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OFFERYNNAU STATUDOL  
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WELSH  
STATUTORY INSTRUMENTS

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**2009 Rhif 2816 (Cy.243)**

**2009 No. 2816 (W.243)**

**TRAFNIDIAETH, CYMRU**

**TRANSPORT, WALES**

Gorchymyn Pwyllgor Defnyddwyr  
Trafnidiaeth Gyhoeddus Cymru  
(Sefydlu) 2009

The Public Transport Users'  
Committee for Wales  
(Establishment) Order 2009

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Gorchymyn hwn yn sefydlu Pwyllgor Defnyddwyr Trafnidiaeth Gyhoeddus Cymru. Corff cynghori annibynnol i Weinidogion Cymru ar faterion trafnidiaeth gyhoeddus yw'r Pwyllgor.

This Order establishes the Public Transport Users' Committee for Wales. The Committee is an independent advisory body to the Welsh Ministers on public transport issues.

Mae erthygl 4 yn gosod cyfansoddiad ac aelodaeth y Pwyllgor ac mae erthygl 5 yn galluogi i aelodau gael eu talu y fath lwfansau a threuliau ag a benderfynir arnynt gan Weinidogion Cymru.

Article 4 sets out the constitution and membership of the Committee and article 5 enables the members to be paid such allowances and expenses as are determined by the Welsh Ministers.

Mae erthygl 6 yn galluogi'r Pwyllgor i benodi staff, gyda chydysniad Gweinidogion Cymru.

Article 6 enables the Committee, with the consent of the Welsh Ministers, to appoint staff.

Mae erthygl 7 yn galluogi'r Pwyllgor i sefydlu'r fath is-bwyllgorau ag y gwêl yn dda.

Article 7 enables the Committee to establish such sub-committees as it thinks fit.

Mae erthygl 8 yn galluogi'r Pwyllgor i reoli ei drafodion ei hun ac yn darparu nad effeithir ar ddilysrwydd trafodion oherwydd diffyg ar benodiad aelodau neu oherwydd fod lleoedd gweigion ar y Pwyllgor.

Article 8 allows the Committee to regulate its own proceedings and provides that the validity of proceedings will not be affected by defective appointment of members or vacancies within the Committee.

Mae erthygl 9 yn darparu ar gyfer cyflwyno adroddiadau blynyddol y Pwyllgor i Weinidogion Cymru.

Article 9 provides for the presentation of annual Committee reports to the Welsh Ministers.

**2009 Rhif 2816 (Cy.243)**

**TRAFNIDIAETH, CYMRU**

**Gorchymyn Pwyllgor Defnyddwyr  
Trafnidiaeth Gyhoeddus Cymru  
(Sefydlu) 2009**

*Gwnaed* 20 Hydref 2009

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 22 Hydref 2009

*Yn dod i rym* 16 Tachwedd 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 8, 9 a 10 o Ddeddf Trafnidiaeth (Cymru) 2006(1), ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Gorchymyn a ganlyn:

**Enwi, cychwyn a chymhwyso**

1. Enw'r Gorchymyn hwn yw Gorchymyn Pwyllgor Defnyddwyr Trafnidiaeth Gyhoeddus Cymru (Sefydlu) 2009. Daw'r Cynllun hwn i rym ar 16 Tachwedd 2009 ac mae'n gymwys o ran Cymru .

**Dehongli**

2. Yn y Gorchymyn hwn—

ystyr "y Cod Ymarfer ar Benodiadau Cyhoeddus" ("*Public Appointment Code of Practice*") yw'r Cod Ymarfer ar gyfer Penodiadau gan Weinidogion a gyhoeddwyd ym mis Awst 2009 gan y Comisiynydd Penodiadau Cyhoeddus, sy'n gosod y fframwaith reoleiddiol orfodol y gwneir penodiadau cyhoeddus drwyddi.

**Sefydlu Pwyllgor Defnyddwyr Trafnidiaeth  
Gyhoeddus Cymru**

3. At ddibenion cyflawni'r swyddogaethau a ragnodir gan adran 9 o Ddeddf Trafnidiaeth (Cymru) 2006, ar y dyddiad pan ddaw'r Gorchymyn hwn i rym, fe sefydlir

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(1) 2006 p.5.

(2) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

**2009 No. 2816 (W.243)**

**TRANSPORT, WALES**

**The Public Transport Users'  
Committee for Wales  
(Establishment) Order 2009**

*Made* 20 October 2009

*Laid before the National  
Assembly for Wales* 22 October 2009

*Coming into force* 16 November 2009

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 8, 9 and 10 of the Transport (Wales) Act 2006(1), and now vested in them(2), make the following Order:

**Title, commencement and application**

1. The title of this Order is the Public Transport Users' Committee for Wales (Establishment) Order 2009. It comes into force on 16 November 2009 and applies in relation to Wales.

**Interpretation**

2. In this Order—

"Public Appointment Code of Practice" ("*y Cod Ymarfer ar Benodiadau Cyhoeddus*") means the Code of Practice for Ministerial Appointments published in August 2009 by the Commissioner for Public Appointments, which sets out the mandatory regulatory framework by which public appointments are made.

**Establishment of the Public Transport Users'  
Committee for Wales**

3. For the purposes of discharging the functions prescribed by section 9 of the Transport (Wales) Act 2006, there is established, from the date of the coming

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(1) 2006 c.5.

(2) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

corff corfforaethol o'r enw Pwyllgor Defnyddwyr Trafnidiaeth Gyhoeddus Cymru ("y Pwyllgor").

#### Cyfansoddiad y Pwyllgor ac aelodaeth ohono

4.–(1) Y mae'r Pwyllgor i gynnwys–

- (a) cadeirydd, a benodir yn unol â pharagraff (2):
- (b) o leiaf 8 ond dim mwy nac 11 o aelodau eraill, a benodir yn unol â pharagraff (2); ac
- (c) 1 aelod ychwanegol, a'r person hwn fydd y person a benodir o bryd i'w gilydd gan yr Ysgrifennydd Gwladol yn unol ag adran 125 o Ddeddf Trafnidiaeth 1985(1) i gynrychioli lles Cymru ar y Pwyllgor Ymgynghorol ar Gludiant Pobl Anabl(2).

(2) Penodir y cadeirydd ac aelodau'r Pwyllgor, ac eithrio'r aelod a benodir yn unol ag is-baragraff (1)(c), gan Weinidogion Cymru drwy'r Cod Ymarfer ar Benodiadau Cyhoeddus.

(3) Bydd o leiaf 2 o'r aelodau a benodir yn unol â pharagraff (2) uchod yn bobl anabl yn ystyr adran 1(2) o Ddeddf Gwahaniaethu ar Sail Anabledd 1995(3).

(4) Bydd y cadeirydd neu aelodau eraill o'r Pwyllgor a benodir yn unol â pharagraff (2) uchod:

- (a) yn cael eu penodi am y cyfnod a bennir yn yr offeryn penodi ar eu cyfer;
- (b) yn cael ymddiswyddo fel aelod neu gadeirydd, drwy hysbysu Gweinidogion Cymru yn ysgrifenedig;
- (c) mewn agweddau eraill yn dal ac yn gadael y swydd yn unol â thelerau eu penodiad; ac
- (ch) yn addas, pan fyddant yn peidio â dal y swydd, i'w hail-benodi iddi.

(5) Caiff Gweinidogion Cymru symud aelod o'r swydd os ydynt wedi'u bodloni fod yr aelod hwnnw–

- (a) heb esgus rhesymol, heb gydymffurfio â thelerau'r penodiad;
- (b) mewn modd arall yn anabl neu heb fod yn ffit i wneud swyddogaethau aelod neu yn anaddas i ddal i fod yn aelod.

into force of this Order, a body corporate to be known as the Public Transport Users' Committee for Wales ("the Committee").

#### Constitution and membership of the Committee

4.–(1) The Committee is to consist of–

- (a) a chairperson, appointed in accordance with paragraph (2):
- (b) at least 8 but no more than 11 other members, appointed in accordance with paragraph (2) ; and
- (c) 1 additional member, to be the person appointed from time to time by the Secretary of State pursuant to section 125 of the Transport Act 1985(1), to represent the interests of Wales on the Disabled Persons' Transport Advisory Committee(2).

(2) The chairperson and members of the Committee, other than the member appointed in accordance with sub paragraph (1)(c), will be appointed by the Welsh Ministers via the Public Appointment Code of Practice.

(3) At least 2 of the members appointed in accordance with paragraph (2) above will be disabled persons within the meaning of section 1(2) of the Disability Discrimination Act 1995(3).

(4) The chairperson or other members of the Committee appointed in accordance with paragraph (2) above:

- (a) will be appointed for such a period as is specified in their instrument of appointment;
- (b) may, by notice in writing to the Welsh Ministers, resign as a member or chairperson;
- (c) will in other respects hold and vacate office in accordance with the terms of their appointment; and
- (d) will, on ceasing to hold office, be eligible for re-appointment.

(5) The Welsh Ministers may remove a member from office if they are satisfied that the member–

- (a) without reasonable excuse, has not complied with the terms of the appointment;
- (b) is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member.

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(1) 1985 (p.67).

(2) Mae'r Pwyllgor Ymgynghorol ar Gludiant Pobl Anabl yn gorff statudol a sefydlwyd gan adran 125 o Ddeddf Trafnidiaeth 1985.

(3) 1995 (p.50).

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(1) 1985 (c.67).

(2) The Disabled Persons' Transport Advisory Committee (DPTAC) is a statutory body established by section 125 of the Transport Act 1985.

(3) 1995 (c.50).

## Lwfansau a threuliau i aelodau'r Pwyllgor

5. Telir i'r cadeirydd ac aelodau eraill y Pwyllgor y lwfansau a'r treuliau ag y penderfynir arnynt gan Weinidogion Cymru.

### Staff

6. Caiff y Pwyllgor, gyda chydysyniad Gweinidogion Cymru, benodi'r cyflogaion y mae'n ystyried bod eu hangen ar y fath delerau ac amodau ag y caiff, gyda chydysyniad, benderfynu arnynt.

### Is-bwyllgorau

7.–(1) Caiff y Pwyllgor–

- (a) sefydlu is-bwyllgorau o'r fath ag y dichon o bryd i'w gilydd ystyried fod eu hangen neu y byddai'n ddymunol eu cael;
- (b) cyfeirio unrhyw fater ag y dichon o bryd i'w gilydd ei bennu at unrhyw is-bwyllgor o'r fath;
- (c) dirprwyo unrhyw un o'i swyddogaethau i unrhyw is-bwyllgor o'r fath; ac
- (ch) rheoli gweithdrefnau unrhyw is-bwyllgor o'r fath.

(2) Caiff y Pwyllgor benodi personau nad ydynt yn aelodau ohono i fod yn aelodau o unrhyw is-bwyllgor a sefydlir ganddo, cyn belled ag na fydd unrhyw is-bwyllgor o'r fath yn cynnwys neb ond y rheini nad ydynt yn aelodau o'r Pwyllgor.

(3) Bydd y Pwyllgor yn talu i berson a benodir felly y lwfansau a'r treuliau ag y caiff y Pwyllgor, gyda chydysyniad Gweinidogion Cymru, benderfynu arnynt.

### Trafodion

8.–(1) Caiff y Pwyllgor reoleiddio ei weithdrefnau ei hun, (gan gynnwys gwneud darpariaeth ar gyfer cworwm ei gyfarfodydd).

(2) Heb ragfarnu paragraff (1), mae Gweinidogion Cymru yn cadw'r hawl i gyfarwyddo'r Pwyllgor i gynnal unrhyw un o'i gyfarfodydd:

- (a) yn gyhoeddus; a
- (b) mewn lleoliad sydd i'w benderfynu o bryd i'w gilydd gan Weinidogion Cymru.

(3) Nid effeithir ar ddilysrwydd unrhyw drafodion gan y Pwyllgor gan–

- (a) unrhyw ddiffyg ym mhenodiad unrhyw aelod o'r Pwyllgor; a
- (b) unrhyw fwlch yn aelodaeth y Pwyllgor.

### Adroddiadau

9.–(1) Cyn gynted ag y bo modd ar ddiwedd pob cyfnod perthnasol, rhaid i'r Pwyllgor gyflwyno adroddiad i Weinidogion Cymru ar arfer a chyflawni ei

## Allowances and expenses for Committee members

5. There will be paid to the chairperson and other members of the Committee such allowances and expenses as the Welsh Ministers may determine.

### Staff

6. The Committee may, with the approval of the Welsh Ministers, appoint such employees as it considers are required on such terms and conditions as it may, with approval, determine.

### Sub-committees

7.–(1) The Committee may–

- (a) establish such sub-committees as it may from time to time consider necessary or desirable;
- (b) refer to any such sub-committee such matter as it may from time to time specify;
- (c) delegate any of its functions to any such sub-committee; and
- (d) regulate the procedure of any such sub-committee.

(2) The Committee may appoint persons who are not members of it to be members of any sub-committee established by it, provided that no such sub-committee will consist entirely of persons who are not members of the Committee.

(3) The Committee will pay to a person so appointed such allowances and expenses as the Committee may, with the approval of the Welsh Ministers, determine.

### Proceedings

8.–(1) The Committee may regulate its own procedure, (including making provision in relation to the quorum for its meetings).

(2) Without prejudice to paragraph (1), the Welsh Ministers reserve the right to direct the Committee to hold any of its meetings:

- (a) in public; and
- (b) at a location to be determined by the Welsh Ministers from time to time.

(3) The validity of any proceedings of the Committee is not affected by–

- (a) any defect in the appointment of any member of the Committee; and
- (b) any vacancy in the membership of the Committee.

### Reports

9.–(1) As soon as practicable after the end of each relevant period, the Committee must submit to the Welsh Ministers a report on the exercise and

swyddogaethau yn ystod y flwyddyn honno.

(2) Ym mharagraff (1), ystyr "cyfnod perthnasol" yw—

- (a) y cyfnod sy'n cychwyn ar 1 Ionawr 2010 ac sy'n dod i ben ar 31 Mawrth 2011; a
- (b) wedi hynny pob cyfnod o 12 mis sy'n dod i ben ar 31 Mawrth.

performance of its functions during that year.

(2) In paragraph (1), "relevant period" means—

- (a) the period beginning with 1st January 2010 and ending with 31st March 2011; and
- (b) thereafter each period of 12 months ending with 31st March.

*Ieuan Wyn Jones*

Y Gweinidog dros yr Economi a Thrafnidiaeth, un o Weinidogion Cymru

Minister for the Economy and Transport, one of the Welsh Ministers

20 Hydref 2009

20 October 2009

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