



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 3765 (Cy.313)

2001 No. 3765 (W.313)

TRAFNIDIAETH, CYMRU

TRANSPORT, WALES

**Gorchymyn Consesiynau Teithio
(Estyn yr Hawl i'w Cael) (Cymru)
2001**

**The Travel Concessions (Extension
of Entitlement) (Wales) Order
2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae adran 93 o Ddeddf Trafnidiaeth 1985 ("Deddf 1985") yn gwneud darpariaeth ar gyfer cynlluniau consesiynau teithio mewn perthynas â gwasanaethau cymwys (gwasanaethau bysiau lleol). Mae adran 93(7), sydd wedi'i diwygio gan baragraff 15 o Atodlen 11 i Ddeddf Trafnidiaeth 2000 ("Deddf 2000") yn diffinio y categorïau o berson sydd â hawl i gonsesiynau o dan gynlluniau o'r fath. Mae adran 93(7)(f) yn rhoi i Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") y pŵer i estyn y categorïau hynny.

Section 93 of the Transport Act 1985 ("the 1985 Act") makes provision for travel concession schemes in relation to eligible services (local bus services). Section 93(7), now amended by paragraph 15 of Schedule 11 to the Transport Act 2000 ("the 2000 Act") defines the categories of persons entitled to concessions under such schemes. Section 93(7)(f) gives the National Assembly for Wales ("the National Assembly") the power to extend those categories.

Mae adrannau 145 a 146 o Ddeddf 2000 yn gwneud darpariaeth ar gyfer consesiynau teithio gorfodol i'w darparu ar wasanaethau cymwys. Mae'r Ddeddf yn darparu bod y consesiynau:

Sections 145 and 146 of the 2000 Act makes provision for mandatory travel concessions to be provided on eligible services. The Act provides that the concessions:

- (i) i fod ar gael mewn perthynas â siwrneiau y tu fewn i ardal awdurdodau consesiynau teithio unigol (cynghorau sir a bwdesistrefi sirol) yn unig;
- (ii) i fod ar gael ar amserau penodol o'r dydd yn unig;
- (iii) i fod ar gael yn unig ar gyfer rhai dros oedran pensiwn a'r anabl, fel y'u diffinnir yn adran 146;
- (iv) i fod yn ostyngiad o hanner gwerth y tocyn.

- (i) are to be available only in respect of journeys within the area of individual travel concession authorities (county and county borough councils);
- (ii) are to be available only at certain times of day;
- (iii) are to be available only to those over pensionable age and the disabled, as defined in section 146;
- (iv) are to be a reduction of one-half in the fare.

Mae Adran 147 o Ddeddf 2000 yn rhoi i'r Cynulliad Cenedlaethol y pŵer i estyn yr hawl i gael y consesiynau a'u natur.

Section 147 of the 2000 Act gives the National Assembly the power to extend the availability and nature of the concessions.

Effaith erthyglau 4, 5, a 6 o'r Gorchymyn hwn yw diwygio darpariaethau Deddf 2000 er mwyn:

Articles 4, 5, and 6 of this Order have the effect of modifying the provisions of the 2000 Act so as to:

- (i) estyn yr hawl i gonsesiynau i gynnwys

- (i) extend entitlement to concessions to

siwrneiau sy'n dechrau neu yn gorffen (neu yn dechrau ac yn gorffen) y tu allan i ardal awdurdod consesiynau teithio Cymreig, ond yn ei chyffiniau;

- (ii) dileu y cyfyngiad ar yr amserau pryd y darprir consesiynau;
- (iii) estyn yr hawl i ddynion rhwng 60 ac oedran pensiwn, gydag effaith o 1 Ebrill 2003;
- (iv) estyn yr hawl i gymdeithion personau anabl y mae arnynt angen cymorth cydymaith er mwyn gallu teithio ar wasanaethau trafndiaeth gyhoeddus i deithwyr;
- (v) estyn yr hawl i'r rhai sy'n dal trwyddedau a roddwyd gan awdurdodau Cymreig heblaw yr un y mae'r siwrnai yn digwydd o fewn ei ardal, ar yr amod bod y drwydded mewn ffurf a gymeradwywyd at y pwrpas hwn;
- (vi) cynyddu maint y consesiwn er mwyn darparu teithio am ddim.

Mae Erthygl 2 yn gwneud diwygiadau i'r categorïau o berson sydd â'r hawl i gonsesiynau teithio o dan gynlluniau o dan adran 93 o Ddeddf 1985 fel y byddant, ynghyd â'r rhai a wnaed yn barod gan baragraff 15 o Atodlen 11 i Ddeddf 2000, yn sicrhau cysondeb â'r rhai sy'n perthyn i gonsesiynau teithio gorfodol o dan adrannau 145 a 146 o Ddeddf 2000.

journeys beginning or ending (or both beginning and ending) outside, but in the vicinity of, the area of a Welsh travel concession authority;

- (ii) remove the restriction on the times when concessions are provided;
- (iii) extend entitlement to men between 60 and pensionable age, with effect from 1st April 2003;
- (iv) extend entitlement to companions of disabled persons who require the assistance of a companion in order to travel on public passenger transport services;
- (v) extend entitlement to holders of permits issued by Welsh authorities other than the one in whose area the journey is taking place, provided the permit is in an approved form for this purpose;
- (vi) increase the amount of the concession to provide for free travel.

Article 2 makes amendments to the categories of person entitled to travel concessions under schemes under section 93 of the 1985 Act so that, taken together with those already made by paragraph 15 of Schedule 11 to the 2000 Act, there will be consistency with those relating to mandatory travel concessions under sections 145 and 146 of the 2000 Act.

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2001****The Travel Concessions (Extension
of Entitlement) (Wales) Order
2001***Wedi'i wneud* 22 Tachwedd 2001*Made* 22nd November 2001*Yn dod i rym* 1 Ebrill 2002*Coming into force* 1st April 2002

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddir gan adran 93(7)(f) o Ddeddf Trafnidiaeth 1985(a), adran 147 o Ddeddf Trafnidiaeth 2000(b), a phob pŵer galluogi arall, drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred by section 93(7)(f) of the Transport Act 1985(a), section 147 of the Transport Act 2000(b), and of all other enabling powers hereby makes the following Order:

Enwi, cychwyn, Dehongli a chymhwyso**Citation, commencement, Interpretation and application**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Consesiynau Teithio (Estyn yr Hawl i'w Cael) (Cymru) 2001 a daw i rym ar 1 Ebrill 2002.

1.-(1) This Order may be cited as the Travel Concessions (Extension of Entitlement) (Wales) Order 2001 and shall come into force on 1st April 2002.

(2) Yn y Gorchymyn hwn, ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Trafnidiaeth 2000 ac ystyr "Gorchymyn 1986" ("*the 1986 Order*") yw Gorchymyn Deddf Trafnidiaeth 1985 (Estyn yr Hawl i Gael Consesiynau Teithio) 1986(c).

(2) In this Order "the 2000 Act" ("*Deddf 2000*") means the Transport Act 2000 and the "1986 Order" ("*Gorchymyn 1986*") means the Transport Act 1985 (Extension of Eligibility for Travel Concessions) Order 1986(c).

(3) Mae'r Gorchymyn hwn yn gymwys i Gymru.

(3) This Order applies to Wales.

Diwygio Gorchymyn 1986**Amendment to the 1986 Order**

2.-(1) Mae Gorchymyn 1986 yn cael ei ddiwygio, mewn perthynas â Chymru, yn unol â'r Erthygl hon.

2.-(1) The 1986 Order is amended, in relation to Wales, in accordance with this Article.

(2) Ar ôl Erthygl 3 o Orchymyn 1986, mewnosodir y canlynol:

(2) There is to be inserted after Article 3 of the 1986 Order:

"Extension of eligible classes in Wales**"Extension of eligible classes in Wales**

3A. In Wales, the following classes of persons are hereby specified as eligible persons, namely -

3A. In Wales, the following classes of persons are hereby specified as eligible persons, namely -

- (a) persons to whom current statutory travel concession permits have been issued in accordance with section 145(2) of the Transport Act 2000 by any travel concession

- (a) persons to whom current statutory travel concession permits have been issued in accordance with section 145(2) of the Transport Act 2000 by any travel concession

(a) 1985 p.67 (Diwygiwyd adran 93(7) gan baragraff 15 o Atodlen 11 i Ddeddf Trafnidiaeth 2000).

(a) 1985 c.67 (Section 93(7) was amended by paragraph 15 of Schedule 11 to the Transport Act 2000).

(b) 2000 p.38.

(b) 2000 c.38.

(c) O.S. 1986/1385.

(c) S.I. 1986/1385.

authority in Wales provided the permits are in such form as may be approved from time to time by the National Assembly for Wales for the purposes of section 145(1) of that Act.

(b) where a journey takes place on or after 1 April 2003, persons over the age of sixty years other than those who already fall within section 93(7)(a) of the 1985 Act."

(3) Bydd effaith erthygl 3A(b) o Orchymyn 1986 (a fewnosodwyd gan baragraff (2) o'r erthygl hon) yn dod i ben ac fe gaiff ei ddiddymu pan ddaw i rym mewn perthynas â Chymru unrhyw ddiwygiad i adran 93(7) o Ddeddf Trafnidiaeth 1985 sy'n estyn y dosbarthiadau o bersion sydd â hawl i gonsesiynau teithio o dan gynllun o dan yr adran honno i gynnwys unthyw un sydd wedi cyrraedd 60 oed.

Diwygiadau i adran 145 o Ddeddf 2000

3. Mae adran 145 o Ddeddf 2000 yn cael ei diwygio yn unol ag erthyglau 4, 5 a 6.

4. Mewnosdir ar ôl is-adran (1) o adran 145 o Ddeddf 2000 Act -

"(1A) But where a person's current statutory travel concession permit has been issued by a travel concession authority in Wales, subsection (1) has effect -

(a) as if it referred to a journey (beginning at any time) -

- (i) between places in the authority's area,
- (ii) between a place in the authority's area and a place outside, but in the vicinity of that area, or
- (iii) between places outside, but in the vicinity of that area, and

(b) as if it provided for waiver of the fare for the journey.

(1B) And if the permit is in a form approved by the National Assembly for Wales for the purpose of this subsection, subsection (1A) has effect as if each reference in it to the authority's area were to Wales."

5.-(1) Mewnosdir yn is-adran (2), ar ôl y geiriau "elderly or disabled person"-

"or, where the application is made to a travel concession authority in Wales for a permit which is to take effect on or after 1 April 2003, a person over the age of sixty years but who is not an elderly person."

(2) Daw effaith paragraff (1) i ben, (a chaiff y geiriau a fewnosdir ganddo eu diddymu) pan ddaw i rym mewn perthynas â Chymru unrhyw ddiwygiad i adran 146 o Ddeddf 2000 Act a fydd yn estyn diffiniad "elderly person" i gynnwys unrhyw un sydd wedi cyrraedd 60 oed.

authority in Wales provided the permits are in such form as may be approved from time to time by the National Assembly for Wales for the purposes of section 145(1B) of that Act.

(b) where a journey takes place on or after 1st April 2003, persons over the age of sixty years other than those who already fall within section 93(7)(a) of the 1985 Act."

(3) Article 3A(b) of the 1986 Order (inserted by paragraph (2) of this article) is to cease to have effect and is repealed on the coming into force in relation to Wales of any amendment to section 93(7)(a) of the Transport Act 1985 extending the classes of person eligible to receive travel concessions under a scheme under that section to anyone who has attained the age of 60 years.

Amendments to section 145 of the 2000 Act

3. Section 145 of the 2000 Act, is amended in accordance with Articles 4, 5 and 6.

4. After subsection (1) of section 145 of the 2000 Act there is inserted -

"(1A) But where a person's current statutory travel concession permit has been issued by a travel concession authority in Wales, subsection (1) has effect -

(a) as if it referred to a journey (beginning at any time) -

- (i) between places in the authority's area,
- (ii) between a place in the authority's area and a place outside, but in the vicinity of that area, or
- (iii) between places outside, but in the vicinity of that area, and

(b) as if it provided for waiver of the fare for the journey.

(1B) And if the permit is in a form approved by the National Assembly for Wales for the purpose of this subsection, subsection (1A) has effect as if each reference in it to the authority's area were to Wales."

5.-(1) In subsection (2), after the words "elderly or disabled person", there is inserted -

"or, where the application is made to a travel concession authority in Wales for a permit which is to take effect on or after 1 April 2003, a person over the age of sixty years but who is not an elderly person."

(2) Paragraph (1) shall cease to have effect (so that the words inserted by it are repealed) on the coming into force in relation to Wales of any amendment of section 146 of the 2000 Act extending the definition of "elderly person" to anyone who has attained the age of 60 years.

6. Mewnosodir ar ôl is-adran (3)-

"(3A) If it appears to a travel concession authority in Wales issuing a statutory travel concession permit to a disabled person that the person requires the assistance of a companion to travel on journeys on public passenger transport services, the authority must mark that clearly on the permit.

(3B) Where a person whose current statutory travel concession permit is marked in accordance with subsection (3A) is entitled under this section to waiver of the fare for a journey, one companion travelling on the journey with the person (and nominated by the person as the person's companion for that journey) is also entitled to waiver of the fare for the journey."

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

22 Tachwedd 2001

Llywydd y Cynulliad Cenedlaethol

6. After subsection (3) there is inserted -

"(3A) If it appears to a travel concession authority in Wales issuing a statutory travel concession permit to a disabled person that the person requires the assistance of a companion to travel on journeys on public passenger transport services, the authority must mark that clearly on the permit.

(3B) Where a person whose current statutory travel concession permit is marked in accordance with subsection (3A) is entitled under this section to waiver of the fare for a journey, one companion travelling on the journey with the person (and nominated by the person as the person's companion for that journey) is also entitled to waiver of the fare for the journey."

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

22 November 2001

Presiding Officer of the National Assembly

D. Elis-Thomas

(a) 1998 p.38.

(a) 1998 c.38.

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