
WELSH STATUTORY INSTRUMENTS

2002 No. 520 (W.63)

TRANSPORT, WALES

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

Made - - - - *5th March 2002*

Coming into force - - *1 April 2002*

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(1) and now vested in it(2), hereby makes the following Regulations:

Citation, commencement and application

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) These Regulations apply to Wales.

Amendment of Regulation 3 of the Service Subsidy Agreements (Tendering) Regulations 1985

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

(1) 1985 c. 67.

(2) 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).

(3) S.I. 1985/1921.

Status: This is the original version (as it was originally made).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

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.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4).

5th March 2002

D. Elis-Thomas
The Presiding Officer of the Assembly

(4) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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.