

2009 No. 2816 (W.243)

TRANSPORT, WALES

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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.

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.

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

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

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.

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

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**The Public Transport Users’
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(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.

(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).

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 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—

(1) 1985 (c67)

(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)

- (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.

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 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

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

20 October 2009