

ECONOMIC DEVELOPMENT & TRANSPORT COMMITTEE

Date: 16 March 2006
Time: 9.00 to 12.20
Venue: Committee room 3, Senedd, Cardiff Bay
Title: The Transport (Wales) Act Commencement Order 2006

Purpose

1. To provide the Committee with an opportunity to scrutinise the draft Order, in accordance with its request to do so, before it goes to Business and Legislation Committee.

Recommendations

2. That the Committee should consider the purpose and content of the draft Order.

Purpose of draft Order

3. The purpose of this draft Order is to commence the Transport (Wales) Act 2006, which received Royal Assent on 16 February 2006. It is intended that the 2006 Act should have full effect from 26 May 2006.

Summary of what the Order does

4. The Act will impose an explicit statutory duty on the Welsh Assembly to promote and encourage integrated transport as well as a requirement to produce a statutory Wales Transport Strategy, which will look at the transport needs of Wales as a whole
5. It will also:
 - Ensure that transport services and facilities are planned and implemented on a regional basis to more effectively meet people's travel needs
 - Enable the Assembly Government to establish a Joint Transport Authority
 - Set up a new Public Transport Users' Committee to ensure that the passenger's voice is heard
 - Enable the Assembly Government to secure public transport services in areas where they would not otherwise be provided.

- Enable the Assembly Government to provide support for airlines and airport operators.
6. Under the Act, the Welsh Assembly's powers will be enhanced but there will be no transfer of existing non-devolved functions.
 7. No Regulatory Appraisal has been prepared as the Order brings into force primary legislation for which a Regulatory Impact Assessment has already been prepared.

Consultation on the draft Order

8. There has been no consultation on this draft Order as the Order commences the Transport (Wales) Act 2006 in its entirety. The draft Bill was scrutinised by both the Welsh Affairs Committee and the Economic Development and Transport Committee and was the subject of a full public consultation.

Timetable for progressing draft Order

9. It is intended that the draft Order should be considered by the Business Committee on 2 May and by the Legislation Committee on 16 May.

Financial Implications

10. There are no financial implications associated with the making of the draft Order. However, the Act will enable the Welsh Assembly Government to establish a Public Transport Users' Committee, to fund public passenger transport services in areas where they would not otherwise be provided and enable the Welsh Assembly Government to provide support for airlines and airport operators.

Action for Subject Committee

11. To consider and scrutinise the purpose and effect of the draft Order. A copy of the draft Order and draft Explanatory Memorandum are at Annexes A and B.

Andrew Davies
Minister for Economic Development and Transport

Contact Point: Zoe Holland, Transport (Wales) Bill Manager, ext 1533
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NATIONAL ASSEMBLY FOR WALES

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

2006 No. (W.)

TRANSPORT

**The Transport (Wales) Act 2006
(Commencement) Order 2006**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the provisions of the Transport (Wales) Act 2006 (c.6) (“the Act”).

References to sections or Schedules are, unless indicated otherwise, references to sections of, or Schedules to, the Act.

The effect of the Act is to provide the National Assembly for Wales with additional powers in the field of transport which, together with its existing powers, will enable the National Assembly for Wales to develop and implement, in partnership with Welsh local authorities and other bodies, a safe, integrated, efficient and economic transport system serving Wales.

Section 1 confers a general transport duty on the National Assembly for Wales to develop policies for a safe, sustainable and efficient transport service in Wales, to include provisions for pedestrians and cyclists.

Section 2 places a requirement upon the National Assembly for Wales to produce a Wales Transport Strategy, detailing its transport policies, and to keep the Strategy under regular review.

Section 3 enacts the Schedule to the Act. The Schedule amends Part 2 of the Transport Act 2000 (c.38) which relates to local transport plans. The Schedule makes the necessary amendments so as to require local transport authorities in Wales to include in their local transport plans their policies for implementing the Wales Transport Strategy in their area. It also requires local transport authorities in

Wales to submit their local transport plans to the National Assembly for Wales for approval.

Section 4 confers a power on the National Assembly for Wales to direct two or more local authorities in Wales to enter into arrangements for the joint discharge of transport functions.

Section 5 confers a power on the National Assembly for Wales to establish, by Order, joint transport authorities, which would be corporate bodies, to enable local authorities to jointly discharge transport functions within their area.

Section 6 confers a power on the National Assembly for Wales to give financial assistance to joint transport authorities and local authorities to assist them in discharging their transport functions.

Section 7 confers a power on the National Assembly for Wales to secure provision of any public passenger transport service for the purpose of meeting public transport requirements which would not otherwise be met.

Section 8 confers a power on the National Assembly for Wales to establish a Public Transport Users Committee for Wales.

Section 9 provides detail concerning the functions of the Public Transport Users Committee for Wales.

Section 10 confers a power on the National Assembly for Wales to issue guidance and directions to the Public Transport Users Committee for Wales as to how it should discharge its functions.

Section 11 confers a power on the National Assembly for Wales to give financial assistance to air transport services in Wales in circumstances where the services would not be provided otherwise than with such assistance.

2006 No. (W.)

TRANSPORT

**The Transport (Wales) Act 2006
(Commencement) Order 2006**

Made 2006

Coming into force 2006

The National Assembly for Wales, in exercise of the powers conferred by sections 12 and 13 of the Transport (Wales) Act 2006 (1) hereby make the following Order:

Title and Interpretation

1. —i) This Order is called the Transport (Wales) Act 2006 (Commencement) Order 2006.

(1) In this Order “the Act” (*y Ddeddf*) means the Transport (Wales) Act 2006.

Appointed day

2. —ii) The provisions of the Act specified in paragraph (2) below shall come into force on

- (1) The provisions are-
- (a) Section 1 (general transport duty)
 - (b) Section 2 (Wales Transport Strategy)
 - (c) Section 3 and Schedule (local transport plans)
 - (d) Section 4 (arrangements for discharge of transport functions)
 - (e) Section 5 (joint transport authorities)
 - (f) Section 6 (financial assistance: local transport functions)
 - (g) Section 7 (provision of public passenger transport services)
 - (h) Section 8 (Public Transport User’s Committee for Wales)

(1) 2006 c.5

- (i) Section 9 (functions of the Committee)
- (j) Section 10 (guidance and directions to the Committee)
- (k) Section 11 (financial assistance: air transport services)

Signed on behalf of the National Assembly for Wales
under section 66(1) of the Government of Wales Act
1998(2)

Date

Dafydd Elis Thomas

The Presiding Officer of the National Assembly

(2) 1998 c.38

To: Business Committee
From: Andrew Davies AM
Minister for Economic Development and Transport

Explanatory Memorandum

THE TRANSPORT (WALES) ACT 2006 (COMMENCEMENT) ORDER

Summary

This Order will commence the provisions of the Transport (Wales) Act 2006. The Act imposes a general transport duty on the Assembly and requires it to prepare and publish a Wales Transport Strategy. It also modifies the local transport planning system and enables the Assembly to direct local authorities in relation to the discharge of their transport functions and to establish by Order, if necessary, one or more Joint Transport Authorities. Specific powers are conferred on the Assembly to give financial assistance in respect of air transport and to secure the provision of public passenger transport services. Finally the Act empowers the Assembly to establish a Public Transport Users' Committee for Wales.

1. This Memorandum is submitted to the Assembly's Business Committee in relation to The Transport (Wales) Act 2006 (Commencement) Order, in accordance with Standing Order 24.6.
2. A copy of the Instrument is submitted with this Memorandum.

Enabling Power

3. The powers enabling this Instrument to be made are contained in sections 12 & 13 of the Transport (Wales) Act 2006.

Effect

4. The intended effect of the Order is to bring the provisions of the Transport (Wales) Act 2006 into force. The Act provides the Assembly with additional powers in the field of transport. These powers, together with its existing powers, will provide the Assembly with a coherent set of transport powers for the first time, enabling it to take forward its integrated transport vision.
5. The Act imposes an explicit statutory duty on the Assembly to promote and encourage integrated transport as well as a requirement to produce a statutory Wales Transport Strategy that will look strategically at the transport needs of Wales as a whole. It also:
 - Amends the provisions of the Transport Act 2000 under which local authorities in Wales are required to prepare local transport plans, so as to provide a means whereby the Wales Transport Strategy can be implemented at a local level;

- Enables the Assembly to ensure that the transport functions of local authorities in Wales are planned and implemented in a way which reflects the patterns of travel within Wales;
- Enables the Assembly to establish one or more Joint Transport Authorities;
- Gives the Assembly the power to secure public transport services in areas where they would not otherwise be provided. In order to do so, the Assembly will be able to enter into direct agreements with the providers of such services;
- Enables the Assembly to provide support for airlines and airport operators;
- Enables the Assembly, by order, to establish a Public Transport Users' Committee for Wales which would consider and make recommendations about any matter relating to public transport services or facilities to, from and within Wales.

Target Implementation

6. It is intended that this Order will be made on 23 May 2006 and that the provisions of the Act will come into force on the 26 May 2006.
7. If the intended target date is not met, it will create difficulties in adhering to the timetable for making other subordinate legislation under the Act. It would delay the consultation on a statutory Wales Transport Strategy and the implementation of the new regional arrangements for transport planning.

Financial implications

8. There are no additional financial implications associated with the making of this Order. The Regulatory Impact Assessment prepared for the Transport (Wales) Act confirmed that the benefits of the legislation would outweigh the costs.

Regulatory Appraisal

9. In accordance with the Assembly's guidance, no regulatory appraisal has been prepared as the Order brings into force primary legislation for which a Regulatory Impact Assessment has already been prepared.

Consultation

With Stakeholders

10. As this is a Commencement Order there has been limited consultation. A full public consultation on the provisions of the draft Transport (Wales) Bill was carried out between 27 May and 5 August 2004. Local transport authorities, as key stakeholders, were informed of the intention to make the Order on 23 February 2006.

With Subject Committee

11. The Economic Development and Transport Committee is due to scrutinise the Order on 16 March 2006.

Recommended Procedure

12. Subject to the views of the Business Committee, I recommend that this Order proceed to Plenary under the Accelerated Procedure. It is a Commencement Order, and accordingly there are no new policy issues to consider. The Assembly approved the proposal for additional powers in the field of transport during a plenary session in March 2003, and subsequently confirmed this in 2004 and 2005. On all three occasions, the proposals received cross-party support. In addition, the Economic Development & Transport Committee undertook a joint scrutiny of the draft Bill with the Welsh Affairs Select Committee, producing a report in July 2004 which supported the Bill's proposals.

Compliance

13. The proposed legislation will (as far as is applicable):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 section 120);
- be compatible with the Assembly's scheme for sustainable development (section 121)
- be compatible with Community law (section 106);
- be compatible with the Assembly's human rights legislation (section 107); and
- be compatible with any international obligations binding the UK Government and the Assembly (section 108).

The information in this Memorandum has been cleared with the Directorate of Legal Services and the Assembly Compliance Officer.

Drafting lawyer: Lynsey Edwards, ext. 5450

Head of Division: Simon Shouler, ext. 3839

Drafting Policy Official: Zoe Holland, ext. 1533.

ANDREW DAVIES

MARCH 2006

MINISTER FOR ECONOMIC DEVELOPMENT & TRANSPORT