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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2013 Rhif 360 (Cy.42 )**

**2013 No. 360 (W. 42)**

**TRAFFIG FFYRDD, CYMRU**

**ROAD TRAFFIC, WALES**

Gorchymyn Gorfodi Sifil ar  
Dramgwyddau Traffig Ffyrdd  
(Dyfeisiadau a Gymeradwyir)  
(Cymru) 2013

The Civil Enforcement of Road  
Traffic Contraventions (Approved  
Devices) (Wales) Order  
2013

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae Rhan 6 o Ddeddf Rheoli Traffig 2004 ("Deddf 2004") yn darparu ar gyfer gorfodi tramgwyddau traffig ffyrdd yn sifil. Mae Rhan 6 yn cynnwys pwerau sy'n darparu un fframwaith i wneud rheoliadau er mwyn i awdurdodau lleol orfodi'n sifil gyfyngiadau parcio ac aros, 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 genedlaethol.

Part 6 of the Traffic Management Act 2004 ("the 2004 Act") provides for the civil enforcement of road traffic 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 replace existing powers in national legislation.

Mae adran 72(4)(a) o Ddeddf 2004 yn caniatáu i Weinidogion Cymru wneud rheoliadau sy'n gwahardd gosod ffi gosb am dramgwydd traffig ffyrdd ac eithrio ar sail cofnod a gynhyrchir gan ddyfais a gymeradwyir neu, o ran tramgwyddau parcio yn unig, ar sail gwybodaeth a roddir gan swyddog gorfodi sifil ynghylch ymddygiad a welwyd gan y swyddog hwnnw.

Section 72(4)(a) of the 2004 Act allows Welsh Ministers to make regulations prohibiting the imposition of a penalty charge for a road traffic contravention except on the basis of a record produced by an approved device or, in relation to parking contraventions only, 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 hardystio gan Weinidogion Cymru fel un sydd yn bodloni'r gofynion a bennir yn yr Atodlen.

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 as meeting the requirements specified in the Schedule.

Mae Cyfarwyddeb Safonau Technegol Cenedlaethol 98/34/EC, fel y'i diwygiwyd gan 98/48/EC, ("y Gyfarwyddeb"), 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, Arloesedd a Sgiliau o unrhyw offeryn statudol sy'n rhagnodi safonau technegol a rhaid i'r Adran honno yn ei thro hysbysu'r Comisiwn Ewropeaidd.

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, Innovation and Skills who in turn notify the European Commission. Article 9, paragraph 1 of

Mae Erthygl 9, paragraff 1, o'r Gyfarwyddeb 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 am yr Offeryn Statudol hwn ar 5 Ionawr 2011. Daeth y cyfnod o dri mis i ben felly ar 5 Mawrth 2011.

Mae'r Gorchymyn hwn yn dirymu ac yn disodli Gorchymyn Gorfodi Sifil ar Dramgwyddau Parcio (Dyfeisiadau a Gymeradwyir) (Cymru) (Rhif 2) 2008 (O.S. 2008/1215 (Cy.123)).

Gellir cael Asesiad Effaith Rheoleiddiol llawn a Memorandwm Esboniadol oddi wrth Is-adran Trafnidiaeth Gyhoeddus, Trafnidiaeth, Llywodraeth Leol a Chymunedau, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

the Directive requires a three month standstill period 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 5 January 2011. The three month period therefore ended on 5th March 2011.

This Order revokes and replaces the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) (No 2) Order 2008 (S.I. 2008/1215 (W.123)).

A full Regulatory Impact Assessment and Explanatory Memorandum can be obtained from the Public Transport Division, Transport, Local Government and Communities, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2013 Rhif 360 (Cy. 42 )

**TRAFFIG FFYRDD, CYMRU**

**Gorchymyn Gorfodi Sifil ar  
Dramgwyddau Traffig Ffyrdd  
(Dyfeisiadau a Gymeradwyir)  
(Cymru) 2013**

*Gwnaed* 26 Chwefror 2013  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 28 Chwefror 2013  
*Yn dod i rym* 25 Mawrth 2013

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:

**Enwi, cychwyn, cymhwyso a dehongli**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Gorfodi Sifil ar Dramgwyddau Traffig Ffyrdd (Dyfeisiadau a Gymeradwyir) (Cymru) 2013, daw i rym ar 25 Mawrth 2013 ac mae'n gymwys o ran Cymru.

(2) Yn y Gorchymyn hwn—

ystyr "Deddf 2004" ("*the 2004 Act*") yw Deddf Rheoli Traffig 2004;

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

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

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(1) 2004 p.18.

(2) Cafodd swyddogaethau Cynulliad Cenedlaethol Cymru o dan Ddeddf Rheoleiddio Traffig 2004 eu trosglwyddo i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

2013 No. 360 (W. 42)

**ROAD TRAFFIC, WALES**

**The Civil Enforcement of Road  
Traffic Contraventions (Approved  
Devices) (Wales) Order  
2013**

*Made* 26 February 2013  
*Laid before the National  
Assembly for Wales* 28 February 2013  
*Coming into force* 25 March 2013

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:

**Title, commencement, application and interpretation**

1.—(1) The title of this Order is the Civil Enforcement of Road Traffic Contraventions (Approved Devices) (Wales) Order 2013, it comes into force on 25 March 2013, and applies in relation to Wales.

(2) In this Order—

"the 2004 Act" ("*Deddf 2004*") means the Traffic Management Act 2004;

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

"road traffic contravention" ("*tramgwydd traffig ffyrdd*") means any of the following:

- (a) a parking contravention as described in Part 1, paragraph 4 of Schedule 7 to the 2004 Act;
- (b) a bus lane contravention as described in Part 2 of Schedule 7 to the 2004 Act; or

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(1) 2004 c.18.

(2) The functions of the National Assembly for Wales under the Traffic Management Act 2004 were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

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

ystyr "tramgwydd traffig ffyrdd" ("*road traffic contravention*") yw un neu ragor o'r canlynol:

- (a) tramgwydd parcio fel a ddisgrifir yn Rhan 1, paragraff 4 o Atodlen 7 i Ddeddf 2004;
- (b) tramgwydd lôn fysiau fel a ddisgrifir yn Rhan 2 o Atodlen 7 i Ddeddf 2004; neu
- (c) tramgwydd traffig sy'n symud fel a ddisgrifir yn Rhan 4 o Atodlen 7 i Ddeddf 2004.

### 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) Bernir 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 god 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 god ymarfer gan unrhyw Wladwriaeth AEE; neu
- (c) manyleb dechnegol a gydnabyddir ar gyfer ei defnyddio fel safon gan awdurdod cyhoeddus perthynol i unrhyw Wladwriaeth AEE.

### Dirymu

3. Drwy hyn mae Gorchymyn Gorfodi Sifil ar Dramgwyddau Parcio (Dyfeisiadau a Gymeradwyir) (Cymru) (Rhif 2) 2008(1) wedi ei ddirymu.

(c) a moving traffic contravention as described in Part 4 of Schedule 7 to the 2004 Act;

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

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

### 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 body of any EEA state;
- (b) any international standard recognised for use as a 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

3. The Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) (No.2) Order 2008(1) is hereby revoked.

*Carl Sargeant*

Y Gweinidog Llywodraeth Leol a Chymunedau, un o Weinidogion Cymru

Minister for Local Government and Communities, one of the Welsh Ministers

26 Chwefror 2013

26 February 2013

Y GOFYNION A BENNIR AR GYFER  
DYFAIS A GYMERADWYIRSPECIFIED REQUIREMENTS FOR AN  
APPROVED DEVICE

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 traffig ffyrdd 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 darllenadwy o'r cerbyd mewn perthynas â pha un y cafodd tramgwydd traffig ffyrdd 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 diogel 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 eu 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 eu hail-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 ardstiad 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
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 road traffic 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 road traffic 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,

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.

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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