



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 13 Ionawr 2015
Tabled on 13 January 2015

Bil Addysg Uwch (Cymru)
Higher Education (Wales) Bill

Bethan Jenkins 26

Section 2, page 2, line 18, leave out '6' and insert '7'.

Adran 2, tudalen 2, llinell 22, hepgorer '6' a mewnosoder '7'.

Bethan Jenkins 27

To insert a new section—

[] **Promotion of financial literacy**

A Fee and Access Plan must include measures which an institution proposes to take to promote the financial literacy of its students.'

I fewnosod adran newydd—

[] **Hyrwyddo llythrennedd ariannol**

Rhaid i gynllun ffioedd a mynediad gynnwys mesurau y mae sefydliad yn cynnig eu cymryd i hyrwyddo llythrennedd ariannol ei fyfyrwyr.'

Simon Thomas

28

Section 6, page 4, after line 30, insert—

- ‘() A fee and access plan must also include provisions relating to the promotion of higher education through the medium of Welsh, including measures to attract and retain students who are able and wish to study or undertake research through the medium of the Welsh language (or to secure the taking of such measures).’.

Adran 6, tudalen 4, ar ôl llinell 31, mewnosoder—

- ‘() Rhaid i gynllun ffioedd a mynediad hefyd gynnwys darpariaethau sy’n ymwneud â hybu addysg uwch drwy gyfrwng y Gymraeg, gan gynnwys mesurau i ddenu a chadw myfyrwyr a all ac sy’n dymuno astudio neu ymgymryd â gwaith ymchwil drwy gyfrwng yr iaith Gymraeg (neu sicrhau bod camau o’r fath yn cael eu cymryd).’.

Simon Thomas

29

Section 6, page 5, after line 18, insert—

- ‘() The limitation contained in subsection (5) does not apply so as to limit the power of the Welsh Ministers to make provision under subsection 6(*new subsection to be inserted by amendment 28*).’.

Adran 6, tudalen 5, ar ôl llinell 18, mewnosoder—

- ‘() Nid yw’r cyfyngiad a gynhwysir yn is-adran (5) yn gymwys er mwyn cyfyngu ar bwerau Gweinidogion Cymru i wneud darpariaeth o dan is-adran 6(*is-adran newydd i gael ei mewnosod gan welliant 28*).’.

Simon Thomas

30

Section 7, page 5, after line 32, insert—

- ‘() HEFCW may not approve a plan unless it is satisfied that it complies with the requirements of section 6(*new subsection to be inserted by amendment 28*).’.

Adran 7, tudalen 5, ar ôl llinell 33, mewnosoder—

- ‘() Ni chaiff CCAUC gymeradwyo cynllun oni bai ei fod wedi ei fodloni ei fod yn cydymffurfio â gofynion adran 6(*is-adran newydd i gael ei mewnosod gan welliant 28*).’.

Simon Thomas

31

Section 17, page 9, after line 30, insert—

- ‘() Arrangements for assessment under subsection (1) may only be made by HEFCW with the Quality Assurance Agency for Higher Education or another charitable or not for profit body that undertakes similar work.’.

Adran 17, tudalen 9, ar ôl llinell 31, mewnosoder—

- ‘() Dim ond gyda’r Asiantaeth Sicrhau Ansawdd ar gyfer Addysg Uwch neu sefydliad elusennol neu dielw arall sy’n gwneud gwaith tebyg y caiff CCAUC wneud trefniadau ar gyfer asesu o dan is-adran (1).’.

Simon Thomas

32

Section 17, page 10, after line 6, insert—

- (5) In this section “not for profit body” means a body which, by virtue of its constitution or any enactment—
- (a) is required (after payment of outgoings) to apply the whole of its income and any capital it expends for charitable or public purposes, and
 - (b) is prohibited from directly or indirectly distributing amongst its members any part of its assets (otherwise than for charitable or public purposes).’.

Adran 17, tudalen 10, ar ôl llinell 7, mewnosoder—

- (5) Yn yr adran hon, ystyr “corff dielw” yw corff, oherwydd ei gyfansoddiad neu unrhyw ddeddfiad—
- (a) y mae’n ofynnol iddo (ar ôl talu alldaliadau) gymhwyso ei holl incwm ac unrhyw gyfalaf y mae’n ei wario at ddibenion elusennol neu gyhoeddus, ac
 - (b) a gaiff ei wahardd rhag dosbarthu yn uniongyrchol neu’n anuniongyrchol ymysg ei aelodau unrhyw ran o’i asedau (ac eithrio at ddibenion elusennol neu gyhoeddus).’.

Simon Thomas

33

Section 47, page 23, after line 6, insert—

- (3) Subsection (1)(a) is subject to commitments made by the institution in its fee and access plan pursuant to section 6(*new subsection to be inserted by amendment 28*).’.

Adran 47, tudalen 23, ar ôl llinell 6, mewnosoder—

- (3) Mae is-adran (1)(a) yn destun ymrwymïadau a wneir gan y sefydliad yn ei gynllun ffioedd a mynediad yn unol ag adran 6(*is-adran newydd i gael ei mewnosod gan welliant 28*).’.

Aled Roberts

34

Section 6, page 4, at the beginning of line 28, insert ‘Subject to its duties in this Act, HEFCW must ensure that’.

Adran 6, tudalen 4, ar ddechrau llinell 30, mewnosoder ‘Yn ddarostyngedig i’w ddyletswyddau o dan y Ddeddf hon, rhaid i CCAUC sicrhau bod’.

Aled Roberts

35

Section 6, page 5, line 15, after ‘exercised’, insert ‘so as to include provision relating to a particular institution or’.

Adran 6, tudalen 5, llinell 15, ar ôl ‘arfer’, mewnosoder ‘er mwyn cynnwys darpariaeth sy’n ymwneud â sefydliad penodol neu’.

Aled Roberts 36

Section 27, page 14, line 5, leave out 'organisation and'.

Adran 27, tudalen 14, llinell 5, hepgorer 'threfnu a'.

Aled Roberts 37

Section 27, page 14, line 7, after 'Code', insert 'must only make provision about matters which are necessary to enable the governing body of a regulated institution to demonstrate that it is exercising appropriate management of the financial affairs of a regulated institution and'.

Adran 27, tudalen 14, llinell 7, hepgorer 'Caiff y Cod' a mewnosoder 'Rhaid i'r Cod wneud darpariaeth yn unig ynghylch materion sy'n angenrheidiol i alluogi corff llywodraethu sefydliad rheoleiddiedig i ddangos ei fod yn arfer rheolaeth briodol ar faterion ariannol sefydliad rheoleiddiedig a chaiff'.

Aled Roberts 38

Section 36, page 18, line 19, after 'satisfied', insert 'reasonably'.

Adran 36, tudalen 18, llinell 23, ar ôl 'fodloni', mewnosoder 'yn rhesymol'.

Aled Roberts 39

Section 38, page 19, line 28, after 'satisfied', insert 'reasonably'.

Adran 38, tudalen 19, llinell 32, ar ôl 'fodloni', mewnosoder 'yn rhesymol'.

Aled Roberts 40

Section 47, page 22, line 33, leave out 'take into account the importance of protecting' and insert 'protect'.

Adran 47, tudalen 22, llinell 33, hepgorer 'ystyried pwysigrwydd diogelu' a mewnosoder 'ddiogelu'.

Aled Roberts 41

Section 47, page 23, after line 6, insert—

'() In exercising functions by virtue of this Act, HEFCW must take into account any distinctive characteristics of any institution within the higher education sector.'

Adran 47, tudalen 23, ar ôl llinell 6, mewnosoder—

'() Wrth arfer swyddogaethau yn rhinwedd y Ddeddf hon, rhaid i CCAUC ystyried unrhyw nodweddion neilltuol unrhyw sefydliad yn y sector addysg uwch.'

Aled Roberts

42

To insert a new section –

[] Status of information, advice and guidance

Nothing in this Act, or any regulations made under this Act, shall require the governing body of a regulated institution –

- (a) to comply with information, advice or guidance which is specified as applicable to every regulated institution (or to every class or description of regulated institution specified in the information, advice or guidance) unless –
 - (i) it is in writing;
 - (ii) it is clearly specified as mandatory to be taken into account by virtue of this Act;
 - (iii) there has been prior consultation with the governing body of every regulated institution about the information, advice or guidance; and
 - (iv) the governing body of a regulated institution considers that it is appropriate to comply with the information, advice or guidance in all the circumstances.
- (b) to comply with information, advice or guidance which is specified as applicable to a particular regulated institution unless –
 - (i) it is in writing;
 - (ii) it is clearly specified as mandatory to be taken into account by virtue of this Act; and
 - (iii) the governing body of the regulated institution considers that it is appropriate to comply with the information, advice or guidance in all the circumstances.’.

I fewnosod adran newydd –

[] Statws gwybodaeth, cyngor a chanllawiau

Nid oes dim byd yn y Ddeddf hon, neu unrhyw reoliadau a wneir o dan y Ddeddf hon, yn ei gwneud yn ofynnol i gorff llywodraethu sefydliad rheoleiddiedig –

- (a) cydymffurfio â gwybodaeth, cyngor neu ganllawiau a bennwyd yn rhai sy’n gymwys i bob sefydliad rheoleiddiedig (neu i bob dosbarth neu ddisgrifiad o sefydliad rheoleiddiedig a bennir yn yr wybodaeth, cyngor neu ganllawiau) oni bai –
 - (i) ei fod yn ysgrifenedig;
 - (ii) y nodir yn glir ei bod yn orfodol iddo gael ei ystyried yn rhinwedd y Ddeddf hon;
 - (iii) yr ymgynghorwyd ymlaen llaw â chorff llywodraethu pob sefydliad rheoleiddiedig am yr wybodaeth, y cyngor neu’r canllawiau; a
 - (iv) bod corff llywodraethu sefydliad rheoleiddiedig o’r farn ei bod yn briodol cydymffurfio â’r wybodaeth, y cyngor neu’r canllawiau yn yr holl amgylchiadau.

- (b) cydymffurfio â gwybodaeth, cyngor neu ganllawiau a bennwyd yn rhai sy'n gymwys i sefydliad rheoleiddiedig penodol oni bai –
- (i) ei fod yn ysgrifenedig;
 - (ii) y nodir yn glir ei bod yn orfodol iddo gael ei ystyried yn rhinwedd y Ddeddf hon; a
 - (iii) bod corff llywodraethu sefydliad rheoleiddiedig o'r farn ei bod yn briodol cydymffurfio â'r wybodaeth, y cyngor neu'r canllawiau yn yr holl amgylchiadau.'

Aled Roberts

6A

As an amendment to amendment 6, line 13, after 'satisfied', insert 'reasonably'.

Fel gwelliant i welliant 6, llinell 15, ar ôl 'fodloni', mewnosoder 'yn rhesymol'.

Suzy Davies

6B

As an amendment to amendment 6, after line 15 insert –

- '() Regulations may make provision about the matters to be taken into account by HEFCW in deciding whether to give a direction under this section.'

Fel gwelliant i welliant 6, ar ôl llinell 17, mewnosoder –

- '() Caiff rheoliadau wneud darpariaeth am y materion i'w hystyried gan CCAUC wrth benderfynu p'un ai i roi cyfarwyddyd o dan yr adran hon.'

Suzy Davies

43

Section 45, page 22, after line 7, insert –

- '(c) must be limited to failures by a regulated institution to comply with its obligations under this Act –
- (i) which HEFCW reasonably considers to be serious, and
 - (ii) where HEFCW reasonably considers that a direction is necessary to ensure compliance with such obligations.'

Adran 45, tudalen 22, ar ôl llinell 7, mewnosoder –

- '(c) rhaid iddo fod yn gyfyngedig i fethiannau gan sefydliad rheoleiddiedig i gydymffurfio â'i rwymedigaethau o dan y Ddeddf hon –
- (i) yr ystyria CCAUC yn rhesymol i fod yn ddifrifol, a
 - (ii) lle'r ystyria CCAUC yn rhesymol bod angen cyfarwyddyd i sicrhau cydymffurfio â rhwymedigaethau o'r fath.'

Suzy Davies

44

Section 47, page 22, line 33, leave out 'take into account the importance of protecting' and insert 'not do anything which would limit'.

Adran 47, tudalen 22, llinell 33, hepgorer 'ystyried pwysigrwydd diogelu rhyddid' a mewnosoder 'beidio â gwneud unrhyw beth a fyddai'n cyfyngu ar ryddid'.