OFFERYNNAU STATUDOL CYMRU

2004 Rhif 104 (Cy.11)

TRAFFIG FFYRDD, CYMRU

Gorchymyn Traffig Ffyrdd (Ardal Barcio a Ganiateir ac Ardal Barcio Arbennig)(Sir Gaerfyrddin) 2004

Wedi'i wneud	- -	*20 Ionawr 2004*
Yn dod i rym	- -	*1 Chwefror 2004*

GAN FOD Cyngor Sir Gaerfyrddin wedi gwneud cais i Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") wneud Gorchymyn o dan baragraffau 1(1) a 2(1) o Atodlen 3 i Ddeddf Traffig Ffyrdd 1991(**1**) mewn perthynas â'r sir honno a'r Cynulliad Cenedlaethol Cymru wedi ymghynghori â Phrif Gwnstabl Heddlu Dyfed Powys yn unol â gofynion paragraff 1(3) a 2(3) o'r Atodlen honno a Chyngor y Tribiwnlysoedd yn unol â gofynion adran 8 o Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992(**2**);

YN AWR, GAN HYNNY, mae'r Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan baragraffau 1(1), 2(1) a 3(3) o Atodlen 3 i Ddeddf Traffig Ffyrdd 1991 a phob pŵ er arall sy'n ei alluogi yn y cyswllt hwnnw(**3**), drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Traffig Ffyrdd (Ardal Barcio a Ganiateir ac Ardal Barcio Arbennig)(Sir Gaerfyrddin) 2004, ac mae'n dod i rym ar 1 Chwefror 2004.

Dehongli

2. Yn y Gorchymyn hwn:

ystyr "yr ardal barcio" ("*the parking area*") yw Sir Gaerfyrddin;

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.

(**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 (p.19), Atodlen 7, paragraff 43 a Deddf Llywodraeth Leol etc. (yr Alban) 1994 (p.39), Atodlen 13, paragraff 171.

(**2**) 1992 p.53.

(**3**) Trosglwyddwyd y pwerau hyn i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(**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).

Dynodi ardal barcio a ganiateir ac ardal barcio arbennig

3. Mae Cynulliad Cenedlaethol Cymru drwy hyn yn dynodi'r ardal barcio —

(a) yn ardal barcio a ganiateir; a

(b) yn ardal barcio arbennig.

Addasu a chymhwyso Rhan II o Ddeddf 1991

4. 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 mae'n effeithiol yn ddarostyngedig i'r addasiadau a bennir yn Atodlen 1 i'r Gorchymyn hwn.

Addasu Deddf 1984

5. Addesir Deddf 1984 mewn perthynas â'r ardal barcio fel a bennir yn Atodlen 2 i'r Gorchymyn hwn.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**5**)

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

20 Ionawr 2004

(**5**) 1998 p.38.

ATODLEN 1 Erthygl 4

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

1.—(1) Addesir adran 66 fel a ganlyn.

(2) Yn is-adran (1) hepgorer y geiriau "in a designated parking place".

(3) Hepgorer is-adran (2).

(4) Yn is-adran (3)—

(a) ym mharagraff (d) yn lle'r geiriau "the specified proportion" rhodder "one half"; a

(b) ym mharagraff (e) yn lle'r geiriau "the London authority" rhodder "the parking authority".

(5) Hepgorer is-adran (4).

(6) Yn is-adran (5) yn lle paragraff (b) rhodder—

"(b) the parking authority".

2.—(1) Addesir adran 69 fel a ganlyn.

(2) Yn lle is-adran (1) rhodder—

"(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) rhodder—

"(8) In this section "relevant authority" means the parking authority."

3.—(1) Addesir adran 71 fel a ganlyn.

(2) Yn is-adran (1) yn lle'r geiriau "a London authority" rhodder "the parking authority".

(3) Yn lle is-adran (4) rhodder—

"(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) Addesir adran 73 fel a ganlyn—

(2) Yn lle is-adrannau (1) i (3) rhodder—

"(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(**6**) 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 parking adjudicators are to sit."

(3) Yn is-adran (5) yn lle'r geiriau "the appointing authorities" rhodder "the parking authority".

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

(5) Yn is-adran (11) yn lle'r geiriau " The Secretary of State" rhodder "The National Assembly for Wales".

(6) Ar ôl is-adran (12) rhodder 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) am y geiriau "the Secretary of State for Wales" rhodder " the National Assembly for Wales".

5. Yn lle adran 74 rhodder 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) Addesir adran 78 fel a ganlyn.

(2) Ar ôl is-adran (7), rhodder yr is-adran ganlynol—

(**6**) 1972 p. 70.