
WELSH STATUTORY INSTRUMENTS

2001 No. 3764

The Mandatory Travel Concessions (Reimbursement Arrangements) (Wales) Regulations 2001

Part III

APPLICATIONS TO THE NATIONAL ASSEMBLY

Application of regulations 21 to 32

20. Regulations 21 to 32 apply to applications to the National Assembly under section 150(3) of the Act (modification of proposed reimbursement arrangements or proposed variations to reimbursement arrangements).

Content of notices

21. Notices served or given under section 150(4) or (5) of the Act must contain the following particulars:

- (i) the name and address of the operator of the service or services to which the notice relates;
- (ii) the name and address of the authority;
- (iii) the route number or name (if any) and the registration number allocated by the traffic commissioner of each service to which the notice relates;
- (iv) the provision of the Act under which the notice is given.

Service of notices

22.—(1) Notices required to be served or given under section 150(4) or (5) of the Act may be delivered by hand or sent by prepaid registered or recorded delivery post.

(2) Any notice sent by post in accordance with paragraph (1) of this regulation is to be deemed to have been received when it ought in due course of post to be delivered at the address to which it is sent.

Applicant's written statement

23.—(1) The applicant must, with the notice required to be given under section 150(4) of the Act, submit to the National Assembly a written statement of—

- (a) the grounds for the application; and
- (b) any reasons or other matters which that person considers to be relevant to the application.

(2) The applicant must, at the same time as it submits the above-mentioned notice and statement to the National Assembly, send a copy of that notice and of that statement to the authority.

Authority's written statement

24.—(1) Subject to regulation 30, the authority must submit to the National Assembly a written statement of any matters which it considers to be relevant to the application.

(2) At the same time as it submits the statement to the National Assembly, the authority must send a copy of it to the applicant.

(3) Unless otherwise allowed by the National Assembly, any such statement must be submitted to the National Assembly and sent to the applicant within 28 days of the date of the notice given to the National Assembly by the applicant.

(4) The National Assembly must inform the applicant forthwith if it allows the authority a longer period for the submission of its statement.

Further written statements and documents

25.—(1) Subject to regulation 30, the National Assembly may, after the authority have submitted their statement, request the applicant or the authority, or both of them, to submit to it such further written statements and documents as it may direct.

(2) Any such further statements and documents must be submitted within such time as the National Assembly may direct, but such time must not, unless the applicant and the authority otherwise agree, be less than 14 days commencing with the date of the National Assembly's request.

(3) The applicant or the authority (as the case may be) submitting any further statement or document to the National Assembly must at the same time send a copy of it to (as appropriate) the authority or the applicant.

Hearings and appearances

26.—(1) The National Assembly may, after the submission of the last written statement or document required under regulations 23 to 25, invite the applicant and the authority to appear before a person appointed by it.

(2) Where the National Assembly has in accordance with regulation 32 appointed a person to determine the application on its behalf, that person is to be the person before whom the applicant and the authority are to be invited to appear.

(3) The hearing pursuant to an invitation from the National Assembly under this regulation must take place not less than 14 days after the date of that invitation (or, if invitations were given on separate dates, the date of the second or last of those invitations).

(4) The applicant may appear in person or be represented by counsel, solicitor or any other person.

(5) The authority may appear by any officer or other person appointed for that purpose, or by counsel, or by solicitor.

Defaults in delivery of statements or documents or in appearing

27. If the applicant or the authority fails—

(a) to deliver any statement or documents within the time specified in these Regulations or directed by the National Assembly; or

(b) to appear before a person appointed by the National Assembly in response to an invitation from the National Assembly;

the National Assembly may nevertheless proceed with the determination of the application.

Procedure at hearings

28.—(1) Subject to regulation 27, at any hearing the person appointed by the National Assembly must give to the applicant and the authority an opportunity—

- (a) to address the person appointed and to amplify the written statement submitted under this Part of these Regulations, to give evidence, to call witnesses, and to put questions to any person giving evidence before the person appointed; and
- (b) to make representations on the evidence (if any) and on the subject matter of the application generally but, where evidence is taken, such opportunity must not be given before the completion of the taking of the evidence.

(2) The National Assembly or any person appointed by it to conduct a hearing under this regulation may receive in evidence any document or information notwithstanding that such document or information would be inadmissible in a court of law.

(3) Except as otherwise provided in this Part of these Regulations, the procedure at any hearing is to be such as the person appointed by the National Assembly may in that person's discretion determine.

Decision by the National Assembly

29.—(1) The National Assembly, having considered the report of the person, if any, appointed by it pursuant to regulation 26(1) will determine the application and its decision must be recorded in a document signed on behalf of the National Assembly and dated when so signed.

(2) Such document must contain a summary of the reasons for the decision of the National Assembly.

(3) A copy of the document recording the decision of the National Assembly must be sent to the applicant and the authority.

(4) The decision is to be treated as having been made on the date on which the copy of the above-mentioned document is sent to the applicant.

Restrictions on use of information in connection with hearings

30.—(1) This regulation applies to information relating to the reimbursement of a relevant operator and received by an authority from that operator pursuant to reimbursement arrangements.

(2) In this regulation “relevant operator” means an operator of public transport services on which there is an entitlement to mandatory travel concessions.

(3) Notwithstanding any provision of regulations 24 to 28, any statement or document submitted or sent by an authority, and any statement made on behalf of an authority appearing before a person appointed by the National Assembly, must not contain any information to which this regulation applies unless the relevant operator has given its consent in writing to such inclusion.

Frivolous or vexatious applications

31. If it appears to the National Assembly that an application is frivolous or vexatious it may, after giving the applicant an opportunity of making representations in writing, decide to dismiss the application forthwith and the provisions of regulation 29 is to apply to such decision.

Application of regulations 23 to 25, 27 to 29 and 31 to nominee of the National Assembly

32.—(1) If the National Assembly appoints a person in accordance with section 150(6)(b) of the Act to determine an application on its behalf, it must give notice in writing of the appointment to the applicant and the authority.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) If the National Assembly appoints a person to determine an application on its behalf, references in regulations 23 to 25 and regulations 27 to 29 to the National Assembly are to be read, with effect from the date of the appointment, as references to the person so appointed.