

**Y Pwyllgor Datblygu Economaidd a Thrafnidiaeth**

**Dyddiad:** 13 Mai 2004  
**Lleoliad:** Cynulliad Cenedlaethol Cymru, Bae Caerdydd  
**Teitl:** Rheoliadau Grant Gweithredwyr Gwasanaethau Bysiau (Diwygio) (Rhif 2) (Cymru) 2004

**Diben**

1. Ymgynghori â'r Pwyllgor ar gynlluniau Llywodraeth Cynulliad Cymru i gyflwyno Rheoliadau Grant Gweithredwyr Gwasanaethau Bysiau (Diwygio) (Rhif 2) (Cymru) 2004, a fydd yn caniatáu i weithredwyr gwasanaethau bysiau hyblyg gael Grant Gweithredwyr Gwasanaethau Bysiau.

2. Dim ond drwy offeryn statudol y gellir gwneud y gorchymyn hwn. "Is-ddeddfwriaeth gyffredinol y Cynulliad" yw gorchymyn o'r fath fel y'i diffiniwyd yn adran 58, Deddf Llywodraeth Cymru 1998 a bydd yn amodol ar reol sefydlog 22 yn rheolau sefydlog y Cynulliad.

3. Gall y pwyllgor argymhell cymeradwyo'r gorchymyn drafft, ei ddiwygio neu'i wrthod. Wrth gyflawni ei swyddogaethau, gall y pwyllgor ymgynghori neu gymryd tystiolaeth fel y bo'n briodol, gan gynnwys tystiolaeth gan Bwyllgorau neu aelodau eraill y Cynulliad.

**Argymhellion**

4. Gwahoddir y Pwyllgor i gymeradwyo cyflwyno Rheoliadau Grant Gweithredwyr Gwasanaethau Bysiau (Diwygio) (Rhif 2) (Cymru) 2004, sy'n ychwanegu gweithredwyr gwasanaethau bysiau hyblyg at y rhai sy'n gymwys i gael Grant Gweithredwyr Gwasanaethau Bysiau.

**Cefndir**

5. Llywodraeth Cynulliad Cymru sy'n gyfrifol am y polisi a'r cyllid ar gyfer y Grant Gweithredwyr Gwasanaethau Bysiau yng Nghymru. Serch hynny, mae gennym gytundeb ffurfiol â'r Adran Drafnidiaeth (nad yw'r Adran yn codi tâl amdano) lle mae'r Adran yn ymddwyn fel asiant ar ran Llywodraeth y Cynulliad ac yn talu'r grant i weithredwyr gwasanaethau bysiau sy'n gymwys yng Nghymru. O dan y rheoliadau presennol, dim ond y gwasanaethau sy'n dilyn llwybr pendant lle mae modd teithio rhwng dau arhosfan sy'n gymwys i gael y grant. Bydd y diwygiad arfaethedig i'r rheoliadau yn cael gwared ar y cyfyngiadau hyn ac yn caniatáu i weithredwyr gwasanaethau bysiau hyblyg gael y grant. Mae copi o'r Rheoliad drafft yn atodiad A.

6. Mae angen newid rheolau'r grant er mwyn annog gweithredwyr i ddatblygu'r gwasanaethau hyn. Heb y newidiadau, byddai'r gwasanaethau hyblyg o dan anfantais o'u cymharu â'r gwasanaethau arferol, ac ni fyddai

gweithredwyr y gwasanaethau hyblyg yn manteisio ar y cymorth y mae'r grant yn ei roi ar gyfer talu costau gweithredu.

7. Dim ond trwy is-ddeddfwriaeth y gellir cyflwyno'r trefniadau newydd. Yn Lloegr, daeth Rheoliadau Grant Gweithredwyr Gwasanaethau Bysiau (Diwygio) (Rhif 2) (Lloegr) 2004 i rym ar 23 Chwefror 2004. Byddai gweithredwyr Cymru o dan anfantais yn ariannol pe na bai'r rheoliadau yn dod i rym yng Nghymru.

8. Bydd y newidiadau i'r Rheoliadau yn caniatáu i weithredwyr bysiau, am y tro cyntaf, ddarparu gwasanaethau o ddrws i ddrws i'r cyhoedd sy'n diwallu anghenion teithwyr unigol, a chael grant i wneud hynny. Bydd hyn o fudd mawr i wasanaethau mewn ardaloedd gwledig lle mae gwasanaethau sy'n dilyn llwybrau pendant yn llai effeithiol. Bydd hyn hefyd yn gymhelliad i deithwyr newydd a theithwyr presennol ddefnyddio'r bysiau, ac felly'n cynyddu nifer y cwsmeriaid.

9. Bu Llywodraeth Cynulliad Cymru'n ymgynghori â sefydliadau perthnasol hy Prif Weithredwyr awdurdodau lleol, Cymdeithas Llywodraeth Leol Cymru, aelodau awdurdodau lleol o'r Gymdeithas Swyddogion Cydlynu Trafnidiaeth, y Gydffederasiwn Cludiant Teithwyr, y Gymdeithas Cludiant Cymunedol a Ffederasiwn Cenedlaethol y Defnyddwyr Bysiau.

10. Cafwyd ymatebion oddi wrth Ffederasiwn Cenedlaethol y Defnyddwyr Bysiau, Cyngor Bro Morgannwg; Cyngor Sir Ceredigion; Cyngor Sir Ynys Môn; Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot; Cyngor Sir Gwynedd; Cyngor Sir y Fflint a Chyngor Bwrdeistref Sirol Blaenau Gwent. Roedd yr holl ymatebion a gafwyd o blaid y cynnig i ychwanegu gweithredwyr gwasanaethau hyblyg at y rhai sy'n gymwys i gael y grant, ac ni chynigiwyd unrhyw welliannau i'r rheoliad. Mae crynodeb o'r ymatebion yn atodiad B.

11. Yn unol â rheol sefydlog 22.2, mae arfarniad rheoliadol o gostau a manteision tebygol y Rheoliad yn atodiad C.

### **Goblygiadau Ariannol**

12. Mae cost pob cais am y grant i Lywodraeth Cynulliad Cymru yn seiliedig ar filltiredd cymwys ynghyd â faint o danwydd y mae'r cerbydau yn ei ddefnyddio. Yn sgil y cynnydd hwn yn y milltiredd cymwys, amcangyfrifir mai £200,000 fydd y gost ychwanegol i Lywodraeth y Cynulliad bob blwyddyn, yn seiliedig ar y dreth bresennol ar y grant. Telir y costau o'r adnoddau presennol.

### **Y Pwyllgor Pwnc i Weithredu**

13. Cymeradwyo cyflwyno Rheoliadau Grant Gweithredwyr Gwasanaethau Bysiau (Diwygio) (Rhif 2) (Cymru) 2004 a rhoi ei adroddiad i'r Cynulliad a'r Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth.

**Andrew Davies**  
**Y Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth**

**Swyddog Cyswllt: Mike Spearing, yr Uned Trafnidiaeth Gyhoeddus,**  
**ffôn: 6518**

Nid yw'r atodiadau ar gael yng nghymraeg

**ANNEX A**

**NATIONAL ASSEMBLY FOR  
WALES**

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**S T A T U T O R Y  
I N S T R U M E N T S**

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**2004 No. (W.)**

**PUBLIC PASSENGER  
TRANSPORT, WALES**

**The Bus Service Operators  
Grant (Amendment) (No.2)  
(Wales) Regulations 2004**

**EXPLANATORY NOTE**

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

These regulations further amend the Bus Service Operators Grant (Wales) Regulations 2002 by:

(a) making provision for grant to be paid to operators of flexible bus services, particulars of which may be registered under the Public Service Vehicles (Registration of Local Services) Regulations 1986 as amended by the Public Service Vehicles (Registration of Local Services) (Amendment) (England and Wales) Regulations 2004, by taking account of the different stopping arrangements applying in the case of such services, and

(b) removing the provision under which sections of bus route which have boarding and alighting restrictions are ineligible to grant on the grounds that passengers are unable to travel between certain pairs of stopping places.

**2004 No. (W.)**

**PUBLIC PASSENGER  
TRANSPORT, WALES**

**The Bus Service Operators  
Grant (Amendment) (No.2)  
(Wales) Regulations 2004**

*Made* 2004

*Coming into force* 2004

The National Assembly for Wales, in exercise of the powers conferred upon it by section 154(5) of the Transport Act 2000<sup>(1)</sup>, hereby makes the following Regulations:

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Bus Service Operators Grant (Amendment) (No.2) (Wales) Regulations 2004 and come into force on 2004.

(2) These Regulations apply to Wales.

**Amendment of principal Regulations**

**2.**—(1) The Bus Service Operators Grant (Wales) Regulations 2002<sup>(2)</sup> (“the principal Regulations”) are amended as provided in regulations 3 and 4.

**Amendment of interpretation provisions**

**3.** In regulation 2 of the principal Regulations, after the definition of “domestic coach service”, insert—

““fixed stopping place” and  
“flexible service” have the

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<sup>(1)</sup> 2000 c. 38.

<sup>(2)</sup> S.I. 2002/2022, which was amended by S.I. 2003/943.

meanings respectively given in the Public Service Vehicles (Registration of Local Services) Regulations 1986(3), as those Regulations apply in Wales;”.

**Amendment of conditions for payment of grant**

4.—(1) Regulation 3 of the principal Regulations (eligibility for grant) is amended as follows—

(2) In paragraph (1)(b), omit the words from “which is provided” to “a time table) and”.

(3) For paragraph (2)(b) substitute—

“(b) the stopping arrangements are such that—

(i) all the fixed stopping places (whether marked or otherwise generally recognised) other than at the service termini are located where they are likely to be used with reasonable frequency by members of the general public, and

(ii) in any section of the area of operation of the service where there are no fixed stopping places, the arrangements for determining when and where passengers may be taken up and set down are such that members of the general public may take advantage of them with reasonable frequency;”.

(4) For paragraph (2)(c) substitute—

“(c) members of the general public are able to make a single journey between two stopping places (to the extent that such journeys are provided for in the registered particulars having regard to boarding and alighting restrictions) upon payment of a fare that is not a deliberate deterrent to their use of the service,

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(3) S.I. 1986/1671. The relevant amendments are by S.I. 2004/10.

(ca) in the case of a flexible service, the advance booking arrangements are such that they do not act as a deterrent to members of the general public wishing to make a single journey which is otherwise provided for in the particulars of registration;”.

(5) In paragraph (2)(d), for “such members” substitute “members of the general public”.

(6) For paragraph (3)(b) substitute—

“(b) the stopping arrangements are such that—

(i) all the fixed stopping places (whether marked or otherwise generally recognised) are located where they are likely to be used with reasonable frequency by members of the general public, and

(ii) in any section of the area of operation of the service where there are no fixed stopping places, the arrangements for determining when and where passengers may be taken up and set down are such that members of the general public may take advantage of them with reasonable frequency;”.

(7) For paragraph (3)(c) substitute—

“(c) members of the general public are able to make a single journey between two stopping places (to the extent that such journeys are provided for in the registered particulars having regard to boarding and alighting restrictions) upon payment of a fare that is not a deliberate deterrent to their use of the service,

(ca) in the case of a flexible service, the advance booking arrangements are such that they do not act as a deterrent to members of the general public wishing to make a single journey which is otherwise

provided for in the particulars  
of registration;”.

(8) In paragraph (3)(d), for “such members”  
substitute “members of the general public”.

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

Date

*Dafydd Elis Thomas*  
The Presiding Officer of the National  
Assembly

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(4) 1998 c.38



## Annex B

### RESPONSES TO CONSULTATION OF THE BUS OPERATORS GRANT AMENDMENT NUMBER 2 WALES REGULATIONS 2004

<b>National Federation of Bus Users</b>	NFBU in Wales welcomes the proposals and hopes that they will encourage the provision of bus services at times and in ways that will benefit to people who currently do not have access to public transport.
<b>The Vale of Glamorgan Council</b>	I would confirm that I support and welcome this draft Statutory Instrument to extend BSOG to flexibly routed bus services.
<b>Ceredigion Council</b>	The extension of this grant would be of great value to us as a rural authority who are currently looking at more demand responsive and flexible routed services to expand our rural network. The small operators involved with these proposed services would also benefit immensely.
<b>Isle of Anglesey County Council</b>	We fully support the proposed extension of BSOG to flexibly routed services, which will bring Wales into line with England, where this extension of eligibility has already recently been introduced. The availability of BSOG will certainly improve the viability of any current or proposed demand responsive services.
<b>Neath Port Talbot County Borough Council</b>	The Authority welcomes these proposals as all the benefits have been set out in Section 5 of the Regulatory Impact Assessment document supplied.
<b>Gwynedd County Council</b>	We are supportive of the proposals.
<b>Flintshire County Council</b>	These proposals will be of particular benefit to the Deeside Shuttle, which as you will be aware received significant funding from Welsh Assembly Government. We are keen to take advantage of the revised rules regarding the registration of flexibly routed services and the extension of BSOG will enable this to be done without a financial penalty.
<b>Blaenau-Gwent County Council</b>	Whilst the Gwent Joint Passenger Transport Unit Support, in principle, BSOG being made available for flexible bus services and indeed the introduction of the services themselves. The nature of flexible bus services will inevitably result in additional administration by either operators or local authorities, which will naturally impact on the local authority subsidy budgets. What financial provision does the Welsh Assembly Government envisage providing when this materialises or if it has not thought of this yet may I suggest that it be seriously considered?

### Regulatory Impact Assessment.

The Bus Service Operators Grant (Amendment) (No.2) (Wales) Regulations 2004.

Introduction

**1. This assessment estimates the costs and benefits of the Bus Service Operators Grant (Amendment) (No.2) (Wales) Regulations arising from the Public Service Vehicles (Registration of Local Services) (Amendment) (England and Wales) Regulations 2004. Responsibility for the Bus Service Operators Grant rules in Wales have been devolved to the Welsh Assembly Government**

**Purpose and intended effect of the measure.**

2. Bus Service Operators Grant (BSOG) is paid by the Department of Transport to operators of local bus services. Under the current regulations only those services which follow a fixed route and on which it is possible to make a journey between two stopping places are eligible for the grant. The amendments to the regulations now proposed will remove these restrictions and make it possible for the operators of flexible bus services to receive the grant.

**Risk Assessment.**

**3. The changes to the BSOG rules are necessary to encourage the development of these services; without the changes flexible routed services would be at a disadvantage compared with conventional services and the operators of flexible services would be denied the benefit of the assistance which BSOG provides towards meeting operating costs.**

Options

**4. The new arrangements can only be introduced by secondary legislation. In England the Bus Service Operators Grant (Amendment) (No.2) (England) Regulations 2003 came into force on 23 February 2003. Welsh operators would be disadvantaged financially if they were not brought into force in Wales.**

Benefits

5. The regulation changes will allow bus operators for the first time to provide, and receive BSOG for, door-to-door services to the general public that meet the needs of individual passengers. This will benefit services in rural areas where conventional and fixed route services are less effective. There will be an added incentive to use the bus both for new and existing passengers, thereby increasing patronage.

## **Costs**

6. The BSOG changes impose no new burden on operators. Those operators wishing to claim BSOG for a flexible service are already likely to be claiming the grant for other services. The mileage for the newly eligible flexible services can be added to the operator's annual claim under existing procedures.

7. The cost to the Welsh Assembly Government of each claim for BSOG is based on an element of eligible mileage together with the fuel consumption of the vehicles. As a result of this increased eligible mileage the additional cost to the Assembly Government is estimated to be about £200k per annum, based on the current excise duty on BSOG. The costs will be met from within existing resources.

## **Competition Assessment**

8. The Competition Filter was applied and there was no adverse competition effect.

## **Consultation**

9. The Public Service Vehicles (Registration of Local Services) (Amendment) (England and Wales) Regulations were subject to consultation by the Department for Transport, in England and Wales, in August 2002 and a further smaller-scale consultation exercise in February 2003. The BSOG proposals were also included in those consultations. We are now undertaking a short consultation in Wales to seek views on the Welsh Assembly Government's proposals to extend eligibility for Bus Service Operators Grant to flexibly routed bus services.

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