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WELSH STATUTORY INSTRUMENTS

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**2002 No. 3017 (W.287)**

**PUBLIC PASSENGER TRANSPORT, WALES**

The Quality Partnership Schemes (Existing Facilities) (Wales) Regulations 2002

*Made* - - - - 4th December 2002

*Coming into force* - - 20th December 2002

The National Assembly for Wales, in exercise of the powers conferred upon it by section 119 of the Transport Act 2000<sup>(1)</sup> hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Quality Partnership Schemes (Existing Facilities) (Wales) Regulations 2002 and come into force on 20th December 2002.

(2) These Regulations apply to Wales.

**Interpretation**

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Transport Act 2000;

“electronic communication” (“*cyfathrebu electronig*”) has the meaning assigned to that term by section 15(1) of the Electronic Communications Act 2000<sup>(2)</sup>; and

“scheme” (“*cynllun*”) means a quality partnership scheme.

**Specifying existing facilities**

3.—(1) An existing facility may not be specified in a scheme if that facility was first provided more than ten years before the date on which notice is given under section 115(1) of the Act.

(2) An existing facility which was first provided more than five years before the date on which notice is given under section 115(1) of the Act may not be specified in a scheme if any person who, on that date, is relying on that facility in providing a local service has objected to it being specified, and that objection has not been withdrawn.

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(1) 2000 c. 38.

(2) 2000 c. 7.

## Objections

4.—(1) Any objection for the purposes of regulation 3(2) must be made in writing or by electronic communication and must be served, before the end of the period specified in the notice given under section 115(1), on—

- (a) the local transport authority which gave the notice under section 115(1), or
- (b) where two or more authorities propose to make the scheme, either the authority specified in the notice for that purpose or (if no such authority was specified) on any one of them.

(2) Any objection made for the purposes of regulation 3(2) may be withdrawn by notice in writing or by electronic communication served on the authority on whom the objection was served.

(3) A scheme to which regulation 3(2) relates must, when made, state that no objection for the purposes of that paragraph has been received and which has not been withdrawn.

5. Section 115 of the Act is to apply, in relation to proposed schemes which specify existing facilities, as if after subsection (4) there were inserted—

“(5) Where the proposed scheme specifies one or more existing facilities, the authority shall, in the notice given under subsection (1)—

- (a) state when they believe that each such facility was first provided and where two or more authorities propose to make the scheme the authority in whose area an existing facility is situated shall be responsible for making that statement, and
- (b) specify the date by which an objection to the specifying of an existing facility must be made, such date to be not less than 42 days from the date on which the notice is published.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

4th December 2002

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision, in relation to Wales, for existing facilities which may form part of a quality partnership scheme. Quality partnership schemes are introduced by Part II of the Transport Act 2000.

Regulation 3 provides that existing facilities may not form part of a quality partnership scheme where they were first provided more than ten years before notice of the proposed scheme is given. If an existing facility was provided more than five years but less than ten years before notice of the proposed scheme is given, it may form part of a quality partnership scheme providing no objection, which has not been withdrawn, is made by any person who is relying on that facility in providing a local service.

Regulation 4 provides that any objection for the purposes of regulation 3(2) must be made in writing or by electronic means and must be served on the appropriate authority within the time specified in the notice given under section 115(1).

Regulation 5 provides that an authority must, when it gives notice of a proposed scheme, specify the date on which it believes each relevant facility was first provided and the date by which any objection may be made, which may not be less than 42 days after the date on which the notice is published.