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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2008 Rhif 612 (Cy.64)**

**2008 No. 612 (W.64)**

**TRAFFIG FFYRDD, CYMRU**

**ROAD TRAFFIC, WALES**

Rheoliadau Symud Ymaith a  
Gwaredu Cerbydau (Diwygio)  
(Cymru) 2008

The Removal and Disposal of  
Vehicles (Amendment) (Wales)  
Regulations 2008

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note is not part of the Regulations)*

Mae Rheoliadau Symud Ymaith a Gwaredu Cerbydau 1986 ("Rheoliadau 1986") yn darparu ar gyfer symud ymaith a gwaredu cerbydau o dan adrannau 3 a 4 o Ddeddf Gwaredu Sbwriel (Amwynder) 1978 ("Deddf 1978") ac adrannau 99 a 101 o Ddeddf Rheoleiddio Traffig Ffyrdd 1984 ("Deddf 1984").

The Removal and Disposal of Vehicles Regulations 1986 ("the 1986 Regulations") provide for the removal and disposal of vehicles under sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978 ("the 1978 Act") and sections 99 and 101 of the Road Traffic Regulation Act 1984 ("the 1984 Act").

Cafodd swyddogaethau yr Ysgrifennydd Gwladol o dan adrannau 3 a 4 o Ddeddf 1978 eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, OS 1999/672, erthygl 2 ac Atodlen 1. Cafodd swyddogaethau yr Ysgrifennydd Gwladol o dan adrannau 99 a 101 o Ddeddf 1984 eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2004, OS 2004/3044, erthygl 2 ac Atodlen 1. Cafodd holl swyddogaethau Cynulliad Cenedlaethol Cymru eu trosglwyddo i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

The functions of the Secretary of State under sections 3 and 4 of the 1978 Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, article 2 and Schedule 1. The functions of the Secretary of State under sections 99 and 101 of the 1984 Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2004, SI 2004/3044, article 2 and Schedule 1. All functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau 1986 o ran Cymru (ac eithrio'r rhannau hynny o Groesfannau'r Hafren sydd yng Nghymru) er mwyn caniatáu i swyddogion gorfodi symud ymaith gerbydau sydd wedi cael eu gadael i sefyll ar ffordd o fewn ardal orfodi sifil yng Nghymru.

These Regulations amend the 1986 Regulations in relation to Wales (save for those parts of the Severn Crossings which are in Wales) so as to allow civil enforcement officers to remove vehicles which have been permitted to remain at rest on a road in a civil enforcement area in Wales.

Ni chaiff symudiad ymaith o'r fath ddiwydd ond pan fo swyddog gorfodi sifil wedi gosod hysbysiad o dâl cosb ar y cerbyd, neu wedi traddodi hysbysiad o'r fath i'r person y mae'n ymddangos ei fod yn gyfrifol am y cerbyd.

Such removal may only take place where a civil enforcement officer has fixed a penalty charge notice to the vehicle, or has handed such a notice to the person appearing to be in charge of the vehicle.

Ni fydd hysbysiadau tâl cosb a ddyroddir mewn perthynas â cherbydau mewn manau parcio dynodedig o ran taliadau parcio, methiant i arddangos tocyn parcio neu ddyfais parcio neu fethiant i symud y cerbyd ymaith o fan parcio ar ddiwedd cyfnod y talwyd amdano yn gwarantu symud y cerbyd dan sylw ymaith, hyd nes bydd yr "*appropriate period*" fel y'i diffinnir gan y rheoliad 5C(4) newydd wedi dod i ben.

Gellir cael Aseiad Effaith Reoleiddiol lawn a Memorandwm Esboniadol o'r Uned Trafnidiaeth Integredig, yr Is-adran Cynllunio a Gweinyddu, Trafnidiaeth Cymru, Llywodraeth Cynulliad Cymru, Swyddfeydd y Goron, Parc Cathays, Caerdydd, CF10 3NQ neu wefan Cynulliad Cenedlaethol Cymru ar <http://www.cynulliadcymru.org/bushome/buslegislation/bus-legislation-sub/bus-legislation-sub-annulment.htm> <http://www.assemblywales.org/bus-home/buslegislation/bus/bus-legislation-sub/bus-legislation-sub-annulment.htm>

Penalty charge notices issued in relation to vehicles in designated parking places which are issued in respect of parking charges, failing to display a ticket or parking device or failing to remove the vehicle from a parking place at the end of a period for which a charge was paid, will not warrant removal of the vehicle concerned, until the expiry of the "appropriate period" as defined by new regulation 5C(4).

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>

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**Rheoliadau Symud Ymaith a  
Gwaredu Cerbydau (Diwygio)  
(Cymru) 2008**

**The Removal and Disposal of  
Vehicles (Amendment) (Wales)  
Regulations 2008**

*Gwnaed* 6 Mawrth 2008  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 10 Mawrth 2008  
*Yn dod i rym* 31 Mawrth 2008

*Made* 6 March 2008  
*Laid before the National  
Assembly for Wales* 10 March 2008  
*Coming into force* 31 March 2008

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol dros Drafndiaeth gan adrannau 99(1) a 99 (2) o Ddeddf Rheoleiddio Traffig Ffyrdd 1984(1) ac sydd bellach wedi'u breinio ynddynt hwy,(2) ac ar ôl ymgynghori â chyrrff cynrychioliadol yn unol ag adran 134(2) o'r Ddeddf honno, drwy hyn yn gwneud y Rheoliadau canlynol:

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State, by sections 99(1) and 99(2) of the Road Traffic Regulation Act 1984(1), subsequently transferred to the National Assembly for Wales, and now vested in them,(2), and after consultation with representative organisations in accordance with section 134(2) of that Act, hereby make the following Regulations:

**Enwi, cychwyn a chymhwysu**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Symud Ymaith a Gwaredu Cerbydau (Diwygio) (Cymru) 2008, deuant i rym ar 31 Mawrth 2008 ac yn ddarostyngedig i baragraff (2), maent yn gymwys o ran Cymru.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2008, they come into force on 31 March 2008, and subject to paragraph (2), apply in relation to Wales.

(2) Nid yw'r Rheoliadau hyn yn gymwys mewn perthynas â'r rhannau a ganlyn o Gymru—

(2) These Regulations do not apply in relation to the following parts of Wales—

- (a) y rhan honno o Draffordd yr M4 yng Nghymru sy'n cynnwys "*the New Toll Plaza area*" a "*the New Bridge*", fel y'u diffinnir yn adran 39(1) o Ddeddf Pontydd Hafren 1992(3); na'r

- (a) that part of the M4 Motorway in Wales which comprises "*the New Toll Plaza area*" and "*the New Bridge*", as defined in section 39(1) of the Severn Bridges Act 1992(3); or

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(1) 1984 p.27.

(2) Cafodd swyddogaethau'r Ysgrifennydd Gwladol dros Drafndiaeth o dan Ddeddf Rheoleiddio Traffig Ffyrdd 1984 eu trosglwyddo i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

(3) 1992 p.3.

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(1) 1984 c.27.

(2) The functions of the Secretary of State for Transport under the Road Traffic Regulation Act 1984 were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) (Order) 2004 (SI 2004/3044). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(3) 1992 c.3.

- (b) rhan honno o'r ffordd a adeiladwyd gan y Gweinidog Trafnidiaeth ar hyd y llinell a ddisgrifir yn Atodlen 1 i Orchymyn Cefnffordd Man i'r Gogledd o Almondsbury-Man i'r De o Haysgate 1947(1) ac y cyfeirir ati yn y Gorchymyn fel "*the new road*" sy'n gorwedd i'r dwyrain o'r pwynt mwyaf dwyreiniol cyn cyrraedd yr Afon Gwy lle gall traffig o ddsbarth I a II sy'n teithio tua'r dwyrain (fel a bennir yn Atodlen 4 i Ddeddf Priffyrdd 1980(2)) adael y ffordd honno ar hyd ffordd arbennig arall.

### **Diwygio Rheoliadau Symud Ymaith a Gwaredu Cerbydau 1986**

2.—(1) Diwygir Rheoliadau Symud Ymaith a Gwaredu Cerbydau 1986(3) yn unol â pharagraff (2).

(2) Mewnoder y Rheoliad a ganlyn ar ôl rheoliad 5B—

#### **"Power of civil enforcement officers to remove vehicles in a civil enforcement area in Wales"**

5C.—(1) Paragraph (2) applies where—

- (a) a vehicle has been permitted to remain at rest on a road in a civil enforcement area in Wales; and
- (b) a civil enforcement officer has, in accordance with Regulation 5 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008(4), fixed a penalty charge notice to the vehicle or handed such a notice to the person appearing to him or her to be in charge of the vehicle.

(2) Where this paragraph applies, a civil enforcement officer or a person acting under his or her direction may subject to paragraph (3) remove the vehicle concerned—

- (a) to another position on the road where it is found;
- (b) to another road; or
- (c) to a place which is not on a road.

(3) The power conferred by paragraph (2) is not exercisable where the vehicle concerned is in a parking place and a penalty charge notice has been served as mentioned in paragraph (1)(b) in respect of a contravention consisting of, or arising out of, a failure—

- (a) to pay a parking charge with respect to the vehicle;

- (b) that part of the road constructed by the Minister of Transport along the line described in Schedule 1 to the North Almondsbury-South of Haysgate Trunk Road Order 1947(1) and referred to in that Order as "the new road" which lies to the east of the most easterly point before reaching the River Wye at which eastbound traffic of Classes I and II (as specified in Schedule 4 to the Highways Act 1980(2)) can leave that road by another special road.

### **Amendment of the Removal and Disposal of Vehicles Regulations 1986**

2.—(1) The Removal and Disposal of Vehicles Regulations 1986(3) are amended in accordance with paragraph (2).

(2) The following regulation is inserted after regulation 5B—

#### **"Power of civil enforcement officers to remove vehicles in a civil enforcement area in Wales"**

5C.—(1) Paragraph (2) applies where—

- (a) a vehicle has been permitted to remain at rest on a road in a civil enforcement area in Wales; and
- (b) a civil enforcement officer has, in accordance with Regulation 5 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008(4), fixed a penalty charge notice to the vehicle or handed such a notice to the person appearing to him or her to be in charge of the vehicle.

(2) Where this paragraph applies, a civil enforcement officer or a person acting under his or her direction may subject to paragraph (3) remove the vehicle concerned—

- (a) to another position on the road where it is found;
- (b) to another road; or
- (c) to a place which is not on a road.

(3) The power conferred by paragraph (2) is not exercisable where the vehicle concerned is in a parking place and a penalty charge notice has been served as mentioned in paragraph (1)(b) in respect of a contravention consisting of, or arising out of, a failure—

- (a) to pay a parking charge with respect to the vehicle;

(1) O.S. 1947/1562.

(2) 1980 p.66.

(3) O.S. 1986/183, y gwnaed newidiadau sy'n berthnasol i'r Rheoliadau hyn, o ran Cymru, gan O.S. 2005/3252 (Cy. 245).

(4) O.S. 2008/609.

(1) S.I. 1947/1562.

(2) 1980 c.66.

(3) S.I. 1986/183, to which amendments relevant to these Regulations have been made, in relation to Wales, by S.I. 2005/3252 (w. 245).

(4) S.I. 2008/609.

- (b) to properly display a ticket or parking device; or
- (c) to remove the vehicle from the parking place by the end of the period for which the appropriate charge was paid,

until the appropriate period has elapsed since the giving of that penalty charge notice in respect of the contravention.

(4) In this regulation—

"the appropriate period" means—

- (a) in the case of a vehicle as respects which there are 3 or more penalty charges outstanding, 15 minutes;
- (b) in any other case, 30 minutes;

"civil enforcement area" and "civil enforcement officer" have the same meanings as in the Traffic Management Act 2004 (see Schedule 8 and section 76 of that Act);

"outstanding" in relation to a penalty charge has the same meaning as in regulations 2(2), (3) and (4) of the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008(1);

"parking place" has the meaning given by section 79(7) of the Traffic Management Act 2004;

"penalty charge" means a penalty charge relating to a parking contravention in accordance with regulation 3 of the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008.

"penalty charge notice" has the same meaning as in regulation 4 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008."

- (b) to properly display a ticket or parking device; or
- (c) to remove the vehicle from the parking place by the end of the period for which the appropriate charge was paid,

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"penalty charge notice" has the same meaning as in regulation 4 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008."

*Ieuan Wyn Jones*

Y Gweinidog dros yr Economi a Thrafnidiaeth, un o Weinidogion Cymru

6 Mawrth 2008

Minister for the Economy and Transport, one of the Welsh Ministers

6 March 2008



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