.

(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 National Assembly for Wales 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 National Assembly for Wales”.

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 National Assembly for Wales whether such guidance is given specifically to the parking authority or to local authorities in Wales generally.

(4) Guidance given by the National Assembly for Wales under subsection (3) above may be varied at any time by the National Assembly for Wales.

(5) The parking authority must publish, in such manner as the National Assembly for Wales determines, 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

(1) 1972 p.70.

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 of Gwynedd) Order 2007(2);

“parking attendant” has the same meaning as in section 63A of the Road Traffic Regulation Act 1984;

“parking authority” means Gwynedd Council;

“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 National Assembly for Wales; and

“vehicle hiring agreement” and “vehicle hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(3) (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 National Assembly for Wales”.

(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 “the relevant designation order” rhoddir “any relevant designation order”;

(2) O.S. 2007/714 (C.62).

(3) 1988 p.53.

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- (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) 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” rhodder “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”.