

2021 Rhif (Cy.)

2021 No. (W.)

TRAFFIG FFYRDD, CYMRU

ROAD TRAFFIC, WALES

Gorchymyn Cefnffordd yr A5 (Man
Ger Llyn Ogwen, Gwynedd)
(Terfynau Cyflymder Dros Dro a
Chlirffordd) 2021

The A5 Trunk Road (Near Llyn
Ogwen, Gwynedd) (Temporary
Speed Limits and Clearway) Order
2021

Gwnaed 8 Mehefin 2021

Made 8 June 2021

Yn dod i rym 10 Mehefin 2021

Coming into force 10 June 2021

Mae Gweinidogion Cymru, sef yr awdurdod traffig ar gyfer Cefnffordd yr A5, wedi eu bodloni y dylid cyfyngu ar draffig a'i wahardd ar ddarn penodedig o'r gefnffordd oherwydd y tebygolrwydd o berygl i'r cyhoedd.

The Welsh Ministers, as traffic authority for the A5 Trunk Road, are satisfied that traffic on a specified length of the trunk road should be restricted and prohibited by reason of likelihood of danger to the public.

Mae Gweinidogion Cymru, felly, drwy arfer y pwerau a roddir iddynt gan adran 14(1), (4) a (7) o Ddeddf Rheoleiddio Traffig Ffyrdd 1984(1), yn gwneud y Gorchymyn hwn.

The Welsh Ministers, therefore, in exercise of the powers conferred upon them by section 14(1), (4) and (7) of the Road Traffic Regulation Act 1984(1), make this Order.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Cefnffordd yr A5 (Man Ger Llyn Ogwen, Gwynedd) (Terfynau Cyflymder Dros Dro a Chlirffordd) 2021 a daw'r Gorchymyn hwn i rym ar 10 Mehefin 2021.

Title and commencement

1. The title of this Order is the A5 Trunk Road (Near Llyn Ogwen, Gwynedd) (Temporary Speed Limits and Clearway) Order 2021 and this Order comes into force on 10 June 2021.

Dehongli

2. Yn y Gorchymyn hwn—

Interpretation

2. In this Order—

(1) 1984 p. 27; amnewidiwyd adran 14 gan adran 1(1) o Ddeddf Traffig Ffyrdd (Cyfyngiadau Dros Dro) 1991 (p. 26), ac Atodlen 1 iddi. Yn rhinwedd O.S. 1999/672, ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32), a pharagraff 30 o Atodlen 11 iddi, mae'r pwerau hyn yn arferadwy bellach gan Weinidogion Cymru o ran Cymru.

(1) 1984 c.27; Section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and Schedule 1. By virtue of S.I. 1999/672, and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, these powers are now exercisable by the Welsh Ministers in relation to Wales.

ystyr “cerbyd esempt” (“*exempted vehicle*”) yw:

- (a) unrhyw gerbyd sy’n cael ei ddefnyddio at y dibenion a ddisgrifir yn adran 87 o Ddeddf Rheoleiddio Traffig Ffyrdd 1984⁽¹⁾; a
- (b) unrhyw gerbyd sy’n cael ei ddefnyddio at ddibenion y llynges, y fyddin neu’r llu awyr ac sy’n cael ei yrru gan berson sydd am y tro yn ddarostyngedig i orchmynion aelod o luoedd arfog y Goron, sy’n aelod o’r lluoedd arbennig—
 - (i) ac sydd wedi ei hyfforddi i yrru ar gyflymderau uchel ac sy’n gweithredu wrth ymateb, neu wrth ymarfer ymateb, i argyfwng diogelwch gwladol; neu
 - (ii) at ddiben hyfforddi person i yrru cerbydau ar gyflymderau uchel;

ystyr “cyfnod penodedig” (“*specified period*”) yw’r cyfnod sy’n dechrau am 00:00 o’r gloch ar 10 Mehefin 2021 ac sy’n dod i ben pan gaiff yr arwyddion traffig dros dro eu symud ymaith yn barhaol.

ystyr “y gefnffordd” (“*the trunk road*”) yw Cefnffordd yr A5 Llundain i Gaergybi yn Sir Gwynedd sy’n ymestyn o bwynt 1000 metr i’r gogledd-orllewin o’i chyffordd â’r ffordd ddiddosbarth sy’n gyfagos i Fwthyn Ogwen hyd at bwynt 5200 metr i’r dwyrain o’r gyffordd sy’n gyfagos i’r ffordd breifat sy’n arwain at yr eiddo o’r enw Tal y Braich Isaf.

ystyr “lluoedd arbennig” (“*special forces*”) yw’r unedau hynny o’r lluoedd cartref y mae Cyfarwyddwr y Lluoedd Arbennig yn gyfrifol am gynnal eu galluoedd neu sydd am y tro yn ddarostyngedig i reolaeth weithredol y Cyfarwyddwr hwnnw.

Cyfyngiadau a Gwaharddiad

3. Ni chaiff neb, yn ystod cyfnod y gwaith, yrru unrhyw gerbyd modur yn gyflymach na 50 milltir yr awr ar y darn o’r gefnffordd.

⁽¹⁾ Diwygiwyd adran 87 gan baragraff 55 o Atodlen 1 i Ddeddf y Gwasanaethau Tân ac Achub 2004 (p. 21), paragraff 42 o Atodlen 4 i Ddeddf Troseddu Cyfundrefnol Difrifol a’r Heddlu 2005 (p. 15), paragraff 29(2) o Atodlen 8 i Ddeddf Troseddu a’r Llysoedd 2013 (p. 22) ac adran 50(4) a (5) o Ddeddf Dadreoleiddio 2015 (p. 20).

“exempted vehicle” (“*cerbyd esempt*”) means:

- (a) any vehicle being used for the purposes described in section 87 of the Road Traffic Regulation Act 1984 Act⁽¹⁾ or in connection with the works giving rise to this Order; and
- (b) any vehicle being used for naval, military or air force purposes and being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown, who is a member of the special forces—
 - (i) in response, or for practice in responding, to a national security emergency by a person who has been trained in driving at high speeds; or
 - (ii) for the purpose of training a person in driving vehicles at high speeds;

“special forces” (“*lluoedd arbennig*”) means those units of the home forces the maintenance of whose capabilities is the responsibility of the Director of Special Forces or which are for the time being subject to the operational command of that Director.

“the trunk road” (“*y gefnffordd*”) means the A5 London to Holyhead Trunk Road in the County of Gwynedd that extends from a point 1000 metres north-west of its junction with the unclassified road adjacent to Ogwen Cottage to a point 5200 metres east of the junction adjacent to the private road leading to the property known as Tal y Braich Isaf.

“specified period” (“*cyfnod penodedig*”) means the period commencing at 00:00 hours on 10 June 2021 and ending when the temporary traffic signs are permanently removed.

Restrictions and Prohibition

3. No person may, during the works period, drive any motor vehicle at a speed exceeding 50 miles per hour on the length of the trunk road.

4. No person may, during the works period, drive any motor vehicle at a speed exceeding 40 miles per hour on the length of the trunk road.

⁽¹⁾ Section 87 was amended by the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 55, the Serious Organised Crime and Police Act 2005 (c. 15), Schedule 4, paragraph 42, the Crime and Courts Act 2013 (c. 22), schedule 8, paragraph 29(2) and the Deregulation Act 2015 (c. 20), section 50(4) and (5).

4. Ni chaiff neb, yn ystod cyfnod y gwaith, yrru unrhyw gerbyd modur yn gyflymach na 40 milltir yr awr ar y darn o'r gefnffordd.

5. Ni chaiff neb, yn ystod cyfnod y gwaith, yrru unrhyw gerbyd modur yn gyflymach na 30 milltir yr awr ar y darn o'r gefnffordd.

6. Ac eithrio fel a ddarperir gan erthygl 7, ni chaiff neb beri na chaniatáu i unrhyw gerbyd stopio ar y darn o'r gefnffordd ac eithrio yn ôl cyfarwyddyd neu â chaniatâd cwnstabl heddlu, swyddog cymorth cymunedol yr heddlu neu swyddog gorfodi sifil.

Esemptiadau

7. Ni fydd dim yn erthygl 6 yn gymwy—

- (a) er mwyn atal cerbyd sy'n aros ar unrhyw gerbyttffordd cyhyd ag sy'n angenrheidiol i'r cerbyd gael ei ddefnyddio mewn cysylltiad â'r canlynol:
 - (i) unrhyw waith adeiladu neu waith dymchwel;
 - (ii) symud unrhyw rwystr i draffig;
 - (iii) cynnal a chadw, gwella neu ailadeiladu'r ffordd fynediad neu osod, codi, cynnal a chadw, addasu neu atgyweirio ar y ffordd fynediad neu gerllaw iddi unrhyw garthffos neu unrhyw brif bibell neu gyfarpar ar gyfer cyflenwi nwy, dŵr neu drydan neu unrhyw gyfarpar cyfathrebu electronig fel y'i diffinnir ym mharagraff 5 o Atodlen 3A i Ddeddf Cyfathrebiadau 2003⁽¹⁾;
- (b) i gerbyd a ddefnyddir at ddibenion yr heddlu, y frigâd dân neu'r gwasanaeth ambiwlans;
- (c) i gerbyd a ddefnyddir yng ngwasanaeth awdurdod lleol yn unol â phwerau neu ddyletswyddau statudol; a
- (d) i gerbyd sy'n stopio pan fo'r person sydd â rheolaeth arno'n gwneud y canlynol:
 - (i) pan fydd yn ofynnol yn ôl y gyfraith iddo stopio;

5. No person may, during the works period, drive any motor vehicle at a speed exceeding 30 miles per hour on the length of the trunk road.

6. Except as provided by article 7, no person may cause or permit any vehicle to stop on the length of the trunk road except on the direction or with the permission of a police constable, police community support officer or civil enforcement officer

Exemption

7. Nothing in article 6 applies—

- (a) so as to prevent a vehicle waiting on any carriageway for so long as may be necessary to enable the vehicle to be used in connection with:
 - (i) any building operation or demolition;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the access road or the laying, erection, maintenance, alteration or repair in or near the access road of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus as defined in paragraph 5 of Schedule 3A to the Communications Act 2003⁽¹⁾;
- (b) to a vehicle being used for police, fire brigade or ambulance purposes;
- (c) to a vehicle being used in the service of a local authority in pursuance of statutory powers or duties; and
- (d) to a vehicle stopping when the person in control of it:
 - (i) is required by law to stop;
 - (ii) is obliged to stop in order to avoid an accident; or
 - (iii) is prevented from proceeding by circumstances outside that person's control.

⁽¹⁾ 2003 p.21. Mewnosodwyd Atodlen 3A gan baragraff 1 o Atodlen 1 i Ddeddf yr Economi Ddigidol 2017 (p. 30).

⁽¹⁾ 2003 c.21. Schedule 3A was inserted by paragraph 1 of Schedule 1 to the Digital Economy Act 2017 (c. 30).

- (ii) pan fydd yn gorfod stopio er mwyn osgoi damwain; neu
- (iii) pan gaiff ei rwystro rhag mynd yn ei flaen gan amgylchiadau y tu allan i'w reolaeth.

Suspension

9. Mae unrhyw ddarpariaethau statudol sy'n cyfyngu ar gyflymder cerbydau ar y darn o'r gefnffordd wedi eu hatal dros dro ar yr adegau hynny pan fo'r cyfyngiadau a bennir yn erthyglau 3, 4 a 5 yn weithredol.

Cymhwyso

10. (1) Ni fydd y gwaharddiadau a'r cyfyngiadau yn erthyglau 3, 4, 5 a 6 yn gymwys ond ar yr adegau hynny ac i'r graddau hynny y bydd arwyddion traffig yn eu dangos.

(2) Nid yw unrhyw derfynau cyflymder a osodir gan y Gorchymyn hwn yn gymwys i gerbyd esempt.

Cyfnod Para'r Gorchymyn hwn

11. Bydd y Gorchymyn hwn yn para am 18 mis ar y mwyaf.

Llofnodwyd ar ran y Dirprwy Weinidog Newid Hinsawdd, wrth weithredu o dan awdurdod y Gweinidog Newid Hinsawdd, un o Weinidogion Cymru.

Dyddiedig

8 Mehefin 2021

Nicci Hunter
Arweinydd y Tîm Busnes
Llywodraeth Cymru

Suspension

9. Any statutory provisions restricting the speed of vehicles on the length of the trunk road are suspended during such times as the restrictions specified in articles 3, 4 and 5 are in operation.

Application

10. (1) The restrictions and prohibition in articles 3, 4, 5 and 6 apply only during such times and to such extent as indicated by traffic signs.

(2) No speed limits imposed by this Order apply to an exempted vehicle.

Duration of this Order

11. The maximum duration for this Order is 18 months.

Signed on behalf of the Deputy Minister for Climate Change, acting under the authority of the Minister for Climate Change, one of the Welsh Ministers.

Dated

8 June 2021

Nicci Hunter
Business Team Leader
Welsh Government

