

DYDDIEDIG/DATED 8/12/ 2008

GORCHYMYN CYNGOR GWYNEDD
(MANNAU PARCIO ODDI AR Y STRYD) 1997
GORCHYMYN AMRYWIO (YSBYTY GWYNEDD) 2008

THE COUNCIL OF GWYNEDD
(OFF STREET PARKING PLACES) ORDER 1997
VARIATION ORDER (YSBYTY GWYNEDD) 2008

Cyf./Ref: CAT-1088 GT

Dilys A Phillips,
Pennaeth Gweinyddol a Gwarchod y Cyhoedd/Head of
Administration and Public Protection
Cyngor Gwynedd/Gwynedd Council,
Swyddfa'r Cyngor/Council Offices
Stryd y Jêl/Shirehall Street,
CAERNARFON,
Gwynedd,
LL55 1SH

THE COUNCIL OF GWYNEDD
(OFF STREET PARKING PLACES) ORDER 1997
VARIATION ORDER (YSBYTY GWYNEDD) 2008

Gwynedd Council (hereinafter referred to as “the Council”) in exercise of the powers conferred by the Road Traffic Regulation Act 1984, as amended and of all other powers them enabling and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Road Traffic Regulation Act 1994 hereby makes the following Order:-

- 1.1 This Order shall come into operation on the 15th day of December Two Thousand and Eight and may be cited as the “Council of Gwynedd (Off Street Parking Places Order 1997 Variation Order (Ysbyty Gwynedd) 2008”
- 1.2 In this Order the expression "the 1997 Order" means the Council of Gwynedd (Off Street Parking Places) Order 1997 as varied
- 1.3 In this Order the Expression “the 2007 Order” means the Gwynedd Council (Off Street Parking Places) Minor Order 2007
2. The 1997 Order shall have effect as though:-
 - 2.1 “the 2004 Act” were inserted into Article 2 with the definition “the Traffic Management Act 2004”
 - 2.2 “the 2008 Guidelines” were inserted into Article 2 with the definition “the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2008”
 - 2.3 “Civil Enforcement Officer” were read in place of “Parking Attendant”
 - 2.4 In Article 2 the definition of “Parking Attendant” were replaced by the following definition: ““Civil Enforcement Officer” has the meaning defined in section 76 of the 2004 Act”
 - 2.5 the definition of “Penalty Charge” and “Reduced Penalty Charge” in Article 2 were amended to: “a charge set by the Council under the provisions of section 78 of the 2004 Act and the 2008 Guidelines”
 - 2.6 the Articles headed “Contravention of Order” inserted into the 1997 Order by the 2007 Order were replaced by the following Articles:-

CONTRAVENTION OF ORDER

- (1) If a vehicle is left in a Parking Place or in any access road to or within the Parking Place in contravention of or in non compliance with any provision of this 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 Penalty Charge Notice shall be issued by a Civil Enforcement Officer in accordance with section 78 of the 2004 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 Civil Enforcement Officer to attach to the vehicle in a conspicuous position a Notice which shall include the following particulars:
 - (a) the grounds on which the Civil Enforcement Officer 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 Notice, the amount of the Penalty Charge will be reduced by the specified proportion;
 - (e) that if the Penalty Charge is not paid before the end of the 28 day period a Notice to Owner may be served by the Local Authority 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 made as specified on the PCN 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 department is closed the period within which the Penalty Charge shall be paid to the Council shall be extended until 4.30 p.m. on the next full day on which the said department 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.

- (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 Penalty Charge Notice affixed to a vehicle in accordance with the provisions of Article 28 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 Civil Enforcement Officer in uniform 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 79 of the 2004 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 Civil Enforcement Officer 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 shall apply to the disposal of any such vehicle removed by or on behalf of the Council pursuant to this Article.

2.7 The following entry be added to the Schedule to the 1997 Order:

1	2	3	4
Ysbyty Gwynedd	Light Vehicles	Monday to Sunday inclusive	12 hours unless otherwise indicated by signs on site

2.8 In all other respects the 1997 Order, as varied before the date of this Order, is confirmed

GIVEN under the Common Seal of Gwynedd Council the 8th day of December Two
Thousand and Eight

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:)

W. A. Williams



Llofnodwr Awdurdodedig
Authorised Signatory

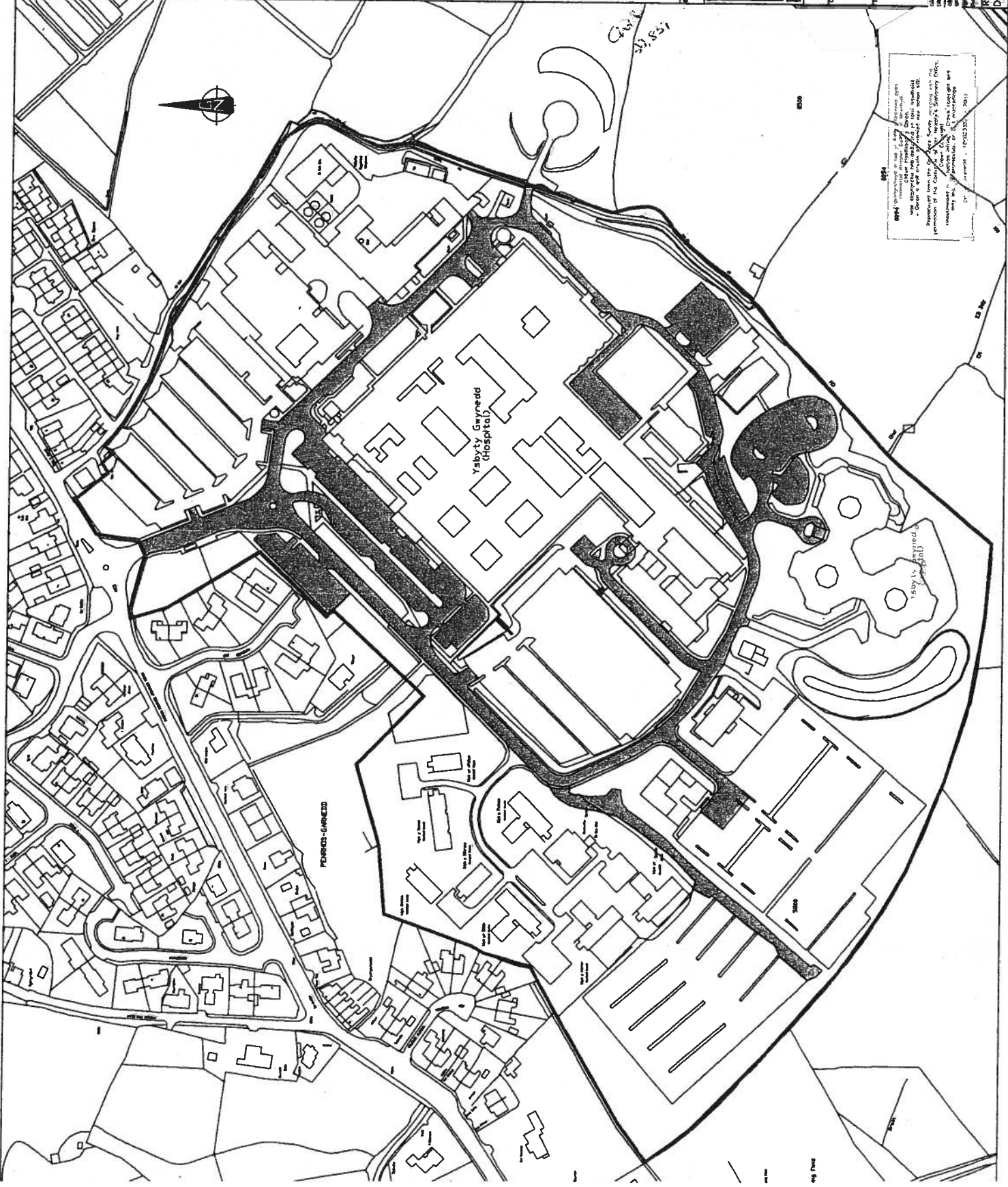
CLIENT/CUSTOMER :

NODDADAU/NOTES

KEY:

Boundary of Site to be known as
YSBYTY GWYNEDD on the Off-street
Order.

 Principal Enforceable Areas.



NOTE:

1. This plan is a site plan and does not show the location of the site in relation to the surrounding area.

2. The site is bounded by the following roads:

- North: Ysbyty Gwynedd Road
- South: Ysbyty Gwynedd Road
- East: Ysbyty Gwynedd Road
- West: Ysbyty Gwynedd Road

3. The site is bounded by the following walls:

- North: Ysbyty Gwynedd Wall
- South: Ysbyty Gwynedd Wall
- East: Ysbyty Gwynedd Wall
- West: Ysbyty Gwynedd Wall

4. The site is bounded by the following fences:

- North: Ysbyty Gwynedd Fence
- South: Ysbyty Gwynedd Fence
- East: Ysbyty Gwynedd Fence
- West: Ysbyty Gwynedd Fence

5. The site is bounded by the following gates:

- North: Ysbyty Gwynedd Gate
- South: Ysbyty Gwynedd Gate
- East: Ysbyty Gwynedd Gate
- West: Ysbyty Gwynedd Gate

6. The site is bounded by the following paths:

- North: Ysbyty Gwynedd Path
- South: Ysbyty Gwynedd Path
- East: Ysbyty Gwynedd Path
- West: Ysbyty Gwynedd Path

7. The site is bounded by the following walls:

- North: Ysbyty Gwynedd Wall
- South: Ysbyty Gwynedd Wall
- East: Ysbyty Gwynedd Wall
- West: Ysbyty Gwynedd Wall

8. The site is bounded by the following fences:

- North: Ysbyty Gwynedd Fence
- South: Ysbyty Gwynedd Fence
- East: Ysbyty Gwynedd Fence
- West: Ysbyty Gwynedd Fence

9. The site is bounded by the following gates:

- North: Ysbyty Gwynedd Gate
- South: Ysbyty Gwynedd Gate
- East: Ysbyty Gwynedd Gate
- West: Ysbyty Gwynedd Gate

10. The site is bounded by the following paths:

- North: Ysbyty Gwynedd Path
- South: Ysbyty Gwynedd Path
- East: Ysbyty Gwynedd Path
- West: Ysbyty Gwynedd Path



CYFADRAN YR
AMGYLCHEDD
ENVIRONMENT
DIRECTORATE

Ysbyty Gwynedd
Gwynedd Consultancy

YSBYTY GWYNEDD - Bangor

Ysbyty Gwynedd
Off-street Order Layout

DATE	09/2008
BY	...
CHECKED BY	...
SCALE	1:1000

RYN Limited
Drawing No. Ysbyty/layout

GORCHYMYN CYNGOR GWYNEDD
(MANNAU PARCIO ODDI AR Y STRYD) 1997
GORCHYMYN AMRYWIO (YSBYTY GWYNEDD) 2008

Mae Cyngor Gwynedd (y cyfeirir ato wedi hyn fel “y Cyngor”) trwy ymarfer ei bwerau o dan Ddeddf Rheoli Traffig y Ffyrdd 1984, fel y newidiwyd a phob pŵer galluogi arall ac ar ôl ymgynghori gyda Phrif Swyddog yr Heddlu yn unol â Rhan III o Atodlen 9 i Ddeddf Rheoli Traffig y Ffyrdd 1984, drwy hyn yn gwneud y Gorchymyn a ganlyn:-

- 1.1 Daw'r Gorchymyn hwn i rym ar y 15^{fed} dydd o Ragfyr, Dwy Fil ag Wyth a gellir cyfeirio ato fel “Gorchymyn Cyngor Gwynedd (Mannau Parcio oddi ar y Stryd) 1997 Gorchymyn Amrywio (Ysbyty Gwynedd) 2008”
- 1.2 Yn y Gorchymyn hwn mae'r ymadrodd "Gorchymyn 1997" yn golygu Gorchymyn (Mannau Parcio oddi ar y Stryd) Cyngor Gwynedd 1997 fel yr amrywiwyd
2. Bydd Gorchymyn 1997 a'r effaith fel pe byddai:-
 - 2.1 “Deddf 2004” wedi ei mewnosod yn Erthygl 2 gyda diffiniad “Deddf Rheoli Traffig y Ffyrdd 2004”
 - 2.2 “Canllawiau 2008” wedi eu mewnosod yn Erthygl 2 gyda diffiniad “Gorchymyn Gorfodi Sifil ar Dramgwyddau Parcio (Canllawiau ar Lefelau Taliadau) (Cymru) 2008”
 - 2.3 “Swyddog Gorfodi Sifil” yn cael ei ddarllen yn lle “Swyddog Parcio”
 - 2.4 Yn Erthygl 2 cafodd y diffiniad o “Swyddog Parcio” ei newid gan y diffiniad a ganlyn “Swyddog Gorfodi Sifil” gyda'r ystyr wedi ei ddiffinio yn adran 76 o Ddeddf 2004”
 - 2.5 Cafodd y diffiniad o ‘Dâl Cosb’ a ‘Thâl Cosb Gostyngol’ yn Erthygl 2 eu newid i: “dâl a osodwyd gan y Cyngor o dan ddarpariaethau adran 78 o Ddeddf 2004 a Chanllawiau 2008”

2.6 Cafodd yr Erthyglau gyda'r pennawd "Tramgwyddo'r Gorchymyn" eu mewnosod yng Ngorchymyn 1997 gan Orchymyn 2007 eu disodli gan yr Erthyglau a ganlyn:-

TRAMGWYDDO'R GORCHYMYN

- (1) Os oes cerbyd wedi ei adael mewn Man Parcio neu ar unrhyw ffordd fynediad i neu yn y Man Parcio gan dramgwyddo neu gan beidio cydymffurfio gydag unrhyw ddarpariaeth o'r Gorchymyn, bydd Tâl Cosb yn daladwy a/neu gellir symud y cerbyd ymaith o'r lleoliad hwnnw.
- (2) Yn achos cerbyd ble bydd Tâl Cosb yn daladwy, bydd Hysbysiad Tâl Cosb yn cael ei gyflwyno gan Swyddog Gorfodi Sifil yn unol ag adran 78 o Ddeddf 2004.
- (3) Yn achos cerbyd ble y gallai Tâl Cosb fod wedi ei achosi, bydd yn ddyletswydd ar y Swyddog Gorfodi Sifil i osod mewn lle amlwg ar y cerbyd Hysbysiad fydd yn cynnwys y manylion a ganlyn:
 - (a) ar ba sail mae'r Swyddog Gorfodi Sifil yn credu fod y Tâl Cosb yn daladwy o safbwynt y cerbyd;
 - (b) swm y Tâl Cosb sy'n daladwy;
 - (c) fod yn rhaid talu'r Tâl Cosb cyn diwedd y cyfnod o 28 diwrnod gan ddechrau gyda dyddiad yr hysbysiad;
 - (d) os yw'r Tâl Cosb yn cael ei dalu cyn diwedd y cyfnod o 14 diwrnod gan ddechrau gyda dyddiad yr Hysbysiad, bydd swm y Tâl Cosb yn cael ei ostwng yn ôl y gyfran a bennwyd;
 - (e) os nad yw'r Tâl Cosb yn cael ei dalu cyn diwedd y cyfnod o 28 diwrnod gellir cyflwyno Hysbysiad i'r Perchennog gan yr Awdurdod Lleol i'r unigolyn sy'n ymddangos i fod yn Berchennog y cerbyd; a
 - (f) y cyfeiriad y dylid anfon neu gyflwyno taliad y Tâl Cosb.
- (4) Bydd taliad y Tâl Cosb i'r Cyngor yn cael ei wneud fel a bennwyd ar yr HTC i gyrraedd ddim hwyrach na 4.30pm ar y pedwerydd diwrnod ar ddeg yn dilyn y diwrnod y cyflwynwyd yr Hysbysiad Tâl Cosb ar yr amod os yw'r pedwerydd diwrnod ar ddeg dywededig ar ddiwrnod pan fo'r adran ddywededig wedi cau bydd y cyfnod y bydd y Tâl Cosb yn cael ei dalu i'r Cyngor yn cael ei ymestyn tan 4.30pm ar y diwrnod llawn nesaf y mae'r adran ddywededig yn agored.
- (5) Os nad yw'r Tâl Cosb yn cael ei dalu cyn pen 28 diwrnod o'r Hysbysiad i'r Perchennog, gall y tâl gynyddu o 50% ar gyflwyniad Tystysgrif Tâl.

- (6) Bydd parhau i fethu a thalu yn gallu golygu dyfarniad yn y Llys Sirol yn erbyn y Perchennog i alluogi'r Cyngor i adennill y taliadau sy'n daladwy.
- (7) Ni fydd Hysbysiad Tâl Cosb a osodir ar gerbyd yn unol â darpariaethau Erthygl 28 yn cael ei dynnu na neb yn ymyrryd ag ef ac eithrio gan neu o dan awdurdod y Perchennog neu unigolyn sydd yn gyfrifol am y cerbyd gan y Cyngor.
- (8) Os yw cerbyd yn cael ei adael ar ôl i Dâl Cosb gael ei achosi, gall Swyddog Gorfodi Sifil mewn lifrau neu unigolyn yn gweithredu o dan ei gyfarwyddyd osod ar gerbyd ddyfais i atal cerbyd rhag symud a hysbysiad yn unol â gofynion adran 79 o Ddeddf 2004 a bydd y cerbyd hwnnw ond yn cael ei ryddhau o'r ddyfais ar daliad y Tâl Cosb, fel Tâl Cosb gostyngol fel mae'r achos, ynghyd â ffi ryddhau fel y gall fod yn ofynnol gan y Cyngor.
- (9) Ble fo Swyddog Gorfodi Sifil wedi symud neu achosi i gerbyd gael ei symud yn unol â pharagraff (1) o'r Erthygl hon:-
- (a) bydd ef/hi yn darparu ar gyfer cadw'r cerbyd yn ddiogel;
 - (b) bydd gan y Cyngor yr hawl i adennill gan yr unigolyn sy'n gyfrifol am daliadau o'r fath o safbwynt symud, cadw a chael gwared â'r cerbyd fel y bydd efallai yn pennu o bryd i'w gilydd;
 - (c) bydd darpariaethau Deddf 1984 yn gymwys i gael gwared ag unrhyw gerbyd o'r fath a symudwyd gan neu ar ran y Cyngor yn unol â'r Erthygl hon.

2.7 bod y cofnod a ganlyn yn cael ei ychwanegu at yr Atodlen i Orchymyn 1997:

1	2	3	4
Ysbyty Gwynedd	Cerbydau Ysgafn	Dydd Llun i Ddydd Sul yn gynwysedig	12 awr oni bai y dangosir yn wahanol gan arwyddion ar y safle

2.8 Yn yr holl agweddau eraill cadarnheir Gorchymyn 1997, fel yr amrywiwyd cyn dyddiad y Gorchymyn hwn

RHODDWDYD o dan Sêl Gyffredin Cyngor Gwynedd ar yr 8^{ed} dydd o Ragfyr Dwy Fil ag Wyth