

# NATIONAL ASSEMBLY FOR WALES

## MEMORANDUM OF CORRECTIONS (STANDING ORDER 22.13)

### The Travel Concessions (Extension of Entitlement) (Wales) Order 2001

#### Background

This draft Order was laid before the National Assembly for Wales on 23 October 2001, considered by the Business Committee on 23 October 2001 and by the Legislation Committee on 6 November 2001.

The Order amends primary legislation and the need to incorporate into the Order a number of drafting amendments suggested by Parliamentary Counsel was identified by the Legal Advisers to the Legislation Committee (together with some typographical and similar points).

The Legislation Committee has agreed that the necessary corrections are appropriate to be made by a Memorandum of Corrections.

The corrections are as follows:

#### 1. Explanatory Note

The reference in the eighth paragraph to Articles 4,5,6, 7 and 8 of the Order should refer only to Articles 4,5 and 6.

#### 2. Footnote (a)

"1995" should be "1985".

#### 3. Article 1

The heading should read: "Citation commencement interpretation and application"

#### 4. Article 2

a) "Extension of eligible classes in Wales" should be in bold type and should not be in italics in the English text.

b) The reference to section 145(1) of the Transport Act 2000 should be changed to "section 145 (1B) of that Act."

c) There should be added a further paragraph as follows:

"(3) Article 3A(b) of the 1986 Order (inserted by paragraph (2) of this Article) is to cease to have effect and is repealed on the coming into force in relation to Wales of any amendment to section 93(7)(a) of the Transport Act 1985 extending the classes of person eligible to receive travel concessions under a scheme under that section to anyone who has attained the age of 60 years."

## 5. Articles 3 – 8

*In view of the number of revisions necessary in order to comply with the requirements of Parliamentary Counsel corrections are not set out individually but the substitute text is set out in full instead:*

### **"Amendments to section 145 of the 2000 Act**

3. Section 145 of the 2000 Act, is amended in accordance with articles 4, 5, and 6.

4. After subsection (1) of section 145 of the 2000 Act there is inserted –

"(1A) But where a person's current statutory travel concession permit has been issued by a travel concession authority in Wales, subsection (1) has effect –  
(a) as if it referred to a journey (beginning at any time) –

(i) between places in the authority's area,

(ii) between a place in the authority's area and a place outside, but in the vicinity of that area, or

(iii) between places outside, but in the vicinity of that area, and

(b) as if it provided for waiver of the fare for the journey.

(1B) And if the permit is in a form approved by the National Assembly for Wales for the purpose of this subsection, subsection (1A) has effect as if each reference in it to the authority's area were to Wales."

5. – (1) In subsection (2), after the words "elderly or disabled person", there is inserted –

"or, where the application is made to a travel concession authority in Wales for a permit which is to take effect on or after 1 April 2003, a person over the age of sixty years but who is not an elderly person."

(2) Paragraph (1) shall cease to have effect (so that the words inserted by it are repealed) on the coming into force in relation to Wales of any amendment of section 146 of the 2000 Act extending the definition of "elderly person" to anyone who has attained the age of 60 years.

6. After sub-section (3) there is inserted –

"(3A) If it appears to a travel concession authority in Wales issuing a statutory travel concession permit to a disabled person that the person requires the assistance of a companion to travel on journeys on public passenger transport services, the authority must mark that clearly on the permit.

(3B) Where a person whose current statutory travel concession permit is marked in accordance with subsection (3A) is entitled under this section to waiver of the fare for a journey, one companion travelling on the journey with the person (and nominated by the person as the person's companion for that journey) is also entitled to waiver of the fare for the journey."

## 6. Footnote

There should be added at the end of the Order the footnote "(a) 1998 p.38"

**Sue Essex AM**

**Minister for Environment**

**CYNULLIAD CENEDLAETHOL CYMRU**

**MEMORANDWM O GYWIRIADAU (RHEOL SEFYDLOG 22.13)**

# Gorchymyn Consesiynau Teithio (Estyn yr Hawl i'w cael) (Cymru) 2001

## Cefndir

Gosodwyd y drafft Orchymyn hwn o flaen Cynulliad Cenedlaethol Cymru ar 23 Hydref 2001; fe'i cysidrwyd gan y Pwyllgor Busnes ar 23 Hydref 2001 a gan y Pwyllgor Deddfau ar 6 Tachwedd 2001.

Mae'r Gorchymyn yn diwygio deddfwriaeth gynradd ac fe dynnodd Cyngorwyr Cyfreithiol y Pwyllgor Deddfau sylw at yr angen i ymgorffori yn y Gorchymyn nifer o welliannau drafftio a awgrymwyd gan Gwnsleriaid y Senedd (ynghyd â rhai pwyntiau teipograffyddol a phwyntiau tebyg).

Cytunodd y Pwyllgor Deddfau ei bod hi'n briodol i wneud y cywiriadau angenrheidiol trwy Femorandwm o Gywiriadau.

Mae'r cywiriadau fel a ganlyn:

### 1. Nodyn Esboniadol

Dylai'r cyfeiriad yn yr wythfed baragraff at Erthyglau 4,5,6, 7 and 8 o'r Gorchymyn fod at Erthyglau 4,5 a 6 yn unig.

### 2. Troednodyn (a)

Dylai "1995" fod yn "1985".

### 3. Erthygl 1

Dylai'r pennawd ddarllen: "Enwi cychwyn dehongli a chymhwyso"

### 4. Erthygl 2

a) Dylai "Extension of eligible classes in Wales" fod mewn teip praff a heb fod yn italig yn y testun Saesneg.

b) Dylid newid y cyfeiriad at adran 145(1) o Ddeddf Trafnidiaeth 2000 at "section 145(1B) of that Act."

c) Dylid ychwanegu paragraff arall:

"(3) Bydd effaith erthygl 3A(b) o Orchymyn 1986 Order (a fewnosodwyd gan baragraff (2) o'r

erthygl hon) yn dod i ben ac fe gaiff ei diddymu pan ddaw i rym mewn perthynas â Chymru unrhyw ddiwygiad i adran 93(7)(a) o Ddeddf Trafnidiaeth 1985 sy'n estyn y dosbarthau o berson sydd â hawl i gonsesiynau teithio o dan gynllun o dan yr adran honno i gynnwys unrhyw un sydd wedi cyrraedd 60 oed.."

## 5. Erthyglau 3 – 8

*Oherwydd y nifer o ddiwygiadau sydd ei hangen er mwyn cyd-ymffurfio â gofynion Cwneleraid y Senedd ni restrir cywiriadau unigol ond yn hytrach dangosir yn llawn y testun a amnewidir:*

### **"Diwygiadau i adran 145 o Ddeddf 2000**

3. Mae Deddf 2000 yn cael ei diwygio yn unol ag erthyglau 4,5 a 6

4. Mewnosodir ar ôl is-adran (1) o adran 145 o Deddf 2000 Act –

*"(1A) But where a person's current statutory travel concession permit has been issued by a travel concession authority in Wales, subsection (1) has effect –*  
*(a) as if it referred to a journey (beginning at any time) –*

*(i) between places in the authority's area,*

*(ii) between a place in the authority's area and a place outside, but in the vicinity of that area, or*

*(iii) between places outside, but in the vicinity of that area, and*

*(b) as if it provided for waiver of the fare for the journey.*

*(1B) And if the permit is in a form approved by the National Assembly for Wales for the purpose of this subsection, subsection (1A) has effect as if each reference in it to the authority's area were to Wales."*

5. – (1) Mewnosodir yn is-adran (2), ar ôl y geiriau "elderly or disabled person" –

*"or, where the application is made to a travel concession authority in Wales for a permit which is to take effect on or after 1 April 2003, a person over the age of sixty years but who is not an elderly person."*

(2) Daw effaith paragraff (1) i ben, (a chaiff y geiriau a fewnosodir ganddo eu diddymu) pan ddaw i rym mewn perthynas â Chymru unrhyw ddiwygiad i adran 146 o Ddeddf 2000 Act a fydd yn estyn diffiniad "*elderly person*" i gynnwys unrhyw un sydd wedi cyrraedd 60 oed.

## 6. Mewnosodir ar ôl is-adran (3) –

*"(3A) If it appears to a travel concession authority in Wales issuing a statutory travel concession permit to a disabled person that the person requires the assistance of a companion to travel on journeys on public passenger transport services, the authority must mark that clearly on the permit.*

*(3B) Where a person whose current statutory travel concession permit is marked in accordance with subsection (3A) is entitled under this section to waiver of the fare for a journey, one companion travelling on the journey with the person (and nominated by the person as the person's companion for that journey) is also entitled to waiver of the fare for the journey." "*

## 6. Troednodyn

Dylid ychwanegu ar ddiwedd y Gorchymyn y troednodyn "(a) 1998 p.38"

**Sue Essex AM**

**Gweinidog dros yr Amgylchedd**