OFFERYNNAU STATUDOL CYMRU

2008 Rhif 102 (Cy.15)

PRIFFYRDD, CYMRU

Rheoliadau Gwaith Stryd (Cosbau Penodedig) (Cymru) 2008

NODYN ESBONIADOL

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

Mae adran 41 o Ddeddf Rheoli Traffig 2004 ac Atodlenni 2 a 3 iddi, yn mewnosod adran 95A ac Atodlenni 4A a 4B yn Neddf Ffyrdd Newydd a Gwaith Stryd 1991 ("Deddf 1991"). Mae hyn yn darparu bod tramgwyddau penodol o dan Ran 3 o Ddeddf 1991 yn dod yn dramgwyddau cosbau penodedig ac yn galluogi i reoliadau gael eu gwneud ynglŷn â hwy.

Mae Rheoliadau Gwaith Stryd (Cosbau Penodedig) (Cymru) 2008 yn gwneud darpariaeth gyffredinol o ran Cymru ynghylch cosbau penodedig am dramgwyddau penodol o dan Ran 3 o Ddeddf 1991.

Mae *rheoliad 2* yn diffinio termau a ddefnyddir yn y Rheoliadau hyn.

Mae *rheoliad 3* yn rhwystro rheolwyr stryd (yr awdurdod stryd dros stryd nad yw'n briffordd a gynhelir) rhag rhoi hysbysiadau cosbau penodedig ynglŷn â stryd o'r fath.

Mae *rheoliad 4 ac Atodlen 1* yn rhagnodi'r ffurf o hysbysiad o gosb benodedig.

Mae *rheoliad 5* yn gosod y dull o gyflwyno hysbysiad o gosb benodedig a hysbysiad sy'n tynnu'n ôl hysbysiad o gosb benodedig, ac mae'n cynnwys darpariaeth ar gyfer cyflwyno hysbysiad drwy gyfathrebu electronig.

Mae *rheoliad 6* yn pennu na chaniateir rhoi hysbysiad o gosb benodedig mwy na 91 o ddiwrnodau ar ôl cyflawni'r tramgwydd, sy'n dechrau ar y diwrnod y cyflawnir ef.

Mae *rheoliad 7 ac Atodlen 2* yn gosod manylion y tramgwyddau cosbau penodedig ac yn rhagnodi ynglŷn

WELSH STATUTORY INSTRUMENTS

2008 No. 102 (W.15)

HIGHWAYS, WALES

The Street Works (Fixed Penalty) (Wales) Regulations 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 41 of, and Schedules 2 and 3 to, the Traffic Management Act 2004, insert section 95A and Schedules 4A and 4B into the New Roads and Street Works Act 1991 ("the 1991 Act"). This provides for certain offences under Part 3 of the 1991 Act to become fixed penalty offences and enables regulations to be made in relation to them.

The Street Works (Fixed Penalty) (Wales) Regulations 2008 make general provision as respects Wales in relation to fixed penalties for certain offences under Part 3 of the 1991 Act.

Regulation 2 defines terms used in these Regulations.

Regulation 3 prevents street managers (the street authority for a street which is not a maintainable highway) from giving fixed penalty notices in relation to such a street.

Regulation 4 and Schedule 1 prescribe the form of a fixed penalty notice.

Regulation 5 sets out the manner of service of a fixed penalty notice and a notice withdrawing a fixed penalty notice, and includes provision for service by electronic communication.

Regulation 6 specifies that a fixed penalty notice may not be given more than 91 days after the commission of the offence, beginning with the day of its commission.

Regulation 7 and Schedule 2 set out details of the fixed penalty offences and prescribe that in relation to

â phob tramgwydd, y bydd y gosb yn £120 oni thelir y swm o £80 cyn diwedd y cyfnod ar gyfer talu'r swm disgownt.

Mae rheoliad 8 yn addasu Atodlen 4B i Ddeddf 1991 (yn ei chymhwysiad o ran Cymru) drwy roi cyfnod o 36 o ddiwrnodau yn lle'r cyfnod o 29 o ddiwrnodau, sef y cyfnod ar gyfer talu cosb benodedig, a thrwy roi cyfnod o 29 o ddiwrnodau yn lle'r cyfnod o 15 o ddiwrnodau, sef y cyfnod ar gyfer talu swm disgownt yn hytrach na'r gosb lawn.

Mae rheoliad 9 yn galluogi awdurdod stryd i ddidynnu'r costau am ddyroddi a gweinyddu hysbysiadau cosbau penodedig o'r cosbau a dderbynnir ac mae'n ei gwneud yn ofynnol i unrhyw enillion net gael eu cymhwyso i roi polisïau trafnidiaeth penodol ar waith o ran eu hardal.

Mae rheoliad 10 ac Atodlen 3 yn rhagnodi'r ffurf o hysbysiad sy'n tynnu'n ôl hysbysiad o gosb benodedig.

Gellir cael Asesiad Effaith Rheoleiddiol llawn a Memorandwm Esboniadol gan Is-adran Rheoli Rhwydwaith Ffyrdd, Trafnidiaeth Cymru, Llywodraeth Cynulliad Cymru, Swyddfeydd y Goron, Parc Cathays, Caerdydd, CF10 3NQ neu ar wefan Llywodraeth Cynulliad Cymru yn http://www.assemblywales.org/bus-home/buslegislation/bus/bus-legislation-sub/bus-legislation-sub-annulment.htm

each offence, the penalty will be £120 unless the sum of £80 is paid before the end of the period for payment of the discounted amount.

Regulation 8 modifies Schedule 4B to the 1991 Act (in its application as respects Wales) by substituting the period of 36 days for the period of 29 days, being the period for payment of a fixed penalty, and by substituting the period of 29 days for the period of 15 days, being the period for payment of a discounted amount instead of the full penalty.

Regulation 9 enables a street authority to deduct the costs of issuing and administering fixed penalty notices from the penalties received, and requires any net proceeds to be applied to the development or implementation of certain transport policies in relation to their area.

Regulation 10 and Schedule 3 prescribe the form of a notice withdrawing a fixed penalty notice.

A full Regulatory Impact Assessment and Explanatory Memorandum can be obtained from Roads Network Management 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

OFFERYNNAU STATUDOL CYMRU

2008 Rhif 102 (Cy.15)

PRIFFYRDD, CYMRU

Rheoliadau Gwaith Stryd (Cosbau Penodedig) (Cymru) 2008

Gwnaed	*17 Ionawr 2008*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*18 Ionawr 2008*
Yn dod i rym	*12 Mai 2008*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 48(2), 95A(5), 97 a 104(1) o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 a pharagraffau 2, 4(1), 5(2), 8(a) a 9(b) o Atodlen 4B iddi(**1**) ac sydd bellach wedi'u breinio ynddynt(**2**), yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Gwaith Stryd (Cosbau Penodedig) (Cymru) 2008. Deuant i rym ar 12 Mai 2008 ac maent yn gymwys o ran Cymru .

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "cyfeiriad" ("*address*"), o ran dull penodol o drosglwyddo cyfathrebiad electronig, yw unrhyw rif neu gyfeiriad a ddefnyddir at ddibenion dull trosglwyddo o'r fath;

(**1**) 1991 p.22. Mewnosodir adran 95A ac Atodlenni 4A a 4B gan Ddeddf Rheoli Traffig 2004 (p.18) ("Deddf 2004"), adran 41 ac Atodlenni 2 a 3. Diwygir adran 97 yn rhagolygol gan adran 64(4) o'r Ddeddf honno. Yn rhinwedd paragraff 26 o Atodlen 11 a pharagraff 7 o Atodlen 3 i Ddeddf Llywodraeth Cymru 2006 (p.32), nid yw'n ofynnol i Weinidogion Cymru gael cydsyniad y Trysorlys i arfer swyddogaethau o dan baragraff 8(a) o Atodlen 4B i Ddeddf 1991.

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol (ac eithrio'r swyddogaethau o dan a.167(3)) o dan y Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan Ddeddf 1991 i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2008 No. 102 (W.15)

HIGHWAYS, WALES

The Street Works (Fixed Penalty) (Wales) Regulations 2008

Made	*17 January 2008*
Laid before the National Assembly for Wales	*18 January 2008*
Coming into force	*12 May 2008*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 48(2), 95A(5), 97 and 104(1) of, and paragraphs 2, 4(1), 5(2), 8(a) and 9(b) of Schedule 4B to, the New Roads and Street Works Act 1991(**1**), and now vested in them(**2**), make the following regulations:

Title, commencement and application

1. The title of these Regulations is the Street Works (Fixed Penalty) (Wales) Regulations 2008. They come into force on 12th May 2008 and apply in relation to Wales.

Interpretation

2. In these Regulations—

"the 1991 Act" means the New Roads and Street Works Act 1991;

(**1**) 1991 c.22. Section 95A and Schedule 4A and 4B are inserted by the Traffic Management Act 2004 (c.18) ("the 2004 Act"), section 41 and Schedules 2 and 3. Section 97 is prospectively amended by section 64(4) of that Act. By virtue of paragraph 26 of Schedule 11 and paragraph 7 of Schedule 3 to the Government of Wales Act 2006 (c.32), the Welsh Ministers do not require Treasury consent to exercise functions under paragraph 8(a) of Schedule 4B to the 1991 Act.

(**2**) The functions of the Secretary of State (with the exception of functions under s.167(3)) under the New Roads and Street Works Act 1991 were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales under the 1991 Act were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006

mae i "cyfathrebu electronig" yr ystyr a roddir i "*electronic communication*" yn adran 15(1) o Ddeddf Cyfathrebu Electronig 2000(**1**);

ystyr "Deddf 1991" ("*the 1991 Act*") yw Deddf Ffyrdd Newydd a Gwaith Stryd 1991; ac

ystyr "tramgwydd" ("*offence*") yw tramgwydd cosb benodedig.

"address", in relation to a particular method for transmitting an electronic communication, means any number or address used for the purposes of such method of transmission;

"electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act 2000(**1**); and

"offence" means a fixed penalty offence.

Eithriadau

3. Nid yw adran 95A(1) o Ddeddf 1991 ac Atodlen 4A iddi (tramgwyddau cosbau penodedig o dan Ran 3) yn gymwys i stryd nad yw'n briffordd a gynhelir.

Exceptions

3. Section 95A(1) of, and Schedule 4A to, the 1991 Act (fixed penalty offences under Part 3) do not apply to a street which is not a maintainable highway.

Ffurf ar hysbysiad o gosb benodedig

4. Rhaid i hysbysiad o gosb benodedig fod yn y ffurf a osodir yn Atodlen 1.

Form of fixed penalty notice

4. A fixed penalty notice must be in the form set out in Schedule 1.

Dull cyflwyno hysbysiad o gosb benodedig neu gyflwyno hysbysiad sy'n tynnu'n ôl hysbysiad o gosb benodedig

5.—(1) Yn ddarostyngedig i baragraffau (5) a (7), os bydd person—

(a) wedi rhoi i awdurdod stryd gyfeiriad ar gyfer cyflwyno unrhyw hysbysiad o dan Atodlen 4B i Ddeddf 1991 iddo (cosbau penodedig ar gyfer tramgwyddau penodol o dan Ran 3) drwy ddefnyddio dull penodol ar gyfer trosglwyddo cyfathrebiad electronig; a

(b) heb hysbysu'r awdurdod bod y cyfeiriad wedi'i dynnu'n ôl at y diben hwnnw,

rhaid rhoi'r cyfryw hysbysiad drwy ei anfon ato yn y cyfeiriad hwnnw drwy'r dull hwnnw, yn unol â'r amod a osodir ym mharagraff (3).

(2) Yn unrhyw arall achos, rhaid rhoi hysbysiad o dan yr Atodlen honno—

(a) drwy ei anfon drwy'r post dosbarth cyntaf at y person y mae i'w roi iddo yn ei gyfeiriad priodol;

(b) drwy ei draddodi iddo;

(c) drwy ei adael yn ei gyfeiriad priodol; neu

(ch) drwy unrhyw ddull arall y cytunir arno gydag ef.

(3) Yr amod y cyfeirir ato ym mharagraff (1) yw bod yn rhaid i'r hysbysiad—

(a) allu cael ei gyrchu gan y person yr anfonir ef ato;

(b) bod yn ddarllenadwy ym mhob manylyn o bwys; ac

Manner of service of a fixed penalty notice or a notice withdrawing a fixed penalty notice

5.—(1) Subject to paragraphs (5) and (7), where a person—

(a) has provided a street authority with an address for service on him or her of any notice under Schedule 4B to the 1991 Act (fixed penalties for certain offences under Part 3) by using a particular method for transmitting an electronic communication; and

(b) has not notified the authority that the address is withdrawn for that purpose,

such notice must be given by sending it to him or her at that address by that method, in accordance with the condition set out in paragraph (3).

(2) In any other case, a notice under that Schedule must be given by—

(a) sending it by first class post to the person to whom it is to be given at his or her proper address;

(b) delivering it to him or her;

(c) leaving it at his or her proper address; or

(d) any other means agreed with him or her.

(3) The condition referred to in paragraph (1) is that the notice must be—

(a) capable of being accessed by the person to whom it is being sent;

(b) legible in all material respects; and

(**1**) 2000 p.7. Diwygiwyd adran 15(1) gan Ddeddf Cyfathrebu 2003 (p.21), adran 406(1) ac Atodlen 17, paragraff 158.

(**1**) 2000 c.7. Section 15(1) was amended by the Communications Act 2003 (c.21), section 406(1) and Schedule 17, paragraph 158.

(c) ar ffurf sy'n caniatáu y gellir cadw'r hysbysiad er mwyn cyfeirio ato yn nes ymlaen,

ac i'r diben hwn ystyr "yn ddarllenadwy ym mhob manylyn o bwys" yw bod yr wybodaeth a geir yn yr hysbysiad ar gael i'r person hwnnw o leiaf i'r un graddau â phe bai wedi ei roi iddo drwy gyfrwng hysbysiad ar ffurf brintiadwy.

(4) Yn ddarostyngedig i adran 98(2) o Ddeddf 1991 (cyfrifo cyfnodau), os defnyddir cyfathrebu electronig at ddibenion cyflwyno hysbysiad o dan Atodlen 4B i'r Ddeddf honno, yna, oni phrofir i'r gwrthwyneb, bernir bod yr hysbysiad wedi'i roi ar y diwrnod ac ar yr amser a gofnodir gan y cyfarpar trosglwyddo fel y diwrnod a'r amser pan gwblhawyd y trosglwyddiad yn foddhaol.

(5) Os, ar ôl tri chais (a gofnodwyd yn briodol gan y person sy'n cyflwyno'r hysbysiad) i wneud y cyflwyno'n effeithiol drwy ddefnyddio un dull penodol i drosglwyddo cyfathrebiad electronig, na ellir cyflwyno'r hysbysiad, gellir rhoi'r hysbysiad drwy ei gyflwyno i'r person y dylid ei roi iddo drwy unrhyw ddull arall y mae cyfeiriad ar gael iddo yn rhinwedd paragraff (1) neu drwy unrhyw ddull arall y cyfeirir ato ym mharagraff (2).

(6) Yn ddarostyngedig i baragraff (7), at ddibenion y rheoliad hwn, cyfeiriad priodol unrhyw berson y mae hysbysiad o dan Atodlen 4B i Ddeddf 1991 i'w roi iddo, yw—

(a) os yw'r cyfryw berson wedi rhoi i'r awdurdod stryd sy'n rhoi'r hysbysiad gyfeiriad ar gyfer gwasanaeth post o hysbysiadau o'r fath, y cyfeiriad hwnnw; a

(b) fel arall

(i) yn achos corfforaeth, swyddfa gofrestru neu brif swyddfa'r gorfforaeth; a

(ii) mewn unrhyw achos arall, cyfeiriad hysbys diwethaf y cyfryw berson.

(7) Caiff person roi cyfeiriadau gwahanol ar gyfer gwahanol hysbysiadau neu wahanol ddosbarthiadau o hysbysiad.

Terfyn amser ar gyfer rhoi hysbysiad o gosb benodedig

6. Ni chaniateir rhoi hysbysiad o gosb benodedig am dramgwydd mwy na 91 o ddiwrnodau ar ôl cyflawni'r tramgwydd sy'n dechrau gyda'r diwrnod y cyflawnir ef.

Swm y gosb

7.—(1) Yn ddarostyngedig i baragraff (2), os bydd hysbysiad o gosb benodedig wedi'i rhoi ynglyn â thramgwydd a nodir yng ngholofn 2 o'r Tabl yn Atodlen 2 i'r Rheoliadau hyn, ac a ddisgrifir yn gryno yng ngholofn 3 o'r Tabl hwnnw, y gosb ar gyfer y tramgwydd hwnnw fydd y swm a nodir ynglŷn ag ef yng ngholofn 4.

(c) in a form which permits the notice to be retained for subsequent reference,

and for this purpose "legible in all material respects" means that the information contained in the notice is available to that person to no lesser extent than it would be if given by means of a notice in printed form.

(4) Subject to section 98(2) of the 1991 Act (reckoning of periods), where an electronic communication is used for the purpose of serving a notice under Schedule 4B to that Act, then, unless the contrary is proved, the notice will be deemed to be given on the day and at the time recorded by the transmitting apparatus as being the day and time of satisfactory completion of the transmission.

(5) Where, after three attempts (duly recorded by the person serving the notice) to effect service by using one particular method for transmitting an electronic communication, service cannot be effected, the notice may be given by serving it upon the person to whom it is to be given by any other such method for which an address is available by virtue of paragraph (1) or by any of the other means referred to in paragraph (2).

(6) Subject to paragraph (7), for the purposes of this regulation, the proper address of any person to whom a notice under Schedule 4B to the 1991 Act is to be given, is to be—

(a) where such person has provided the street authority giving the notice with an address for postal service of such notices, that address; and

(b) otherwise—

(i) in the case of a corporation, the registered or principal office of the corporation; and

(ii) in any other case, the last known address of such person.

(7) A person may provide different addresses for different notices or different classes of notice.

Time limit for giving fixed penalty notice

6. A fixed penalty notice for an offence may not be given more than 91 days after the commission of the offence beginning with the day of its commission.

Amount of penalty

7.—(1) Subject to paragraph (2), where a fixed penalty notice has been given in relation to an offence set out in column 2 of the Table in Schedule 2 to these Regulations, and briefly described in column 3 of that Table, the penalty for that offence will be the amount set out, in relation to it, in column 4.

(2) Os, ynglyn â thramgwydd o'r fath, caiff taliad ei wneud cyn diwedd y cyfnod a bennir ym mharagraff 5(1) o Atodlen 4B i Ddeddf 1991, neu os na fydd diwrnod olaf y cyfnod yn digwydd ar ddiwrnod gwaith, cyn diwedd y diwrnod gwaith canlynol yn unol â pharagraff 5(3) o'r Atodlen honno, y gosb ar gyfer y tramgwydd hwnnw fydd yn hytrach y swm a nodir, ynglyn ag ef, yng ngholofn 5.

Addasu Atodlen 4B

8.—(1) Addesir Atodlen 4B i Ddeddf 1991 (wrth ei chymhwyso o ran Cymru) fel a ganlyn.

(2) Ym mharagraff 4(2) yn lle "29" rhodder "36".

(3) Ym mharagraff 5(1) yn lle "15" rhodder "29".

Cymhwyso cosbau

9. Caniateir i awdurdod stryd ddidynnu o'r cosbau penodedig a dderbynnir o dan Atodlen 4B i Ddeddf 1991, y costau rhesymol am weithredu'r cynllun y telir hwy oddi tano, a rhaid iddo ddefnyddio'r enillion net at ddibenion datblygu neu roi ar waith bolisïau ar gyfer hybu ac annog cyfleusterau a gwasanaethau trafnidiaeth sy'n ddiogel, yn integredig, yn effeithiol ac yn economaidd i'w ardal, o'i ardal ac yn ei ardal.

Ffurf o hysbysiad sy'n tynnu'n ôl hysbysiad o gosb benodedig

10. Os rhoddir hysbysiad sy'n tynnu'n ôl hysbysiad o gosb benodedig yn unol â pharagraff 7(1) o Atodlen 4B i Ddeddf 1991, rhaid iddo fod ar y ffurf a osodir yn Atodlen 3.

(2) Where, in relation to such an offence, payment is made before the end of the period specified in paragraph 5(1) of Schedule 4B to the 1991 Act, or if the last day of that period does not fall on a working day, before the end of the next working day in accordance with paragraph 5(3) of that Schedule, the penalty for that offence will instead be the amount set out, in relation to it, in column 5.

Modification of Schedule 4B

8.—(1) Schedule 4B to the 1991 Act is modified (in its application as respects Wales) as follows.

(2) In paragraph 4(2) for "29" substitute "36".

(3) In paragraph 5(1) for "15" substitute "29".

Application of penalties

9. A street authority may deduct from fixed penalties received under Schedule 4B to the 1991 Act, the reasonable costs of operating the scheme under which they are paid, and must apply the net proceeds for the purpose of developing or implementing policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within their area.

Form of notice withdrawing a fixed penalty notice

10. Where a notice withdrawing a fixed penalty notice is given in accordance with paragraph 7(1) of Schedule 4B to the 1991 Act, it must be in the form set out in Schedule 3.

Ieuan Wyn Jones

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

17 Ionawr 2008

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

17 January 2008

ATODLEN 1

Rheoliad 4

FFURF AR HYSBYSIAD O GOSB BENODEDIG

* *(*Mewnosoder enw'r Awdurdod Stryd)*	**HYSBYSIAD O GOSB BENODEDIG** **DEDDF FFYRDD NEWYDD A GWAITH STRYD 1991** (Adran 95A ac Atodlenni 4A a 4B)	**HYSBYSIAD O GOS BBENODEDIG** Rhif: ……

RHAN A

Rhif Ffôn Cyswllt	Rhif Cyf. Gwaith * Rhif Awdurdod Stryd * (**I'w adael yn wag os yw'r tramgwydd yn ymwneud â gwaith na roddwyd hysbysiad ar ei gyfer*.)
AT:	**DYDDIAD YR HYSBYSIAD HWN:** …… dd mm bb

CYFEIRIAD:

COD TRAMGWYDD (*Gweler Rhan B*) (***DS**: dim ond un cod tramgwydd am bob hysbysiad o gosb benodedig*) : ……

LLEOLIAD

DYDDIAD Y TRAMGWYDD:

MANYLION Y TRAMGWYDD :

1. Yr wyf yn rhoi'r hysbysiad hwn i chi, yn unol ag adran 95A o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 ac Atodlen 4B iddi, i roi'r cyfle i chi gael eich rhyddhau rhag unrhyw atebolrwydd am gollfarn am y tramgwydd hwn o gosb benodedig drwy dalu cosb.

2. Mae hyn yn golygu na fydd achos cyfreithiol yn cael ei gychwyn am y tramgwydd os telir, yn ddarostyngedig i baragraff 3, y gosb o **£120** (*Gweler Rhan B i gael cyfarwyddiadau ar y dulliau talu*) o fewn y cyfnod o 36 o ddiwrnodau sy'n dechrau ar y diwrnod y rhoddir yr hysbysiad hwn. (***DS**: Caniateir i'r Awdurdod Stryd estyn y cyfnod hwn mewn unrhyw achos penodol os bydd yn barnu bod hynny'n briodol (Gweler paragraff 4(3) o Atodlen 4B)*).

3. Yn hytrach na thalu'r swm y cyfeirir ato ym mharagraff 2, gellir hefyd gael rhyddhad o'r atebolrwydd o gollfarn am y tramgwydd os telir y swm disgownt o **£80** o fewn y cyfnod o **29** o ddiwrnodau sy'n dechrau ar y diwrnod y rhoddir yr hysbysiad hwn. (***DS**: Os nad yw diwrnod olaf y cyfnod hwn yn digwydd ar ddiwrnod gwaith, caiff y cyfnod ar gyfer talu'r swm disgownt ei estyn tan ddiwedd y diwrnod gwaith nesaf (Gweler paragraff 5(3) o Atodlen 4B)*).

4. Os na thelir y swm disgownt o fewn y cyfnod a nodir ym mharagraff 3, fel y'i estynnwyd pan fo'n berthnasol, gellir cael rhyddhad o'r atebolrwydd o gollfarn am y tramgwydd ond ddim ond ar ôl talu **£120** o fewn y cyfnod a nodir ym mharagraff 2, fel y'i estynnwyd os barnwyd bod hynny'n briodol. Os byddwch wedyn yn methu â thalu'r gosb o fewn y cyfnod hwnnw, caniateir cychwyn achos cyfreithiol am y tramgwydd yn eich erbyn.

5. Cewch gyfeiro unrhyw sylwadau yr ydych yn dymuno eu gwneud ynghylch yr hysbysiad hwn at ****** yn gan nodi rhif yr hysbysiad o gosb benodedig a ddangosir uchod..

ENW'R SWYDDOG AWDURDODEDIG (*mewn prif lythrennau*): ……

DYDDIAD: ……

RHAN B		
* (*Mewnosoder enw'r Awdurdod Stryd*)	**CYFARWYDDIADAU AR Y DULLIAU TALU**	**HYSBYSIAD O GOSB BENODEDIG** Rhif: ……
YN ELECTRONIG- Drwy System Glirio Awtomataidd y Banciau (BACS). Dylid gwneud y taliad i , Côd Sortio , Rhif y Cyfrif . Gyda'r taliad rhaid anfon yn brydlon restr o'r rhifau hysbysiadau o gosb benodedig y mae'r taliad ar eu cyfer a'r swm a delir ynglŷn â phob rhif.		
"**AR LEIN**" - ewch at ein gwefan yn .		
DRWY'R POST- drwy wneud eich siec yn daladwy i a'i anfon at . Gyda'r taliad rhaid anfon rhestr o'r rhifau hysbysiad o gosb benodedig y mae'r taliad ar eu cyfer a'r swm a delir ynglyn â phob rhif. Anfonir derbynneb os gofynnir am un.		
YN BERSONOL - i yn rhwng am a pm ar unrhyw ddiwrnod y bydd y swyddfa ar agor i fusnes. Dylid gwneud unrhyw siec yn daladwy i . Caniateir talu drwy gerdyn credyd neu gerdyn debyd os yw'r cerdyn yn un a dderbynnir gan yr Awdurdod Stryd yn unol â'i weithdrefnau safonol. Gyda'r taliad rhaid anfon rhestr o'r rhifau hysbysiad o gosb benodedig y mae'r taliad ar eu cyfer a'r swm a delir ynglyn â phob rhif. Rhoddir derbynneb os gofynnir am un.		
DRWY FFÔN - drwy gysyslltu â yn ar rhwng am a pm ar unrhyw ddiwrnod y bydd y swyddfa ar agor i fusnes. Dim ond drwy ddefnyddio cerdyn credyd neu gerdyn debyd a dderbynnir gan yr Awdurdod Stryd yn unol â'i weithdrefnau safonol y ceir talu. Rhaid i chi nodi rhif yr hysbysiad o gosb benodedig am bob hysbysiad y mae'r taliad ar eu cyfer a'r swm a delir ynglŷn â phob rhif. Anfonir derbynneb os gofynnir am un.		
DULL ARALL NEU DDULLIAU ERAILL - * . (* *Mewnosoder manylion os yw'n gymwys.*)		

CODAU TRAMGWYDDAU A DISGRIFIAD
(Drwy gyfeirio at Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991.

COD	Y TRAMGWYDD	DISGRIFIAD CRYNO
01	Tramgwydd o dan adran 54(5).	Methiant i gydymffurfio â dyletswyddau o dan a.54 (hysbysiad ymlaen llaw o waith penodol, etc.).
02	Tramgwydd o dan adran 55(5).	Dechrau ar y gwaith yn groes i a.55 (hysbysiad o ddyddiad dechrau).
03	Tramgwydd o dan adran 55(9).	Methiant i roi hysbysiad yn unol ag a.55(8) (hysbysiad i'w roi pan fydd hysbysiad a.55 yn peidio â bod yn effeithiol).
04	Tramgwydd o dan adran 57(4).	Methiant i roi hysbysiad yn unol ag a.57 (hysbysiad o waith brys).
05	Tramgwydd o dan adran 70(6) sy'n golygu methiant i gydymffurfio ag is-adran (3) neu (4A).	Methiant i gydymffurfio â gofynion i roi hysbysiad o gwblhau gwaith adfer.
06	Tramgwydd a grëwyd gan reoliadau a wnaed o dan adran 74(7B).	Methiant i roi hysbysiad sy'n ofynnol gan reoliadau o dan a.74 (tâl am feddiannu priffordd pan fu oedi afresymol yn y gwaith).

SCHEDULE 1

Regulation 4

FORM OF FIXED PENALTY NOTICE

* (**Insert Street Authority name*)	**FIXED PENALTY NOTICE** **NEW ROADS AND STREET WORKS ACT 1991** (Section 95A and Schedules 4A and 4B)	**FIXED PENALTY NOTICE** Number: ..……

PART A

Contact Tel No.	Works Ref No. *Street Authority No. * (**To be left blank where the offence relates to works in respect of which no notice has been given*.)

TO:	**DATE OF THIS NOTICE:** …… dd mm yy

ADDRESS:

OFFENCE CODE (*See Part B*) (***NB**: Only one offence code per fixed penalty notice*) : ……

LOCATION:

DATE OF OFFENCE:

DETAILS OF OFFENCE :

1. I am giving you this notice, in accordance with section 95A of, and Schedule 4B to, the New Roads and Street Works Act 1991, to offer you the opportunity of discharging any liability to conviction for this fixed penalty offence by payment of a penalty.

2. This means that no legal proceedings will be commenced for the offence if, subject to paragraph 3, the penalty of **£120** is paid (*See Part B for instructions on methods of payment*) within the period of **36** days beginning with the day on which this notice was given. (***NB**: The street authority may extend this period in any particular case if they consider it appropriate to do so (See paragraph 4(3) of Schedule 4B)*).

3. Instead of paying the amount referred to in paragraph 2, liability to conviction for the offence may also be discharged if the discounted amount of **£80** is paid within the period of **29** days beginning with the day on which this notice was given. (***NB**: If the last day of this period does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day (See paragraph 5(3) of Schedule 4B)*).

4. If the discounted amount is not paid within the period set out in paragraph 3, as extended where relevant, liability to conviction for the offence may only be discharged thereafter by payment of the penalty of **£120** within the period set out in paragraph 2, as extended where considered appropriate. If you then fail to pay the penalty within that period, legal proceedings for the offence may be commenced against you.

5. Any representations that you wish to make in relation to this notice may be addressed to at identifying the fixed penalty notice number stated above.

NAME OF AUTHORISED OFFICER (*in block capitals*): ……

DATE : ……

PART B		
* (* *Insert Street Authority name*)	**INSTRUCTIONS ON METHODS OF PAYMENT**	**FIXED PENALTY NOTICE** Number: ……
ELECTRONICALLY- by the Bankers Automated Clearing Services (BACS). Payment should be made to , Sort Code , Account Number . Payment must be supported by the timely submission of a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number.		
"**ON LINE**" - please visit our website at .		
BY POST- by making your cheque payable to and sending it to . Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.		
IN PERSON - to at between am and pm on any day on which the office is open for business. Any cheque should be made payable to . Payment may be made by debit or credit card if the card is one that is accepted by the Street Authority in accordance with their standard procedures. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be provided on request.		
BY TELEPHONE - by contacting at on between am and pm on any day on which the office is open for business. Payment may only be made by using a debit or credit card that is accepted by the Street Authority in accordance with their standard procedures. You must state the fixed penalty notice number of each notice in respect of which payment is being made and the amount being paid in relation to each number. A receipt will be sent on request.		
OTHER METHOD/S - * . (* *Insert details where applicable.*)		

OFFENCE CODES AND DESCRIPTION
(By reference to the New Roads and Street Works Act 1991)

CODE	OFFENCE	BRIEF DESCRIPTION
01	An offence under section 54(5).	Failure to comply with duties under s.54 (advance notice of certain works, etc.).
02	An offence under section 55(5).	Beginning to execute works in contravention of s.55 (notice of starting date).
03	An offence under section 55(9).	Failure to give notice in accordance with s.55(8) (notice to be given on s.55 notice ceasing to have effect).
04	An offence under section 57(4).	Failure to give notice in accordance with s.57 (notice of emergency works).
05	An offence under section 70(6) consisting of a failure to comply with subsection (3) or (4A).	Failure to comply with requirements to give notice of completion of reinstatement.
06	An offence created by regulations made under section 74(7B).	Failure to give a notice required by regulations under s.74 (charge for occupation of the highway where works unreasonably delayed).

ATODLEN 2

Rheoliad 7

SWM Y GOSB

Y TABL

(1) Eitem Rhif	(2) Tramgwydd o dan Ddeddf 1991	(3) Disgrifiad cryno	(4) Swm y gosb	(5) Swm disgownt
1.	Tramgwydd o dan adran 54(5).	Methiant i gydymffurfio â dyletswyddau o dan a.54 (hysbysiad ymlaen llaw o waith penodol, etc.).	£120.	£80.
2.	Tramgwydd o dan adran 55(5).	Dechrau ar y gwaith yn groes i a.55 (hysbysiad o ddyddiad dechrau).	£120.	£80.
3.	Tramgwydd o dan adran 55(9)(**1**).	Methiant i roi hysbysiad yn unol ag a.55(8) (hysbysiad i'w roi pan fydd hysbysiad a.55 yn peidio â bod yn effeithiol).	£120.	£80.
4.	Tramgwydd o dan adran 57(4).	Methiant i roi hysbysiad yn unol ag a.57 (hysbysiad o waith brys).	£120.	£80.
5.	Tramgwydd o dan adran 70(6) sy'n golygu methiant i gydymffurfio ag is-adran (3) neu (4A)(**2**).	Methiant i gydymffurfio â gofynion i roi hysbysiad o gwblhau gwaith adfer.	£120.	£80.
6.	Tramgwydd a grëwyd gan reoliadau a wnaed o dan adran 74(7B).	Methiant i roi hysbysiad sy'n ofynnol gan reoliadau o dan a.74 (tâl am feddiannu priffordd pan fu oedi afresymol yn y gwaith).	£120.	£80.

(**1**) Mewnosodir is-adrannau (8) a (9) o adran 55 gan Ddeddf Rheoli Traffig 2004 (p.18), adran 49(2).

(**2**) Amnewidir adran 70(3) a mewnosodir adran 70(4A) gan Ddeddf Rheoli Traffig 2004 (p.18), adran 54(3).

SCHEDULE 2

Regulation 7

AMOUNT OF PENALTY

TABLE

(1) Item No.	(2) Offence under the 1991 Act	(3) Brief description	(4) Amount of penalty	(5) Discounted amount
1.	An offence under section 54(5).	Failure to comply with duties under s.54 (advance notice of certain works, etc.).	£120.	£80.
2.	An offence under section 55(5).	Beginning to execute works in contravention of s.55 (notice of starting date).	£120.	£80.
3.	An offence under section 55(9)(**1**).	Failure to give notice in accordance with s.55(8) (notice to be given on s.55 notice ceasing to have effect).	£120.	£80.
4.	An offence under section 57(4).	Failure to give notice in accordance with s.57 (notice of emergency works).	£120.	£80.
5.	An offence under section 70(6) consisting of a failure to comply with subsection (3) or (4A)(**2**).	Failure to comply with requirements to give notice of completion of reinstatement.	£120.	£80.
6.	An offence created by regulations made under section 74(7B).	Failure to give a notice required by regulations under s.74 (charge for occupation of the highway where works unreasonably delayed).	£120.	£80.

(**1**) Subsections (8) and (9) of section 55 are inserted by the Traffic Management Act 2004 (c.18), section 49(2).

(**2**) Section 70(3) is substituted and section 70(4A) inserted by the Traffic Management Act 2004 (c.18), section 54(3).

ATODLEN 3

Rheoliad 10

FFURF O HYSBYSIAD SY'N TYNNU'N ÔL HYSBYSIAD O GOSB BENODEDIG

* (**Mewnosoder enw'r Awdurdod Stryd*)	**HYSBYSIAD SY'N TYNNU'N ÔL HYSBYSIAD O GOSB BENODEDIG** **DEDDF FFYRDD NEWYDD A GWAITH STRYD 1991** (Adran 95A ac Atodlenni 4A a 4B)	**HYSBYSIAD O GOSB BENODEDIG** Rhif ……
DALIER SYLW mae'r hysbysiad o gosb benodedig sy'n dwyn y rhif uchod drwy hyn **WEDI'I DYNNU'N ÔL**.		
ENW'R SWYDDOG AWDURDODEDIG (*mewn prif lythrennau*): ……		
DYDDIAD: ……		

SCHEDULE 3

Regulation 10

FORM OF NOTICE WITHDRAWING A FIXED PENALTY NOTICE

* (* *Insert Street Authority name*)	**NOTICE WITHDRAWING FIXED PENALTY NOTICE** **NEW ROADS AND STREET WORKS ACT 1991** (Section 95A and Schedules 4A and 4B)	**FIXED PENALTY NOTICE** Number: ……
TAKE NOTICE that the fixed penalty notice numbered as above is hereby **WITHDRAWN**.		
NAME OF AUTHORISED OFFICER (*in block capitals*) : ……		
DATE : ……		

OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2008 Rhif 102 (Cy.15)

PRIFFYRDD, CYMRU

Rheoliadau Gwaith Stryd (Cosbau Penodedig) (Cymru) 2008

2008 No. 102 (W.15)

HIGHWAYS, WALES

The Street Works (Fixed Penalty) (Wales) Regulations 2008

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