



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 2 Ionawr 2013
Tabled on 2 January 2013

Bil Safonau a Threfniadaeth Ysgolion (Cymru)
School Standards and Organisation (Wales) Bill

- *Simon Thomas** **1**
Section 84, page 48, line 3, after 'area', insert 'so as to reasonably meet the demand among parents as assessed under section 86'.
Adran 84, tudalen 48, llinell 4, ar ôl 'ardal', mewnosoder 'er mwyn ateb y galw ymhlith rheini mewn ffordd resymol fel y'i asesir o dan adran 86'.
- Leighton Andrews** **2**
Section 38, page 21, leave out line 18.
Adran 38, tudalen 21, hepgorer llinell 18.
- Leighton Andrews** **3**
Section 38, page 21, leave out line 32.
Adran 38, tudalen 21, hepgorer llinell 32.
- Leighton Andrews** **4**
Section 49, page 25, line 26, leave out subsection (3).
Adran 49, tudalen 25, llinell 28, hepgorer is-adran (3).

Leighton Andrews

5

Section 49, page 25, line 30, after 'objections', insert –
' –

- (a) in the case of a local authority that is required to determine its own proposals under section 54, before the end of 7 days beginning with the day of its determination under section 54(1), and
- (b) in all other cases, '.

Adran 49, tudalen 25, llinell 33, ar ôl 'hynny', mewnosoder –
' –

- (a) yn achos awdurdod lleol y mae'n ofynnol iddo benderfynu ar ei gynigion ei hun o dan adran 54, cyn diwedd 7 niwrnod gan ddechrau ar ddiwrnod ei benderfyniad o dan adran 54(1), a
- (b) ym mhob achos arall, '.

Leighton Andrews

6

Page 25, line 33, leave out section 50.

Tudalen 25, llinell 36, hepgorer adran 50.

Leighton Andrews

7

Section 51, page 27, leave out lines 12 to 14.

Adran 51, tudalen 27, hepgorer llinellau 13 hyd at 16.

Leighton Andrews

8

Section 51, page 27, line 15, after 'education', insert –
' , or

- (c) the proposals have been made by a proposer other than the relevant local authority and an objection has been made by that authority in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period'.

Adran 51, tudalen 27, llinell 17, ar ôl 'dosbarth', mewnosoder –
' , neu

- (c) os yw'r cynigion wedi eu gwneud gan gynigydd ac eithrio'r awdurdod lleol perthnasol ac os yw gwrthwynebiad wedi ei wneud gan yr awdurdod hwnnw yn unol ag adran 49(2) ac os nad yw wedi ei dynnu yn ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu'.

Leighton Andrews **9**

Section 51, page 28, line 3, leave out 'local authority that maintains, or that it is proposed will maintain, the school' and insert 'relevant local authority'.

Adran 51, tudalen 28, llinell 3, hepgorer 'sy'n cynnal, neu y cynigir ei fod yn cynnal, yr ysgol' a mewnosoder 'perthnasol'.

Leighton Andrews **10**

Section 51, page 28, after line 13, insert—

'(10) In this section "relevant local authority" means the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate.'

Adran 51, tudalen 28, ar ôl llinell 14, mewnosoder—

'(10) Yn yr adran hon ystyr "awdurdod lleol perthnasol" yw'r awdurdod lleol sy'n cynnal, neu y cynigir ei fod yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi.'

Leighton Andrews **11**

Section 52, page 28, line 16, leave out 'and either —

- (a) an objection to the proposals has been made in accordance with section 49(2) by a category 2 objector and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period, or
- (b) objections to the proposals have been made in accordance with section 49(2) by 10 or more category 3 objectors'

and insert—

'

- (a) they have been made by a proposer other than the relevant local authority, and
- (b) an objection to the proposals has been made in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period'.

Adran 52, tudalen 28, llinell 17, hepgorer 'a bod naill ai —

- (a) gwrthwynebiad i'r cynigion wedi ei wneud yn unol ag adran 49(2) gan wrthwynebydd categori 2 ac nad yw'r gwrthwynebiad hwnnw wedi ei dynnu'n ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu, neu
- (b) gwrthwynebiadau i'r cynigion wedi eu gwneud yn unol ag adran 49(2) gan 10 neu fwy o wrthwynebwyr categori 3'

a mewnosoder—

'

- (a) ydynt wedi eu gwneud gan gynigydd ac eithrio'r awdurdod lleol perthnasol, ac

- (b) yw gwrthwynebiad i'r cynigion wedi ei wneud yn unol ag adran 49(2) ac nad yw wedi ei dynnu'n ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu'.

Leighton Andrews **12**

Section 52, page 28, line 22, leave out subsection (2).
Adran 52, tudalen 28, llinell 25, hepgorer is-adran (2).

Leighton Andrews **13**

Section 52, page 28, line 29, leave out '(if not the local authority)'.
Adran 52, tudalen 28, llinell 35, hepgorer '(os nad yr awdurdod lleol yw ef)'.

Leighton Andrews **14**

Section 52, page 28, line 35, leave out 'any'.
Adran 52, tudalen 28, llinell 41, hepgorer 'unrhyw'.

Leighton Andrews **15**

Section 52, page 29, line 1, leave out 'where objections have been so made (and not withdrawn)'.
Adran 52, tudalen 29, llinell 1, hepgorer 'pan fo gwrthwynebiadau wedi eu gwneud felly (a heb gael eu tynnu'n ôl)'.

Leighton Andrews **16**

Section 52, page 29, line 3, leave out subsections (5) to (7).
Adran 52, tudalen 29, llinell 3, hepgorer is-adrannau (5) hyd at (7).

Leighton Andrews **17**

Section 52, page 29, line 9, leave out 'a local determination panel' and insert 'the relevant local authority'.
Adran 52, tudalen 29, llinell 10, hepgorer 'y panel penderfynu lleol' a mewnosoder 'yr awdurdod lleol perthnasol'.

Leighton Andrews **18**

Section 52, page 29, line 14, leave out 'or local authority, as the case may be'.
Adran 52, tudalen 29, llinell 16, hepgorer 'neu'r awdurdod lleol, yn ôl y digwydd'.

Leighton Andrews **19**

Section 52, page 29, line 16, leave out 'and the relevant local authority'.
Adran 52, tudalen 29, llinell 18, hepgorer 'a'r awdurdod lleol perthnasol'.

Leighton Andrews 20

Section 52, page 29, line 13, after 'of', insert 'the Welsh Ministers and'.

Adran 52, tudalen 29, llinell 15, hepgorer 'y' a mewnosoder 'Gweinidogion Cymru a'r'.

Leighton Andrews 21

Section 52, page 29, line 17, leave out 'panel' and insert 'relevant local authority'.

Adran 52, tudalen 29, llinell 19, hepgorer 'y panel' a mewnosoder 'yr awdurdod lleol perthnasol'.

Leighton Andrews 22

Section 52, page 29, line 24, leave out 'Welsh Ministers' and insert 'relevant local authority'.

Adran 52, tudalen 29, llinell 27, hepgorer 'Gweinidogion Cymru' a mewnosoder 'yr awdurdod lleol perthnasol'.

Leighton Andrews 23

Section 52, page 29, after line 25, insert—

- '() The relevant local authority must make a determination under subsection (8) whether to reject or approve the proposals before the end of 16 weeks beginning with the end of the objection period.'

Adran 52, tudalen 29, ar ôl llinell 28, mewnosoder—

- '() Rhaid i'r awdurdod lleol perthnasol wneud penderfyniad o dan is-adran (8) p'un ai i wrthod neu i gymeradwyo'r cynigion cyn diwedd y cyfnod o 16 o wythnosau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu.'

Leighton Andrews 24

Section 52, page 29, line 27, leave out 'local determination panel' and insert 'relevant local authority'.

Adran 52, tudalen 29, llinell 30, hepgorer 'panel penderfynu lleol' a mewnosoder 'awdurdod lleol perthnasol'.

Leighton Andrews 25

Section 53, page 30, line 5, leave out 'the local determination panel' and insert 'a local authority'.

Adran 53, tudalen 30, llinell 6, hepgorer 'y panel penderfynu' a mewnosoder 'awdurdod'.

Leighton Andrews 26

Section 53, page 30, line 7, after 'requiring', insert 'the local authority's'.

Adran 53, tudalen 30, llinell 9, ar ôl 'cymeradwyo', mewnosoder 'gan yr awdurdod lleol'.

Leighton Andrews **27**

Section 53, page 30, line 10, leave out 'panel' and insert 'local authority'.

Adran 53, tudalen 30, llinell 11, hepgorer 'y panel' a mewnosoder 'yr awdurdod lleol'.

Leighton Andrews **28**

Section 53, page 30, line 11, leave out 'determination panel' and insert 'authority'.

Adran 53, tudalen 30, llinell 12, hepgorer 'panel penderfynu' a mewnosoder 'awdurdod'.

Leighton Andrews **29**

Section 53, page 30, line 19, leave out 'determination panel' and insert 'authority'.

Adran 53, tudalen 30, llinell 21, hepgorer 'y panel penderfynu' a mewnosoder 'awdurdod'.

Leighton Andrews **30**

Section 53, page 30, line 24, leave out 'panel' and insert 'local authority'.

Adran 53, tudalen 30, llinell 26, hepgorer 'y panel' a mewnosoder 'yr awdurdod lleol'.

Leighton Andrews **31**

To insert a new section –

'() Referral to the Welsh Ministers

- (1) This section applies if a local authority has –
 - (a) determined to approve or reject proposals under section 52(8), or
 - (b) determined under section 54(1) to implement proposals to which there was an objection made in accordance with section 49 (and which was not withdrawn in writing before the end of 28 days beginning with the end of the objection period).
- (2) Before the end of 28 days beginning with the day of the local authority's determination under section 52(8) or 54(1) , the following may refer the proposals to the Welsh Ministers –
 - (a) another local authority which is likely to be affected by the proposals;
 - (b) a local authority in England which is likely to be affected by the proposals ;
 - (c) the appropriate religious body for –
 - (i) the school to which the proposals relate if it is, or is intended to be, a school which has a religious character, or
 - (ii) any other school which has a religious character and which is likely to be affected by the proposals;
 - (d) if the school to which the proposals relate is a foundation or voluntary school, the governing body of the school;

- (e) a trust holding property for the purpose of the school to which the proposals relate;
 - (f) an institution within the further education sector which is likely to be affected by the proposals .
- (3) Whether an authority, school or institution is likely to be affected by the proposals for the purpose of subsection (2) is a question to be determined by the Welsh Ministers.
- (4) The Welsh Ministers must consider proposals referred to them under this section afresh and subsections (5) to (8) of section 51 apply as if the proposals required their approval under that section.
- (5) Proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56) may not be referred to the Welsh Ministers under this section.
- (6) Proposals which the Welsh Ministers are required to consider under this section are not to be treated for the purposes of section 55 or 61 as proposals approved under section 52 or as proposals that the proposer has determined to implement under section 54.
- (7) Proposals approved in accordance with this section are to be treated for the purposes of section 55 as proposals approved under section 51.
- (8) Proposals rejected in accordance with this section are to be treated for the purposes of paragraph 35(3)(e) of Schedule 5 as proposals rejected under section 51.’.

I fewnosod adran newydd –

‘() Eu hatgyfeirio i Weinidogion Cymru

- (1) Mae’r adran hon yn gymwys os yw awdurdod lleol wedi –
- (a) penderfynu cymeradwyo neu wrthod cynigion o dan adran 52(8), neu
 - (b) penderfynu o dan adran 54(1) i weithredu cynigion y gwnaed gwrthwynebiad iddynt yn unol ag adran 49 (ac nas tynnwyd yn ei ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu).
- (2) Cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwrnod penderfynu’r awdurdod lleol o dan adran 52(8) neu 54(1), caiff y canlynol atgyfeirio’r cynigion i Weinidogion Cymru –
- (a) awdurdod lleol arall y mae’n debyg y bydd y cynigion yn effeithio arno;
 - (b) awdurdod lleol yn Lloegr y mae’n debyg y bydd y cynigion yn effeithio arno;
 - (c) y corff crefyddol priodol ar gyfer –
 - (i) yr ysgol y mae’r cynigion yn ymwneud â hi os yw’n ysgol sydd â chymeriad crefyddol, neu y bwriedir iddi fod yn ysgol o’r fath, neu
 - (ii) unrhyw ysgol arall sydd â chymeriad crefyddol ac y mae’n debyg y bydd y cynigion yn effeithio arni;
 - (d) os yw’r ysgol y mae’r cynigion yn ymwneud â hi yn ysgol sefydledig neu’n ysgol wirfoddol, corff llywodraethu’r ysgol;
 - (e) ymddiriedolaeth sy’n dal eiddo at ddibenion yr ysgol y mae’r cynigion yn ymwneud â hi;
 - (f) sefydliad o fewn y sector addysg bellach y mae’n debyg y bydd y cynigion yn effeithio arno.

- (3) Cwestiwn i gael ei benderfynu gan Weinidogion Cymru yw a yw awdurdod, ysgol neu sefydliad yn debyg o gael ei effeithio gan y cynigion at ddiben is-adran (2).
- (4) Rhaid i Weinidogion Cymru ystyried cynigion a atgyfeiriwyd iddynt o dan yr adran hon o'r newydd ac mae is-adrannau (5) i (8) o adran 51 yn gymwys fel petai angen eu cymeradwyaeth o dan yr adran honno.
- (5) Ni chaniateir i gynigion a wneir o dan adran 43 neu 44 i derfynu ysgol sy'n ysgol fach (gweler adran 56) gael eu hatgyfeirio i Weinidogion Cymru o dan yr adran hon.
- (6) Os yw'n ofynnol i Weinidogion Cymru ystyried cynigion a atgyfeiriwyd o dan yr adran hon, nid yw'r cynigion hynny i'w trin at ddibenion adran 55 neu 61 fel rhai a gymeradwywyd o dan adran 52 neu fel cynigion y mae'r cynigydd wedi penderfynu eu gweithredu o dan adran 54.
- (7) Os yw Gweinidogion Cymru yn cymeradwyo cynigion yn unol â'r adran hon, mae'r cynigion i'w trin at ddibenion adran 55 fel petaent wedi eu cymeradwyo o dan adran 51.
- (8) Os yw Gweinidogion Cymru yn gwrthod cynigion yn unol â'r adran hon, mae'r cynigion i'w trin at ddibenion paragraff 35(3)(e) o Atodlen 5 fel petaent wedi eu gwrthod o dan adran 51.'.

Leighton Andrews

32

Section 56, page 32, leave out lines 10 to 15.

Adran 56, tudalen 32, hepgorer llinellau 17 hyd at 22.

Leighton Andrews

33

Section 56, page 32, line 27, leave out subsection (2).

Adran 56, tudalen 32, llinell 28, hepgorer is-adran (2).

Leighton Andrews

34

Section 61, page 34, line 31, after '54,' insert '[insert reference to section inserted by amendment 31]',

Adran 61, tudalen 34, llinell 33, ar ôl '54,', mewnosoder '[mewnosoder cyfeiriad at yr adran a mewnosodir gan welliant 31]',

Leighton Andrews

35

Section 61, page 35, after line 22, insert –

- '(c) a determination whether or not to approve proposals referred to the Welsh Ministers under section [insert reference to section inserted by amendment 31]'

Adran 61, tudalen 35, ar ôl llinell 25, mewnosoder –

- '(c) penderfyniad p'un ai i gymeradwyo cynigion a atgyfeiriwyd i Weinidogion Cymru o dan adran [mewnosoder cyfeiriad at yr adran a mewnosodir gan welliant 31] ai peidio'

Leighton Andrews 36

Section 75, page 41, line 24, leave out 'governing body of the school' and insert 'local authority that maintains the school and the governing body of the school to the extent (if any) as the proposals provide for each of them to do so'.

Adran 75, tudalen 41, llinell 24, hepgorer 'gorff llywodraethu'r ysgol' a mewnosoder 'yr awdurdod lleol sy'n cynnal yr ysgol a chorff llywodraethu'r ysgol i'r graddau (os o gwbl) y mae'r cynigion yn darparu bod pob un ohonynt yn gwneud hynny'.

Leighton Andrews 37

Section 80, page 45, line 12, leave out 'at least'.

Adran 80, tudalen 45, llinell 13, hepgorer 'o leiaf ddwy' a mewnosoder 'dwy'.

Leighton Andrews 38

Section 80, page 46, leave out lines 6 to 7.

Adran 80, tudalen 46, hepgorer llinellau 7 hyd at 8.

Leighton Andrews 39

Section 80, page 46, after line 9, insert –

() the trustees (being entitled to do so) intend to give notice to the governing body of the school to terminate the school's occupation of that land,'.

Adran 80, tudalen 46, ar ôl llinell 10, mewnosoder –

() pan fo'r ymddiriedolwyr (a hwythau â'r hawl i wneud hynny) yn bwriadu rhoi hysbysiad i gorff llywodraethu'r ysgol i derfynu meddiannaeth yr ysgol ar y tir hwnnw,'.

Leighton Andrews 40

Section 80, page 46, line 13, leave out subsection (11) and insert –

(11) The notice given by the trustees to the governing body to terminate the school's occupation of the land must be at least two years; but if, during the first twelve months of that notice period, the governing body gives notice under subsection (1), the trustees' notice does not have the effect of terminating the school's occupation of the land until the expiry of the governing body's notice.'

Adran 80, tudalen 46, llinell 14, hepgorer is-adran (11) a mewnosoder –

(11) Rhaid i'r hysbysiad y mae'r ymddiriedolwyr yn ei roi i'r corff llywodraethu i derfynu meddiannaeth yr ysgol ar y tir gael ei roi o leiaf ddwy flynedd ymlaen llaw; ond os, yn ystod y ddeuddeng mis cyntaf o gyfnod yr hysbysiad hwnnw, yw'r corff llywodraethu yn rhoi hysbysiad o dan is-adran (1), nid yw hysbysiad yr ymddiriedolwyr yn cael yr effaith o derfynu meddiannaeth yr ysgol ar y tir hyd nes i hysbysiad y corff llywodraethu ddod i ben.'

Leighton Andrews

41

Section 80, page 46, line 17, after 'the' at the first place where it appears, insert 'trustees'.

Adran 80, tudalen 46, llinell 18, hepgorer 'o'r hysbysiad' a mewnosoder 'o hysbysiad yr ymddiriedolwyr'.

Leighton Andrews

42

Section 84, page 48, after line 22, insert—

- '(5) If a local authority carries out an assessment of the demand for Welsh medium education in accordance with regulations under section 86, it must take the results of that assessment into account when it next prepares or revises its Welsh in education strategic plan.'

Adran 84, tudalen 48, ar ôl llinell 24, mewnosoder—

- '(5) Os yw awdurdod lleol yn cynnal asesiad o'r galw am addysg cyfrwng Cymraeg yn unol â rheoliadau o dan adran 86, rhaid iddo ystyried canlyniadau'r asesiad hwnnw y tro nesaf y bydd yn llunio neu'n diwygio ei gynllun strategol Cymraeg mewn addysg.'

Leighton Andrews

43

Section 85, page 48, after line 33, insert—

- '() The Welsh Ministers must consult a local authority before—
- (a) they modify its plan under subsection (2)(b),
 - (b) they prepare another plan to replace the authority's plan under subsection (2)(c),
or
 - (c) they modify its revised plan under subsection (4). '

Adran 85, tudalen 48, ar ôl llinell 36, mewnosoder—

- '() Rhaid i Weinidogion Cymru ymgynghori ag awdurdod lleol cyn—
- (a) addasu cynllun yr awdurdod o dan is-adran (2)(b),
 - (b) llunio cynllun arall i gymryd lle cynllun yr awdurdod o dan is-adran (2)(c), neu
 - (c) addasu cynllun diwygiedig yr awdurdod o dan is-adran (4). '

Leighton Andrews

44

Section 98, page 55, leave out lines 11 to 16.

Adran 98, tudalen 55, hepgorer llinellau 30 hyd at 35.

Leighton Andrews

45

Section 98, page 55, line 26, leave out '50(1)(c)' and insert '[insert reference to section inserted by amendment 31](5)(b)'

Adran 98, tudalen 55, llinell 4, hepgorer '50(1)(c)' a mewnosoder '[*mewnosoder cyfeiriad at yr adran a mewnosodir gan welliant 31*](5)(b)'.

Leighton Andrews 46

Section 98, page 56, leave out line 30.

Adran 98, tudalen 56, hepgorer llinell 24.

Leighton Andrews 47

Schedule 2, page 67, after line 28, insert –

'() Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.'

Atodlen 2, tudalen 67, ar ôl llinell 28, mewnosoder –

'() Os oes darpariaeth a gydnabyddir gan yr awdurdod lleol yn ddarpariaeth a gadwyd yn ôl ar gyfer plant ag anghenion addysgol arbennig, newid yn y math o'r cyfryw ddarpariaeth.'

Leighton Andrews 48

Schedule 2, page 69, after line 24, insert –

'() Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.'

Atodlen 2, tudalen 69, ar ôl llinell 21, mewnosoder –

'() Os oes darpariaeth a gydnabyddir gan yr awdurdod lleol yn ddarpariaeth a gadwyd yn ôl ar gyfer plant ag anghenion addysgol arbennig, newid yn y math o'r cyfryw ddarpariaeth.'

Leighton Andrews 49

Page 70, line 5, leave out schedule 3.

Tudalen 70, llinelli 5, hepgorer atodlen 3.

Leighton Andrews 50

Schedule 4, page 73, line 23, after 'body', insert 'to the extent (if any) that the proposals provide for each of them to do so'.

Atodlen 4, tudalen 73, llinell 24, ar ôl 'llywodraethu', mewnosoder 'i'r graddau y mae'r cynigion yn darparu (os ydynt) i bob un ohonynt wneud hynny'.

Leighton Andrews

51

Schedule 4, page 74, line 1, leave out 'by both the authority and the governing body' and insert—
'—

- (a) so far as relating to the provision of relevant premises for the school, by the local authority, and
- (b) otherwise by both the authority and the governing body to the extent (if any) that the proposals provide for each of them to do so'.

Atodlen 4, tudalen 74, llinell 2, hepgorer 'gan yr awdurdod a chan y corff llywodraethu' a mewnosoder—
'—

- (a) i'r graddau y maent yn ymwneud â darparu mangre berthnasol i'r ysgol, gan yr awdurdod lleol, a
- (b) fel arall gan yr awdurdod a'r corff llywodraethu i'r graddau y mae'r cynigion yn darparu (os ydynt) i bob un ohonynt wneud hynny'.

Leighton Andrews

52

Schedule 4, page 74, line 12, after 'existing', insert 'independent,'.

Atodlen 4, tudalen 74, llinell 12, ar ôl 'ysgolion', mewnosoder 'annibynnol,'.

Leighton Andrews

53

Schedule 5, page 88, line 37, leave out 'the local determination panel' and insert 'a local authority'.

Atodlen 5, tudalen 88, llinell 37, hepgorer 'y panel penderfynu' a mewnosoder 'awdurdod'.