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OFFERYNNAU STATUDOL CYMRU

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**2009 No. 1267**

**Rheoliadau Cynlluniau Trwyddedau  
Rheoli Traffig (Cymru) 2009**

**RHAN 8**

Deddfiadau Eraill

**Cymhwyso'r Rhan hon**

**35.** Mae'r Rhan hon yn gymwys i'r strydoedd penodedig mewn cynllun trwyddedau i'r graddau a bennir yn y gorchymyn a wnaed o dan adran 34(4) o Ddeddf 2004 mewn cysylltiad â'r cynllun trwyddedau hwnnw.

**Datgymhwyso deddfiadau**

**36.** Mae darpariaethau canlynol Deddf 1991 wedi'u datgymhwyso mewn perthynas â gwaith penodedig mewn strydoedd penodedig —

- (a) adran 53 (y gofrestr gwaith stryd)(1);
- (b) adran 54 (hysbysu ymlaen llaw o waith penodol)(2);
- (c) adran 55 (hysbysu o ddyddiad dechrau gwaith)(3);
- (ch) adran 56 (pŵer i roi cyfarwyddiadau ynghylch amseru gwaith stryd)(4);
- (d) adran 57 (hysbysu o waith brys)(5); ac
- (dd) adran 66 (osgoi oedi neu rwystro diangen)(6).

**Addasu deddfiadau**

**37.—(1)** Mae darpariaethau canlynol Deddf 1991 wedi'u haddasu fel a ganlyn mewn perthynas â gwaith penodedig mewn strydoedd penodedig.

(2) Mae adran 58 yn cael effaith fel petai —

- (a) yn is-adran (3)(d) y geiriau “applied for a provisional advance authorisation for street works to be carried out” wedi'u rhoi yn lle'r geiriau “given notice under section 54 (advance notice of certain works) of his intention to execute street works”; a
- (b) is-adrannau (5) i (7A) wedi'u hepgor.

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(1) Diwygiwyd adran 53 yn rhagolygol gan Ddeddf Rheoli Traffig 2004, adran 45.  
(2) Diwygiwyd adran 54 gan Ddeddf Rheoli Traffig 2004, adrannau 40 a 49 ac Atodlen 1.  
(3) Diwygiwyd adran 55 gan Ddeddf Rheoli Traffig 2004, adrannau 40, 49 a 51 ac Atodlen 1.  
(4) Diwygiwyd adran 56 gan Ddeddf Rheoli Traffig 2004, adrannau 40 a 43(3) ac Atodlen 1.  
(5) Diwygiwyd adran 57 gan Ddeddf Rheoli Traffig 2004, adrannau 40 a 52(3) ac Atodlen 1.  
(6) Diwygiwyd adran 66 gan Ddeddf Rheoli Traffig 2004, adran 40 ac Atodlen 1.

(3) Mae adran 73A(2)(a) (a fydd, pan fo mewn grym, yn caniatáu i awdurdodau strydoedd ei gwneud yn ofynnol i ymgwymerwyr osod wyneb newydd ar strydoedd)(7) yn cael effaith fel petai'r geiriau “submitted an application for a permit or for a provisional advance authorisation in respect of specified works in a specified street” wedi'u rhoi yn lle'r geiriau “given notice under section 54 or 55 of, or made a notification under paragraph 2(1)(d) of Schedule 3A in respect of, proposed street works”.

(4) Mae adran 74(8) yn cael effaith fel petai —

(a) y canlynol wedi'i fewnosod ar ôl is-adran (2)—

“(2ZA) For the purpose of the definition of “a reasonable period” in subsection (2), the specification in a permit (including as a result of a variation of the permit) of a period as one during which specified works may be carried out in a specified street —

(a) does not constitute agreement to a period by the authority and the undertaker, and

(b) is to be disregarded on an arbitration.”; a

(b) is-adrannau (3) a (4) wedi'u hepgor.

(5) Mae adran 88(4) (pontydd, awdurdodau pontydd a materion cysylltiedig)(9) yn cael effaith fel petai —

(a) y geiriau “submitting an application for a permit or for a provisional advance authorisation” wedi'u rhoi yn lle'r geiriau “giving notice under section 55 (notice of starting date), or making a notification under paragraph 2(1)(d) of Schedule 3A (notification of proposed works),” a

(b) y geiriau “or undertaking any works which are exempt from the requirement to be authorised by a permit” wedi'u mewnosod ar ôl y geiriau “to the works”.

(6) Mae adran 89(2) (carthffosydd cyhoeddus, awdurdodau carthffosydd a materion cysylltiedig)(10) yn cael effaith fel petai —

(a) y geiriau “submitting an application for a permit or for a provisional advance authorisation” wedi'u rhoi yn lle'r geiriau “giving notice under section 55 (notice of starting date), or making a notification under paragraph 2(1)(d) of Schedule 3A (notification of proposed works),” a

(b) y geiriau “or undertaking any works which are exempt from the requirement to be authorised by a permit” wedi'u mewnosod ar ôl y geiriau “to the works”.

(7) Mae adran 93 (gwaith sy'n effeithio ar groesfannau rheilffordd neu dramffyrdd)(11) yn cael effaith fel petai —

(a) yn is-adran 2, y geiriau “send a copy of the application for a permit or for a provisional advance authorisation to the relevant transport authority at the same time as he or she sends the application to the Permit Authority” wedi'u rhoi yn lle'r geiriau o “give the prescribed notice” i “under subsection (1) of that section”;

(b) yn is-adran (5), y geiriau “send a copy of the application for a permit or for a provisional advance authorisation to the relevant transport authority at the same time as he or she sends the application to the Permit Authority” wedi'u rhoi yn lle'r geiriau o “give notice” i “under subsection (2) of that section”; ac

(c) y canlynol wedi'i fewnosod ar ôl is-adran (5)—

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(7) Diwygiwyd adran 73A yn rhagolygol gan Ddeddf Rheoli Traffig 2004, adran 55(1).

(8) Mewnosodwyd adran 74(2A) gan Ddeddf Trafndiaeth 2000, adran 256.

(9) Mewnosodwyd adran 88(4) gan Ddeddf Rheoli Traffig 2004, adran 52(6).

(10) Diwygiwyd adran 89(2) gan Ddeddf Rheoli Traffig 2004, adran 52(7).

(11) Mewnosodwyd adran 92(2) gan Ddeddf Rheoli Traffig 2004, adran 49(3).

“(6) An undertaker who fails to comply with subsection (2) or (5) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) In proceedings against a person for such an offence it is a defence for him or her to show that—

- (a) the failure was attributable to his or her not knowing the identity or address of a relevant transport authority, and
- (b) his or her ignorance was not due to any negligence on his or her part or to any failure to make inquiries which he or she ought reasonably to have made.”.

(8) Mae adran 105 (mân ddiffiniadau) yn cael effaith fel petai'r canlynol wedi'i fewnosod ar ôl is-adran (5)—

“(6) An expression used in this Part and in permit regulations within the meaning of section 37 of the Traffic Management Act 2004) has the same meaning in this Part as in those regulations.”.

(9) Mae Atodlen 3A yn cael effaith fel petai —

(a) y canlynol wedi'i roi yn lle paragraff (1) —

“1. This Schedule applies where a Permit Authority receives an application for a permit or for a provisional advance authorisation in respect of specified works in a specified street”;

(b) ym mharagraff 2(1)(a) y geiriau “the works that are the subject of the application” wedi'u rhoi yn lle'r geiriau “the proposed works”;

(c) ym mharagraff 2(1)(b) y geiriau “specified works in the street to which the application relates” wedi'u rhoi yn lle'r geiriau “street works”;

(ch) ym mharagraff 2(1)(c) y gair “street” wedi'i roi yn lle'r gair “highway”;

(d) ym mharagraff 2(1)(d) —

(i) y gair “persons” wedi'i roi yn lle'r gair “undertakers”;

(ii) y geiriau “specified works in that part of the street” wedi'u rhoi yn lle'r geiriau “street works in that part of the highway”;

(iii) y geiriau “apply for a permit or provisional advance authorisation, as applicable, in respect of” wedi'u rhoi yn lle'r geiriau “notify the authority of”;

(dd) ym mharagraff 2(4) y gair “street” wedi'i roi yn lle'r gair “highway” ym mhob man y ceir y gair hwnnw;

(e) ym mharagraff 2(4)(d), y geiriau “applied for a permit or for a provisional advance authorisation in respect of specified works” wedi'u rhoi yn lle'r geiriau o “given notice” i “street works”;

(f) is-baragraffau (5) a (6) o baragraff 2 wedi'u hepgor;

(ff) paragraff 3 wedi'i hepgor;

(g) ym mharagraff 4(1) y geiriau “and before completion of the works referred to in paragraph 3(1)(a) to (c)” wedi'u hepgor;

(ng) ym mharagraff 4(2) y geiriau “the availability of permits in relation to the part of the street specified under paragraph 2(1)(c) for such period as may be specified in the direction” wedi'u rhoi yn lle'r geiriau o “the execution” hyd at y diwedd;

(h) paragraff 4(4), (5) a (7) wedi'u hepgor;

(i) ym mharagraff 4(9) y geiriau “ceases to have effect by virtue of sub-paragraph (7), or” wedi'u hepgor; a

(j) y canlynol wedi'i roi yn lle paragraff 5 —

“5.—(1) This paragraph applies where —

- (a) a direction under paragraph 4 has effect; and
- (b) an application for a permit, or for a provisional advance authorisation, relating to the part of the street to which the direction relates is made after the expiry of the notice period.

(2) The Permit Authority must, when considering the application have regard to —

- (a) whether the application could reasonably have been made during the notice period; and
- (b) the desirability of ensuring that specified works are not carried out in that street during the period specified in the direction.”.

### **Addasu rheoliadau**

**38.** Mae paragraff 7(a) o'r Atodlen i Reoliadau Gwaith Stryd (Cofrestrau, Hysbysiadau, Cyfarwyddiadau a Dynodiadau) (Cymru) (Rhif 2) 2008 yn cael effaith mewn perthynas â gwaith penodedig ar strydoedd penodedig fel petai'r geiriau “applied for a permit or for a provisional advance application in respect of specified” wedi'u rhoi yn lle'r geiriau “given notice under section 54 or section 55 of its intention to execute street”.