



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 520 (Cy.63)

2002 No. 520 (W.63)

TRAFNIDIAETH, CYMRU

TRANSPORT, WALES

**Rheoliadau Cytundebau
Cymhorthdal Gwasanaeth (Tendro)
(Diwygio) (Cymru) 2002**

**The Service Subsidy Agreements
(Tendering) (Amendment) (Wales)
Regulations 2002**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio, mewn perthynas â Chymru, Reoliadau Cytundebau Cymhorthdal Gwasanaeth (Tendro) 1985 ("y prif reoliadau") fel y'u diwigiwyd gan Reoliadau Cytundebau Cymhorthdal Gwasanaeth (Tendro) (Diwygio) 1989, 1994 a 1998. Mae'r darpariaethau yn y prif reoliadau sy'n cael eu diwygio yn darparu ar gyfer eithriadau i'r gofyniad i o dan adran 89 o Ddeddf Trafnidiaeth 1985 i dendro os yw awdurdodau lleol yn dod i gytundebau ar gyfer darparu gwasanaethau bysiau lleol sy'n destun cymhorthdal gwasanaeth.

Mae Rheoliad 3 o'r prif reoliadau yn darparu ar gyfer esemptiad rhag y gofyniad i dendro os yw'r cytundeb yn darparu am daliadau llai na £12,000 mewn unrhyw gyfnod o 12 mis oni bai bod y swm agregedig y mae gweithredwr gwasanaeth yn ei gael gan yr awdurdod lleol hwnnw o dan gytundebau felly yn fwy na £70,000.

Yn lle hynny, mae Rheoliad 2 o'r Rheoliadau hyn yn darparu i'r eithriad fod yn gymwys i unrhyw gytundeb neu gytundebau lle nad yw'r taliadau odanynt yn fwy na 40 y cant o gyfanswm y gwariant y mae awdurdod wedi'i gyllidebu ar gyfer cytundebau felly mewn unrhyw flwyddyn ariannol honno.

These Regulations amend, in relation to Wales, the Service Subsidy Agreements (Tendering) Regulations 1985 ("the principal regulations") as amended by the Service Subsidy Agreements (Tendering) (Amendment) Regulations 1989, 1994 and 1998. The provisions of the principal regulations which are amended provide for exceptions to the requirement under section 89 of the Transport Act 1985 for tendering where local authorities enter into agreements for the provision of local bus services subject to a service subsidy.

Regulation 3 of the principal regulations provides for an exemption from the tendering requirement where the agreement provides for payments of less than £12,000 in any 12-month period unless the aggregate which a service operator receives from that local authority under such agreements exceeds £70,000.

Regulation 2 of these Regulations provides, instead, for the exception to apply to any agreement or agreements under which payments do not exceed 40 per cent of the budgeted total expenditure of an authority on such agreements in that financial year.

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Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 91(1) o Ddeddf Trafnidiaeth 1985(a) ac sydd bellach wedi'u breinio ynddo(b), yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales in exercise of the powers conferred on the Secretary of State by section 91(1) of the Transport Act 1985(a) and now vested in it(b), hereby makes the following Regulations:

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

1.-(1) Enw'r rheoliadau hyn yw Rheoliadau Cytundebau Cymhorthdal Gwasanaeth (Tendro) (Diwygio) (Cymru) 2002 a deuant i rym ar 1 Ebrill 2002.

1.-(1) These regulations may be cited as the Service Subsidy Agreements (Tendering) (Amendment) (Wales) Regulations 2002 and come into force on 1 April 2002.

(2) Mae'r rheoliadau hyn yn gymwys i Gymru.

(2) These Regulations apply to Wales.

**Diwygio Rheoliad 3 o Reoliadau Cytundebau
Cymhorthdal Gwasanaeth (Tendro) 1985****Amendment of Regulation 3 of the Service Subsidy
Agreements (Tendering) Regulations 1985**

2. Yn lle rheoliad 3 o Reoliadau Cytundebau Cymhorthdal Gwasanaeth (Tendro) 1985(c) rhoddir y canlynol:

2. There is substituted for regulation 3 of the Service Subsidy Agreements (Tendering) Regulations 1985(c) the following:

"3.-(1) There is excluded from section 89(1) of the Act any service subsidy agreement entered into by an authority during a financial year if the aggregate amount of the service subsidies payable by the authority under that agreement during that financial year, taken together with the service subsidies payable in that financial year under any other service subsidy agreement or agreements already entered into by that authority does not

"3.-(1) There is excluded from section 89(1) of the Act any service subsidy agreement entered into by an authority during a financial year if the aggregate amount of the service subsidies payable by the authority under that agreement during that financial year, taken together with the service subsidies payable in that financial year under any other service subsidy agreement or agreements already entered into by that authority does not

(a) 1985 p. 67.

(a) 1985 c. 67.

(b) Mae adran 137(1) o Ddeddf Trafnidiaeth 1985 yn diffinio "regulations" yn y Ddeddf honno fel "regulations made by the Secretary of State." Mae pwerau'r Ysgrifennydd Gwladol i wneud rheoliadau o dan adran 91(1) o'r Ddeddf honno, mewn perthynas â Chymru, wedi eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) Section 137(1) of the Transport Act 1985 defines "regulations" in that Act as "regulations made by the Secretary of State." The power of the Secretary of State to make regulations under section 91(1) of that Act have, in relation to Wales, been transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) O.S. 1985/1921

(c) S.I. 1985/1921.

exceed the specified limit for that authority for that financial year.

(2) For the purposes of this regulation the specified limit in respect of any financial year is 40 per cent of the authority's total budgeted expenditure for service subsidies for that financial year and if any question arises as to the amount of the specified limit in relation to an authority for a financial year the certificate of the chief financial officer of that authority as to its total budgeted expenditure for service subsidies for that financial year shall be conclusive for the purposes of this regulation.

(3) In determining, for the purposes of paragraph (1) of this regulation, the amount or aggregate amount of service subsidies payable in any financial year under a service subsidy agreement there shall be included any specific amount the payment of which is dependent on a contingency.

(4) This regulation has effect only in relation to Wales."

exceed the specified limit for that authority for that financial year.

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(3) In determining, for the purposes of paragraph (1) of this regulation, the amount or aggregate amount of service subsidies payable in any financial year under a service subsidy agreement there shall be included any specific amount the payment of which is dependent on a contingency.

(4) This regulation has effect only in relation to Wales."

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

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

5 Mawrth 2002

5th March 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the Assembly

(a) 1998 p. 38.

(a) 1998 c. 38.

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