

CYNULLIAD CENEDLAETHOL CYMRU**ADRODDIAD AR GYFER Y PWYLLGOR DEDDFAU****RHEOLIADAU ADDYSG (NEWID CATEGORI YSGOLION A GYNHELIR) (CYMRU) 1999****Cefndir**

1. O dan Ddeddf Safonau a Fframwaith Ysgolion 1998 rhennir ysgolion a gynhelir, o 1 Medi 1999 ymlaen, i'r categorïau canlynol: cymunedol, sefydledig, gwirfoddol (h.y. gwirfoddol a gynorthwyir a gwirfoddol a reolir), arbennig cymunedol ac arbennig sefydledig.
2. Mae'r Ddeddf yn darparu y bydd cyfnod cychwynnol pan na all ysgolion gyhoeddi cynigion ar gyfer newid categori.
3. Mater i'r Rheoliadau ei ragnodi fydd hyd y cyfnod hwnnw. Mae'r Rheoliadau hyn yn rhagnodi'r cyfnod o 1 Medi 1999 hyd at 31 Awst 2000.
4. Mae yna un enghraifft pan fydd modd newid categori, yn rhinwedd paragraff 3 o Atodlen 8 i'r Ddeddf, yn ystod cyfnod y gwaharddiad. Yn unol â hynny mae'r Rheoliadau yn pennu'r gweithdrefnau i'w dilyn mewn achosion o'r fath ac yn darparu ar gyfer trosglwyddiadau staff a materion eraill a fydd yn codi o ganlyniad i newid o'r fath.

Rheol Sefydlog 11.5

5. Er bod nifer o bwyntiau wedi'u nodi isod, ni chredir eu bod yn ddigon pwysig i'w gwneud yn ofynnol eu hadrodd yn ffurfiol o dan RhS 11.5.
6. Er hynny, gall y Pwyllgor ddymuno cynnwys rhai o'r pwyntiau hyn fel sylwadau cyffredinol yn eu Hadroddiad.

Tudalen blaen

7. Dylai'r pennawd "OFFERYNNAU STATUDOL" ymddangos o dan bennawd y Cynulliad. Diben hynny yw ei gwneud yn eglur ar unwaith o flaen y ddogfen mai Offeryn Statudol ydyw. Gellir rhoi sylw i hyn yn yr argraffiad cyhoeddedig.
8. Bydd y rhif W yn y testun Cymraeg yn Cy bellach yn yr argraffiad terfynol.

Nodyn Esboniadol

9. Mae ail hanner y paragraff agoriadol yn cyfeirio at y ffaith bod y Rheoliadau yn caniatáu un eithriad i gyfnod y gwaharddiad. Ond, mewn gwirionedd, darperir ar gyfer yr eithriad hwn yn y Ddeddf. Y cyfan y mae'r Rheoliadau yn ei wneud yw darparu'r manylion ynglŷn a'r ffordd y caiff y newid categori hwnnw ei weithredu.
10. Mae'r nodyn manwl ar Reoliad 5 yn cyfeirio at gynigion i ysgol wirfoddol a reolir ddod yn ysgol wirfoddol a gynorthwyir. Ond mae'n ymddangos y dylai'r cyfeiriad wedi bod y ffordd arall gan mai newid o wirfoddol a gynorthwyir i wirfoddol a reolir yw'r sefyllfa a ddarperir ar ei chyfer yn y Ddeddf (ac o ganlyniad yn y Rheoliadau).

Dyddiad Gwneud

11. Gan mai Gorchymyn a wnaed ac a gyflwynwyd i'r Pwyllgor o dan RhS 22.26 yw hwn, dylai dyddiad ei wneud fod wedi'i fewnosod.

Enwi Pwerau

12. Y cyfan y mae rhai o'r pwerau a enwir yn cyfeirio atynt yw bod materion yn "prescribed". Dim ond at wneud "regulations" y mae eraill yn cyfeirio. Felly, yn unol ag arferion safonol, dylai darpariaeth fod wedi'i chynnwys i ddangos lle mae'r geiriau "prescribed" a "regulations" wedi'u diffinio er mwyn adnabod pwy sydd wedi'i awdurdodi i gymryd y camau angenrheidiol i ragnodi a gwneud rheoliadau. Gellir gwneud hynny naill ai drwy gynnwys yr adrannau ar ddiffiniadau yn y pwerau a enwir neu drwy eu dangos mewn troednodyn.

Rheoliad 2 (1)

13. Sylwer ar y ffordd y mae pob diffiniad yn nodi'r term a ddiffinnir yn yr iaith arall. Hwyrach y bydd y Pwyllgor yn teimlo bod hynny'n gynllun sydd o gymorth ac y dylid cymeradwyo bod pobl yn ei ddefnyddio'n gyffredinol.

Atodlen 1, Tabl 3

14. Yn y cofnod ar gyfer adran 28(7) mae'r geiriau yng ngholofn 2 a amnewidir yn dybiannol yn cyfeirio at ysgol yng Nghymru.
15. Nid yw'n ymddangos bod hyn yn angenrheidiol nac yn gyson â'r darpariaethau eraill yn Nhabl 3. Nid diwygiadau testunol go iawn yw'r diwygiadau yng ngholofn 2 ond diwygiadau tybiannol sy'n cael effaith mewn rhai amgylchiadau. Gan mai i Gymru'n unig y mae'r Rheoliadau'n gymwys, dim ond yng Nghymru y gall y diwygiadau tybiannol hyn gael effaith ac felly nid oes angen iddynt hwy eu hunain ddweud hynny.
16. Gair i esbonio bod y darpariaethau yn Nhablau 1-3, sy'n darparu ar gyfer cymhwysiad tybiannol o destun gwahanol i'r un y mae'r Ddeddf yn ei gynnwys mewn gwirionedd, yn Saesneg yn unig am eu bod yn ymwneud â thestun Deddf Seneddol sy'n uniaith Saesneg. Ni fyddai'n gwneud synnwyr i destun Cymraeg tameidiog gael ei fewnosod mewn testun Saesneg.

Atodlen 2

17. Eto, yr unig reswm y mae hon yn Saesneg yw am ei bod yn rhoi testun Saesneg y Ddeddf a addaswyd yn dybiannol.

J H TURNBULL

Ymgynghorydd Cyfreithiol

Y Pwyllgor Deddfau

17 Medi 1999

Ein Cyf: LAD 010-01-010 999JT21

**CYNULLIAD CENEDLAETHOL
CYMRU**

1999 Rhif (W.)

ADDYSG, CYMRU

NATIONAL ASSEMBLY FOR WALES

1999 No. (W.)

EDUCATION, WALES

Rheoliadau Addysg (Newid Categori Ysgolion a Gynhelir) (Cymru) 1999

The Education (Change of Category of Maintained Schools) (Wales) Regulations 1999

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

O 1 Medi 1999 ymlaen, rhennir ysgolion a gynhelir i'r categorïau canlynol: cymunedol; sefydledig; gwirfoddol (gan gynnwys gwirfoddol a gynorthwyir a gwirfoddol a reolir); arbennig cymunedol; ac arbennig sefydledig. Mae'r Rheoliadau hyn yn rhagnodi moratoriwm o flwyddyn o 1 Medi 1999 ymlaen pan na fydd ysgolion yng Nghymru yn gallu cyhoeddi cynigion statudol i newid eu categori. Diben hynny yw sicrhau cyfnod "ymgynefino". Mae'r Rheoliadau yn caniatáu un eithriad: newid categori o wirfoddol a gynorthwyir i wirfoddol a reolir lle nad yw cyrff llywodraethu ysgolion gwirfoddol a gynorthwyir yn gallu bodloni eu rhwymedigaethau ariannol. Maent yn pennu'r gweithdrefnau i'w dilyn mewn achosion o'r fath ac yn darparu ar gyfer trosglwyddo staff a materion eraill. Nodir esboniad manylach o ddarpariaethau'r Rheoliadau isod.

From 1 September 1999, maintained schools are divided into the following categories: community; foundation; voluntary (comprising voluntary aided and voluntary controlled); community special; and foundation special. These Regulations prescribe a one year moratorium from 1 September 1999 during which schools in Wales will be unable to publish statutory proposals to change their category. This is to ensure a "settling in" period. The Regulations allow one exception: a change of category from voluntary aided to voluntary controlled where governing bodies of voluntary aided schools are unable to meet their financial liabilities. They lay down the procedures to be followed in such cases and provide for the transfer of staff and other matters. A more detailed explanation of the provisions of the Regulations is set out below.

Mae Rheoliad 3 yn darparu i'r moratoriwm y cyfeirir ato uchod fodoli am gyfnod sy'n dechrau ar 1 Medi 1999 ac yn gorffen ar 31 Awst 2000.

Regulation 3 provides for the moratorium referred to above to be for a period starting on 1st September 1999 and ending on 31st August 2000.

Mae Rheoliad 4 yn darparu i ddarpariaethau Rheoliadau 5-9 fod yn gymwys yn ystod cyfnod y moratoriwm mewn perthynas â chynigion a gyhoeddir o dan baragraff 3 o Atodlen 8 i'r Ddeddf a gweithredu'r cynigion hynny.

Regulation 4 provides for the provisions of Regulations 5-9 to apply during the period of the moratorium in relation to proposals published under paragraph 3 of Schedule 8 to the Act and their implementation.

Mae Rheoliad 5 yn cymhwyso adran 28 o'r Ddeddf, a Rhan II o Atodlen 6 iddi, gydag addasiadau, mewn perthynas â chynigion i ysgol wirfoddol a reolir ddod yn ysgol wirfoddol a gynorthwyir, ac mewn perthynas â gweithredu'r cynigion hynny. Nodir y darpariaethau a gymhwysir, a'r addasiadau y maent yn ddarostyngedig iddynt wrth eu cymhwyso, yn Atodlen 1. Er mwyn cynorthwyo'r darlennydd, nodir y darpariaethau hynny (fel a gymhwysir gydag addasiadau) yn Atodlen 2.

Mae Rheoliad 6 yn darparu y bydd yr ysgol ar y dyddiad gweithredu (a ddiffinnir yn rheoliad 2(1) fel "y dyddiad a bennir yn y cynigion fel y dyddiad pryd y bwriedir i'r newid categori ddigwydd") yn dod yn ysgol wirfoddol a reolir.

Mae Rheoliad 7 yn darparu ar gyfer trosglwyddo staff i gyflogaeth yr awdurdod addysg lleol.

Mae Rheoliad 8 ac Atodlen 3 yn darparu i'r corff llywodraethu a'r awdurdod addysg lleol wneud offeryn llywodraethu newydd i'r ysgol (yn unol â'r gofynion deddfwriaethol y cyfeirir atynt yn y rheoliad hwnnw), ac i'r corff llywodraethu gael ei ailgyfansoddi yn unol â'r offeryn (a'r gofynion hynny). Rhaid i'r offeryn llywodraethu gael ei lunio ar y ffurf neu yn ei sylwedd ar y ffurf a nodir yn Atodlen 3 ac yn unol â'r cyfarwyddyd yn yr Atodlen honno.

Mae Rheoliad 9 yn cynnwys darpariaethau trosiannol.

Regulation 5 applies section 28 of, and Part II of Schedule 6 to, the Act, with modifications, in relation to proposals for a voluntary controlled school to become a voluntary aided school, and in relation to the implementation of such proposals. The provisions applied, and the modifications subject to which they are so applied, are set out in Schedule 1. To assist the reader, those provisions (as so applied with modifications) are set out in Schedule 2.

Regulation 6 provides that on the implementation date (as defined in regulation 2(1) as "the date specified in the proposals as the date on which it is intended that the change of category should take place") the school shall become a voluntary controlled school.

Regulation 7 provides for the transfer of staff to the employment of the local education authority.

Regulation 8 and Schedule 3 provide for the governing body and local education authority to make a new instrument of government for the school (in accordance with the legislative requirements referred to in that regulation), and for the governing body to be reconstituted in accordance with the instrument (and those requirements). The instrument of government must be made in the form (or substantially in the form) and in accordance with the direction set out in Schedule 3.

Regulation 9 contains transitional provisions.

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| OFFERYNNAUSTATUDOL | | STATUTORYINSTRUMENTS |
| 1999 Rhif (W.) | | 1999 No. (W.) |

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| ADDYSG, CYMRU | | EDUCATION, WALES |
| Rheoliadau Addysg (Newid Categori Ysgolion a Gynhelir) (Cymru) 1999 | | The Education (Change of Category of Maintained Schools) (Wales) Regulations 1999 |
| <i>Wedi'u gwneud</i> | | <i>Made</i> |
| <i>Yn dod i rym</i> . . . 1af Medi 1999 | | <i>Coming into force</i> . . 1st September 1999 |
| Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 35(2) a 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998(a) a pharagraffau 2, 3 a 5 o Atodlen 8 a pharagraff 1(5) o Atodlen 12 i'r Ddeddf honno ac a freiniwyd bellach yn y Cynulliad(b). | | The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 35(2) and 138(7) and (8) of, and paragraphs 2, 3 and 5 of Schedule 8 and paragraph 1 (5) of Schedule 12 to, the School Standards and Framework Act 1998(a) and now vested in the Assembly (b). |
| Enwi, cychwyn a chymhwyso | | Citation, commencement and application |
| 1. -(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Newid Categori Ysgolion a Gynhelir) (Cymru) 1999 a deuant i rym ar 1 Medi 1999. | | 1. -(1) These Regulations may be cited as the Education (Change of Category of Maintained Schools) (Wales) Regulations 1999 and shall come into force on 1 st September 1999. |
| (2) Mae'r Rheoliadau hyn yn gymwys i Gymru. | | 2. These Regulations apply in relation to Wales. |
| Dehongli | | Interpretation |
| 2. -(1) Yn y Rheoliadau hyn: | | 2. -(1) In these Regulations: |
| ystyr "y corff llywodraethu" yw corff llywodraethu'r ysgol y cynigir bod newid categori yngln â hi neu, yn ôl yr achos, y mae'r newid hwnnw'n digwydd (" <i>the governing body</i> "); | | "the Act" means the School Standards and Framework Act 1998 (" <i>y Ddeddf</i> "); |

ystyr "y cynigion" yw'r cynigion a gyhoeddwyd o dan baragraff 3 o Atodlen 8 i'r Ddeddf gydag unrhyw addasiadau a wnaed gan y Cynulliad o dan baragraff 8 neu 10 o Atodlen 6 (fel y mae'r paragraffau hynny'n cael effaith gydag addasiadau yn rhinwedd Atodlen 1 i'r Rheoliadau hyn) ("*the proposals*");

ystyr "y Cynulliad" yw Cynulliad Cenedlaethol Cymru(a) ("*the Assembly*");

ystyr "y dyddiad gweithredu" yw'r dyddiad a bennir yn y cynigion fel y dyddiad pryd y bwriedir i'r newid categori ddigwydd ("*the implementation date*");

ystyr "y Ddeddf" yw Deddf Safonau a Fframwaith Ysgolion 1998 ("*the Act*");

ystyr "y prif reoliadau llywodraethu ysgol" yw Rheoliadau Addysg (Llywodraethu Ysgol) (Cymru) 1999(b) ("*the main school government regulations*");

"the Assembly" means the National Assembly for Wales(a) ("*y Cynulliad*");

"the governing body" means the governing body of the school in respect of which a change of category is proposed or, as the case may be, takes place ("*y corff llywodraethu*");

"the implementation date" means the date specified in the proposals as the date on which it is intended that the change of category should take place ("*y dyddiad gweithredu*");

"the main school government regulations" means the Education (School Government) (Wales) Regulations 1999(b) ("*y prif reoliadau llywodraethu ysgol*");

"the proposals" means the proposals published under paragraph 3 of Schedule 8 to the Act with any modifications made by the Assembly under paragraph 8 or 10 of Schedule 6 (as those paragraphs have effect with modifications by virtue of Schedule 1 to these Regulations) ("*y cynigion*").

2. Mae gan yr ymadroddion a ddefnyddir yn y Rheoliadau hyn ac a nodir yng ngholofn gyntaf y tabl isod yr ystyr a roddir iddynt gan, neu (fel y bo'r achos) rhaid eu dehongli'n unol â'r darpariaethau y cyfeirir atynt yn ail golofn y tabl hwnnw –

2. Expressions used in these Regulations set out in the first column of the table below have the meaning given by, or (as the case may be) are to be interpreted in accordance with, the provisions referred to in the second column of that table -

"Fforwm Gweithredu Addysg" ("*Education Action Forum*")

adran 11(2) o'r Ddeddf (a);

"Education Action Forum" ("*Fforwm Gweithredu Addysg*")

section 11(2) of the Act(a)

"noddwr" ("*sponsor*")

paragraff 1 o Atodlen 1 i'r prif reoliadau llywodraethu ysgol

"education action zone" ("*parth gweithredu addysg*")

section 10(1) of the Act;

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| "offeryn llywodraethu" <i>("instrument of government")</i> | adran 37(1) o'r Ddeddf, | "instrument of government" (" <i>offeryn llywodraethu</i> ") | section 37(1) of the Act; |
| "parth gweithredu addysg" (" <i>education action zone</i> ") | adran 10(1) o'r Ddeddf; | "sponsor" (" <i>noddwr</i> ") | paragraph 1 of Schedule 1 to the main school government regulations |
| Y cyfnod a ragnodir at ddiben adran 35(2) o'r Ddeddf | | Prescribed period for the purpose of section 35(2) of the Act | |
| 3. At ddibenion adran 35(2) o'r Ddeddf (sy'n darparu, ac eithrio mewn perthynas â newid categori o ysgol wirfoddol a gynorthwyir i ysgol wirfoddol a reolir, newid er mwyn yr hwn y mae'n ofynnol cyhoeddi cynigion yn rhinwedd paragraff 3 o Atodlen 8 i'r Ddeddf, nid yw'r Atodlen honno yn gymwys ar unrhyw adeg cyn diwedd y cyfryw gyfnod ag y gellir ei ragnodi) y cyfnod rhagnodedig yw'r cyfnod sy'n dechrau ar 1 Medi 1999 ac yn gorffen ar 31 Awst 2000. | | 3. For the purposes of section 35(2) of the Act (which provides that, except in relation to a change of category from voluntary aided to voluntary controlled school for which proposals are required to be published by virtue of paragraph 3 of Schedule 8 to the Act, that Schedule does not apply at any time before the end of such period as may be prescribed) the prescribed period is the period starting on 1st September 1999 and ending on 31st August 2000. | |
| Cymhwyso rheoliadau 5 i 9 | | Application of regulations 5 to 9 | |
| 4. Bydd Rheoliadau 5 i 9 yn gymwys mewn perthynas â chynigion a gyhoeddwyd o dan baragraff 3 o Atodlen 8 i'r Ddeddf, yn ystod y cyfnod a ragnodir yn rheoliad 3, i ysgol wirfoddol a gynorthwyir ddod yn ysgol wirfoddol a reolir ac ynglŷn â gweithredu'r cynigion hynny. | | 4. Regulations 5 to 9 shall apply in relation to proposals published under paragraph 3 of Schedule 8 to the Act, during the period prescribed in regulation 3, for a voluntary aided school to become a voluntary controlled school and in relation to the implementation of such proposals. | |
| Cymhwyso adran 28 o'r Ddeddf ac Atodlen 6 iddi | | Application of section 28 of and Schedule 6 to the Act | |
| 5. -(1) Mae Atodlen 1 i'r Rheoliadau hyn yn cael effaith i gymhwyso gydag addasiadau ddarpariaethau adran 28 o'r Ddeddf, a Rhan II o Atodlen 6 iddi, ynglŷn â chynigion o'r math a grybwyllir yn rheoliad 4. | | 5.-(1) Schedule 1 to these Regulations has effect for applying with modifications provisions of section 28 of, and Part II of Schedule 6 to, the Act in relation to proposals such as are mentioned in regulation 4. | |

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| <p>2. Nodir darpariaethau adran 28 o'r Ddeddf a gymhwysir felly, a Rhan II o Atodlen 6 iddi, yn Atodlen 2 i'r Rheoliadau hyn, fel y'u haddaswyd; a chyda chyfeiriadau at y Cynulliad (y breiniwyd swyddogaethau'r Ysgrifennydd Gwladol ynddo bellach) yn cymryd lle'r cyfeiriadau at yr Ysgrifennydd Gwladol.</p> | | <p>2. The provisions of section 28 of, and Part II of Schedule 6 to, the Act so applied are set out in Schedule 2 to these Regulations, as so modified; and with references to the Assembly (in whom the functions of the Secretary of State are now vested) substituted for references to the Secretary of State.</p> |
| <p>Gweithredu'r Cynigion</p> | | <p>Implementation of proposals</p> |
| <p>6. Ar y dyddiad gweithredu bydd yr ysgol yn dod yn ysgol wirfoddol a reolir.</p> | | <p>6. On the implementation date the school shall become a voluntary controlled school.</p> |
| <p>Trosglwyddo staff</p> | | <p>Transfer of staff</p> |
| <p>7. -(1) Yn ddarostyngedig i baragraff (2), bydd y rheoliad hwn yn gymwys i unrhyw berson sy'n gyflogedig gan y corff llywodraethu yn union cyn y dyddiad gweithredu.</p> | | <p>7. -(1) Subject to paragraph (2), this regulation shall apply to any person who immediately before the implementation date is employed by the governing body.</p> |
| <p>2. Ni fydd y rheoliad hwn yn gymwys i unrhyw berson y mae ei gontract cyflogaeth yn terfynu ar y diwrnod yn union cyn y dyddiad gweithredu.</p> | | <p>2. This regulation shall not apply to any person whose contract of employment terminates on the day immediately preceding the implementation date.</p> |
| <p>3. Bydd person a benodir gan y corff llywodraethu cyn y dyddiad gweithredu i weithio yn yr ysgol o'r dyddiad gweithredu neu ddyddiad ar ôl hynny yn cael ei drin at ddibenion y rheoliad hwn fel petai wedi ei gyflogi gan y corff llywodraethu yn union cyn y dyddiad gweithredu i wneud y gwaith yn yr ysgol y byddai wedi bod yn ofynnol iddo ei wneud ar y dyddiad hwnnw neu wedyn yn ei gontract cyflogaeth gyda'r corff llywodraethu.</p> | | <p>3. A person who before the implementation date has been appointed by the governing body to work at the school as from the implementation date or a date thereafter shall be treated for the purposes of this regulation as if he had been employed by the governing body immediately before the implementation date to do such work at the school as he would have been required to do on or after that date under his contract of employment with the governing body.</p> |
| <p>4. Bydd y contract cyflogaeth rhwng person y mae'r rheoliad hwn yn gymwys iddo a'r corff llywodraethu yn cael effaith o'r dyddiad gweithredu fel petai wedi'i wneud yn wreiddiol rhyngddo ef a'r awdurdod addysg lleol.</p> | | <p>4. The contract of employment between a person to whom this regulation applies and the governing body shall have effect from the implementation date as if originally made between him and the local education authority.</p> |
| <p>5. Heb ragfarn i baragraff (4) –</p> | | <p>5. Without prejudice to paragraph (4) -</p> |

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| <p>a. drwy rinwedd y rheoliad hwn trosglwyddir holl hawliau, pwerau, dyletswyddau a rhwymedigaethau'r corff llywodraethu o dan y contract cyflogaeth neu mewn cysylltiad ag ef i'r awdurdod addysg lleol ar y dyddiad gweithredu; a</p> | | <p>a. all the governing body's rights, powers, duties and liabilities under or in connection with the contract of employment shall by virtue of this regulation be transferred to the local education authority on the implementation date; and</p> |
| <p>b. bernir y bydd unrhyw beth a wneir cyn y dyddiad hwnnw gan y corff llywodraethu neu mewn perthynas ag ef ynglŷn â'r contract hwnnw neu'r gweithiwr cyflogedig o'r diwrnod hwnnw ymlaen wedi'i wneud gan yr awdurdod addysg lleol neu mewn perthynas ag ef.</p> | | <p>b. anything done before that date by or in relation to the governing body in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the local education authority.</p> |
| <p>6. Mae paragraffau (4) a (5) heb ragfarn i unrhyw hawl gan weithiwr cyflogedig i derfynu ei contract os gwneir newid sylweddol sy'n anafanteisiol iddo i'w amodau gwaith, ond ni fydd hawl o'r fath yn codi oherwydd y newid cyflogwr yn unig y mae'r rheoliad hwn yn ei achosi.</p> | | <p>6. Paragraphs (4) and (5) are without prejudice to any right of an employee to terminate his contract if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this regulation.</p> |
| <p>Offeryn llywodraethu ac ailgyfansoddi'r corff llywodraethu</p> | | <p>Instrument of government and reconstitution of governing body</p> |
| <p>8. -(1) Bydd y corff llywodraethu a'r awdurdod addysg lleol yn sicrhau, cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad gweithredu (a beth bynnag o fewn tri mis ar ôl y dyddiad gweithredu) –</p> | | <p>8. -(1) The governing body and the local education authority shall secure that, as soon as reasonably practicable after the implementation date (and in any event within three months after the implementation date) -</p> |
| <p>a. bod offeryn llywodraethu newydd yn cael ei wneud ar gyfer yr ysgol yn unol ag Atodlen 12 i'r Ddeddf a Rhan II o'r prif reoliadau llywodraethu ysgol; a</p> | | <p>a. a new instrument of government is made for the school in accordance with Schedule 12 to the Act and Part II of the main school government regulations; and</p> |
| <p>b. bod y corff llywodraethu'n cael ei ailgyfansoddi yn unol â'r offeryn llywodraethu newydd a Rhan II o'r prif reoliadau llywodraethu ysgol (a);</p> | | <p>b. the governing body are reconstituted in accordance with the new instrument of government and and Part II of the main school government regulations (a);</p> |

| | | |
|--|--|---|
| <p>2. Bydd yr offeryn llywodraethu yn cael ei wneud ar y ffurf a nodir yn Atodlen 3 ac yn unol â'r cyfarwyddiadau ynddi.</p> | | <p>(2) The instrument of government shall be made in the form and in accordance with the directions set out in Schedule 3.</p> |
| <p>• Bydd yn gydymffurfiad digonol â pharagraff (2) os bydd yr offeryn llywodraethu ar ffurf sydd yn ei sylwedd yn cael yr un effaith â'r ffurf a nodir yn Atodlen 3.</p> | | <p>(3) It shall be a sufficient compliance with paragraph (2) if the instrument of government is in a form substantially to the like effect to the form set out in Schedule 3.</p> |
| <p>• Ni fydd methiant gan y corff llywodraethu neu'r awdurdod addysg lleol i gyflawni'r ddyletswydd ym mharagraff (1) o fewn y terfyn amser a ragnodir yn y paragraff hwnnw yn rhyddhau'r corff llywodraethu neu'r awdurdod addysg lleol o'r ddyletswydd honno.</p> | | <p>(4) A failure by the governing body or local education authority to discharge the duty in paragraph (1) within the time limit prescribed in that paragraph shall not relieve the governing body or the local education authority of that duty.</p> |
| <p>Darpariaethau trosiannol</p> | | <p>Transitional provisions</p> |
| <p>9. -(1) Bydd unrhyw beth a wneir gan y corff llywodraethu fel awdurdod derbyn cyn y dyddiad gweithredu o dan unrhyw ddarpariaeth ym mhennod I o Ran III o'r Ddeddf (trefniadau derbyn) yn cael effaith o'r dyddiad gweithredu fel pe bai wedi'i wneud gan yr awdurdod addysg lleol.</p> | | <p>9.-(1) Anything done by the governing body as admission authority before the implementation date under any provision in Chapter I of Part III of the Act (admission arrangements) shall from the implementation date have effect as if done by the local education authority.</p> |
| <p>2. Os digwydd, ar y dyddiad gweithredu, fod cynigion a gyhoeddwyd gan y corff llywodraethu o dan adran 28, 29 neu 31 o'r Ddeddf i'w gweithredu o dan baragraff 10 o Atodlen 6 i'r Ddeddf, byddant yn cael eu gweithredu gan yr awdurdod addysg lleol.</p> | | <p>2. If on the implementation date proposals published by the governing body under section 28, 29 or 31 of the Act fall to be implemented under paragraph 10 of Schedule 6 to the Act they shall be implemented by the local education authority.</p> |
| <p>Llofnodwyd ar ran y Cynulliad o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)</p> | | <p>Signed on behalf of the Assembly under section 66(1) of the Government of Wales Act 1998(a)</p> |
| | | |
| <p>1999</p> | | <p>1999</p> |

| | | |
|---------------------|--|---------------------------------------|
| Llywydd y Cynulliad | | The Presiding Officer of the Assembly |
| | | |

ATODLEN 1 Rheoliad 5

DARPARIAETHAU ADRAN 28 O'R DDEDDF AC
ATODLEN 6 IDDI SY'N CAEL EFFAITH MEWN
PERTHYNAS Â'R CYNIGION A GRYBWYLLIR YN
RHEOLIAD 4

1. Bydd is-adrannau adran 28 o'r Ddeddf, a'r paragraffau yn Rhan II o Atodlen 6 iddi, y cyfeirir atynt yn ngholofn 1 o Dablau 1 i 3 isod yn cael effaith mewn perthynas â'r chynigion a grybwyllir yn rheoliad 4 gyda'r addasiadau a bennir yn yr Atodlen hon mewn perthynas â'r darpariaethau hynny.

2. Bydd darpariaethau'r Ddeddf a bennir yng ngholofn 1 o Dabl 1 isod yn cael effaith fel pe rhoddid y geiriau yn ngholofn 3 o'r tabl hwnnw yn lle'r geiriau y cyfeirir atynt yn ngholofn 2 o'r tabl hwnnw.

SCHEDULE 1 Regulation 5

PROVISIONS OF SECTION 28 OF, AND SCHEDULE 6
TO THE ACT HAVING EFFECT IN RELATION TO
PROPOSALS MENTIONED IN REGULATION 4

1. The subsections of section 28 of, and the paragraphs in Part II of Schedule 6 to, the Act referred to in column 1 of Tables 1 to 3 below shall have effect in relation to proposals such as are mentioned in regulation 4 with the modifications specified in this Schedule in relation to those provisions.

2. The provisions of the Act specified in column 1 of Table 1 below shall have effect as if for the words referred to in column 2 of that table there were substituted the words in column 3 of that table.

Tabl/Table 1

| colofn/column 1 | colofn/column 2 | colofn/column 3 |
|---|----------------------------------|-----------------------------------|
| adran/section 28(5) | "under this section" | "under paragraph 3 of Schedule 8" |
| adran/section 28(5) | "the relevant body or promoters" | "the governing body" |
| adran/section 28(5) | "the relevant body or promoters" | "the governing body" |
| Atodlen/Schedule 6 paragraff/paragraph 6 | "section 28, 29 or 31" | "paragraph 3 of Schedule 8" |

| | | |
|--|--|---|
| Atodlen/Schedule 6 paragraff/paragraph 7 | "section 28,29 or 31" | "paragraph 3 of Schedule 8" |
| Atodlen/Schedule 6 paragraff/paragraph 8(2)(c) | "such persons or bodies as may be prescribed" | "the local education authority and the governing body" |

3. Bydd darpariaethau'r Ddeddf a bennir yng ngholofn 1 o Dabl 2 isod yn cael effaith fel petai'r geiriau neu'r ddarpariaeth y cyfeirir atynt yng ngholofn 2 o'r tabl hwnnw wedi'u hepgor.

3. The provisions of the Act specified in column 1 of Table 2 below shall have effect as if the words or the provision referred to in column 2 of that table were omitted.

Tabl/Table 2

| colofn/column 1 | colofn/column 2 |
|--|--|
| adran/section 28(11) | is-baragraff/sub-paragraph (a) |
| Atodlen/Schedule 6 paragraff/paragraph 6 | "or proposed school" |
| Atodlen/Schedule 6 paragraff/paragraph 7 | is-baragraff/sub-paragraph (2) |
| Atodlen/Schedule 6 paragraff/paragraph 8(4) | "or (in the case of a new school) is proposed to be" |
| Atodlen/Schedule 6 paragraff/paragraph 10 | is-baragraffau/sub-paragraphs (3) to (6) |

4. Bydd darpariaethau'r Ddeddf y cyfeirir atynt yng ngholofn 1 o Dabl 3 isod yn cael effaith fel pe rhoddid y geiriau y cyfeirir atynt yng ngholofn 2 o'r tabl hwnnw yn lle'r geiriau yn y ddarpariaeth honno.

4. The provisions of the Act referred to in column 1 of Table 3 below shall have effect as if for the words contained in that provision there were substituted the words referred to in column 2 of that table.

Tabl/Table 3

| colofn/column 1 | colofn/column 2 |
|---------------------|--|
| adran/section 28(3) | <p>"(3) Proposals under paragraph 3 of Schedule 8 shall-</p> <p>"(a) contain the following information -</p> <p>(i) the name of the governing body publishing the proposals,</p> <p>(ii) the date on which it is proposed that the change of category should take place,</p> <p>(iii) a statement explaining the effect of paragraph 7 of Schedule 6 including the date by which objections should be sent to the National Assembly for Wales,</p> <p>(iv) a statement that it is proposed to change the category of the school from voluntary aided to voluntary controlled,</p> <p>(v) a statement that after the change of category has taken place, the local education authority will be the admission authority for the school; and</p> <p>(b) shall be published -</p> <p>(i) by being posted in a conspicuous place in the area served by the school,</p> <p>(ii) in at least one newspaper circulating in the area served by the school, and</p> <p>(iii) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them."</p> |

adran/section 28(7)

"(7) Where any proposals published under paragraph 3 of Schedule 8 relate to a school in Wales, the governing body shall send -

(a) a copy of the published proposals, and

(b) the information specified in subsection (7A),

to the National Assembly for Wales.

(7A) The information referred to in subsection (7) is -

(a) the objectives of the proposals;

(b) evidence of consultation before the proposals were published including -

(i) copies of the consultation documents, and

(ii) the views and responses from the persons consulted;

(c) a map showing the location of the school and all other community, voluntary and foundation schools within a radius of 3.218688 kilometres (2 miles), where the school is a primary school or 4.828032 kilometres (3 miles) where the school is a secondary school;

(d) the following information relating to the school for the school year in which the proposals were published and (except for the information specified in sub-paragraph (iv)), the previous school year -

(i) the standard number for each relevant age group,

(ii) the number of year groups,

(iii) the capacity of the school, and

(iv) the number of pupils at the school;

and a forecast of the matters specified in sub-paragraphs (ii) to (iv) for each of the

subsequent five years;

(e) a list of all the schools within the radius of the school mentioned in paragraph (c) above stating which schools are maintained by different local education authorities together with the information referred to in paragraph (d) in respect of each such school;

(f) the following information relating to the accommodation at the school -

(i) the location of the accommodation,

(ii) whether the school occupies a single or split site,

(iii) how accessible the accommodation is,

(iv) details of the general and specialist accommodation (both teaching and non-teaching), and

(v) (where relevant) details of accommodation for nursery education;

(g) a breakdown of any costs involved in the change of category;

(h) details of the policy of the school relating to the education of pupils with special educational needs;

(i) a statement as to whether the school has been inspected under section 10 of the School Inspection Act 1996() during the period starting three years before the date of the notice of the proposals and, where the school has been inspected during that period, the date of the inspection and details of the outcome of the inspection;

(j) details of the tenure (freehold or leasehold) on which the site of the school is held and, if the premises are held as a lease, details of the lease; and

(k) details of the trusts on which the site of the school is held."

| | |
|---|--|
| <p>Atodlen/Schedule 6 paragraff/paragraph 7(3)</p> | <p>"(3) Any objections under this paragraph shall be sent to the National Assembly for Wales -</p> <p>(a) within two months after the date of publication of the proposals, except where paragraph (b) of this sub-paragraph applies; and</p> <p>(b) within one month after the date of publication of the proposals, where the school is one to which section 15 applies."</p> |
| <p>Atodlen/Schedule 6 paragraff/paragraph 8(1)</p> | <p>"(1) Proposals published under paragraph 3 of Schedule 8 require approval under this paragraph."</p> |
| <p>Atodlen/Schedule 6 paragraff/paragraph 8(3)</p> | <p>"(3) An approval given under this paragraph may be expressed to take effect only if a scheme relating to any charity connected with the school is made by a date specified in the approval."</p> |
| <p>Atodlen/Schedule 6 paragraff/paragraph 8(5)</p> | <p>"(5) Proposals published under paragraph 3 of Schedule 8 may only be withdrawn with the consent in writing of the National Assembly for Wales."</p> |
| <p>Atodlen/Schedule 6 paragraff/paragraph 10(1)</p> | <p>"(1) Where any proposals published under paragraph 3 of Schedule 8 have been approved under paragraph 8 then (subject to the following provisions of this paragraph) the proposals shall be implemented in the form in which they were so approved in accordance with regulations made under paragraph 5 of Schedule 8."</p> |
| <p>Atodlen/Schedule 6 paragraff/paragraph 10(2)</p> | <p>"(2) At the request of the governing body or the local education authority, the National Assembly for Wales -</p> <p>(a) may modify the proposals after consulting that governing body and the local education authority; and</p> <p>(b) where any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, may specify a later date by which the scheme in question must be made."</p> |

ATODLEN 2

SCHEDULE 2

Rheoliad 5(2)

Regulation 5(2)

DARPARIAETHAU ADRAN 28 O'R DDEDDF, A
RHAN II O ATODLEN 6 IDDI FEL Y'U
CYMHWYSIR GAN ATODLEN 1 FEL AG
ADDASWYD

PROVISIONS OF SECTION 28 OF, AND PART II OF
SCHEDULE 6 TO THE ACT APPLIED BY SCHEDULE
1 AS MODIFIED

Adran 28

Section 28

1. Proposals under paragraph 3 of Schedule 8 shall -

(a) contain the following information-

(i) the name of the governing body publishing the proposals,

(ii) the date on which it is proposed that the change of category should take place,

(iii) a statement explaining the effect of paragraph 7 of Schedule 6 including the date by which objections should be sent to the National Assembly for Wales,

(iv) a statement that it is proposed to change the category of the school from voluntary aided to voluntary controlled,

(v) a statement that after the change of category has taken place, the local education authority will be the admission authority for the school; and

(b) shall be published -

(i) by being posted in a conspicuous place in the area served by the school,

(ii) in at least one newspaper circulating in the area served by the school, and

(iii) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.

(5) Before publishing any proposals under paragraph 3 of Schedule 8, the governing body shall consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection the governing body shall have regard to any guidance given from time to time by the National Assembly for Wales.

(7) Where any proposals published under paragraph 3 of Schedule 8 relate to a school in Wales, the governing body shall send -

a. a copy of the proposals, and

a. the information specified in subsection (7A),

to the National Assembly for Wales.

(7A) The information referred to in subsection (7) is -

(a) the objectives of the proposals;

(b) evidence of consultation before the proposals were published including -

(i) copies of the consultation documents, and

(ii) the views and responses from the persons consulted;

- a map showing the location of the school and all other community, voluntary and foundation schools within a radius of 3.218688 kilometres (2 miles), where the school is a primary school or 4.828032 kilometres (3 miles) where the school is a secondary school;

- the following information relating to the school for the school year in which the proposals were published and (except for the information specified in sub-paragraph (iv)), the previous school year –

(i) the standard number for each relevant age group ,

(ii) the number of year groups,

(iii) the capacity of the school, and

(iv) the number of pupils at the school;

and a forecast of the matters specified in sub-paragraphs (ii) to (iv) for each of the subsequent five years;

- a list of all the schools within the radius of the school mentioned in paragraph (c) above stating which schools are maintained by different local education authorities together with the information referred to in paragraph (d) in respect of each such school;

- the following information relating to the accommodation at the school –

(i) the location of the accommodation,

(ii) whether the school occupies a single or split site,

(iii) how accessible the accommodation is,

(iv) details of the general and specialist accommodation (both teaching and non-teaching), and

(v) (where relevant) details of accommodation for nursery education;

(g) a breakdown of any costs involved in the change of category;

(h) details of the policy of the school relating to the education of pupils with special educational needs;

(i) a statement as to whether the school has been inspected under section 10 of the School Inspections Act 1996 during the period starting three years before the date of the notice of the proposals and, where the school has been inspected during that period, the date of the inspection and details of the outcome of the inspection;

(j) details of the tenure (freehold or leasehold) on which the site of the school is held and, if the premises are held on a lease, details of the lease; and

(k) details of the trusts on which the site of the school is held.

(11) In this part -

(b) "area" (without more) means a local education authority area.

Rhan II o Atodlen 6

Part II of Schedule 6

6. This Part of this Schedule applies to proposals published under paragraph 3 of Schedule 8 which relate to a school in Wales.

7. -(1) Any person may make objections to any proposals published under paragraph 3 of Schedule 8.

(3) Any objections under this paragraph shall be sent to the National Assembly for Wales -

a. within two months after the date of publication of the proposals, except where paragraph (b) of this sub-paragraph applies; and

b. within one month after the date of publication of the proposals, where the school is one to which section 15 applies.

8.-(1) Proposals published under paragraph 3 of Schedule 8 require approval under this paragraph.

2. Where any proposals require approval under this paragraph, the National Assembly for Wales may -

a. reject the proposals,

• approve them without modification, or

• approve them with such modifications as it thinks desirable after consulting the local education authority and the governing body.

3. Any approval given under this paragraph may be expressed to take effect only if a scheme relating to any charity connected with the school is made by a date specified in the approval.

4. When deciding whether or not to give any approval under this paragraph the National Assembly for Wales shall have regard to the school organisation plan for the area in which the school is situated.

(5) Proposals published under paragraph 3 of Schedule 8 may only be withdrawn with the consent of the National Assembly for Wales.

10.-(1) Where any proposals published under paragraph 3 of Schedule 8 have been approved under paragraph 8 then (subject to the following provisions of this paragraph) the proposals shall be implemented in the form in which they were so approved in accordance with regulations made under paragraph 5 of Schedule 8.

(2) At the request of the governing body or the local education authority, the National Assembly for Wales.

- a. may modify the proposals after consulting the governing body and the local education authority; and
- b. where any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, may specify a later date by which the scheme in question must be made.

ATODLEN 3

Rheoliad 8

OFFERYN LLYWODRAETHU

1. Enw'r ysgol yw

- Mae'r ysgol yn ysgol wirfoddol a reolir.
- Enw'r corff llywodraethu yw "Corff llywodraethu....." (*mewnosoder enw'r ysgol fel ym mharagraff 1 uchod*).
- Cynnwys y corff llywodraethu fydd
 - a. x o rieni-lywodraethwyr;
 - x o lywodraethwyr yr AALL;
 - x o athrawon-lywodraethwyr;

(os yw'n gymwys)

a. un llywodraethwr staff;)

- x o lywodraethwyr sefydledig;
 - x o llywodraethwyr cyfetholedig (*gan gynnwys unrhyw lywodraethwyr y cyfeirir atynt ym mharagraff 6, 7 neu 8 isod*);
 - pennaeth yr ysgol, ac eithrio unrhyw bryd y mae wedi rhoi hysbysiad ysgrifenedig i glerc corff llywodraethu'r ysgol nad yw'n dewis bod yn llywodraethwr).
5. Cyfanswm y llywodraethwyr (ac eithrio unrhyw bryd y mae pennaeth yr ysgol wedi rhoi hysbysiad fel nodir uchod nad yw'n dewis bod yn llywodraethwr, pan fydd cyfanswm y llywodraethwyr yn).

(Os yw'n gymwys)

- Bydd un llywodraethwr cyfetholedig yn llywodraethwr y dylid gofyn am enwebiadau ar gyfer ei benodi i'r is-awdurdod neu (fel y bo'r achos) i un neu ragor o'r is-awdurdodau mewn perthynas â'r ysgol.

(Os yw'n gymwys)

- Bydd x (l)lywodraethwr cyfetholedig yn llywodraethwr/ llywodraethwyr y dylid gofyn am enwebiadau ar gyfer ei benodi/ penodi i'r noddwr, neu o blith noddwyr yr ysgol.

(Os yw'n gymwys)

- Bydd un llywodraethwr cyfetholedig yn llywodraethwr y dylid gofyn am enwebiadau ar gyfer ei benodi/penodi i'r Fforwm Weithredu Addysg ar gyfer y parth gweithredu addysg y mae'r ysgol yn ysgol sy'n cyfranogi.
9. *Noder enw unrhyw gorff sefydledig neu bersonau y mae hawl ganddynt i benodi llywodraethwyr sefydledig. Os oes mwy nag un person o'r fath, noder ar ba sail y gwneir penodiadau o'r fath.*

10. Bydd deiliad y swydd ganlynol yn llywodraethwr sefydledig ex-officio:

enw'r swydd

- b. Bydd gan [*neu ... a ... ar y cyd*] hawl i benodi llywodraethwr sefydledig i weithredu yn lle'r llywodraethwr sefydledig ex officio y mae ei swydd llywodraethwr yn deillio o'r swydd a enwir yn (a) uchod, os digwydd bod y llywodraethwr sefydledig ex officio hwnnw'n methu gweithredu fel llywodraethwr sefydledig, neu'n anfodlon gwneud hynny, neu nad oes deiliad yn y swydd drwy rinwedd yr hon y mae swydd llywodraethwr yn bodoli.

Ailadrodder 10(a) a (b) yn ôl yr angen lle bo mwy nag un swydd llywodraethwr sefydledig ex officio.)

11. *Noder y drefn ar gyfer dileu unrhyw ormodedd yn nifer y llywodraethwyr sefydledig.*

- *Lle mae'r ysgol yn ysgol wirfoddol ac iddi gymeriad crefyddol, disgrifiwch ethos yr ysgol.*
- *Daw'r offeryn hwn yn weithredol ar ddyddiad ei wneud.*
- *Cafodd yr offeryn hwn ei wneud drwy orchymyn Awdurdod Addysg Lleol..... ar*

SCHEDULE 3

Regulation 8

INSTRUMENT OF GOVERNMENT

1. The name of the school is

- The school is a voluntary controlled school.
- The name of the governing body is "the governing body of....." (*insert the name of the school as in paragraph 1 above*).
- The governing body shall consist of
 - a. parent governors;
 - LEA governors;
 - teacher governors;

(if applicable)

a. one staff governor;

- x foundation governors;
- x co-opted governors (*including any governors referred to in paragraph 6, 7 or 8 below*);
- the head teacher, except at any time when he has given written notice to the clerk to the governing body of the school that he chooses not to be a governor).

5. Total number of governors (except any time when the head teacher has given notice as above that he chooses not to be a governor, when the total number of governors will be).

(If applicable)

6. One co-opted governor will be a governor for whose appointment nominations are to be sought from the minor authority or (as the case may be) from one or more of the minor authorities in relation to the school.

(If applicable)

- x co-opted governor[s] will be [a] governor[s] for whose appointment nominations are to be sought from the sponsor or from amongst the sponsors of the school.

(If applicable)

- One co-opted governor will be a governor for whose appointment nominations are to be sought from the Education Action Forum for the education action zone in relation to which the school is a participating school.)

9. *Set out the name of any foundation body or persons entitled to appoint foundation governors. If there is more than one such person, set out the basis on which the appointments are made.*

- The holder of the following office shall be a foundation governor ex-officio:

name of office

(b)..... [*or ... and ... jointly*] shall be entitled to appoint a foundation governor to act in the place of the ex officio foundation governor whose governorship derives from the office named in (a) above, in the event that that ex officio foundation governor is unable or unwilling to act as a foundation governor, or there is a vacancy in the office by virtue of which his governorship exists.

11. *Repeat 9(a) and (b) as necessary where there is more than one ex officio foundation governorship.*

Set out procedure for eliminating any excess in the number of foundation governors.

12. *Where the school is a voluntary school with a religious character, describe the ethos of the school.*

- This instrument comes into effect on the date of making.
- This instrument was made by order ofLocal Education Authority on