



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 2023 (Cy.207)

2002 No. 2023 (W.207)

**TRAFNIDIAETH
GYHOEDDUS I DEITHWYR,
CYMRU**

**PUBLIC PASSENGER
TRANSPORT,
WALES**

**Gorchymyn Consesiynau Teithio
(Gwasanaethau Cymwys) (Cymru)
2002**

**The Travel Concessions (Eligible
Services) (Wales) Order
2002**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn rhagnodi, mewn perthynas â Chymru, wasanaethau bysiau a fydd, pan ddaw effaith adran 92 o Ddeddf Cyllid 1992 i ben oherwydd dyfodiad i rym 154(6) o Ddeddf Trafnidiaeth 2000, yn gymwys at ddibenion:

This Order prescribes, in relation to Wales, bus services which, when section 92 of the Finance Act 1965 ceases to have effect as a result of the coming into force of section 154(6) of the Transport Act 2000, are eligible for the purposes of:

(i) y consesiynau teithio gorfodol o dan adran 145 o Ddeddf Trafnidiaeth 2000; a

(i) the mandatory travel concessions under section 145 of the Transport Act 2000; and

(ii) darpariaethau Rhan IV o Ddeddf Trafnidiaeth 1985 (gwasanaethau lleol i deithwyr) sy'n ymwneud â chyfranogiad mewn cynlluniau consesiynau teithio, a threfniadau ad-dalu.

(ii) the provisions of Part IV of the Transport Act 1985 (local passenger services) relating to participation in travel concession schemes, and reimbursement arrangements.

2002 Rhif 2023 (Cy.207)

**TRAFNIDIAETH
GYHOEDDUS I DEITHWYR,
CYMRU**

**Gorchymyn Consesiynau Teithio
(Gwasanaethau Cymwys) (Cymru)
2002**

Wedi'i wneud 31 Gorffennaf 2002
Yn dod i rym 14 Awst 2002

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 94(4) o Ddeddf Trafnidiaeth 1985(a) ac adran 146 o Ddeddf Trafnidiaeth 2000(b) drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a chymhwyso

1. -(1) Enw'r Gorchymyn hwn yw Gorchymyn Consesiynau Teithio (Gwasanaethau Cymwys) (Cymru) 2002 ac mae'n dod i rym ar 14 Awst 2002.

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

Dehongli

2. Yn y Gorchymyn hwn mae gan y termau "person oeddrannus" a "person anabl" yr un ystyr ag sydd gan "elderly person" a "disabled person" yn adran 146 o Ddeddf Trafnidiaeth 2000.

(a) 1985 p. 67; diwygiwyd adran 94(4) gan Ddeddf Trafnidiaeth 2000, Atodlen 11, paragraff 16. Mae adran 135(2)(b) o Ddeddf Trafnidiaeth 1985 yn darparu bod unrhyw bŵer ar ran yr Ysgrifennydd Gwladol i wneud gorchymyn o dan unrhyw un o ddarpariaethau'r Ddeddf honno yn arferadwy trwy offeryn statudol. Yn rhinwedd adran 43(1) o Ddeddf Llywodraeth Cymru 1998 (1998 p.38) mae'r cyfeiriad at yr Ysgrifennydd Gwladol yn adran 135 o Ddeddf Trafnidiaeth 1985 i'w ddehongli, at ddibenion arfer ei swyddogaethau o dan adran 94(4) gan Gynulliad Cenedlaethol Cymru, fel petai'n cynnwys cyfeiriad at Gynulliad Cenedlaethol Cymru.

(b) 2000 p. 38.

2002 No. 2023 (W.207)

**PUBLIC PASSENGER
TRANSPORT,
WALES**

**The Travel Concessions (Eligible
Services) Order
2002**

Made 31st July 2002
Coming into force 14th August 2002

The National Assembly for Wales, in exercise of the powers conferred upon it by section 94(4) of the Transport Act 1985(a) and section 146 of the Transport Act 2000(b), hereby makes the following Order:

Citation, commencement and application

1. -(1) This Order may be cited as the Travel Concessions (Eligible Services) Order 2002 and comes into force on 14 August 2002.

(2) This Order applies to Wales.

Interpretation

2. In this Order, the expressions "elderly person" ("person oeddrannus") and "disabled person" ("person anabl") have the same meaning as in section 146 of the Transport Act 2000.

(a) 1985 c. 67; section 94(4) was amended by the Transport Act 2000, Schedule 11, paragraph 16. Section 135(2)(b) of the Transport Act 1985 provides that any power of the Secretary of State to make an order under any provision of that Act is exercisable by statutory instrument. By virtue of section 43(1) of the Government of Wales Act 1998 (1998 c. 38) the reference to the Secretary of State in section 135 of the Transport Act 1985 is to be construed, for the purpose of the exercise by the National Assembly of its functions under section 94(4), as including a reference to the National Assembly for Wales.

(b) 2000 c. 38.

Gwasanaethau cymwys

3. -(1) Yn ddarostyngedig i baragraff (4) o'r erthygl hon, mae gwasanaeth yn wasanaeth cymwys o dan adran 94 o Ddeddf Trafnidiaeth 1985 ac o dan adran 146 o Ddeddf Trafnidiaeth 2000 os yw'n perthyn i un o'r dosbarthau canlynol-

- (a) gwasanaeth lleol sy'n cael ei ddarparu neu'i sicrhau-
 - (i) gan awdurdod addysg lleol yn unol â threfniadau a wnaed o dan adran 509 o Ddeddf Addysg 1996(a), neu
 - (ii) ar gyfer personau oedrannus neu bersonau anabl,

ac y mae'r amodau a restrir ym mharagraff (2) wedi'u bodloni mewn perthynas â hwy;

- (b) gwasanaeth lleol, nad yw'n wasanaeth a ddisgrifir ym mharagraff (1)(a), ac sy'n defnyddio cerbyd a addaswyd i gario mwy nag wyth o deithwyr (neu gerbyd llai, ond dim ond os yw'r gwasanaethau yn cael eu gweithredu yn unol ag amserlen) ac y mae'r amodau a restrir ym mharagraff (3) wedi'u bodloni mewn perthynas ag ef;

(2) Yr amodau y mae paragraff (1)(a) yn cyfeirio atynt yw-

- (a) bod seddau ar y cerbyd sy'n cael ei ddefnyddio i ddarparu'r gwasanaeth ar gael, fel arfer, i aelodau o'r cyhoedd yn gyffredinol a bod yr aelodau hynny'n defnyddio'r gwasanaeth yn rheolaidd;
- (b) bod y manau aros (ac eithrio'r manau y mae'r gwasanaeth yn cael ei ddarparu'n bennaf iddynt neu ohonynt) wedi'u lleoli mewn manau lle byddant yn debygol o gael eu defnyddio yn rhesymol aml gan aelodau o'r cyhoedd yn gyffredinol;
- (c) bod yr aelodau hynny o'r cyhoedd yn gallu gwneud taith unigol rhwng unrhyw ddau fan aros trwy dalu pris tocyn nad yw'n fwriadol yn eu rhwystro rhag defnyddio'r gwasanaeth;
- (ch) bod yr aelodau hynny yn gallu talu'r pris tocyn mewn man ac mewn ffordd nad yw'n fwriadol yn eu rhwystro rhag defnyddio'r gwasanaeth; a
- (d) bod trefniadau wedi'u gwneud sy'n rhoi cyfle rhesymol i aelodau o'r cyhoedd yn gyffredinol gael gwybod am fodolaeth y gwasanaeth, yr amserau y mae ar waith, a'r manau y mae'n eu gwasanaethu.

(3) Yr amodau y mae paragraff (1)(b) yn cyfeirio atynt yw-

- (a) bod o leiaf hanner y lle ar y cerbyd sy'n cael ei ddefnyddio i ddarparu'r gwasanaeth ar gael, fel arfer, i aelodau o'r cyhoedd yn gyffredinol a bod y gwasanaeth yn cael ei ddefnyddio'n

Eligible services

3. -(1) Subject to paragraph (4) of this article, a service is an eligible service under section 94 of the Transport Act 1985 and under section 146 of the Transport Act 2000 if it is of one of the following classes-

- (a) a local service provided or secured-
 - (i) by a local education authority pursuant to arrangements made under section 509 of the Education Act 1996(a), or
 - (ii) for elderly persons or disabled persons,

and in respect of which the conditions set out in paragraph (2) are satisfied;

- (b) a local service, other than a service described in paragraph (1)(a) which is provided by means of a vehicle adapted to carry more than eight passengers (or by a smaller vehicle, but only if the services are operated in accordance with a time table), and in respect of which the conditions set out in paragraph (3) are satisfied.

(2) The conditions referred to in paragraph (1) (a) are that-

- (a) seats on the vehicle by means of which the service is provided are normally available to members of the general public and the service is regularly used by such members;
- (b) the stopping places (other than those to or from which the service is mainly provided) are situated at locations where they are likely to be used with reasonable frequency by members of the general public;
- (c) such members are able to make a single journey between any two stopping places upon payment of a fare which is not a deliberate deterrent to their use of the service;
- (d) such members are able to pay the fare at a place and in a manner which are not a deliberate deterrent to their use of the service; and
- (e) arrangements are made which afford members of the general public a reasonable opportunity to inform themselves of the existence of the service, the times of its operation, and the places which it serves.

(3) The conditions referred to in paragraph (1)(b) are that-

- (a) at least half of the accommodation on the vehicle by means of which the service is provided is normally available to members of the general public and the service is regularly

(a) 1996 p. 56.

(a) 1996 c. 56.

rheolaidd gan yr aelodau hynny;

- (b) bod y mannau aros wedi'u lleoli mewn mannau lle byddant yn debygol o gael eu defnyddio yn rhesymol aml gan aelodau o'r cyhoedd yn gyffredinol;
- (c) bod yr aelodau hynny yn gallu gwneud taith unigol rhwng unrhyw ddau fan aros trwy dalu pris tocyn nad yw'n fwriadol yn eu rhwystro rhag defnyddio'r gwasanaeth;
- (ch) bod yr aelodau hynny yn gallu talu'r pris tocyn mewn man ac mewn ffordd nad yw'n fwriadol yn eu rhwystro'n fwriadol rhag defnyddio'r gwasanaeth;
- (d) nad oes ar y cerbyd sy'n cael ei ddefnyddio i ddarparu'r gwasanaeth unrhyw arwydd na disgrifiad sydd wedi'i fwriadu neu sy'n debygol o roi'r argraff bod y gwasanaeth ond ar gael ar gyfer categori penodol o berson; ac
- (dd) bod trefniadau wedi'u gwneud sy'n rhoi cyfle rhesymol i aelodau o'r cyhoedd yn gyffredinol gael gwybod am fodolaeth y gwasanaeth, yr amserau y mae ar waith, a'r mannau y mae'n eu gwasanaethu.

(4) Dim ond ar ôl i effaith adran 92 o Ddeddf Cyllid 1965(a) ddod i ben oherwydd dyfodiad i rym adran 154(6) o Ddeddf Trafnidiaeth 2000, mewn perthynas â Chymru, y bydd y rheoliad hwn yn cael effaith.

used by such members;

- (b) the stopping places are situated at locations where they are likely to be used with reasonable frequency by members of the general public;
- (c) such members are able to make a single journey between any two stopping places upon payment of a fare which is not a deliberate deterrent to their use of the service;
- (d) such members are able to pay the fare at a place and in a manner which are not a deliberate deterrent to their use of the service;
- (e) there is not displayed on the vehicle by means of which the service is provided any sign or description intended or likely to convey the impression that the service is only available to a particular category of person; and
- (f) arrangements are made which afford members of the general public a reasonable opportunity to inform themselves of the existence of the service, times of its operation and the places which it serves.

(4) This regulation only has effect after section 92 of the Finance Act 1965(a) ceases to have effect as a result of the coming into force, in relation to Wales, of section 154(6) of the Transport Act 2000.

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

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

31 Gorffennaf 2002

31st July 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the Assembly

(a) 1965 p. 25.

(b) 1998 p. 38.

(a) 1965 c. 25.

(b) 1998 c. 38.

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