CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

# 2006 Rhif 1791 (Cy.187)

# TRAFFIG FFYRDD, CYMRU

## Gorchymyn Traffig Ffyrdd (Ardal Barcio a Ganiateir ac Ardal Barcio Arbennig) (Bwrdeistref Sirol Conwy) 2006

### NODYN ESBONIADOL

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

Mae Atodlen 3 i Ddeddf Traffig Ffyrdd 1991 yn darparu ar gyfer dynodi ardaloedd parcio a ganiateir ac ardaloedd parcio arbennig. Mae paragraff 1 (1) yn rhoi'r pŵer i Gynulliad Cenedlaethol Cymru ("Y Cynulliad Cenedlaethol") ddynodi'r cyfan neu unrhyw ran o ardal cyngor sir neu gyngor bwrdeistref sirol yng Nghymru yn ardal barcio a ganiateir yn dilyn cais am orchymyn o dan yr is-baragraff. Mae paragraff 2(1) yn rhoi pŵer cyffelyb mewn perthynas ag ardaloedd parcio arbennig.

Gwneir y Gorchymyn hwn yn dilyn cais gan Gyngor Bwrdeistref Sirol Conwy ("yr awdurdod lleol") o dan baragraffau 1(1) a 2(1) uchod ac ymgynghoriad statudol gyda Phrif Gwnstabl Heddlu Gogledd Cymru a'r Cyngor ar Dribiwnlysoedd.

Effaith y Gorchymyn hwn yw dynodi'r cyfan o Fwrdeistref Sirol Conwy ac eithrio hyd cyfan yr A55, gan gynnwys ei ffyrdd ymuno a'i ffyrdd ymadael, yn ardal barcio a ganiateir ac yn ardal barcio arbennig ("Ardal y Gorchymyn"). O dan y Gorchymyn, mae'r rhan fwyaf o droseddau parcio ar-y-stryd nad ydynt yn ardystiadwy yn cael eu datgriminaleiddio o fewn Ardal y Gorchymyn. Mae eu gorfodi yn peidio â bod yn gyfrifoldeb yr heddlu ac yn dod yn gyfrifoldeb yr awdurdod lleol. Rhoddir pŵer i oruchwylwyr parcio a gyflogir gan yr awdurdod lleol (neu a gyflogir fel goruchwylwyr parcio gan berson y gwnaeth yr awdurdod lleol drefniant ag ef) osod rhybuddion tâl cosb ar gerbydau sy'n torri rheoliadau parcio a gallant, mewn achosion priodol, awdurdodi tynnu cerbydau ymaith neu osod llyffethair arnynt.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

# 2006 No. 1791 (W.187)

# ROAD TRAFFIC, WALES

## The Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of Conwy) Order 2006

### EXPLANATORY NOTE

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

Schedule 3 of the Road Traffic Act 1991 makes provision for the designation of permitted parking areas and special parking areas. Paragraph 1(1) gives the National Assembly for Wales ("the National Assembly") the power to designate the whole or any part of the area of a county council or county borough council in Wales as a permitted parking area following an application for an order under the sub-paragraph. Paragraph 2(1) gives a similar power in relation to special parking areas.

This Order is made following an application by Conwy County Borough Council ("the local authority") under paragraphs 1(1) and 2(1) above and statutory consultation with the Chief Constable of North Wales Police and the Council on Tribunals.

The effect of this Order is to designate as a permitted parking area and a special parking area the whole of the county borough of Conwy except the entire length of the A55, including its on and off slip roads ("the Order Area"). Under the Order, most non-endorsable on-street parking offences within the Order Area are decriminalised. Enforcement ceases to be the responsibility of the Police and becomes the responsibility of the local authority. Parking attendants employed by the local authority (or employed as parking attendants by a person with whom the local authority has made arrangements) are given the power to place penalty charge notices on vehicles contravening parking regulations and may, in appropriate cases, authorise the towing away or immobilisation of vehicles.

Yn rhinwedd y Gorchymyn, mae taliadau cosb yn Ardal y Gorchymyn i gael eu gosod gan yr awdurdod lleol gan roi ystyriaeth i ganllawiau a roddir gan y Cynulliad Cenedlaethol. Y maent i'w hadennill gan yr awdurdod lleol fel dyledion sifil. Gwneir darpariaeth ar gyfer cyflwyno sylwadau i'r awdurdod lleol pan osodir tâl cosb neu pan gaiff cerbyd ei dynnu ymaith neu pan osodir llyffethair ar gerbyd mewn man parcio dynodedig. Mae dyfarnu pan ddigwydd anghytundebau i gael ei drin gan gyd-bwyllgor a sefydlir yn unol â threfniadau a wneir o dan adran 101(5) o Ddeddf Llywodraeth Leol 1972.

By virtue of the Order, penalty charges in the Order Area are to be set by the local authority having regard to guidance given by the National Assembly. They are recoverable by the local authority as civil debts. Provision is made for the making of representations to the local authority in the event of the imposition of a penalty charge or the towing away or immobilisation of a vehicle in a designated parking place. Adjudication in the event of disputes is to be dealt with by a joint committee set up in pursuance of arrangements entered into under section 101(5) of the Local Government Act 1972.

# 2006 Rhif 1791 (Cy.187)

# TRAFFIG FFYRDD, CYMRU

## Gorchymyn Traffig Ffyrdd (Ardal Barcio a Ganiateir ac Ardal Barcio Arbennig) (Bwrdeistref Sirol Conwy) 2006

*Wedi'i wneud* 4 Gorffennaf 2006

*Yn dod i rym* 1 Medi 2006

Mae Cyngor Bwrdeistref Sirol Conwy wedi gwneud cais i Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") i wneud Gorchymyn o dan baragraffau 1(1) a 2(1) o Atodlen 3 i Ddeddf Traffig Ffyrdd 1991(**1**) o ran y Fwrdeistref Sirol honno a chan fod y Cynulliad Cenedlaethol wedi ymgynghori â Phrif Gwnstabl Heddlu Gogledd Cymru yn unol â gofynion paragraffau 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**);

Mae'r Cynulliad Cenedlaethol, drwy arfer y pwerau a roddwyd gan baragraffau 1(1), 2(1) a 3(3) o Atodlen 3 i Ddeddf Traffig Ffyrdd 1991 a phob pŵer 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) (Bwrdeistref Sirol Conwy) 2006 a daw i rym ar 1 Medi 2006.

(**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 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).



# 2006 No. 1791 (W.187)

# ROAD TRAFFIC, WALES

## The Road Traffic (Permitted Parking Area and Special Parking Area)(County Borough of Conwy) Order 2006

*Made* 4 July 2006

*Coming into force* 1 September 2006

The Council of the County Borough of Conwy has applied to the National Assembly for Wales ("the National Assembly") for an Order to be made under paragraphs 1(1) and 2(1) of Schedule 3 to the Road Traffic Act 1991 (**1**) with respect to that County Borough and the National Assembly has consulted the Chief Constable of the North Wales Police in accordance with the requirements of paragraphs 1(3) and 2(3) of that Schedule and the Council on Tribunals in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1992(**2**);

The National Assembly, in exercise of the powers conferred by paragraphs 1(1), 2(1) and 3(3) of Schedule 3 to the Road Traffic Act 1991 and of all other powers enabling it in that behalf(**3**), hereby makes the following Order:

**Citation and commencement**

**1**. This Order, which may be cited as the Road Traffic (Permitted Parking Area and Special Parking Area)(County Borough of Conwy) Order 2006, comes into force on the 1 September 2006.

(**1**) 1991 c.40. Schedule 3 was amended by the Road Traffic Act 1991 (Amendment of Schedule 3) (England and Wales) Order 1996 (S.I. 1996/500) by the Local Government (Wales) Act 1994 (c.19), Schedule 7, paragraph 43 and the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 171.

(**2**) 1992 c.53.

(**3**) The powers were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

**Dehongli**

**2**. Yn y Gorchymyn hwn:

ystyr "yr ardal barcio" ("*the parking area*") yw'r ardal a ddynodir yn ardal barcio a ganiateir ac yn ardal barcio arbennig gan erthygl 4 o'r Gorchymyn hwn;

ystyr "Deddf 1984" ("*the 1984 Act*") yw Deddf Rheoleiddio Traffig Ffyrdd 1984(**1**); ac

ystyr "Deddf 1991" ("*the 1991 Act*") yw Deddf Traffig Ffyrdd 1991.

**Cymhwyso**

**3**. Mae'r Gorchymyn hwn yn gymwys i Fwrdeistref Sirol Conwy yn gyfan ac eithrio'r A55 ar ei hyd, gan gynnwys ei ffyrdd ymuno a'i ffyrdd ymadael, o fewn y fwrdeistref sirol.

**Dynodi ardal barcio a ganiateir ac ardal barcio arbennig**

**4**. Mae'r Cynulliad Cenedlaethol drwy hyn yn dynodi'r ardal y mae'r Gorchymyn hwn yn gymwys iddi-

(a) yn ardal barcio a ganiateir; a

(b) yn ardal barcio arbennig.

**Addasu a chymhwyso Rhan II o Ddeddf 1991**

**5**. 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 unol â'r cymhwysiad hwnnw maent yn effeithiol yn ddarostyngedig i'r addasiadau a bennir yn Atodlen 1 i'r Gorchymyn hwn.

**Addasu Deddf 1984**

**6**. Caiff Deddf 1984 ei haddasu mewn perthynas â'r ardal barcio fel a bennir yn Atodlen 2 i'r Gorchymyn hwn.

(**1**) 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).

**Interpretation**

**2**. In this Order:

"the 1984 Act" ("*Deddf 1984*") means the Road Traffic Regulation Act 1984(**1**);

"the 1991 Act" ("*Deddf 1991*") means the Road Traffic Act 1991; and

"the parking area" ("*yr ardal barcio*") means the area designated as a permitted parking area and special parking area by article 4 of this Order.

**Application**

**3**. This Order applies to the whole of the county borough of Conwy except the entire length of the A55, including its on and off slip roads, within the county borough.

**Designation of permitted parking area and special parking area**

**4**. The National Assembly hereby designates the area to which this Order applies as-

(a) a permitted parking area; and

(b) a special parking area.

**Modification and application of Part II of the 1991 Act**

**5**. Sections 66, 69 to 74, 78, 79 and 82 of, and Schedule 6 to, the 1991 Act apply in relation to the parking area and as so applied have effect subject to the modifications specified in Schedule 1 to this Order.

**Modification of the 1984 Act**

**6**. The 1984 Act is modified in relation to the parking area as specified in Schedule 2 to this Order.

(**1**) 1984 c.27. Section 32(4) (a) was amended, and section 45(1) was substituted, by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraphs 39 and 44. Sections 46(1A), 63A and 101(4A) and (5A) were inserted by the Road Traffic Act 1991, sections 64(2), 44(1) and 67(4) and (6). Section 102(8) was amended by the Road Traffic Act 1991, section 68(3).

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**1**).

4 Gorffennaf 2006

4 July 2006

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) 1998 p.38.

(**1**) 1998 c.38

ATODLEN 1

Erthygl 5

## ADDASIADAU I DDARPARIAETHAU RHAN II O DDEDDF TRAFFIG FFYRDD 1991 A GYMHWYSIR MEWN PERTHYNAS Â'R ARDAL BARCIO

**1**.-(1) Caiff adran 66 ei haddasu fel a ganlyn.

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

(3) Hepgorir is-adran (2).

(4) Yn is-adran (3)-

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

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

(5) Hepgorir is-adran (4).

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

"(b) the parking authority.".

**2**.-(1) Caiff adran 69 ei haddasu fel a ganlyn.

(2) Yn lle is-adran (1) rhoddir-

"(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) rhoddir-

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

**3**.-(1) Caiff adran 71 ei haddasu fel a ganlyn.

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

(3) Yn lle is-adran (4) rhoddir-

"(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

SCHEDULE 1

Article 5

## MODIFICATIONS OF PROVISIONS OF PART II OF THE ROAD TRAFFIC ACT 1991 APPLIED IN RELATION TO THE PARKING AREA

**1**.-(1) Section 66 is modified as follows.

(2) In subsection (1) the words "in a designated parking place" are omitted.

(3) Subsection (2) is omitted.

(4) In subsection (3)-

(a) in paragraph (d) for the words "the specified proportion" there is substituted "one half"; and

(b) in paragraph (e) for the words "the London authority" there is substituted "the parking authority".

(5) Subsection (4) is omitted.

(6) In subsection (5) for paragraph (b) there is substituted-

"(b) the parking authority.".

**2**.-(1) Section 69 is modified as follows.

(2) For subsection (1) there is substituted-

"(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) For subsection (8) there is substituted-

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

**3**.-(1) Section 71 is modified as follows.

(2) In subsection (1) for the words "a London authority" there is substituted "the parking authority".

(3) For subsection (4) there is substituted-

"(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) Caiff adran 73 ei haddasu fel a ganlyn.

(2) Yn lle is-adrannau (1) i (3) rhoddir-

"(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(**1**) 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 such parking adjudicators are to sit.".

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

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

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

(6) Ar ôl is-adran (12) mewnosodir 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.".

(**1**) 1972 p. 70.

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) Section 73 is modified as follows.

(2) For subsections (1) to (3) there is substituted-

"(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(**1**) 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 such parking adjudicators are to sit.".

(3) In subsection (5) for the words "the appointing authorities" there is substituted "the parking authority".

(4) Subsections (8) to (10) are omitted.

(5) In subsection (11) for the words "The Secretary of State" there is substituted " The National Assembly for Wales".

(6) After subsection (12) the following subsection is inserted-

"(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.".

(**1**) 1972 c. 70

(7) Yn is-adran (18) yn lle'r geiriau "the Secretary of State" rhoddir "the National Assembly for Wales".

(7) In subsection (18) for the words "the Secretary of State" there is substituted "the National Assembly for Wales".

**5**. Yn lle adran 74 rhoddir 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.".

**5**. For section 74 there is substituted the following-

"**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) Caiff adran 78 ei haddasu fel a ganlyn.

(2) Ar ôl is-adran (7) mewnosodir yr is-adran ganlynol:

"(8) Any order made under subsection (2), and any regulations made under subsection (4), of this section apply with necessary modifications, including in particular the substitution for references to a London authority of references to the parking authority, in relation to the recovery of Part II debts payable in relation to the parking area.".

**6**.-(1) Section 78 is modified as follows.

(2) After subsection (7) the following subsection is inserted:

"(8) Any order made under subsection (2), and any regulations made under subsection (4), of this section apply with necessary modifications, including in particular the substitution for references to a London authority of references to the parking authority, in relation to the recovery of Part II debts payable in relation to the parking area.".

**7**.-(1) Caiff adran 82 ei haddasu fel a ganlyn.

(2) Yn lle is-adran (1) rhoddir-

"(1) In this section and sections 66, 69 to 74, 78 and 79 of, and Schedule 6 to, this Act-

"immobilisation device" has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;

"the Joint Committee" has the meaning given by section 73(1) of this Act;

"the parking area" means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of

**7**.-(1) Section 82 is modified as follows.

(2) For subsection (1) there is substituted-

"(1) In this section and sections 66, 69 to 74, 78 and 79 of, and Schedule 6 to, this Act-

"immobilisation device" has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;

"the Joint Committee" has the meaning given by section 73(1) of this Act;

"the parking area" means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of

Conwy) Order 2006(**1**);

"parking attendant" has the same meaning as in section 63A of the Road Traffic Regulation Act 1984;

"parking authority" means the Council of the County Borough of Conwy;

"penalty charge" means a penalty charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to this Act;

"prescribe" and "prescribed" mean prescribe or, as the case may be, prescribed, by regulations made by the National Assembly for Wales; and

"vehicle hiring agreement" and "vehicle hire firm" have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(**2**) (hired vehicles).".

(3) Hepgorir is-adrannau (1A), (1B) ac (1C).

(4) Yn is-adran (5) yn lle'r geiriau "the London authority concerned" rhoddir "the parking authority".

(5) Yn is-adran (6) hepgorir y geiriau "on a Minister of the Crown".

(6) Yn is-adran (7) mewnosodir y geiriau "by the Lord Chancellor" ar ôl y geiriau "Any statutory instrument made".

**8**.-(1) Caiff Atodlen 6 ei haddasu fel a ganlyn.

(2) Ym mharagraff 1(1) yn lle'r geiriau "the London authority concerned" rhoddir "the parking authority".

(3) Ym mharagraff 1(3) yn lle'r geiriau "The Secretary of State" rhoddir "The National Assembly for Wales".

(4) Ym mharagraff 2-

(a) yn is-baragraff (1) yn lle'r geiriau "the London authority who served the notice on him" rhoddir "the parking authority";

(b) yn is-baragraff (2) yn lle'r geiriau o "in such form as" hyd at ddiwedd yr is-baragraff rhoddir "in writing";

(c) yn is-baragraff (3) yn lle'r geiriau "The authority" rhoddir "The parking authority";

(ch) yn is-baragraff (4)(c) yn lle'r geiriau "the parking place" rhoddir "the place where it was".

(**1**) O.S. 2006/1791 (Cy.187).

(**2**) 1988 p.53.

Conwy) Order 2006(**1**);

"parking attendant" has the same meaning as in section 63A of the Road Traffic Regulation Act 1984;

"parking authority" means the Council of the County Borough of Conwy;

"penalty charge" means a penalty charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to this Act;

"prescribe" and "prescribed" mean prescribe or, as the case may be, prescribed, by regulations made by the National Assembly for Wales; and

"vehicle hiring agreement" and "vehicle hire firm" have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(**2**) (hired vehicles).".

(3) Subsections (1A), (1B) and (1C) are omitted.

(4) In subsection (5) for the words "the London authority concerned" there is substituted "the parking authority".

(5) In subsection (6) the words "on a Minister of the Crown" are omitted.

(6) In subsection (7) the words "by the Lord Chancellor" are inserted after the words "Any statutory instrument made".

**8**.-(1) Schedule 6 is modified as follows.

(2) In paragraph 1(1) for the words "the London authority concerned" there is substituted "the parking authority".

(3) In paragraph 1(3) for the words "The Secretary of State" there is substituted "The National Assembly for Wales".

(4) In paragraph 2-

(a) in sub-paragraph (1) for the words "the London authority who served the notice on him" there is substituted "the parking authority";

(b) in sub-paragraph (2) for the words from "in such form as" to the end of the sub-paragraph there is substituted "in writing";

(c) in sub-paragraph (3) for the words "The authority" there is substituted "The parking authority";

(d) in sub-paragraph (4)(c) for the words "the parking place" there is substituted "the place where it was".

(**1**) S.I. 2006/1791 (W.187)

(**2**) 1988 c.53.

(d) yn is-baragraff (7) yn lle'r geiriau "an authority to whom representations are duly made" rhoddir "the parking authority when representations are duly made to it".

(5) Ym mharagraff 3 yn lle'r geiriau "the London authority concerned" yn y ddau le y maent yn digwydd rhoddir "the parking authority".

(6) Ym mharagraff 4 yn lle'r geiriau "the London authority concerned" ac yn lle'r geiriau "the authority" rhoddir "the parking authority".

(7) Ym mharagraff 5-

(a) yn is-baragraff (1) yn lle'r geiriau "an authority" rhoddir "the parking authority" ac yn lle'r geiriau "the authority's decision" rhoddir "the parking authority's decision";

(b) yn is-baragraff (2) yn lle'r geiriau "the London authority concerned" rhoddir "the parking authority"; ac

(c) yn lle is-baragraff (3) rhoddir-

"(3) It is the duty of the parking authority to comply with any direction given to it under sub-paragraph (2) above forthwith.".

(8) Ym mharagraff 6-

(a) yn is-baragraff (1) yn lle'r geiriau "the authority serving the notice" rhoddir "the parking authority"; a

(b) yn is-baragraff (2)(b)(ii) yn lle'r geiriau "the authority concerned" rhoddir "the parking authority".

(9) Ym mharagraff 7, yn lle'r geiriau "the authority concerned" rhodder "the parking authority".

(10) Ym mharagraff 8-

(a) yn is-baragraffau (2)(b) a (5)(d) yn lle'r geiriau "the London authority concerned" rhoddir "the parking authority"; a

(b) yn is-baragraffau (6) a (7) yn lle'r geiriau "the London authority" rhoddir "the parking authority".

(e) in sub-paragraph (7) for the words "an authority to whom representations are duly made" there is substituted "the parking authority when representations are duly made to it".

(5) In paragraph 3 for the words "the London authority concerned" in both places where they occur there is substituted "the parking authority".

(6) In paragraph 4 for the words "the London authority concerned" and for the words "the authority" there is substituted "the parking authority".

(7) In paragraph 5-

(a) in sub-paragraph (1) for the words "an authority" there is substituted "the parking authority" and for the words "the authority's decision" there is substituted "the parking authority's decision";

(b) in sub-paragraph (2) for the words "the London authority concerned" there is substituted "the parking authority"; and

(c) for sub-paragraph (3) there is substituted-

"(3) It is the duty of the parking authority to comply with any direction given to it under sub-paragraph (2) above forthwith.".

(8) In paragraph 6-

(a) in sub-paragraph (1) for the words "the authority serving the notice" there is substituted "the parking authority"; and

(b) in sub-paragraph (2)(b)(ii) for the words "the authority concerned" there is substituted "the parking authority".

(9) In paragraph 7 for the words "the authority concerned" there is substituted "the parking authority".

(10) In paragraph 8-

(a) in sub-paragraphs (2)(b) and (5)(d) for the words "the London authority concerned" there is substituted "the parking authority"; and

(b) in sub-paragraphs (6) and (7) for the words "the London authority" there is substituted "the parking authority".

ATODLEN 2

Erthygl 6

## ADDASIADAU I DDEDDF RHEOLEIDDIO TRAFFIG FFYRDD 1984

**1**.-(1) Caiff adran 46 ei haddasu fel a ganlyn.

(2) Hepgorir is-adran (1).

(3) Yn is-adran(1A) yn lle "Greater London" rhoddir "the parking area".

**2**.-(1) Diwygir adran 55 fel a ganlyn.

(2) Yn lle is-adran (1) rhoddir-

"(1) A local authority must keep an account of-

(a) their income and expenditure in respect of designated parking places for which they are the local authority and which are in the permitted parking area; and

(b) their income from additional parking charges (within the meaning of section 74(6) of the Road Traffic Act 1991) received by them in respect of vehicles found within the special parking area and the expenditure incurred by them in relation to that area by virtue of any provision of Part II of the Road Traffic Act 1991 as it applies in relation to that area.

(1A) As soon as reasonably possible after the end of each financial year the local authority must forward to the National Assembly for Wales a copy of the account for that year.".

(3) Hepgorir is-adrannau (3A) a (3B).

**3**. Yn is-adran 63A(4)-

(a) yn lle'r geiriau "in Greater London" rhoddir "in the parking area"; a

(b) yn lle'r geiriau "Greater London Authority" rhoddir "National Assembly for Wales".

**4**.-(1) Caiff adran 101 ei haddasu fel a ganlyn.

(2) Hepgorir is-adran (4).

(3) Yn is-adran (4A) yn lle'r geiriau "Greater London" rhoddir "the parking area".

(4) Hepgorir is-adran (5).

(5) Yn is-adran (5A) yn lle'r geiriau "Greater London" rhoddir "the parking area".

**5**.-(1) Caiff adran 102 ei haddasu fel a ganlyn.

(2) Yn lle is-adran (1) rhoddir-

SCHEDULE 2

Article 6

## MODIFICATIONS OF THE ROAD TRAFFIC REGULATION ACT 1984

**1**.-(1) Section 46 is modified as follows.

(2) Subsection (1) is omitted.

(3) In subsection (1A) for "Greater London" there is substituted "the parking area".

**2**.-(1) Section 55 is amended as follows.

(2) For subsection (1) there is substituted-

"(1) A local authority must keep an account of-

(a) their income and expenditure in respect of designated parking places for which they are the local authority and which are in the permitted parking area; and

(b) their income from additional parking charges (within the meaning of section 74(6) of the Road Traffic Act 1991) received by them in respect of vehicles found within the special parking area and the expenditure incurred by them in relation to that area by virtue of any provision of Part II of the Road Traffic Act 1991 as it applies in relation to that area.

(1A) As soon as reasonably possible after the end of each financial year the local authority must forward to the National Assembly for Wales a copy of the account for that year.".

(3) Subsections (3A) and (3B) are omitted.

**3**. In section 63A(4)-

(a) for the words "in Greater London" there is substituted "in the parking area"; and

(b) for the words "Greater London Authority" there is substituted "National Assembly for Wales".

**4**.-(1) Section 101 is modified as follows.

(2) Subsection (4) is omitted.

(3) In subsection (4A) for the words "Greater London" there is substituted "the parking area".

(4) Subsection (5) is omitted.

(5) In subsection (5A) for the words "Greater London" there is substituted "the parking area".

**5**.-(1) Section 102 is modified as follows.

(2) For subsection (1) there is substituted-

"(1) If a vehicle is removed from the parking area in circumstances in which an offence would have been committed but for the provisions of paragraph 1(4) or 2(4) of Schedule 3 to the Road Traffic Act 1991, the local authority shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of the vehicle, as they may require.".

(3) Hepgorir is-adran (2).

(4) Yn lle is-adran (4) rhoddir-

"(4) Without prejudice to subsection (3) above, where by virtue of subsection (1) above any sum is recoverable in respect of a vehicle by a local authority in whose custody the vehicle is, the local authority shall be entitled to retain custody of it until that sum has been paid.".

(5) Hepgorir is-adran (7).

(6) Yn is-adran (8) hepgorir y diffiniad o "appropriate authority".

**6**. Yn adran 142(1) cyn y diffiniad o "parking device" mewnosodir-

""parking area" means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of Conwy) Order 2004 and "permitted parking area" and "special parking area" are to be read accordingly;".

"(1) If a vehicle is removed from the parking area in circumstances in which an offence would have been committed but for the provisions of paragraph 1(4) or 2(4) of Schedule 3 to the Road Traffic Act 1991, the local authority shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of the vehicle, as they may require.".

(3) Subsection (2) is omitted.

(4) For subsection (4) there is substituted-

"(4) Without prejudice to subsection (3) above, where by virtue of subsection (1) above any sum is recoverable in respect of a vehicle by a local authority in whose custody the vehicle is, the local authority shall be entitled to retain custody of it until that sum has been paid.".

(5) Subsection (7) is omitted.

(6) In subsection (8) the definition of "appropriate authority" is omitted.

**6**. In section 142(1) before the definition of "parking device" there is inserted-

""parking area" means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of Conwy) Order 2006 and "permitted parking area" and "special parking area" are to be read accordingly;".

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