

**THE GWYNEDD COUNCIL
(OFF STREET PARKING PLACES) MINOR ORDER 2007**

Gwynedd Council (“the Council”) in exercise of its powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended (“the 1984 Act”) and under the Road Traffic Act 1991 as amended (whether generally or in relation to the area of the Council) (“the 1991 Act”) and of all other enabling powers and after consulting with the Chief Officer of Police in accordance with paragraph 20 of Schedule 9 of the 1991 Act hereby make the following Order:-

PART 1

GENERAL

- 1 (1) This Order shall come into operation on the 1st day of April 2007 and may be cited as “The Gwynedd Council (Off Street Parking Places) Minor Order 2007”
 - (2) Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, Article 3.5 of the Council of Gwynedd (Off Street Parking Places) Order 1997 (“the 1997 Order”) is revoked on the date that this Order comes into operation.
 - (3) From the coming into operation of this Order the 1997 Order shall be read with the addition of Articles 2, 3 and 4 of this Order. In all other respects the 1997 Order is confirmed as varied by Variation Orders and Notices of Variation made and published prior to this Order
- 2 (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order
 - (2) In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:

“Immobilisation Device” has the same meaning as in Section 104(9) of the 1984 Act;

“Parking Attendant” means any officer of the Council who is authorised by or on behalf of the Council to supervise and control vehicles in any Parking Place and enforce the provisions of this Order pursuant to Section 63A of the 1984 Act;

“Parking Place” means the area of land specified by name in the Schedule to the 1997 Order provided by the Council under the 1984 Act for use as a Parking Place;

“Penalty Charge” means a charge as stated in Article 3 of this Order as amended from time to time in compliance with the provisions of Section 74 and Schedule 3 of the 1991 Act;

“Penalty Charge Notice” or “PCN” means a notice issued or served by a Parking Attendant pursuant to the provisions of Section 66 and Schedule 3 of the 1991 Act

Terms defined in the 1997 Order shall have the same meaning in this Order

PART II

CONTRAVENTION OF ORDER

3 (1) If a vehicle is left in a Parking Place in contravention of or in non compliance with either this Order or the 1997 Order a Penalty Charge shall be payable and/or the vehicle may be removed from that location

(2) In the case of a vehicle in respect of which a Penalty Charge is payable, a PCN showing the information required by section 66(3) of

the 1991 Act may then be issued by a Parking Attendant in accordance with section 66(1) of the 1991 Act

(3) In the case of a vehicle in respect of which the Penalty Charge may have been incurred, it shall be the duty of the Parking Attendant to attach to the vehicle in a conspicuous position a Notice which shall include the following particulars:-

- a) the grounds on which the Parking Attendant believes that the Penalty Charge is payable with respect to the vehicle;
- b) the amount of the Penalty Charge which is payable;
- c) that the Penalty Charge must be paid before the end of the period of 28 days beginning with the date of the Notice;
- d) that if the Penalty Charge is paid before the end of the period of 14 days beginning with the date of the PCN the amount of the Penalty Charge will be reduced by the proportion specified in the Notice;
- e) that if the Penalty Charge is not paid before the end of the 28 day period a Notice to Owner may be served on the person appearing to be the Owner of the vehicle; and
- f) the address to which payment of the Penalty Charge must be made or sent

(4) Payment of the Penalty Charge to the Council shall be as specified on the Penalty Charge Notice to arrive not later than 4.30 p.m. of the fourteenth day following the day on which the Penalty Charge Notice was issued provided that if the said fourteenth day falls upon a day on which the said office is closed the period within which the said charge

shall be paid shall be extended until 4.30 p.m. on the next full day on which the said office is open.

- (5) If the Penalty Charge is not paid within 28 days of the Notice to Owner the charge may be increased by 50% on the issue of a Charge Certificate in accordance with the provisions of paragraph 6 of Schedule 6 of the 1991 Act.
- (6) Continuing failure to pay may result in a judgement in the County court against the Owner to enable the Council to recover payments due
- (7) A PCN affixed to a vehicle in accordance with the provisions of this Article shall not be removed or interfered with except by or under the authority of the Owner or person in charge of the vehicle or the Council.
- (8) If a vehicle is left after a Penalty Charge has been incurred, a Parking Attendant or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of section 69(1) and (2) of the 1991 Act and that vehicle shall only be released from the device on payment of the Penalty Charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.
- (9) Where a Parking Attendant has removed or caused to be removed a vehicle in accordance with paragraph (1) of this Article:-
 - (a) he/she shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible for such charges in respect of the removal, storage

and disposal of the vehicle as it might prescribe from time to time;

- (c) the provisions of the 1984 Act as amended shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article

PART III

VALIDITY

5 If a court, the Department for Transport, the National Parking Adjudication Service or the Traffic Enforcement Centre declare any part of this Order or the 1997 Order to be invalid or unenforceable such declaration shall not invalidate the remainder of this Order or the 1997 Order

Given under the Common seal of the Council of Gwynedd the 12th day
of March Two Thousand and Seven

LLOFNODWYD FEL)

GWEITHRED trwy osod **SÊL**)

GYFFREDIN CYNGOR)

GWYNEDD ym mhresenoldeb:-)

EXECUTED AS A DEED by)

affixing **THE COMMON SEAL**)

of **GWYNEDD COUNCIL**)

in the presence of:)

**Llofnodwr Awdurdodedig
Authorised Signatory**

**GORCHYMYN EILRADD (MANNAU PARCIO ODDI AR Y STRYD)
CYNGOR GWYNEDD 2007**

Mae Cyngor Gwynedd (“y Cyngor”) trwy arfer ei bwerau dan Adrannau 32, 35 a Rhan IV, Atodlen 9, Deddf Rheoli Traffig y Ffyrdd 1984 fel y’i newidiwyd (“Deddf 1984”) a than Ddeddf Traffig y Ffyrdd 1991 fel y’i newidiwyd (pa un ai yn gyffredinol neu mewn perthynas ag ardal y Cyngor) (“Deddf 1991”) a’r holl bwerau galluogi eraill ac ar ôl ymgynghori â Phrif Swyddog yr Heddlu yn unol â pharagraff 20, Atodlen 9, Deddf 1991, trwy hyn yn gwneud y Gorchymyn a ganlyn:

RHAN 1

CYFFREDINOL

- 1 (1) Daw’r Gorchymyn hwn i rym ar ddiwrnod 1af Ebrill 2007 a gellir cyfeirio ato fel “Gorchymyn Eilradd (Mannau Parcio Oddi ar y Stryd) Cyngor Gwynedd 2007”.
 - (2) Heb amharu ar ddilysrwydd unrhyw beth a wnaed neu unrhyw atebolrwydd o ran unrhyw ddeddf neu anwaith cyn i’r Gorchymyn hwn ddod i rym, diddymir Erthygl 3.5 Gorchymyn (Mannau Parcio Oddi ar y Stryd) Cyngor Gwynedd 1997 (“Gorchymyn 1997”) ar y dyddiad y daw’r Gorchymyn hwn i rym.
 - (3) O’r adeg pan ddaw’r Gorchymyn hwn i rym, dylid darllen Gorchymyn 1997 gydag Erthyglau 2, 3 a 4 y Gorchymyn hwn. Fel arall, cadarnheir Gorchymyn 1997 fel y’i amrywiwyd gan y Gorchymynion Amrywio a Rhybuddion Amrywio a wnaed ac a gyhoeddwyd cyn y Gorchymyn hwn.
- 2 (1) Mae unrhyw gyfeiriad at Erthygl â rhif yn y Gorchymyn hwn yn gyfeiriad at yr Erthygl yn y Gorchymyn hwn sydd yn dwyn y rhif hwnnw.
 - (2) Yn y Gorchymyn hwn, oni bai fod y cyd-destun yn mynnu yn wahanol mae ystyron yr ymadroddion a ganlyn trwy hyn, wedi’u dynodi yn ôl eu trefn:

mae ystyr “Dyfais Rhwystro Symud” yr un fath â’r ystyr yn Adran 104(9), Deddf 1984;

golyga “Gweinyddwr Parcio” unrhyw swyddog o’r Cyngor sydd wedi’i awdurdodi gan neu ar ran y Cyngor i oruchwyllo a rheoli cerbydau mewn unrhyw Fan Parcio a gorfodi darpariaethau’r Gorchymyn hwn yn unol ag Adran 63A, Deddf 1984;

golyga “Man Parcio” ardal o dir wedi’i nodi â’i enw yn yr Atodlen yng Ngorchymyn 1997 a ddarparwyd gan y Cyngor dan Ddeddf 1984 i’w ddefnyddio fel Man Parcio;

golyga “Tâl Cosb” dâl fel nodir yn Erthygl 3 y Gorchymyn hwn fel y’i newidiwyd o bryd i’w gilydd yn unol â darpariaethau Adran 74 ac Atodlen 3, Deddf 1991;

golyga “Rhybudd Tâl Cosb” neu “RhTC”, rybudd a roddwyd neu a gyflwynwyd gan Weinyddwr Parcio yn unol â darpariaethau Adran 66 ac Atodlen 3, Deddf 1991.

Bydd i’r termau a ddiffiniwyd yng Ngorchymyn 1997 yr un ystyr yn y Gorchymyn hwn.

RHAN II

MYND YN GROES I’R GORCHYMYN

3 (1) Os caiff cerbyd ei adael mewn Man Parcio yn groes i’r Gorchymyn hwn neu Orchymyn 1997, neu mewn modd nad yw’n cydymffurfio â hwy, bydd Tâl Cosb yn daladwy a/neu gellir symud y cerbyd o’r lleoliad hwnnw.

(2) Yn achos cerbyd lle mae Tâl Cosb yn daladwy, gall y Gweinyddwr Parcio gyflwyno RhTC sy’n dangos y wybodaeth sydd ei

hangen dan adran 66(3), Deddf 1991 yn unol ag adran 66(1), Deddf 1991.

(3) Yn achos cerbyd sydd wedi cael Tâl Cosb, dyletswydd y Gweinyddwr Parcio fydd gosod Rhybudd mewn lle amlwg ar y cerbyd, a bydd yn rhybudd sy'n cynnwys y manylion a ganlyn:

- a) y rhesymau pam fod y Gweinyddwr Parcio yn credu bod y Tâl Cosb yn daladwy mewn perthynas â'r cerbyd;
- b) swm y Tâl Cosb sydd yn daladwy;
- c) bod rhaid talu'r Tâl Cosb cyn diwedd y cyfnod o 28 diwrnod sydd yn cychwyn ar ddyddiad y Rhybudd;
- d) os bydd y Tâl Cosb yn cael ei dalu cyn pen diwedd y cyfnod o 14 diwrnod sydd yn cychwyn ar ddyddiad y RhTC, bydd swm y Tâl Cosb yn gostwng yn ôl yr hyn a nodir yn y Rhybudd;
- e) os na thelir y Tâl Cosb cyn diwedd y cyfnod o 28 diwrnod, bydd yn bosibl cyflwyno Rhybudd i'r Perchennog i'r person yr ymddengys sydd berchen y cerbyd; a'r
- f) cyfeiriad lle dylid anfon tâl y Tâl Cosb.

(4) Nodir ar y Rhybudd Tâl Cosb y bydd y Tâl Cosb yn cael ei dalu ddim hwyrach na 4.30 p.m. ar y pedwerydd diwrnod ar ddeg ar ôl diwrnod cyhoeddi'r Rhybudd Tâl Cosb ond os bydd y pedwerydd diwrnod ar ddeg ar ddiwrnod pan fydd y swyddfa dan sylw ar gau, bydd y cyfnod talu yn ymestyn hyd 4.30 p.m. y diwrnod llawn nesaf pan fydd y swyddfa dan sylw ar agor.

- (5) Os na thelir y Tâl Cosb o fewn 28 diwrnod o'r Rhybudd i'r Perchennog bydd yn bosibl codi'r tâl 50% drwy gyflwyno Tystysgrif Tâl yn unol â darpariaethau paragraff 6, Atodlen 6, Deddf 1991.
- (6) Gall parhau i beidio â thalu arwain at ddyfarniad yn y llys Sirol yn erbyn y Perchennog, i alluogi'r Cyngor adennill y taliadau dyledus.
- (7) Ni fydd gan unrhyw un heblaw gydag awdurdod y Perchennog neu'r unigolyn sydd yn gyfrifol am y cerbyd, neu'r Cyngor, neu o dan eu hawdurdod, hawl i dynnu RhTC sydd wedi'i osod ar gerbyd yn unol â darpariaethau'r Erthygl hon.
- (8) Os bydd cerbyd yn cael ei adael ar ôl cael Tâl Cosb, gall Gweinyddwr Parcio neu unigolyn sydd yn gweithio yn ôl ei gyfarwyddyd osod dyfais rhwystro symud a rhybudd yn unol â gofynion adran 69(1) a (2), Deddf 1991 a dylid ond rhyddhau'r cerbyd o'r ddyfais ar ôl derbyn y Tâl Cosb, neu yn ôl fel y digwydd, tâl cosb gostyngol, ynghyd â ffi rhyddhau o'r fath ag y gall fod y Cyngor ei angen.
- (9) Pan fydd Gweinyddwr Parcio wedi symud cerbyd neu beri iddo gael ei symud yn unol â pharagraff (1) yr Erthygl hon:
 - (a) bydd ef/hi yn gofalu bod y cerbyd yn cael ei gadw yn ddiogel;
 - (b) bydd gan y Cyngor hawl i adennill unrhyw gostau gan y person sydd yn gyfrifol am y fath gostau o ran symud, cadw neu gael gwared â'r cerbyd fel a bennir ganddo o bryd i'w gilydd;
 - (c) bydd darpariaethau Deddf 1984 fel y'i newidiwyd, yn berthnasol i gael gwared â cherbyd o'r fath a symudir gan neu ar ran y Cyngor yn unol â'r Erthygl hon.

RHAN III

DILYSRWYDD

- 4 Os bydd llys, yr Adran Drafnidiaeth, y Gwasanaeth Dyfarnu Parcio Cenedlaethol neu'r Ganolfan Gorfodaeth Traffig yn datgan bod unrhyw ran o'r Gorchymyn hwn neu Orchymyn 1997 yn annilys neu na ellir ei orfodi, ni fydd datganiad o'r fath yn annilysu gweddill y Gorchymyn hwn na Gorchymyn 1997.

Rhodddwyd dan sêl Gyffredin Cyngor Gwynedd ar 12fed diwrnod mis

Mawrth Dwy fil a saith