



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 3017 (Cy.287)

2002 No. 3017 (W.287)

**TRAFNIDIAETH GYHOEDDUS
I DEITHWYR, CYMRU**

**PUBLIC PASSENGER
TRANSPORT, WALES**

Rheoliadau Cynlluniau
Partneriaethau Ansawdd
(Cyfleusterau sy'n Bodoli Eisioes)
(Cymru) 2002

The Quality Partnership
Schemes
(Existing Facilities) (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 gwneud darpariaeth, mewn perthynas â Chymru, ar gyfer cyfleusterau sy'n bodoli eisioes ac y mae'n bosibl eu bod yn rhan o gynllun partneriaeth ansawdd. Mae cynlluniau partneriaeth ansawdd yn cael eu cyflwyno gan Ran II o Ddeddf Trafnidiaeth 2000.

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.

O dan Reoliad 3, ni chaiff cyfleusterau sy'n bodoli eisioes fod yn rhan o gynllun partneriaeth ansawdd os oeddent wedi'u darparu'n gyntaf fwy na deng mlynedd cyn i hysbysiad o'r cynllun arfaethedig gael ei roi. Os cafodd cyfleuster sy'n bodoli eisioes ei ddarparu'n gyntaf mwy na phum mlynedd ond llai na deng mlynedd cyn i hysbysiad o'r cynllun arfaethedig gael ei roi, caiff fod yn rhan o gynllun partneriaeth ansawdd ar yr amod nad oes unrhyw wrthwynebiad, sydd heb ei dynnu'n ôl, wedi'i wneud gan berson sy'n dibynnu ar y cyfleuster hwnnw wrth ddarparu gwasanaeth lleol.

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proposed scheme is given, it may form part of a quality partnership scheme providing no objection, which has not been withdrawn, is made by any person who is relying on that facility in providing a local service.

Mae Rheoliad 4 yn darparu bod rhaid i wrthwynebiad at ddibenion rheoliad 3(2) fod yn ysgrifenedig neu drwy gyfathrebu electronig a bod yn rhaid iddo gael ei gyflwyno i'r awdurdod priodol o fewn y cyfnod a bennir yn yr hysbysiad a roddir o dan adran 115(1).

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).

Mae rheoliad 5 yn darparu bod yn rhaid i awdurdod, pan fydd yn rhoi hysbysiad o gynllun arfaethedig, bennu'r dyddiad y mae'n credu y darparwyd pob cyfleuster perthnasol gyntaf, a'r dyddiad erbyn pryd y bydd yn rhaid i unrhyw wrthwynebiad gael ei wneud, ac ni chaniateir i'r dyddiad hwnnw fod yn llai na 42 diwrnod ar ôl y dyddiad y cyhoeddwyd yr hysbysiad.

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.

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Wedi'u gwneud 4 Rhagfyr 2002
Yn dod i rym 20 Rhagfyr 2002

Made 4th December 2002
Coming into force 20th December 2002

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 119 o Ddeddf Trafnidiaeth 2000(a) drwy hyn yn gwneud y Rheoliadau canlynol:

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

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynlluniau Partneriaethau Ansawdd (Cyfleusterau sy'n Bodoli Eisioes) (Cymru) 2002 ac maent yn dod i rym ar 20 Rhagfyr 2002.

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

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.

Dehongli

2. Yn y Rheoliadau hyn -

mae i "cyfathrebu electronig" ("*electronic communication*") yr ystyr a roddir i "electronic communication" gan adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(b);

ystyr "cynllun" ("*scheme*") yw cynllun partneriaeth ansawdd; ac

ystyr "y Ddeddf" ("*the Act*") yw Deddf Trafnidiaeth 2000.

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(b); and

"scheme" ("*cynllun*") means a quality partnership scheme.

Pennu cyfleusterau sy'n bodoli eisioes

3. -(1) Ni all cyfleuster sy'n bodoli eisioes gael ei bennu mewn cynllun os cafodd y cyfleuster hwnnw ei ddarparu'n gyntaf mwy na deng mlynedd cyn y dyddiad pryd y rhoddwyd hysbysiad o dan adran 115(1) o'r Ddeddf.

(2) Ni all cyfleuster sy'n bodoli eisioes a gafodd ei ddarparu mwy na phum mlynedd cyn y dyddiad pryd y rhoddwyd hysbysiad o dan adran 115(1) o'r Ddeddf gael ei bennu mewn cynllun os cafwyd gwrthwynebiad

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,

(a) 2000 p.38.

(b) 2000 p.7.

(a) 2000 c.38.

(b) 2000 c.7.

i'w bennu gan unrhyw berson a oedd, ar y dyddiad hwnnw, yn dibynnu ar y cyfleuster hwnnw wrth ddarparu gwasanaeth lleol, ac nid yw'r gwrthwynebiad hwnnw wedi ei dynnu nôl.

Gwrthwynebiadau

4.-(1) Rhaid i unrhyw wrthwynebiad at ddibenion rheoliad 3(2) fod yn ysgrifenedig neu drwy gyfathrebu electronig ac mae'n rhaid iddo gael ei gyflwyno, cyn pen y cyfnod a bennir yn yr hysbysiad a roddwyd o dan adran 115(1) -

- (a) i'r awdurdod trafniadaeth lleol a roddodd yr hysbysiad o dan adran 115(1), neu
- (b) lle bo dau neu fwy o awdurdodau yn bwriadu gwneud y cynllun, naill ai i'r awdurdod a bennir yn yr hysbysiad at y diben hwnnw neu (os na chafodd unrhyw awdurdod ei bennu felly) i unrhyw un ohonynt.

(2) Gellir tynnu'n ôl unrhyw wrthwynebiad a wnaed at ddibenion rheoliad 3(2) trwy hysbysiad ysgrifenedig neu drwy gyfathrebu electronig sy'n cael ei gyflwyno i'r awdurdod y cyflwynwyd y gwrthwynebiad iddo.

(3) Rhaid i gynllun y mae rheoliad 3(2) yn berthnasol iddo ddatgan, pan wneir ef, na chafwyd gwrthwynebiad at ddibenion y paragraff hwnnw ac sydd heb ei dynnu'n ôl.

5. Mae adran 115 o'r Ddeddf yn gymwys, mewn perthynas â chynlluniau arfaethedig sy'n pennu cyfleusterau sy'n bodoli eisioes, fel petai'r canlynol wedi'i fewnosod ar ôl is-adran (4) -

"(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."

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

4 Rhagfyr 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

(a) 1998 p.38.

is relying on that facility in providing a local service has objected to it being specified, and that objection has not been withdrawn.

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(a)

4th December 2002

The Presiding Officer of the National Assembly

(a) 1998 c.38.

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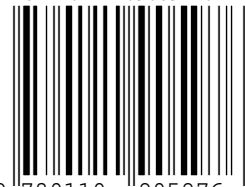
W174/12/02

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ISBN 0-11-090597-0



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