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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2008 Rhif 1215 (Cy.123)**

**2008 No. 1215 (W.123)**

**TRAFFIG FFYRDD, CYMRU**

**ROAD TRAFFIC, WALES**

Gorchymyn Gorfodi Sifil ar  
Dramgwyddau Parcio  
(Dyfeisiadau a Gymeradwyir)  
(Cymru) (Rhif 2) 2008

The Civil Enforcement of Parking  
Contraventions (Approved  
Devices) (Wales) (No. 2) 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'r Gorchymyn hwn yn dirymu ac yn disodli'r Gorchymyn Gorfodi Sifil ar Dramgwyddau Parcio (Dyfeisiadau a Gymeradwyir) (Cymru) 2008 (O.S. 2008/620 (Cy.69)).

This Order revokes and replaces the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008 (S.I. 2008/620 (W.69)).

Mae Rhan 6 o Ddeddf Rheoli Traffig 2004 ("Deddf 2004") yn darparu ar gyfer gorfodi tramgwyddau parcio yn sifil. Mae Rhan 6 yn cynnwys pwerau sy'n darparu un fframwaith i wneud rheoliadau er mwyn i awdurdodau lleol orfodi cyfyngiadau parcio ac aros yn sifil, a lonydd bysiau a rhai tramgwyddau y mae a wnelont â thraffig sy'n symud. Bydd y cyfryw reoliadau yn disodli pwerau sydd eisoes yn bodoli mewn deddfwriaeth o ran Cymru. Mae'r Ddeddf hefyd yn rhoi pŵer wrth gefn i'r awdurdod cenedlaethol priodol i gyfarwyddo awdurdod lleol i wneud cais am bwerau gorfodi sifil.

Part 6 of the Traffic Management Act 2004 ("the 2004 Act") provides for the civil enforcement of parking contraventions. Part 6 includes powers providing a single framework to make regulations for the civil enforcement by local authorities of parking and waiting restrictions, bus lanes and some moving traffic offences. Such regulations will replace existing powers in legislation in relation to Wales. The Act also gives the appropriate national authority a reserve power to direct a local authority to apply for civil parking enforcement powers.

O dan y pwerau a roddir gan Ran 6, mae Gweinidogion Cymru wedi gwneud Rheoliadau Gorfodi Sifil ar Dramgwyddau Parcio (Darpriaethau Cyffredinol) (Cymru) (Rhif 2) 2008 (O.S. 2008/0000 (Cy.1214 (Cy.122))). Mae Rheoliad 5(a) o'r Rheoliadau hynny yn gwahardd, yn unol ag adran 72(4)(a) o Ddeddf 2004, gosod ffi gosb am dramgwydd parcio ac eithrio ar sail cofnod a gynhyrchir gan ddyfais a gymeradwyir neu wybodaeth a roddir gan swyddog gorfodi sifil parthed ymddygiad a welwyd ganddo ef.

Under the powers conferred by Part 6, the Welsh Ministers have made the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) (No.2) Regulations 2008 (S.I. 2008/1214 (W.122)). Regulation 5(a) of those Regulations prohibits, in accordance with section 72(4)(a) of the 2004 Act, the imposition of a penalty charge for a parking contravention except on the basis of a record produced by an approved device or, information given by a civil enforcement officer as to conduct observed by that officer.

Mae'r Gorchymyn hwn yn pennu disgrifiad o ddyfais sydd yn ddyfais a gymeradwyir at y diben hwn. Yn unol ag erthygl 2, mae dyfais yn ddyfais a gymeradwyir os yw o fath sydd wedi ei ardstyio gan

This Order specifies a description of a device which is an approved device for this purpose. In accordance with article 2, a device is an approved device if it is of a type which has been certified by the Welsh Ministers

Weinidogion Cymru fel un sydd yn bodloni'r gofynion a bennir yn yr Atodlen.

Mae Cyfarwydddeb Safonau Technegol Cenedlaethol 98/34/EC, fel y'i diwygiwyd gan 98/48/EC ("y Gyfarwydddeb"), yn ceisio atal rhwystrau technegol newydd i fasnachu rhag cael eu creu ac yn gosod gweithdrefn ar gyfer darparu gwybodaeth ym maes safonau technegol a rheoliadau. Rhaid hysbysu'r Adran Busnes, Menter a Diwygio Rheoleiddio o unrhyw offeryn statudol sy'n rhagnodi safonau technegol a rhaid i'r Adran honno yn ei thro hysbysu'r Comisiwn Ewropeaidd. Mae Erthygl 9, paragraff 1, o'r Gyfarwydddeb yn ei gwneud yn ofynnol i oedi tri mis rhwng hysbysu'r Comisiwn Ewropeaidd o'r offeryn statudol a dyddiad gwneud yr offeryn hwnnw neu'r dyddiad y daw i rym. Hysbyswyd y Comisiwn Ewropeaidd o'r offeryn statudol hwn ar 12 Medi 2007. Daeth y cyfnod o dri mis i ben felly ar 13 Rhagfyr 2007.

Gellir cael Asesiad Effaith Reoleiddiol llawn a Memorandwm Esboniadol gan yr Uned Trafnidiaeth Integredig, Yr Is-adran Cynllunio a Gweinyddu Trafnidiaeth, Trafnidiaeth Cymru, Llywodraeth Cynulliad Cymru, Adeiladau'r Goron, Parc Cathays, Caerdydd, CF10 3NQ neu ar wefan Llywodraeth Cynulliad Cymru yn:

<http://www.cynulliadcymru.org/bus-home/buslegislation/bus/bus-legislation-sub/bus-legislation-sub-annulment.htm>

as meeting the requirements specified in the Schedule.

The National Technical Standards Directive 98/34/EC, as amended by 98/48/EC ("the Directive"), seeks to prevent the creation of new technical barriers to trade and lays down procedure for the provision of information in the field of technical standards and regulations. Any statutory instrument which prescribes technical standards must be notified to the Department for Business, Enterprise and Regulatory Reform who in turn notify the European Commission. Article 9, paragraph 1 of the Directive requires a three month delay between the notification of the statutory instrument to the European Commission and it being made or coming into force. This statutory instrument was notified to the Commission on 12 September 2007. The three month period therefore ended on 13 December 2007.

A full Regulatory Impact Assessment and Explanatory Memorandum can be obtained from the Integrated Transport Unit, Transport Planning and Administration Division, Transport Wales, Welsh Assembly Government, Crown Offices, Cathays Park, Cardiff, CF10 3NQ or on the Welsh Assembly Government website at: <http://www.assemblywales.org/bus-home/buslegislation/bus/bus-legislation-sub/bus-legislation-sub-annulment.htm>

200 Rhif 1215 (Cy.123)

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(Cymru) (Rhif 2) 2008

The Civil Enforcement of Parking  
Contraventions (Approved  
Devices) (Wales) (No. 2) Order  
2008

*Gwnaed* 29 Ebrill 2008

*Made* 29 April 2008

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 30 Ebrill 2008

*Laid before the National  
Assembly for Wales* 30 April 2008

*Yn dod i rym* 22 Mai 2008

*Coming into force* 22 May 2008

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 92(1) o Ddeddf Rheoli Traffig 2004(1) ac sydd bellach wedi'u breinio ynddynt hwy(2) yn gwneud y Gorchymyn canlynol:

The Welsh Ministers, in exercise of the power conferred upon the National Assembly for Wales by section 92(1) of 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 Gorfodi Sifil ar Dramgwyddau Parcio (Dyfeisiadau a Gymeradwyir) (Cymru) (Rhif 2) 2008. Daw i rym ar 22 Mai 2008 ac y mae yn gymwys o ran Cymru.

1.—(1) The title of this Order is the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) (No. 2) Order 2008. It comes into force on 22 May 2008, and applies in relation to Wales.

(2) Yn y Gorchymyn hwn —

(2) In this Order—

ystyr "y dibenion statudol" ("*the statutory purposes*") yw dibenion y rheoliadau sy'n ymwneud â gorfodi sifil ar dramgwyddau parcio o dan adran 72(4)(a) o Ddeddf Rheoli Traffig 2004;

"EEA state" ("*Gwladwriaeth AEE*") means a state within the European Economic Area;

ystyr "y gofynion a bennir" ("*the specified requirements*") yw'r gofynion a bennir yn yr Atodlen i'r Gorchymyn hwn; ac

"the specified requirements" ("*y gofynion a bennir*") means the requirements specified in the Schedule to this Order; and

ystyr "Gwladwriaeth AEE" ("*EEA state*") yw gwladwriaeth o fewn yr Ardal Economaidd Ewropeaidd.

"the statutory purposes" ("*y dibenion statudol*") means the purposes of regulations relating to the civil enforcement of parking contraventions under section 72(4)(a) of the Traffic Management Act 2004.

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(1) 2004 p.18.

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(1) 2004 c.18.

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

(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).

## Dyfeisiadau a gymeradwyir

2.—(1) Mae dyfais yn ddyfais a gymeradwyir at y dibenion statudol os yw o fath sydd wedi ei ardystio gan Weinidogion Cymru fel un sy'n bodloni'r gofynion a bennir.

(2) Cymerir bod dyfais yn bodloni'r gofynion a bennir pan fo tystiolaeth wedi'i darparu sy'n bodloni Gweinidogion Cymru bod awdurdod cymwys mewn Gwladwriaeth AEE wedi canfod bod y ddyfais o dan sylw yn un sy'n bodloni gofynion safon AEE sy'n gofyn am lefel o berfformiad sy'n cyfateb i'r lefel o berfformiad sy'n ofynnol gan y gofynion a bennir.

(3) Ym mharagraff (2) ystyr "safon AEE" ("*EEA standard*") yw—

- (a) safon neu gôd ymarfer corff safonau gwladol neu gorff cyfatebol perthynol i unrhyw Wladwriaeth AEE;
- (b) unrhyw safon ryngwladol a gydnabyddir ar gyfer ei defnyddio fel safon neu gôd ymarfer gan unrhyw Wladwriaeth AEE; neu
- (c) manyleb dechnegol a gydnabyddir ar gyfer ei defnyddio fel safon gan awdurdodau cyhoeddus perthynol i unrhyw Wladwriaeth AEE.

## Dirymu Gorchymyn Gorfodi Sifil ar Dramgwyddau Parcio (Dyfeisiadau a Gymeradwyir) (Cymru) 2008

3. Dirymir Gorchymyn Gorfodi Sifil ar Dramgwyddau Parcio (Dyfeisiadau a Gymeradwyir) (Cymru) 2008(1) drwy hyn.

## Approved devices

2.—(1) A device is an approved device for the statutory purposes, if it is of a type which has been certified by the Welsh Ministers as one which meets the specified requirements.

(2) A device will be taken to meet the specified requirements where evidence has been produced that satisfies the Welsh Ministers that the device in question has been found by a competent authority in an EEA state to meet the requirements of an EEA standard which requires a level of performance equivalent to that required by the specified requirements.

(3) In paragraph (2) "EEA standard" ("*safon AEE*") means—

- (a) a standard or code of practice of a national standards body or equivalent of any EEA state;
- (b) any international standard recognised for use as standard or code of practice by any EEA state; or
- (c) a technical specification recognised for use as a standard by a public authority of any EEA state.

## Revocation of the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008

3. The Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008(1) is hereby revoked.

*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

29 Ebrill 2008

29 April 2008

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(1) O.S. 2008/620 (Cy. 69)

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(1) S.I. 2008/620 (W.69).

## YR ATODLEN

### GOFYNIION AR GYFER DYFAIS A GYMERADWYIR

1. Rhaid i'r ddyfais gynnwys camera—
  - (a) sydd wedi ei osod yn gadarn ar gerbyd, adeilad, postyn neu strwythur arall;
  - (b) sydd wedi ei osod yn y fath sefyllfa fel y gall weld cerbydau mewn perthynas â pha rai y mae tramgwyddau parcio yn cael eu cyflawni;
  - (c) sydd wedi ei gysylltu drwy ddolenni data diogel â system recordio; ac
  - (ch) sy'n gallu cynhyrchu mewn un llun neu fwy, ddelwedd neu ddelweddau gweladwy o'r cerbyd mewn perthynas â pha un y cafodd tramgwydd parcio ei gyflawni sy'n dangos ei nod cofrestru a digon o'i leoliad i ddangos amgylchiadau'r tramgwydd.

2. Rhaid i'r ddyfais gynnwys system recordio—

- (a) sy'n recordio'n awtomatig gynnyrch y camera neu'r camerâu sy'n gweld y cerbyd a'r man lle mae tramgwydd yn digwydd;
- (b) lle defnyddir dull recordio cadarn a dibynadwy sy'n recordio ar gyfradd isafswm o 5 ffrâm yr eiliad;
- (c) lle mae pob ffrâm o bob delwedd a ddelir wedi ei hamseru (mewn oriau, munudau ac eiliadau), wedi ei dyddio ac wedi ei rhifo'n olynol ac yn awtomatig drwy beiriant cyfrif gweledol; ac
- (ch) pan nad yw'r ddyfais ar safle gosodedig, sy'n recordio'r lleoliad y mae'n cael ei weithredu ohono.

3. Rhaid i'r ddyfais a'r peiriant cyfrif gweledol—

- (a) bod wedi'u syncroneiddio â chloc safon genedlaethol annibynnol addas; a
- (b) bod yn fanwl-gywir o fewn plws neu minws 10 eiliad dros gyfnod o 14 diwrnod a bod wedi ei ail-syncroneiddio â'r cloc safon genedlaethol annibynnol addas o leiaf unwaith yn ystod y cyfnod hwnnw.

4. Pan fo'r ddyfais yn cynnwys cyfleuster i argraffu delwedd lonydd, rhaid i'r ddelwedd honno pan y'i hargreffir ddwyn ardystiad o'r amser a'r dyddiad pan ddaliwyd y ffrâm a'i rhif unigryw.

5. Pan fo'r ddyfais yn gallu recordio geiriau llafar neu ddata clywadwy eraill yn gyfamserol â delweddau gweledol, rhaid i'r ddyfais gynnwys dull o wirio bod y trac sain, mewn unrhyw recordiad a gynhyrchir ganddo, wedi ei syncroneiddio'n gywir â'r ddelwedd weledol.

## SCHEDULE

### REQUIREMENTS FOR AN APPROVED DEVICE

1. The device must include a camera which is—
  - (a) securely mounted on a vehicle, a building, a post or other structure;
  - (b) mounted in such a position that vehicles in relation to which parking contraventions are being committed can be surveyed by it;
  - (c) connected by secure data links to a recording system; and
  - (d) capable of producing in one or more pictures, a legible image or images of the vehicle in relation to which a parking contravention was committed which show its registration mark and enough of its location to show the circumstances of the contravention.

2. The device must include a recording system in which—

- (a) recordings are made automatically of the output from the camera or cameras surveying the vehicle and the place where a contravention is occurring;
- (b) there is used a secure and reliable recording method that records at a minimum rate of 5 frames per second;
- (c) each frame of all captured images is timed (in hours, minutes and seconds), dated and sequentially numbered automatically by means of a visual counter; and
- (d) where the device does not occupy a fixed location, it records the location from which it is being operated.

3. The device and visual counter must —

- (a) be synchronised with a suitable independent national standard clock; and
- (b) be accurate within plus or minus 10 seconds over a 14-day period and re-synchronised to the suitably independent national standard clock at least once during that period.

4. Where the device includes a facility to print a still image, that image when printed must be endorsed with the time and date when the frame was captured and its unique number.

5. Where the device can record spoken words or other audio data simultaneously with visual images, the device must include a means of verifying that, in any recording produced by it, the sound track is correctly synchronised with the visual image.

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